

Regulation of the President of India

1950 to 1959

REGULATIONS OF THE PRESIDENT OF INDIA.

1950

1. The Andaman and Nicobar Islands Births and Deaths Registration Regulation, 1950.
2. The Andaman and Nicobar Islands (Amendment) Regulation, 1950.

1951

1. The Andaman and Nicobar Islands Entertainments Tax Regulation, 1951.
2. The Andaman and Nicobar Islands Public Gambling Regulation, 1951.

1952

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1953

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1. The Andaman and Nicobar Islands (Places of Public Entertainment) Prohibition of Smoking Regulation, 1956.
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1. The Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957.
2. The Court-fees (Andaman and Nicobar Islands Amendment) Regulation, 1957.
3. The Indian Stamp (Andaman and Nicobar Islands Amendment) Regulation, 1957.
4. The North East Frontier Agency Political Officer Delegation of Functions Regulation, 1957.
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6. The Naga Hills - Tuensang Area (Administration) Regulation, 1957.

1958

1. The Andaman and Nicobar Islands Money-lenders (Amdt.) Regulation, 1958.
2. The Armed Forces (Special Powers) Regulation, 1958.

1959

1. The Andaman and Nicobar Islands Weights and Measures (Enforcement) Regulation, 1959.
2. The Armed Forces (Special Powers) Continuance Regulation, 1959.
3. The Andaman and Nicobar Islands (Primary Education) Regulation, 1959.
4. The Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959.
5. The North East Frontier Agency (Abolition of P.W.D. and other Departments) Regulation, 1959.

(Published in the Gazette of India Extraordinary, Part II, Section 1,
dated the 26th May 1950)

THE ANDAMAN AND NICOBAR ISLANDS BIRTHS AND DEATHS REGISTRATION REGULATION, 1950

REGULATION NO. I OF 1950

A Regulation to provide for the compulsory registration of births and deaths in the Andaman and Nicobar Islands and for matters connected therewith.

In exercise of the powers conferred by clause (2) of article 243 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. **Short title, extent and commencement.**—(1) This Regulation may be called the Andaman and Nicobar Islands Births and Deaths Registration Regulation, 1950.

(2) It extends to the whole of the Andaman and Nicobar Islands.

(3) It shall come into force at once.

2. **Definitions.**—In this Regulation,—

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

(b) "Registrar" means a Registrar of Births and Deaths appointed under section 4.

3. **Power to direct registration of births and deaths.**—(1) The Chief Commissioner may, by notification in the Official Gazette, direct that all births and deaths, or all births or all deaths, occurring within the limits of the Andaman and Nicobar Islands or in any local area thereof after such date as may be specified in the notification shall be registered in the prescribed manner.

(2) Notwithstanding anything contained in sub-section (1), the Chief Commissioner may, by notification in the Official Gazette, exempt from the operation of all or any of the provisions contained in this Regulation any tribe or tribal community or any part of, or group within, any tribe or tribal community.

4. **Power to appoint Registrars.**—The Chief Commissioner may appoint as many persons as may be necessary to be Registrars of Births and Deaths for such local areas within the Andaman and Nicobar Islands as may be defined.

5. **Office of Registrar and registers.**—(1) Every Registrar shall have an office in the local area for which he is appointed.

(2) Every Registrar shall cause to be prepared a sufficient number of registers of births and of registers of deaths in the prescribed form.

6. **Registration of births and deaths.**—Every Registrar shall, on receipt of information of any birth or death within the local area for which he is appointed, forthwith make an entry in the prescribed manner of the birth or death in the proper register.

Provided that—

(a) if he has reason to believe that the information given is in any respect false, he may refer the matter to the Chief Commissioner, whose decision shall be binding on the Registrar;

(b) he shall not enter in the register the name of any person as the father of an illegitimate child save at the request of the mother and the person acknowledging himself to be the father of the child.

7. Persons bound to give information of births.—The father or mother of every child born within the limits of any local area to which this Regulation extends, or in the case of the death, illness, absence or inability of the father and mother, the midwife present at the birth of such child shall, within eight days next after the day of that birth, give information, either personally or in writing, to the Registrar for the local area, according to the best of his or her knowledge and belief, of the particulars required to be registered touching the birth of such child.

8. Persons bound to give information of deaths.—The nearest male relative of the deceased person present at the death or in attendance during the last illness of any person dying within the limits of any local area to which this Regulation extends or, in the absence of any such relative, the occupier of the house or, if the occupier dies, some male inmate of the house in which such death took place shall, within eight days next after the day of that death give information either personally or in writing to the Registrar of the local area, according to the best of his knowledge and belief, of the particulars required to be registered touching the death of such person.

9. Grant of certificate of registration.—The Registrar shall, on application made at the time of registering any birth or death by the person giving information of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar of having registered the birth or death, as the case may be.

10. Copies of entries to be admissible in evidence.—A copy of any entry in the register of births or deaths certified by the Registrar shall, on payment of the prescribed fee, be given to every person applying for the same and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

11. Penalty for refusal or negligence to supply information.—Any person who refuses or neglects to give information which it is his duty to give under section 7 or section 8, shall be punishable with fine which may extend to ten rupees:

Provided that not more than one person shall be punishable for such refusal or negligence to give information.

12. Penalty for false information.—If any person wilfully gives, for the purpose of being inserted in any register of births or deaths, any information to the Registrar which he knows to be false, or has reason to believe to be false, he shall be punishable with imprisonment which may extend to three years, or with fine, or with both.

13. Power to make rules.—(1) The Chief Commissioner may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

(2) Without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely:—

(a) the registers to be kept by the Registrar and the form and manner in which Registrars are to register births and deaths;

- (b) the particulars to be inserted in the registers of births and deaths;
- (c) the particulars which are to be supplied to the Registrar for the purpose of effecting any registration under this Regulation;
- (d) the fees payable under this Regulation;
- (e) any other matter which has to be, or may be, prescribed.

RAJENDRA PRASAD,

President.

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(Published in the Gazette of India Extraordinary, Part II, Section 1, dated the 1st June, 1950.)

THE ANDAMAN AND NICOBAR ISLANDS (AMENDMENT) REGULATION, 1950

REGULATION No. II OF 1950

A Regulation further to amend the Andaman and Nicobar Islands Regulation, 1876.

In exercise of the powers conferred by clause (2) of article 243 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. Short title and commencement.—(1) This Regulation may be called the Andaman and Nicobar Islands (Amendment) Regulation, 1950.

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

2. Substitution of new sections for sections 13, 14 and 14A, Regulation III of 1876.—For sections 13, 14 and 14A of the Andaman and Nicobar Islands Regulation, 1876 (hereinafter referred to as the said Regulation), the following sections shall be substituted, namely:—

“13. Application of the Code of Criminal Procedure, 1898, with modifications.—In its application to the Andaman and Nicobar Islands, the Code of Criminal Procedure, 1898 (Act V of 1898), shall be subject to the following modifications, namely:—

(a) the Andaman and Nicobar Islands shall form one sessions division and the Chief Commissioner shall be the Sessions Judge of that division;

(b) save as otherwise expressly permitted by this section, the functions of the High Court under that Code shall be discharged by the High Court in Calcutta;

(c) all the powers conferred upon the High Court by section 526 of that Code may also be exercised, as far as may be, by the Sessions Judge;

(d) the Chief Commissioner may, either on his own motion or on application made to him in this behalf and after holding such inquiry into the matter as he thinks fit, recommend to the High Court in Calcutta that any case or class of cases which may lie to the High Court be heard by that Court at a place in the Andaman and Nicobar Islands, and if the Chief Justice of the High Court in Calcutta, on receipt of such recommendation, is of opinion that it should be so heard, he may depute one or more Judges of the High Court to sit at such place in the Andaman and Nicobar Islands and at such time as may be specified for the disposal of such case or class of cases.

14. ‘High Court’ for the purposes of the Code of Civil Procedure, 1908.—In the application of the Code of Civil Procedure, 1908 (Act V of 1908), to the Andaman and Nicobar Islands, the functions of the High Court under that Code shall be discharged by the High Court in Calcutta.

14A. Power of High Court to make rules.—Subject to the previous approval of the Central Government, the High Court in Calcutta may make rules for the purpose of regulating all proceedings in civil or criminal appeals which may be brought before it, including the admission of such appeals, the passing of interlocutory orders thereon and the delegation to such judicial officer as it thinks fit of judicial, quasi-judicial and non-judicial duties."

3. Amendment of section 32, Regulation III of 1876.—Section 32 of said Regulation shall be renumbered as sub-section (1) of that section and after that sub-section as so renumbered, the following sub-section shall be inserted, namely:—

"(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), all offences punishable under section 31 shall be cognizable.

(3) Any forest officer not below the rank of a forest ranger may also exercise the powers of a police officer to arrest without a warrant any person who may be reasonably suspected of having committed an offence under clause (a) of section 31."

4. Transfer of certain pending proceedings to the High Court Calcutta.—All appeals, revisions and other proceedings of a civil or criminal nature which, immediately before the commencement of this Regulation, are pending before the Chief Commissioner in the discharge of his functions as the High Court in the Andaman and Nicobar Islands shall, on such commencement, stand transferred to the High Court Calcutta and shall be disposed of by the High Court as if such appeals, revisions or other proceedings had been pending before that Court.

RAJENDRA PRASAD,
President

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

*Published in the Gazette of India Extraordinary, Part II,
Section 1, dated the 3rd December, 1951*

THE ANDAMAN AND NICOBAR ISLANDS ENTERTAINMENTS TAX REGULATION, 1951

No. I OF 1951

A Regulation to provide for the levy of a tax on entertainments in the Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (2) of article 243 of the Constitution, the President is pleased to promulgate the following Regulation made by him:

1. Short title, extent, commencement and application.—(1) This Regulation may be called the Andaman and Nicobar Islands Entertainments Tax Regulation, 1951.

(2) It extends to the whole of the Andaman and Nicobar Islands.

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

(4) It shall apply in the first instance only to the local areas specified in the Schedule; but the Chief Commissioner may, by notification in the Official Gazette, direct that it shall apply to any other local area from such date as may be specified in the notification.

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

(1) "admission to an entertainment" includes admission to any place in which the entertainment is held;

(2) "agriculture" includes horticulture and live-stock breeding;

(3) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are admitted on payment;

(4) "payment for admission" includes—

(i) any payment made by a person who, having been admitted to one part of a place of entertainment is subsequently admitted to another part thereof, for admission to which a payment involving tax or additional tax is required

(ii) any payment for seats or other accommodation in a place of entertainment;

(iii) any payment for a programme or synopsis of an entertainment; and

(iv) any payment for any purpose whatsoever connected with an entertainment which a person is required to make as a condition of attending or continuing to attend the entertainment in addition to the payment, if any, for admission to the entertainment;

(5) "proprietor" in relation to any entertainment includes any person responsible for the management thereof; and

(6) "society" includes a company, institution, club or other association of persons by whatever name called.

3. Levy of entertainments tax.—(1) On and from the date on which this Regulation becomes applicable to any local area, there shall be levied, and paid to the Central Government, on all payments for admission to any entertainment in any such area a tax (hereinafter referred to as "entertainments tax") at the following rates, namely:—

Where the payment, excluding the amount of the tax—

exceeds two annas but does not exceed three annas	...	three pies.
exceeds three annas but does not exceed four annas	...	six pies.
exceeds four annas but does not exceed eight annas	...	one anna.
exceeds eight annas but does not exceed one rupee	...	two annas.
exceeds one rupee but does not exceed two rupees	...	four annas.

exceeds two rupees but does not exceed three rupees	...	six annas.
exceeds three rupees but does not exceed four rupees	...	eight annas.
exceeds four rupees but does not exceed five rupees	...	twelve annas.
exceeds five rupees but does not exceed six rupees and eight annas	...	one rupee.
exceeds six rupees and eight annas but does not exceed ten rupees	...	one rupee and eight annas.
exceeds ten rupees, for every five rupees or part thereof in excess of the first ten rupees	...	twelve annas in addition to the payment on the first ten rupees.

(2) If in respect of any entertainment to which admission is generally on payment, any person is admitted free of charge or at a reduced charge, he shall be liable to pay the same amount of entertainments tax as would have been payable by him had he been admitted on full payment to the class to which he is entitled to be admitted.

(3) Where the payment for admission to an entertainment is made by means of a lump sum paid as a subscription or contribution to any society, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time, or for any privilege, right, facility or thing combined with the right of admission without further payment or at a reduced charge, the entertainments tax shall be paid on the amount of the lump sum, but where the Chief Commissioner is of the opinion that the payment of a lump sum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to an entertainment, or covers admission to an entertainment during any period for which the tax is not payable, the tax shall be charged on such amount as appears to the Chief Commissioner to represent the right of admission to entertainments in respect of which the entertainments tax is payable.

4. Manner of admission and payment.—Save as otherwise provided in this Regulation, no person, other than a person who has some duty to perform in connection with the entertainment or a duty imposed upon him by law, shall be admitted to any entertainment, except with a ticket stamped with an impressed, embossed, engraved

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- ed ... six pies.
- ed ... one anna.
- ed ... two annas.
- ed ... four annas.

or adhesive stamp (not previously used) issued by the Central Government for the purpose of revenue and denoting that the proper entertainments tax payable under section 3 has been paid.

5. Penalty for non-payment of tax.—(1) No person liable to pay entertainments tax shall enter or obtain admission to an entertainment without payment of the tax leviable under section 3.

(2) Any person who enters or obtains admission to an entertainment in contravention of the provisions of sub-section (1) shall, on conviction be punishable with fine which may extend to two hundred rupees and shall in addition be liable to pay the entertainments tax leviable under section 3.

(3) If any person liable to pay entertainments tax is admitted to a place of entertainment without payment of the tax leviable under section 3, the proprietor of the entertainment to which such person is admitted shall, on conviction be punishable for every such offence with fine which may extend to five hundred rupees.

6. Revocation of licence.—(1) Notwithstanding anything contained in any other law, but without prejudice to the provisions of sub-section (1) of section 5, the district magistrate may, by order, revoke or suspend any licence for an entertainment granted under any law for the time being in force, if the proprietor of such entertainment is convicted under the provisions of this Regulation.

(2) An order made under sub-section (1) shall be served upon the proprietor by delivering or tendering it to him or, if it cannot be so delivered or tendered, by affixing it on a conspicuous part of the premises where the entertainment is held.

(3) Any proprietor aggrieved by an order made under sub-section (1) may, within one month of its service upon him, appeal therefrom to the Chief Commissioner, whose decision in the matter shall be final.

7. Prohibition against re-sale of ticket.—(1) Notwithstanding anything contained in any law for the time being in force, a ticket for admission to an entertainment shall not be re-sold for profit.

(2) Whoever re-sells any ticket for admission to an entertainment for profit shall on conviction be punishable with fine which may extend to two hundred rupees.

8. Exemptions.—(1) The entertainments tax shall not be charged on payments for admission to any entertainment where the Chief Commissioner is satisfied that—

(a) the whole of the takings thereof are devoted to philanthropic, religious or charitable purposes without any charge on the takings for any expenses of the entertainment; or

(b) the entertainment is of a wholly educational character; or

(c) the entertainment is provided for partly educational or partly scientific purposes by a society not conducted or established for profit; or

(d) the entertainment is provided by a society which is established solely for the purpose of promoting the interests of any industry including a manufacturing industry, or of agriculture or any branch of any industry or agriculture, or of public health, and which is not conducted or established for profit.

(2) Where the Chief Commissioner is satisfied that the whole of the net proceeds of an entertainment are devoted to philanthropic, religious or charitable purposes and that in calculating the net proceeds not more than twenty-five per cent. of the gross proceeds have been deducted on account of the expenses of the entertainment, he shall repay to the proprietor the amount of the entertainments tax paid in respect of the entertainment.

(3) The Chief Commissioner may, by general or special order for reasons to be recorded, exempt any entertainment or class of entertainments from liability to the entertainments tax.

9. Manner of recovery of entertainments tax.—Any sum due on account of entertainments tax shall be recoverable by the Chief Commissioner in the same manner as an arrear of land revenue.

10. Power of entry.—(1) Any officer authorised by the Chief Commissioner for the purpose may enter any place of entertainment while the entertainment is proceeding, or any place ordinarily used as a place of entertainment at any reasonable time, with a view to seeing whether the provisions of this Regulation or any rules made thereunder are being complied with.

(2) If any person prevents or obstructs the entry of any officer so authorised, he shall in addition to any other punishment to which he may be liable under any law for the time being in force, be liable on conviction before a magistrate to a fine not exceeding two hundred rupees.

(3) Every officer authorised under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

11. Power to make rules.—(1) The Chief Commissioner may make rules for securing the payment of the entertainments tax and generally for carrying into effect the provisions of this Regulation, and in particular—

(a) for the supply and use of stamps or stamped tickets or for the stamping of tickets required to be stamped, and for securing the defacement of stamps when used;

(b) for the use of tickets covering the admission of more than one person and the calculation of the tax thereon, and for the payment of the tax on the transfer from one part of a place of entertainment to another and on payments for seats or other accommodation;

(c) for controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier or mechanical contrivance for payments of a different amount) and for securing proper records of admission by means of barriers or mechanical contrivances;

(d) for the renewal of damaged or spoiled stamps and for the procedure to be followed on applications for refund under this Regulation or any rules made thereunder;

(e) for the keeping of accounts of all stamps used under this Regulation;

(f) for the presentation and disposal of applications for exemption from payment of the entertainments tax, or for the refund thereof, made under the provisions of this Regulation or any rules made thereunder; and

(g) for the exemption from entertainments tax of any class of the audience or spectators.

(2) If any person acts in contravention of, or fails to comply with, any rule made under this section, he shall on conviction before a magistrate, be liable in respect of each such offence to a fine not exceeding two hundred rupees.

12. Power to Chief Commissioner to delegate certain powers.—

(1) Any of the powers and duties conferred or imposed upon the Chief Commissioner by this Regulation may be exercised or performed, subject to such conditions as the Chief Commissioner may determine, by any person whom the Chief Commissioner may, by general or special order, empower in this behalf.

(2) Any person aggrieved by an order made by a person to whom any powers are delegated under sub-section (1) may appeal to the Chief Commissioner whose decision in the matter shall be final.

THE SCHEDULE

[See sub-section (4) of section 1]

Headquarters area including Aberdeen, Phoenix Bay, Haddo, Chatham, Bunyadabad, Lillypur, Delaneypur, Junglighat, Deane Street, Shadipur and South Point.

RAJENDRA PRASAD,
President.

K. V. K. SUNDARAM,
Secretary.

(Published in the Gazette of India Extraordinary, Part II,
Section 1, dated the 17th December, 1951)

THE ANDAMAN AND NICOBAR ISLANDS PUBLIC
GAMBLING REGULATION, 1951

No. II OF 1951

A Regulation to provide for the punishment of public gambling
and the keeping of common gaming-houses in the Andaman
and Nicobar Islands, and for matters connected therewith.

In exercise of the powers conferred by clause (2) of article 243 of the
Constitution, the President is pleased to promulgate the following
Regulation made by him:—

1. Short title, extent and commencement.—(1) This Regulation may
be called the Andaman and Nicobar Islands Public Gambling Regulation,
1951.

(2) It extends to the whole of the Andaman and Nicobar Islands.

(3) It shall come into force at once.

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

(1) "betting office" means any place, whether public or private,
which is used for wagering or betting upon, or for receiving moneys
as an agency for wagering or betting upon, any fight, game, sport or
exercise or for the settlement of such wagers or bets or for the settle-
ment by the agent with his principals on the result of such wagers or
bets;

(2) "the Code" means the Code of Criminal Procedure, 1898
(Act V of 1898);

(3) "common gaming-house" means any place, whether public
or private, in which—

(a) any instruments of gaming are kept or used for the profit
or gain of the person owning, occupying, using or keeping such
place, whether by way of charge for the use of the instruments
of gaming as such, or of the place or otherwise howsoever for
gaming purposes, or

(b) the game of ti well-known in Burma or China, or any
other game or pretended game of a like nature, is carried on;

(4) "district superintendent of police" includes an assistant superintendent of police or other person appointed by general or special order of the Chief Commissioner to exercise the powers and to perform the duties of a district superintendent of police under this Regulation in any area;

(5) the words "gaming" and "playing", with their grammatical variations and cognate expressions include taking part in the game of *ti* or in any other game or pretended game of a like nature, but do not include the promoting of, or the taking part in, any game of mere human skill, wherever played;

(6) the expression "instruments of gaming" means—

(a) any cards, dice, counters, coins, gaming tables, gaming cloth, gaming boards or other articles devised or actually used for the purpose of gaming;

(b) any boxes, receptacles, lists, papers, tickets or forms used for the purpose of the game of *ti* or any other game or pretended game of a like nature;

(c) "place" includes a house, tent, enclosure, room, space, vessel or vehicle.

3. Penalty for owning or keeping or having charge of a gaming-house.—Whoever—

(a) being the owner or occupier or having the use of any place, opens, keeps or uses the same as a common gaming-house; or

(b) being the owner or occupier of any place knowingly permits the same to be opened, used or kept as a common gaming-house; or

(c) has the care or management of, or in any manner assists in conducting, the business of any common gaming-house; or

(d) advances or furnishes money for the purpose of gaming with persons frequenting any common gaming-house;

shall be liable for a first offence to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding three months, and for a subsequent offence to a fine not exceeding one thousand rupees, or to imprisonment for a term not exceeding six months.

4. Penalty for playing or being in a gaming-house.—Whoever plays in any common gaming-house or is there present for the purpose of gaming, whether or not actually playing, shall be liable for a first offence to a fine not exceeding one hundred rupees, or to imprisonment for a term not exceeding one month, and for a subsequent offence to a fine not exceeding two hundred rupees, or to imprisonment for a term not exceeding two months.

5. Penalty for gaming or setting birds or animals to fight in public places.—Whoever in any street or thoroughfare or place to which the public have access—

(a) plays for money or other valuable thing with any instrument of gaming; or

(b) sets any birds or animals to fight; or

(c) being there present, aids and abets such public fighting of birds or animals; or

(d) in any local area to which the Chief Commissioner may, by notification in the Official Gazette, apply this clause, in any manner invites or encourages any person to wager or bet on any fight, game, or exercise;

shall be liable to a fine not exceeding fifty rupees, or to imprisonment for a term not exceeding one month.

6. Penalty for conducting game of *ti* or other like game.—Whoever—

(a) conducts or assists in conducting the game of *ti* or any other game or pretended game of a like nature as manager or stake holder; or

(b) is, according to the rules of the game or pretended game, entitled to receive the surplus proceeds, or any part of the surplus proceeds, or the stake after deducting the amount payable to the successful player or players; or

(c) promotes the game or pretended game by soliciting or collecting stakes or otherwise;

shall be liable to imprisonment for a term which may extend to six months, or with fine, or with both.

7. Power to arrest without warrant and to seize instruments of gaming.—(1) Any police officer may arrest without warrant any person who in any street or thoroughfare or place to which the public have access, and within the view of such police officer—

(a) solicits or collects stakes for the game of *ti* or any other game or pretended game of a like nature; or

(b) plays for money or other valuable thing with any instrument of gaming; or

(c) sets birds or animals to fight; or

(d) being there present, aids and abets such public fighting of birds or animals; or

(e) commits an offence punishable under clause (d) of section 5.

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(2) Any instruments of gaming or any other thing, which under the provisions of section 8 may be seized in a betting office, may be seized if found in such street, thoroughfare or place or on the persons of those who are arrested under sub-section (1).

8. Power to enter and authorize police officer to enter and search a suspected house, etc.—(1) If the district magistrate, or any magistrate of the first class or any other magistrate specially empowered by the Chief Commissioner in this behalf, or the district superintendent of police, on credible information or on any other sufficient grounds, and after such inquiry as he may think necessary, has reason to believe that any place is used as a common gaming-house, he may either himself do any of the following acts or, by warrant, authorize any police officer not below the rank of assistant sub-inspector of police to—

(a) enter, within seven days from the date thereof, with such assistance as may be found necessary, by night or by day and by force if necessary, any such place;

(b) take into custody all persons whom he finds therein whether they are then actually gaming or not;

(c) seize all instruments of gaming, all moneys and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein; and

(d) search all parts of the place, which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he has taken into custody; and seize and take possession of all instruments of gaming found upon such search.

(2) All searches under sub-section (1) shall be made in accordance with the provisions of sub-section (3) of section 102 and of section 103 of the Code.

(3) When any place is entered under sub-section (1) by a police officer, he shall, without undue delay after the completion of the proceeding under that sub-section, submit a report of such proceedings together with the warrant, if any, to a magistrate who has jurisdiction to take cognizance of any offence which appears to have been committed and take or send to such magistrate the persons arrested and the articles seized:

Provided that the police officer may release the persons so arrested on bail or on their own recognizances conditioned to appear before such magistrate: and

Provided further that if no person is arrested, the police officer shall submit a report of his proceedings to a magistrate who issued the warrant, if any.

9. Power to enter and search betting offices.—(1) The district magistrate or the district superintendent of police, or any police officer not below the rank of officer in charge of a police station upon being duly empowered by a warrant issued by either of such officers may, by day or night, enter

and search with such assistance as may be necessary, any place which is reasonably believed to be used as a betting office and seize any tickets, coupons, registers, books or other documents found therein and used, or intended to be used or reasonably suspected to be used, as a record or evidence of any wager or bet upon any fight, game or exercise.

(2) All searches under sub-section (1) shall be made in accordance with the provisions of sub-section (3) of section 102 and of section 103 of the Code.

(3) No warrant issued under sub-section (1) shall be executed after the expiry of seven days from the date thereof.

(4) When any place is entered under sub-section (1) by a police officer other than the district superintendent of police, he shall immediately after the completion of the proceedings, submit a report thereof to the district magistrate or if the warrant was issued by the district superintendent of police, to that officer.

10. **Presumption respecting instruments of gaming found in places entered.**—When any instrument of gaming is found in any place entered under the provisions of this Regulation or about the persons of any of those who are found therein, it shall be presumed until the contrary is proved, that such place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the magistrate or police officer, or by any one aiding in the entry.

11. **Tender of pardon to accomplice.**—(1) It shall be lawful for the magistrate, before whom any person is accused of an offence under section 3 or section 4 or section 5 or section 6, with a view to obtaining on the trial the evidence of the person touching any unlawful gaming or touching anything done with reference to, or in furtherance of, any unlawful gaming, or touching any act done for the purpose of preventing, obstructing or delaying the entry into any place of any magistrate or police officer authorised to make such entry, to tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor in the commission thereof.

(2) The provisions of sections 337, 339 and 339A of the Code shall apply to any person to whom a pardon has been tendered under sub-section (1) as they apply to any person to whom a pardon has been tendered under those provisions.

12. **Magistrate may order destruction of cards, etc., and forfeiture of articles seized.**—On the conviction of any person for an offence committed under this Regulation, the convicting magistrate may order any instruments of gaming seized to be destroyed and may also order any other article seized to be sold and converted into money, and the proceeds thereof with all moneys seized therein to be forfeited to the Government, or in his discretion may order any of such articles and the whole or any part of such moneys to be returned to the person appearing to have been severally thereunto entitled.

13. **Recovery of fines.**—All fines imposed under this Regulation may be recovered in the manner provided in the Code.

14. Portion of fine may be paid as reward.—The magistrate, in any case under this Regulation may direct any portion of any fine levied under this Regulation to be paid to any person who has contributed in any way to the conviction.

15. Power to demand security for good behaviour.—Whenever a district magistrate or any magistrate of the first class specially empowered in this behalf by the Chief Commissioner, receives information that any person within the local limits of his jurisdiction earns his livelihood, wholly or in part, by unlawful gaming or by promoting or assisting in the promotion of unlawful gaming, he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the Code and for the purpose of any proceeding under that section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise.

RAJENDRA PRASAD,

President.

THE CHANDERNAGORE (ADMINISTRATION) REGULATION, 1952.

No. I of 1952



(Published in the Gazette of India Extraordinary, Part II—Section 1, dated the 30th June, 1952)

A Regulation to make provision for the administration of Chandernagore and for matters connected therewith.

IN exercise of the powers conferred by clause (2) of article 243 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. Short title, extent and commencement.—(1) This Regulation may be called the Chandernagore (Administration) Regulation, 1952.

(2) It extends to the whole of Chandernagore.

(3) It shall come into force at once.

2. Definitions.—In this Regulation,—

(a) "Administrative Council" means the Council of Administration of Chandernagore set up under the Decree No. 47-2121 of 7th November, 1947 of the Government of the French Republic;

(b) "Administrator" means the Administrator appointed under section 3;

(c) "appointed day" means the 9th day of June, 1952, the date on which the free town of Chandernagore was transferred, in full sovereignty, to India under the Treaty of Cession of Chandernagore;

(d) "Chandernagore" means the whole of the area which, immediately before the appointed day, was comprised in the free town of Chandernagore;

(e) "law" means any Act, Ordinance, Regulation, Rule, order or bye-law [including any law (by whatever name called) made by the Government of the French Republic] which immediately before the appointed day, was in force in the free town of Chandernagore;

(f) "Municipal Assembly" means the Municipal Assembly of Chandernagore set up under the Decree No. 47-2121 of 7th November, 1947 of the Government of the French Republic.

3. Appointment of Administrator.—There shall be an Administrator at the head of the administration of Chandernagore appointed by the Central Government.

Price annas 4 or 5d.

4. Constitution of Advisory Council.—(1) The Central Government may, by notification in the Official Gazette, constitute an Advisory Council consisting of such number of members not exceeding five as it may think fit, to be associated with the Administrator for the purpose of assisting him in the discharge of his functions and the Administrator shall be the Chairman of the Advisory Council.

(2) Subject to any rules that may be made in this behalf, the members of the Advisory Council shall be appointed in such manner and on such terms as the Central Government may deem proper.

5. Other functionaries.—Without prejudice to the powers of the Central Government to appoint from time to time such officers as may be necessary for the administration of Chandernagore, the Indian Administrator, all judges, magistrates and other officers of the free town of Chandernagore, who, immediately before the appointed day, were exercising lawful functions in Chandernagore or any part thereof shall, until other provision is made by the Central Government, continue to exercise in connexion with the administration of Chandernagore their respective powers and jurisdiction, and to perform their respective duties and functions, in the same manner and to the same extent as before the appointed day.

6. Property and assets.—For the avoidance of doubts, it is hereby declared that all property and assets within Chandernagore which, immediately before the appointed day vested in the Government of the French Republic or in the Municipal Assembly or Administrative Council shall, as from that day, vest in the Central Government.

7. Rights and obligations.—All rights, liabilities and obligations of the Government of the French Republic or the Municipal Assembly or the Administrative Council in relation to Chandernagore shall, as from the appointed day, be the rights, liabilities and obligations of the Central Government.

Provided that nothing in this section shall affect the settlement of any financial issue between the Governments of India and the French Republic arising out of the transfer of the free town of Chandernagore.

8. Existing laws to continue.—Save as otherwise expressly provided in this Regulation, all laws in force in the free town of Chandernagore immediately before the appointed day shall continue in force until repealed or amended by a competent Legislature or authority.

9. Existing taxes to continue.—All taxes, duties, cesses or fees which immediately before the appointed day, were being lawfully levied in Chandernagore or any part thereof shall continue to be levied and to be applied to the same purposes, until other provision is made by a competent Legislature or authority.

10. Special provision in the application of certain laws.—Notwithstanding anything contained in this Regulation or in any law in force in the free town of Chandernagore on the 2nd day of May, 1950,—

(a) all proceedings, civil or criminal, which immediately before the aforesaid date, were pending in any court in Chandernagore shall, by virtue of this Regulation, stand transferred or be deemed to have been transferred to the corresponding court constituted under the Bengal, Agra and Assam Civil Courts Acts, 1887 (XII of 1887) or the Code of Criminal Procedure, 1898 (Act V of 1898), as the case may be.

(b) any decree, order or sentence made or passed by any court of competent jurisdiction immediately before the aforesaid date shall, for all purposes, have effect as if it were a decree, order or sentence made or passed by the corresponding court constituted under the Bengal, Agra and Assam Civil Courts Act, 1887, or the Code of Criminal Procedure 1898, as the case may be;

(c) the provisions of the Code of Civil Procedure, 1908 (Act V of 1908) or the Code of Criminal Procedure, 1898, as the case may be, shall apply to all proceedings instituted after the 2nd day of May, 1950, and so far as may be, to all cases pending in any civil or criminal courts on the aforesaid date.

11. Power to extend enactments to Chandernagore.—The Central Government may, by notification in the Official Gazette, extend with such restrictions or modifications as it thinks fit to Chandernagore any enactment which is in force in a Part A State at the date of the notification.

12. Powers of courts and other authorities for purposes of facilitating the application of laws.—For the purpose of facilitating the application of any law in Chandernagore, any court or other authority may construe any such law with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

13. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Regulation or in connection with the administration of Chandernagore, the Central Government may, by order, make such further provision as appears to it to be necessary or expedient for removing the difficulty.

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

14. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the appointment, and terms and conditions of service, of the members of the Advisory Council;

(b) the functions of the Advisory Council and the matters in respect of which the Advisory Council may be consulted;

(c) conduct of business and the procedure to be followed at meetings of the Advisory Council;

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

15. Repeal.—Decree No. 47-2121 of 7th November, 1947 cancelling Decree No. 47-1245 of 30th June, 1947 and creating Chandernagore a town and the subsequent texts modifying the same are hereby repealed, and the Municipal Assembly and the Administrative Council set up under that Decree are hereby dissolved.

RAJENDRA PRASAD,

President.

THE NORTH-EAST FRONTIER AREAS (ADMINISTRATION) REGULATION, 1954

No. 1 OF 1954



(Received the assent of the President on the 4th January, 1954; and published in the Gazette of India Extraordinary, Part II, Section 1, dated the 5th January, 1954).

A Regulation to provide for the readjustment of the administrative units of the areas specified in Part B of the Table annexed to the Sixth Schedule to the Constitution, and for certain matters incidental thereto.

In exercise of the powers conferred by clause (2) of article 243 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. Short title and commencement.—(1) This Regulation may be called the North-East Frontier Areas (Administration) Regulation, 1954.

(2) It shall come into force on such date as the Governor of Assam may, by notification in the Official Gazette, appoint.

2. Readjustment of administrative units.—On and from the commencement of this Regulation,—

(a) the North-East Frontier Tract, including the Balipara Frontier Tract, the Tirap Frontier Tract, the Abor Hills District, the Misimi Hills District [and the Naga Tribal Area] shall be collectively known as the North-East Frontier Agency;

(b) the Balipara Frontier Tract shall be divided into two separate units of administration called the Subansiri Frontier Division and the Kameng Frontier Division, each comprising the areas set out in Schedules I and II respectively;

(c) each of the areas specified in column 1 of the table below shall be known by the name mentioned in the entry corresponding thereto in column 2 thereof.

(Price annas 2 or 3d.)

2 *North-East Frontier Areas (Administration)* [REGULATION

1	2
Existing name of area	New name
Tirap Frontier Tract	Tirap Frontier Division.
Abor Hills District	Siang Frontier Division.
Misimi Hills District	Lohit Frontier Division.
Naga Tribal Area	Tuensang Frontier Division.

3. Construction of certain references in existing laws.—A reference in any existing law—

(a) to the Balipara Frontier Tract shall be construed as reference to the Subansiri Frontier Division and the Kamer Frontier Division; and

(b) to any of the areas specified in column 1 of the table annexed to section 2 shall be construed as a reference to the area specified in the entry corresponding thereto in column 2 of the said table.

Explanation.—In this section, “existing law” means any law, Ordinance, order, bye-law, rule or regulation passed or made before the commencement of this Regulation by any Legislature, authority or person having power to make such law, Ordinance, order, bye-law, rule or regulation.

4. Amendment of Rules for the Administration of Justice and Police in the Naga Hills District.—In the Rules for the Administration of Justice and Police in the Naga Hills District, for any expression mentioned in column 1 of the table below, the expression set opposite to it in column 2 thereof shall be substituted and shall be deemed to have been substituted with effect from the 11th day of October, 1951.

1	2
Commissioner	Governor.
Deputy Commissioner	Political Officer.
Assistant to the Deputy Commissioner	Assistant Political Officer.

***SCHEDULE I**

[See section 2(b)]

Areas in the Subansiri Frontier Division

North.—The McMahon Line (falling in the Survey of India Maps sheets 82 D and 82 H).

East and South.—From the point where the Subansiri river cuts the McMahon Line on the India-Tibet Frontier the boundary runs down the midstream of the Subansiri river till it meets the Inner Line of the Balipara Frontier Tract at the junction of the Siplu and Subansiri rivers at Siplumukh; thence along the Inner Line of the Balipara Frontier Tract to the point where it meets the Burai river South of Simna Parbat (Survey of India Map sheets 82 H, 82 L, 83 I, 83 E and 83 F).

West.—From the point where the Inner Line of the Balipara Frontier Tract meets the Burai river the boundary runs in a North-Westerly direction along the hill ridge that forms the watershed between the Papum and Dessing rivers to the hill top with height 6980; thence in a North-Easterly direction along the hill ridge between the Papum and Pakkui rivers to the hill top with height 7590; thence in a North-Westerly direction along the hill ridge between the Pakkui and Par rivers to the hill top with height 7510; thence in a Northerly and then in a North-Westerly and Westerly direction over the hill tops with heights 11710, 12390, 11579, 12127, 10094, 11320 and along the main hill ridge that forms the watershed between the river Kameng and its tributaries on the West and the river Panir and Khru on the East to the point 20950 on the McMahon Line at latitude 27°—59' and longitude 92°—45'.

The hill tops with height mentioned above are depicted on the Survey of India quarter-inch scale standard map sheets 83 A, 83 E, and 83 F.

SCHEDULE II

[See section 2(b)]

Areas in the Kameng Frontier Division

North.—The McMahon Line (falling in the Survey of India Map sheets 78 M and 83 A).

East.—The Western boundary of the Subansiri Frontier Division as set out in the First Schedule, from the McMahon Line on the North to the Inner Line of the Balipara Frontier Tract to the South.

South.—From the South-Western corner of the Subansiri Frontier Division on the Burai river Westwards along the Inner Line of the Balipara Frontier Tract as defined in the Assam Government Notification No. 6778 AP, dated the 2nd November, 1934, to the point at which the boundary between India and Bhutan leaves the Inner Line and turns Northwards.

West.—Along the boundary between India and Bhutan from the point where it leaves the Inner Line of the Balipara Frontier Tract to the McMahon Line.

RAJENDRA PRASAD,

President.

The Gazette  of India

EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 32] NEW DELHI, TUESDAY, JUNE 1, 1954

MINISTRY OF LAW

New Delhi, the 1st June 1954

THE NORTH-EAST FRONTIER AGENCY (REQUISITIONING OF SERVICE AS PORTERS) REGULATION, 1954

No. 2 OF 1954

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

A Regulation to ensure the proper movement in the tribal areas within the State of Assam of public officers on duty and of their baggage and equipment and of commodities, stores and equipment essential to the life of the community, and for such public purposes to provide for the requisitioning of able-bodied persons to act as porters in an emergency.

In exercise of the powers conferred by clause (2) of article 243 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. Short title, extent and commencement.—(1) This Regulation may be called the North-East Frontier Agency (Requisitioning of Service as Porters) Regulation, 1954.

(2) It extends to the tribal areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule to the Constitution.

(3) It shall come into force at once.

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

(a) 'emergency' means a situation in which due to concerted action on the part of the people of any area to which this Regulation extends and with a view to hampering the administration in such area—

(i) a public officer, in the course of the discharge of his duties as such, is either prevented from visiting a place or having gone

to a place is prevented from leaving that place for want of porters to carry the essential items of his baggage and equipment;

(ii) the movement of any police force, the Assam Rifles or any unit of the regular armed forces of the Union to deal with breach of the peace, or any threat to law and order, is impeded for want of porters to carry their essential items of baggage and equipment; or

(iii) the movement of commodities, stores and equipment essential to the life of the community or to the maintenance of law and order or to the prevention of any threat to peace, is impeded for want of porters;

(b) 'public officer' means the Political Officer of an administrative unit of a tribal area, and includes any officer authorised by him in writing to act under this Regulation;

(c) 'road' means a road over which mechanically propelled vehicles can ordinarily ply;

(d) 'tribal area' means any of the tribal areas specified in Part I of the Table appended to paragraph 20 of the Sixth Schedule to the Constitution.

3. Requisitioning of service of able-bodied persons to act as porters.—

(1) Any public officer may, for the purpose of meeting an emergency, by order, requisition the service of able-bodied males not below the age of eighteen years residing within his jurisdiction to act as porters:

Provided that in requisitioning such service no discrimination shall be made on grounds only of religion, race, caste or class or any of them:

Provided further that payment shall be made for such service at rate not less than the normal rates of wages prevailing in the locality with respect to porters.

(2) The circumstances in which a public officer exercises the power conferred by sub-section (1) shall on every occasion be reduced by him in writing.

(3) Nothing in this section shall be deemed to authorise a public officer to requisition the service of any person to act as a porter for the carriage of any articles to or from a place which is accessible by road or rail.

4. Penalty.—If any person without reasonable excuse (the burden of proving which shall be on him) disobeys an order issued under section 3, he shall be punishable with imprisonment which may extend to one year or with fine which may extend to five hundred rupees, or with both.

5. Appeal.—Any person convicted under section 4 may appeal against his conviction to the court to which an appeal ordinarily lies under the law for the time being in force for the administration of justice in respect of orders passed by the convicting court in criminal cases.

6. Power to make rules.—(1) The Governor of Assam may make rules for the purpose of carrying out the provisions of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, the rules so made may provide for all or any of the following matters, namely:—

(a) the circumstances under which the service of porters may be requisitioned;

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equipment;

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- (b) the manner of service of any order issued under section 3;
- (c) the terms and conditions governing the employment of requisitioned porters;
- (d) any other matter connected with or ancillary to the matters aforesaid.

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

The Gazette  of India



EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 5] NEW DELHI, FRIDAY, FEBRUARY 4, 1955

MINISTRY OF LAW

New Delhi, the 4th February 1955

THE TUENSANG FRONTIER DIVISION (UNDESIRABLE
PERSONS) REGULATION, 1955

No. I OF 1955

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

A Regulation to provide for the control of entry into, and for
the removal from, Tuensang Frontier Division of the
North Eastern Frontier Agency, of undesirable persons.

In exercise of the powers conferred by clause (2) of article 243 of
the Constitution, read with sub-paragraph (2) of paragraph 18 of the
Sixth Schedule to the Constitution, the President is pleased to pro-
mulate the following Regulation made by him:—

1. **Short title.**—This Regulation may be called the Tuensang Fron-
tier Division (Undesirable Persons) Regulation, 1955.

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

(a) "Division" means the Tuensang Frontier Division men-
tioned in the North East Frontier Areas (Administration) Regu-
lation, 1954 (Regulation 1 of 1954);

(b) "Governor" means the Governor of Assam;

(c) "Political Officer" means the Political Officer of the
Division;

(d) "Scheduled Tribe" has the same meaning as in the
Constitution.

3. Control of entry of undesirable persons into the Division.—Where the Political Officer is of the opinion that the entry into the Division of any person ordinarily resident in any place outside the Division is detrimental to the interests of the general public or of any Scheduled Tribe in the Division, the Political Officer may, for reasons to be recorded, by order, direct such person not to enter the Division.

4. Removal of undesirable persons from the Division.—Where the Political Officer is of the opinion that the presence within the Division of any person whether ordinarily resident in any place outside the Division or within it, is detrimental to the interests of the general public or of any Scheduled Tribe in the Division, the Political Officer may, for reasons to be recorded, by order—

(a) direct such person to remove himself from the Division within such time and by such route as may be specified in the order and after such removal not to enter the Division without the previous permission in writing of the Political Officer; and

(b) give such further directions in regard to his removal from the Division as he may consider necessary or expedient.

5. Period of operation of orders under sections 3 and 4.—An order made under section 3 or section 4 not to enter the Division shall remain in force for such period as may be specified therein so however as not to exceed in any case a period of three years from the date on which it was given.

6. Appeal.—Any person aggrieved by an order made under section 3 or section 4 may appeal to the Governor within thirty days from the date of the order.

7. Finality of decisions and orders in certain cases.—The decision of the Governor on appeal under section 6 and, subject to such decision, the order made by the Political Officer under section 3 or section 4 shall be final and conclusive and shall not be called in question in any court except on the ground that there was no material before the Governor or the Political Officer upon which he could have based his decision or order.

8. Power to give effect to orders, etc.—The Political Officer may, in addition to any other action which he is expressly empowered to take under this Act, take or cause to be taken such steps, and use or cause to be used such force as may, in his opinion, be reasonably necessary for the effective exercise of his powers under this Regulation.

9. Temporary permission to enter the Division.—(1) The Political Officer may, by order, permit any person in respect of whom an order has been made under section 3 or section 4, to enter the Division for a temporary period subject to such conditions as the Political Officer may, by general or special order, specify and may at any time revoke such permission.

(2) In permitting a person under sub-section (1) to enter the Division, the Political Officer may require him to enter into a bond with or without sureties for the observance of the conditions imposed upon his entry.

the Division.—
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(3) Any person permitted under sub-section (1) to enter the Division shall surrender himself at the time and place and to the authority specified in the order on the expiration of the period of permit unless the order is revoked in the meantime in which event he should surrender himself immediately as may be required.

10. Penalties.—Any person who—

(a) contravenes, or attempts to contravene, or abets the contravention of, any order made under section 3 or section 4; or

(b) harbours any person who has contravened any order made under section 3 or section 4; or

(c) contravenes any provision of section 9;

shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

11. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Political Officer or any other person for anything which is in good faith done or intended to be done under this Regulation.

12. Regulation not to affect the operation of other laws.—The provisions of this Regulation are in addition to, and not in derogation of, the provisions of any other law for the time being in force in the Division.

RAJENDRA PRASAD,

President.

K. Y. BHANDARKAR,

Secy. to the Govt. of India.

Ministry of Law
New Delhi, the 9th February 1955

**THE ANDAMAN AND NICOBAR ISLANDS JUVENILE
SMOKING REGULATION, 1955.**

No. 2 of 1955.

Enacted by the President in the Ninth
Year of the Republic of India.

A Regulation to provide for the prevention
of smoking by juveniles in the Andaman and Nicobar
Islands.

In exercise of the powers conferred by clause
(2) of article 243 of the Constitution, the President
is pleased to promulgate the following Regulation
made by him:-

1. **Short title, extent and commencement.**- (1)
This Regulation may be called the Andaman and
Nicobar Islands Juvenile Smoking Regulation, 1955.

(2) It extends to the whole of the Andaman
and Nicobar Islands.

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

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

(a) "Chief Commissioner" means the Chief
Commissioner of the Andaman and Nicobar Islands;

(b) "cigarettes" includes all tobacco rolled
up in paper, without filter, or other material in such
form as to be capable of immediate use for smoking;

(c) "tobacco" means tobacco in any form, and
includes any smoking mixture intended as a
substitute for tobacco;

(8)

(c) "public place" means any place to which the public have access for the time being, whether on request or otherwise, and includes a jetty and a water craft.

3. Prohibition against sale of tobacco, etc., to juveniles.— Whoever sells or gives to any young person apparently under the age of sixteen years any tobacco, cigarettes, pipes or cigarette papers, whether for the use of such person or not, shall be punishable,—

(a) in the case of a first conviction, with fine not exceeding twenty rupees; and

(b) in the case of a second conviction, with fine not exceeding twenty rupees; and

(c) in the case of any subsequent conviction, with fine not exceeding fifty rupees.

4. Power to seize and destroy tobacco in the possession of young persons.— It shall be lawful for a police officer or any other person or class of persons authorized by the Chief Commissioner in this behalf to seize any tobacco, cigarettes, pipes or cigarette papers in the possession of any young person apparently under the age of sixteen years when he finds smoking in any public place, and to destroy any such article.

5. Institution of proceedings.— No magistrate shall take cognizance of an offence under section 3 except upon a complaint made by, or at the instance of, the parent or guardian of the young person concerned or a police officer or other person empowered to make a seizure under section 4.

6. Summary jurisdiction.— Notwithstanding anything contained in the Code of Criminal Procedure, 1908 (Act V of 1908), the Chief Commissioner may confer on any magistrate of the second or third class power to try summary offences under section 3.

(9)

(1)

"4. Penalties not to apply in certain cases.
The provisions of this legislation shall not apply:

(a) to any young person generally under the age of sixteen years to whom tobacco, cigarettes, pipes or cigarette papers are sold or given in or in whose possession they are found, if he was at the time employed by a manufacturer of, or a dealer in, such articles, either wholesale or retail, for the purposes of his business;

(b) to members of any such shortened title addicted to smoking as may be specified by the Chief Commissioner by notification in the Official Gazette.

RAJENDRA PRASAD,
President.

THE ANDAMAN AND NICOBAR ISLANDS OPIUM
SMOKING (PROHIBITION) REGULATION, 1955

(Published in the Gazette of India Extraordinary, Part II,
Section 1, dated the 29th March, 1955)



No. 3 OF 1955

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

A Regulation to amend and consolidate the law relating to the
prohibition of opium smoking in the Andaman and
Nicobar Islands.

In exercise of the powers conferred by clause (2) of article 243
of the Constitution, the President is pleased to promulgate the fol-
lowing Regulation made by him:—

1. (1) This Regulation may be called the Andaman and Nicobar Islands Opium Smoking (Prohibition) Regulation, 1955.

Short title,
extent and
commencement.

(2) It extends to the whole of the territory of the
Andaman and Nicobar Islands.

(3) It shall come into force at once.

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

(a) "Chief Commissioner" means the Chief Commissioner of the Andaman and Nicobar Islands;

(b) "Collector" means the Collector of land revenue in the Islands and includes any other person appointed by the Chief Commissioner to discharge all or any of the functions or to exercise all or any of the powers of the Collector under this Regulation in relation to any local area;

(c) "Excise-officer" means any person who may be appointed by the Chief Commissioner to discharge all or any of the functions or to exercise all or any of the powers of an Excise-officer under this Regulation in relation to any local area;

(d) "Islands" means the Andaman and Nicobar Islands.

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

(f) "opium smoker" means a person who smokes prepared opium.

(Price about 2 or 2½)

(g) "place" includes a building, house, shop, booth, tent, vessel, raft, vehicle and enclosure, and any part thereof;

(h) "prepared opium" means *chandu*, *madak* or any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking and includes the dress or other residue remaining after opium is smoked; and

(i) "registered" in relation to any person means registered on or before the thirtieth day of September, 1953, as a smoker of prepared opium in the Islands and deemed under section 3 to have been registered as such under the Regulation.

Validation of certain acts and proceedings.

3. All acts and proceedings which have been done and taken with respect to registration of opium smokers in the Islands on or before the thirtieth day of September, 1953, by the Chief Commissioner or by any person acting under the authority of the Chief Commissioner or otherwise in pursuance of any order or notification made or issued by the Chief Commissioner before the commencement of this Regulation, shall be valid and operative, as if such acts and proceedings had been done and taken in accordance with law; and all persons registered in pursuance of any such order or notification made or issued by the Chief Commissioner, shall be deemed to have been registered under this Regulation, as if this Regulation was in force on the date of such order or notification and authorised the registration of opium smokers in the Islands on or before the thirtieth day of September, 1953, in accordance with the provisions of such order or notification.

smoking of prepared opium.

4. Whoever, not being registered, smokes prepared opium shall be punished for the first offence with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and for every such subsequent offence with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Presumption of smoking prepared opium in certain cases.

5. If any person, not being registered, is found in possession of prepared opium or of any apparatus used for the smoking of or in the manufacture of, prepared opium, it shall be presumed, until the contrary is proved, that such person smokes prepared opium.

Manufacture, possession or sale of prepared opium.

6. Whoever manufactures, possesses, barter, sells, keeps or exposes for sale or attempts to sell any prepared opium, or assists any other person whether registered or not, in the manufacture of prepared opium, shall be punished with imprisonment which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

Exception.—Manufacture, or possession for his own use, by a registered opium smoker of prepared opium, not exceeding one tola in weight or such other lesser quantity

as the Chief Commissioner may, by notification, direct, shall not be an offence under this section.

7. Whoever opens, keeps or uses any place, or permits any place to be used, for the purpose of enabling two or more persons, whether registered or not, to meet together to smoke prepared opium, or has the care of management of or in any way assists in conducting the business of, any place used or kept for the said purpose, shall be punished with imprisonment which may extend to two years or with fine which may extend to two thousand rupees, or with both.

Keeping or having charge of place used for smoking prepared opium.

8. If two or more persons, whether registered or not, assemble in any place for the purpose of smoking prepared opium, each such person shall be punished with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Smoking of prepared opium in Assembly of two or more.

9. If any prepared opium or any apparatus used for smoking, or in the manufacture of, prepared opium, is found in any place where two or more persons, whether registered or not, are assembled, it shall be presumed, until the contrary is proved, that the place is used, and that the persons are present in such place, for the purpose of smoking prepared opium.

Presumption from presence of prepared opium, etc., in certain places.

10. (1) Whenever any person is convicted of an offence punishable under this Regulation, the Magistrate may, in addition to any sentence which may be passed by him, order such person to execute a bond for a sum proportionate to his means, with or without sureties, for abstaining from the commission of offences under this Regulation during such period, not exceeding three years, as he thinks fit to fix.

Security for abstaining from offences.

(2) The bond shall be in the form contained in the Schedule annexed to this Regulation and the provisions of the Code of Criminal Procedure, 1898 shall, in so far as they are applicable, apply to all matters connected with such bond, as if it were a bond ordered to be executed under section 106 of that Code.

11. (1) If the Collector or a Magistrate of the first class or second class, upon information received and after such enquiry, if any, as he considers necessary, has reason to believe that any place is used for the commission of an offence under this Regulation, he may, after recording the substance of the information,—

Power to enter and search any place and to seize articles and to arrest persons found in such place.

(a) enter such place by day or night with such assistants as he may consider necessary;

(b) search all parts of such place in which he has reason to believe that any prepared opium or any apparatus for the smoking of such opium or for the manufacture thereof, is concealed and all or any of the persons whom he may find in such place,

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(c) arrest any person found in such place, whom he has reason to believe to be guilty of an offence under this Regulation; and

(d) seize all prepared opium and apparatus for the smoking or for the manufacture thereof, which may be found in such place; or

(e) issue a warrant to any Excise-officer or any Police Officer (not below the rank of a Sub-Inspector) authorising such officer to do any of the acts specified in clauses (a), (b), (c) and (d) of this sub-section.

(2) Whenever any Excise-officer or any Police Officer (not below the rank of a Sub-Inspector) has reason to believe that any place is used for the commission of an offence under this Regulation and that a search warrant cannot be obtained without affording the offender an opportunity of escape or of concealing evidence of the offence, such officer may, after recording the grounds of his belief, do any of the acts specified in clauses (a), (b), (c) and (d) of sub-section (1).

Application of Code of Criminal Procedure, 1898 to warrants and searches under section II.

Report to be made in case of arrest or seizure.

12. (1) The provisions of the Code of Criminal Procedure, 1898 shall apply to the execution of warrants and to searches made under section 11.

(2) For the purpose of the said provisions of the said Code, the Collector shall be deemed to be a Court.

13. (1) Whenever any officer makes an arrest or seizure under this Regulation, he shall without delay, and in any case within twenty-four hours, forward every person arrested and everything seized with full particulars of the arrest or seizure to the Collector or to the Magistrate, as the case may be, by whom the warrant was issued, or to the nearest police-station, if the arrest or seizure was made by such officer while exercising his powers under sub-section (2) of section 11.

(2) In the case of any arrest or seizure made under the authority of a warrant issued by the Collector, the said officer shall, unless the Collector proceeds under section 14, within the aforesaid period of twenty-four hours, forward the person and things produced before the Collector to a Magistrate having jurisdiction to try the case together with full particulars of the arrest or seizure.

Powers of Collector to investigate offences.

14. (1) The Collector may, without the order of a Magistrate, investigate any offence punishable under this Regulation which a court having jurisdiction over the local area within the limits of the Collector's jurisdiction would have power to try.

(2) The Collector may, after recording in writing his reason for suspecting the commission of an offence which he is empowered to investigate, exercise any of the powers conferred upon a Police Officer making an investigation,

or, upon an officer in charge of a police station by sections V of 18-8, 160 to 171 of the Code of Criminal Procedure, 1898.

(3) The Collector may, without reference to a Magistrate and for reasons to be recorded by him in writing, stop further proceedings against any person concerned, or supposed to be concerned in any offence which he has investigated.

(4) As soon as an investigation by the Collector has been completed, if it appears to him that there is sufficient evidence to justify the forwarding of the accused to a Magistrate, the Collector shall submit a report [which shall, for the purposes of section 190 of the Code of Criminal Procedure, 1898, be deemed to be a police report] to a Magistrate having jurisdiction to try the case and empowered to take cognizance of offences on police reports.

(5) The powers conferred on the Collector by this section may, subject to the control of the Collector, be exercised by an Excise-officer, duly empowered by the Chief Commissioner in this behalf.

15. Whenever any person arrested under this Regulation is prepared to furnish bail to the satisfaction of the officer making the arrest, he shall be released on bail, or at the discretion of the officer making the arrest on his own bond. Bail and security.

16. Every office of the Police, Forest or Land Revenue Department shall be bound to give reasonable aid to the Collector and Excise-officers in carrying out the provisions of this Regulation upon a request made by such officer. Aid to Collector and Excise-officers.

17. On the conclusion of a trial for an offence under this Regulation, the Magistrate may order that any prepared opium and any instrument or appliance in respect of, or by means of which such offence has been committed, or appears to have been committed, or any receptacle, package or covering in which such prepared opium, instrument or appliance was found and any other contents of such receptacle, package or covering shall be confiscated or destroyed. Power of Magistrate to confiscate or destroy articles seized.

18. No Magistrate other than a Magistrate of the first class or a Magistrate of the second class specially empowered by the Chief Commissioner in this behalf, shall try any offence punishable under this Regulation. Offences triable by certain Magistrates only.

19. No Magistrate shall take cognizance of an offence punishable under this Regulation except on the complaint or report of the Collector or an Excise-officer or a Police Officer (not below the rank of a Sub-Inspector). Cognizance of offences.

20. No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under this Regulation. Indemnity.

21. The Chief Commissioner may, by notification, make rules for the purpose of carrying into effect the provisions of this Regulation. Power to make rules.

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6 Andaman and Nicobar Islands Opium Smoking (Prohibition) Regulation

Provided that no such rules shall authorise the registration of opium smokers after the commencement of this Regulation:

Provided further that in making such rules, the Chief Commissioner may cancel, amend, vary or otherwise amend any order or notification made or issued by him before the commencement of this Regulation.

Repeal

22. The Andaman Islands Opium Smoking Regulation, Regulation 1940 is hereby repealed. Regulation X of 1940.

of 1955] Andaman and Nicobar Islands Opium Smoking (Prohibition) 7

THE SCHEDULE

BOND TO ABSTAIN FROM THE COMMISSION OF OFFENCES UNDER THE
ANDAMAN AND NICOBAR ISLANDS OPIUM SMOKING (PROHIBITION)
REGULATION, 1955.

(See section 10)

Whereas I

(name)..... son of.....
wife

.....(father's name or husband's name)

.....inhabitant of.....

.....(place)....., have

been called upon to enter into a bond to abstain from the commission
of offences under the Andaman and Nicobar Islands Opium Smoking
(Prohibition) Regulation, 1955 for the term of.....
(period).....I hereby bind myself not to commit any

such offence during the said term, and in case of my making default
therein, I hereby bind myself to forfeit to Central Government, the
sum of rupees.....

Dated this.....day of.....19....

Signature.

(Where a bond with sureties is to be executed, add.)

We do hereby declare ourselves sureties for the above-named
.....that he will abstain from the commission of
offences under the Andaman and Nicobar Islands Opium Smoking
(Prohibition) Regulation, 1955 during the said term, and, in case of
making default therein, we bind ourselves, jointly and severally
to forfeit to the Central Government the sum of rupees.....

.....Dated this.....day of....

Signature.

Signature.

RAJENDRA PRASAD,
President

REGISTERED No. D. 221

The Gazette of India



EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 20] NEW DELHI, TUESDAY, APRIL 5, 1955

MINISTRY OF LAW

New Delhi, the 5th April 1955.

THE TUENSANG FRONTIER DIVISION (ASSI- MILATION OF LAWS) REGULATION, 1955

No. 4 OF 1955

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

A Regulation to assimilate certain laws in force in the
Tuensang Frontier Division to the laws in force
in the rest of the North-East Frontier Agency.

In exercise of the powers conferred by clause (2) of
article 243 of the Constitution, read with sub-paragraph
(2) of paragraph 18 of the Sixth Schedule to the Constitu-
tion, the President is pleased to promulgate the following
Regulation made by him:—

Short title and commencement. 1. (1) This Regulation may be called the Tuensang
Frontier Division (Assimilation of Laws) Regulation, 1955.

(2) It shall come into force on such date as the Gover-
nor may, by notification in the Official Gazette, appoint.

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

(a) "appointed day" means the date appointed
under sub-section (2) of section 1 for the coming into
force of this Regulation;

(b) "Governor" means the Governor of Assam;

(c) "law" means any Act, Ordinance, Regulation,
rule, order, or bye-law for the time being in force; and

(d) "North-East Frontier Agency" and "Tuensang Frontier Division" mean the North-East Frontier Agency and the Tuensang Frontier Division, respectively, mentioned in the North-East Frontier Areas (Administration) Regulation, 1954.

Assimilation
of laws.

3. (1) All laws, except the Tuensang Frontier Division (Undesirable Persons) Regulation, 1955, which immediately before the appointed day extend to, or are in force in, the Tuensang Frontier Division, but do not extend to, or are not in force in, the rest of the North-East Frontier Agency shall, on that day, cease to be in force in the Tuensang Frontier Division, except as respects things done or omitted to be done before that day, and for the removal of doubts, it is hereby declared that section 6 of the General Clauses Act, 1897, shall apply in relation to such cesser as it applies in relation to the repeal of an enactment by a Central Act.

(2) All laws which immediately before the appointed day do not extend to, or are not in force in, the Tuensang Frontier Division but extend to, or are in force in the rest of the North-East Frontier Agency, shall, as from that day, extend to, or, as the case may be, come into force in, the Tuensang Frontier Division.

Provision for
removal of
difficulties.

4. If any difficulty arises in relation to the transition under section 3 from one law or group of laws to another law or group of laws, the Governor may, by order notified in the Official Gazette, make such provision as he considers necessary for the removal of the difficulty.

RAJENDRA PRASAD

President.

K. Y. BHANDARKAR,

Secy. to the Govt. of India

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EXTRAORDINARY

PART II—Section I

PUBLISHED BY AUTHORITY

No. 67] NEW DELHI, FRIDAY, DECEMBER 30, 1955

MINISTRY OF LAW

New Delhi, the 30th December, 1955.

THE ANDAMAN AND NICOBAR ISLANDS LIVESTOCK IMPROVEMENT REGULATION, 1955

No. 5 OF 1955

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

A Regulation to provide for the improvement of live-stock in the Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (2) of article 243 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 Live-stock Improvement Regulation, 1955.

Short title, extent and commencement.

(2) It extends to the whole of the Andaman and Nicobar Islands.

(3) It shall come into force at once in the Andaman Islands; and the Chief Commissioner may, by notification in the Official Gazette, apply all or any of its provisions to any other area in the Andaman and Nicobar Islands from such date as may be specified in the notification.

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

- (a) "bull" includes a buffalo-bull;
- (b) "Chief Commissioner" means the Chief Commissioner of the Andaman and Nicobar Islands;
- (c) "cow" includes a buffalo-cow and a heifer;

(d) "licence" means a licence granted under section 4;

(e) "Live-stock Officer" means the person on whom the powers or duties of the Live-stock Officer under this Regulation are conferred or imposed under section 3;

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

(g) "~~specified age~~" means the age of two years in the case of a bull;

(h) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and

(i) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

Appointment of Live-stock Officer.

3. The Chief Commissioner may, by general or special order, confer or impose on any person all or any of the powers or duties of the Live-stock Officer under this Regulation. [~~prescribed age~~]

Bulls which have attained specified age to be licensed.

prescribed

4. (1) No person shall keep a bull which has attained the ~~specified age~~ except under and in accordance with the terms, conditions and restrictions of a licence granted under this section, unless it is certified by the Live-stock Officer that the bull has been effectively castrated by a method and in a manner approved by him.

Explanation.—Where a person keeps more than one bull, he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Live-stock Officer and it shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed.

(3) No fee shall be charged for the grant of the licence.

Refusal and revocation of licences.

5. (1) Subject to such rules as may be made in this behalf, the Live-stock Officer may refuse to grant or may ~~revoke a licence in respect of any bull~~, if in his opinion the bull appears to be—

(a) of defective or inferior conformation and consequently likely to beget defective or inferior progeny, or

(b) suffering from an incurable contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or

(c) of a breed which it is undesirable to propagate.

(2) The Live-stock Officer may also revoke a licence granted in respect of any bull, if in his opinion—

(a) the licence was granted under circumstances of which he was not aware at the time of granting the licence, or

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(b) there has been a breach of any of the terms, conditions or restrictions of the licence.

(3) Before a licence is revoked under this section, the Live-stock Officer shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull, and such notice shall set out the ground for the revocation.

6. A licence granted in respect of a bull shall be surrendered without delay to the Live-stock Officer, if— Surrender of licence.

(a) the period specified in the licence expires, or

(b) the licence is revoked under this Regulation,

or

(c) the bull dies, or is certified by the Live-stock Officer to have been effectively castrated by a method and in a manner approved by him.

7. The Live-stock Officer may by order require any person keeping a bull to submit it for inspection by himself or by any officer or person deputed by him for the purpose, at any reasonable time, either at the place where the bull is kept for the time being or at any other reasonable place specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connection with such inspection to the Live-stock Officer or the officer or person so deputed, as the case may be. Inspection of bulls.

8. (1) The Live-stock Officer may, by order, require any person keeping a bull which in his opinion has attained the specified age and in respect of which no licence is for the time being in force under this Regulation to have it castrated within one month from the date of the service of the order, by a method and in a manner approved by the Live-stock Officer and specified in the order. Power to order castration of bulls.

(2) Such castration shall be performed or caused to be performed by the Live-stock Officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.

9. If any notice or order is served under section 5, section 7 or section 8 on any person keeping a bull who is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner of the contents of such notice or order, and if he fails to do so, he shall be liable to indemnify the owner against any loss which the owner may sustain by reason of such failure. Duty to inform owner of contents of notice or order of castration.

10. It shall be the duty of any person who for the time being keeps a bull in respect of which a licence has been obtained and is in force, to produce such licence. Production of licence.

Sulhas. Imp. Reg. 4 of 1960. 2 (web 10.11.1960)

(a) within a reasonable time, at any place where the bull is for the time being, on demand made by the Live-stock Officer or an officer of the Agriculture Department not below the rank of Agricultural Assistant, or an officer of the Revenue Department not below the rank of Tahsildar or such other officer as may be authorised in this behalf by the Chief Commissioner by general or special order, or

(b) before a cow is served by the bull, on demand made by the person in charge of the cow.

Penalties.

11. Whoever—

(a) keeps a bull in contravention of this Regulation or of any rule or order made thereunder, or of any of the terms, conditions or restrictions of a licence, or

(b) neglects or fails to submit a bull for inspection when required to do so under section 7, or

(c) neglects or fails to comply with an order served under section 8, or

(d) neglects or fails to produce a licence when required to do so under section 10,

shall be punishable with fine which may extend to fifty rupees, and in the case of a second or any subsequent offence with fine which may extend to one hundred rupees.

Power of
Live-stock
officer
to cas-
trate bulls.

12. (1) If a person who keeps a bull neglects or fails to submit it for inspection, when required to do so under section 7, or to have it castrated, when required to do so under section 8, the Live-stock Officer may direct that the bull shall be castrated by a method and in a manner approved by him and marked with a prescribed mark in the prescribed manner, free of charge.

(2) If it is not known in whose ownership, possession or custody a bull is for the time being and the fact cannot be ascertained after an inquiry in the prescribed manner, the Live-stock Officer may seize the bull or cause it to be seized and, if he is of opinion that the bull has attained the ~~specified~~ age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, he may direct that the bull shall be castrated by a method and in a manner approved by him and marked with a prescribed mark in the prescribed manner, free of charge.

(3) Every bull seized under sub-section (2) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a *pinjrapole* or infirmary recognised by the Chief Commissioner in this behalf.

(4) If the owner of any bull seized under sub-section (2) appears before the Live-stock Officer within such time as may be prescribed for the purpose and proves to the

Subs. by Reg. 49, 1960, s. 2 (wef. 10.11.60)

satisfaction of the Live-stock Officer that the bull is owned by him—

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance.

(5) The amount of such costs, charges and expenses shall be determined in accordance with the prescribed scale.

13. For the purposes of this Regulation, the Live-Stock Officer or any officer or person authorised by him in this behalf shall have power at all reasonable times—

Power of Live-stock Officer to inspect or mark bulls and to enter premises.

(a) to inspect any bull;

(b) to mark any bull with a prescribed mark in the prescribed manner; and

(c) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

14. It shall be the duty of all village officers and servants and of all officers of the Veterinary, Agriculture and Revenue Departments—

Duty of officers to report offences, etc.

(a) to give immediate information to the Live-stock Officer of the commission of any offence or of the intention or preparation to commit any offence punishable under this Regulation, which may come to their knowledge;

(b) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about or likely to be committed; and

(c) to assist the Live-stock Officer in carrying out the provisions of this Regulation.

15. No magistrate of the third class shall try any offence punishable under this Regulation, unless he is specially empowered by the Chief Commissioner in this behalf.

Cognizance of offences.

16. The Live-stock Officer, all persons and officers authorised by him under this Regulation and all village officers and servants while discharging their functions under this Regulation, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Officers to be public servants.

17. (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Regula-

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tion, without the previous sanction of the Chief Commissioner.

(2) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Regulation.

Limitation
for certain
suits and
prosecutions.

18. Notwithstanding anything contained in any other law for the time being in force, no suit shall be instituted against the Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government in respect of any act done or purporting to be done under this Regulation, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

Revision.

19. (1) The Chief Commissioner may, at any time either *suo motu* or on application made to him, call for and examine the record of any order passed by, or any proceedings recorded by, any officer or person under this Regulation, for the purpose of satisfying himself as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such order in reference thereto as he thinks fit.

(2) Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.

Power to
make rules.

20. (1) The Chief Commissioner may, subject to the condition of previous publication, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

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

(a) all matters expressly required or allowed by this Regulation to be prescribed;

(b) the circumstances in which duplicates of licences may be granted, the fees which may be charged for the grant of such duplicates, and the conditions, restrictions and limitations subject to which they may be granted;

(c) the powers to be exercised and the duties to be performed by officers appointed under this Regulation and the procedure to be followed by such officers; and

(d) the service of notices and orders issued under this Regulation.

(3) In making a rule under sub-section (1) or sub-section (2), the Chief Commissioner may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

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21. The Chief Commissioner may, by order in writing, ^{Exemption.}
exempt from the provisions of this Regulation any bull
dedicated to a religious purpose in accordance with any
religious usage or custom, if—

(a) immediately before such dedication notice has
been given in the prescribed manner to the Live-stock
Officer, or

(b) where no such notice has been given, the
Chief Commissioner is satisfied that such dedication
has been made in good faith.

RAJENDRA PRASAD,

President.

K. Y. BHANDARKAR,

Secy. to the Govt. of India.

REGISTERED No. D. 231

The Gazette  of India

EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 1] NEW DELHI, MONDAY, JANUARY 16, 1956

MINISTRY OF LAW

New Delhi, the 16th January, 1956

THE ANDAMAN AND NICOBAR ISLANDS (PLACES OF
PUBLIC ENTERTAINMENT) PROHIBITION OF
SMOKING REGULATION, 1956

No. 1 OF 1956

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

A Regulation to prohibit smoking in places of public enter-
tainment in the Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (2) of article 243
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 (Places of Public Entertainment) Prohibition of Smoking
Regulation, 1956. Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Andaman and Nicobar Islands.

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

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

(a) "place of public entertainment" means any building or
other enclosed place which is exclusively used or intended to be
used for providing public entertainment;

Definitions.

(b) "prohibited period" means the period commencing thirty minutes before the beginning of a public entertainment and ending with the termination thereof.

(c) "public entertainment" means any cinematographic exhibition, dance or dramatic performance or any other form of amusement to which members of the public are admitted, whether on payment or otherwise;

(d) "smoking" means smoking of tobacco in any form, whether in the form of cigarettes, cigars, beedies or otherwise, or with the aid of a pipe or hukka or any other instrument.

Prohibition of smoking in places of public entertainment.

3. No person shall, during the prohibited period, smoke in any place of public entertainment—

(a) either on the stage thereof, except in so far as smoking may be a part of the entertainment; or

(b) in the auditorium, that is to say, in that part of the place of public entertainment in which a commodation is provided for members of the public.

Penalty for contravention of section 3.

4. (1) Any person who contravenes the provisions of section 3 shall be liable to be ejected summarily from the place of public entertainment by any police officer and shall also be liable to fine which may extend to twenty rupees.

(2) No person ejected under sub-section (1) shall be entitled to the refund of any payment made by him for admission to the place of public entertainment or to any other compensation.

Offences under this Regulation to be tried summarily.

5. All offences under this Regulation shall be tried summarily in the manner provided for summary trials under the Code of Criminal Procedure, 1898.

RAJENDRA PRASAD,

President.

K. Y. BHANDARKAR

Secy. to the Govt. of India.

The Gazette of India



EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

NEW DELHI, MONDAY, MARCH 12, 1956

MINISTRY OF LAW

New Delhi, the 12th March, 1956.

THE ANDAMAN AND NICOBAR ISLANDS MONEY-LENDERS REGULATION, 1956

No. 2 OF 1956

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

A Regulation to regulate and control the transactions of money-lending in the Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (2) of article 243 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Andaman and Nicobar Islands Money-lenders Regulation, 1956. Short title, extent and commencement.

(2) It extends to the whole of the Andaman and Nicobar Islands.

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

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

(a) 'bank' means a banking company as defined in the Banking Companies Act, 1949;

(b) 'Chief Commissioner' means the Chief Commissioner of the Andaman and Nicobar Islands;

(435)
Ind. Gaz. 1956, 3.2

(c) 'company' means a company as defined in the Indian Companies Act, 1913, and includes any company formed and registered outside India; 7 of 1913.

(d) 'co-operative society' means a co-operative society registered under the Co-operative Societies Act, 1912, or under any other law for the time being in force in any State for the registration of co-operative societies; 2 of 1912.

(e) 'court' includes a court acting in the exercise of insolvency jurisdiction;

(f) 'interest' includes any sum, by whatsoever name called, paid or payable in excess of the principal to a lender in consideration of, or otherwise in respect of, a loan whether the same is charged or sought to be recovered specifically by way of interest or otherwise but does not include any sum lawfully charged by a lender in accordance with the provisions of this Regulation or any other law for the time being in force for or on account of costs, charges, or expenses;

(g) 'Islands' means the Andaman and Nicobar Islands;

(h) 'licence' means a licence granted under this Regulation;

(i) 'loan' means an advance, whether of money or in kind, at interest made by a money-lender and includes any transaction which, in the opinion of the court, is in substance a loan, but it shall not include—

(i) a deposit of money or other property in a Government Post Office Savings Bank or any other bank, or with a company, or with a co-operative society, or with any employer as security from his employee;

(ii) a loan to, or by, or a deposit with, any society or association registered under the Societies Registration Act, 1860, or under any other law relating to public, religious or charitable trusts; 21 of 1860.

(iii) a loan advanced by, or to, Government, or any local authority;

(iv) a loan advanced by a co-operative society;

(v) an advance made to a subscriber to, or a depositor in, a Provident Fund from the amount standing to his credit in the Fund in accordance with the rules of the Fund;

(vi) a loan to, or by, an insurance company as defined in the Insurance Act, 1938;

(vii) a loan to, or by, a bank;

(viii) an advance made on the basis of a negotiable instrument as defined in the Negotiable Instruments Act, 1881, other than a promissory note;

26 of 1881.

(ix) a mere supply of goods on credit which is not accompanied by a bond bearing interest executed in respect of the supply of such goods on credit;

(j) 'money-lender' means a person other than a bank,—

(i) who carries on the business of money-lending in the Islands, or

(ii) who has a place of such business in the Islands, and includes a pawn-broker;

(k) 'money-lending business' or 'business of money-lending' means the business of advancing loans either solely or in common with any other business;

(l) 'pawn-broker' means a person who carries on the business of taking goods and chattels in pawn for a loan;

(m) 'pawnor' means a person delivering an article for pawn to a pawn-broker;

(n) 'prescribed' means prescribed by rules made by the Chief Commissioner under this Regulation;

(o) 'principal' in relation to a loan means the amount actually lent to the debtor;

29 of 1925.

(p) 'Provident Fund' means a Provident Fund as defined in the Provident Funds Act, 1925, and includes a Government Provident Fund and a Railway Provident Fund as defined in that Act;

(q) 'register' means the register of money-lenders maintained under sub-section (1) of section 4;

(r) 'Registrar General' and 'Registrar' mean respectively the Registrar General and Registrar of Money-lenders appointed under section 3;

(s) 'secured loan' means a loan for which the money-lender holds a mortgage, charge or lien on the property of the debtor or any part thereof as a security for that loan;

(t) 'unsecured loan' means any loan other than a secured loan; and

(u) 'year' means a financial year.

CHAPTER II

REGISTRATION OF MONEY-LENDERS

Appointment of Registrar General and Registrar. 3. There shall be a Registrar General of Money-lenders and a Registrar of Money-lenders in the Islands for the purpose of this Regulation who shall be appointed by the Chief Commissioner by notification in the Official Gazette.

Register of money-lenders. 4. (1) The Registrar shall maintain in such form as may be prescribed, a register of money-lenders holding licences under this Regulation.

(2) The register maintained under sub-section (1) shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872.

Licensing of money-lenders. 5. (1) After such date, not being later than six months from the commencement of this Regulation, as the Chief Commissioner may, by notification in the Official Gazette, appoint in this behalf, no money-lender shall carry on the business of money-lending unless he holds a licence under this Regulation.

(2) Every application for a licence under this Regulation shall be made to the Registrar and every such application shall contain the prescribed particulars and shall be accompanied by the prescribed fee.

(3) Every application for a licence under this Regulation which does not contain the prescribed particulars or is not accompanied by the prescribed fee shall be summarily rejected by the Registrar.

(4) Where any application for a licence under this Regulation is not rejected under sub-section (3) and the applicant is not for the time being disqualified for holding such licence, the Registrar shall, subject to the provisions of section 7, grant to the applicant a licence in such form and subject to such conditions as may be prescribed.

Registrar's power to cancel licence. 6. (1) The Registrar may at any time, by an order in writing, cancel a licence on any ground on which he may have refused such licence:

Provided that such ground of refusal was not brought to his notice at the time the licence was granted.

(2) Before cancelling any licence under sub-section (1) the Registrar shall give to the holder thereof a reasonable opportunity of being heard.

(3) An appeal shall lie from an order of the Registrar cancelling a licence under sub-section (1), to the Registrar General whose decision thereon shall be final.

7. (1) A licence under section 5 shall not be refused except on any of the following grounds, namely:—

Grounds on which licence may be refused.

(a) that the applicant or any person responsible or to be made responsible for the management of his business as a money-lender is disqualified for holding such licence;

(b) that the applicant has not complied with the provisions of this Regulation or any rules made thereunder in respect of an application for the grant of a licence;

(c) that the applicant has made wilful default in complying with, or has knowingly acted in contravention of any requirements of, this Regulation;

(d) that the applicant or any person responsible or to be made responsible for the management of his business of money-lending has knowingly participated in, or connived at, any fraud or other act of dishonesty in the conduct of the business of money-lending, or any matter connected therewith.

(2) Where the Registrar refuses a licence under this section, he shall record his reasons for such refusal.

(3) An appeal shall lie from the order of the Registrar refusing a licence under sub-section (1) to the Registrar General whose decision thereon shall be final.

8. Every licence granted under section 5 shall, unless it is cancelled or suspended under the provisions of this Regulation, be valid from the date on which it was granted up to the 31st day of December next following.

Duration of licence.

9. (1) A person shall be disqualified for holding a licence under this Regulation,—

Disqualifications.

(i) if a declaration to that effect has been made by a court under section 28; or

(ii) if he has been convicted of an offence under Chapter XVII, or section 465, section 477, or section 477A of Chapter XVIII, of the Indian Penal Code.

(2) The Chief Commissioner may, at any time, on application being made to him in this behalf in the prescribed form and accompanied by the prescribed fee, remove any disqualification referred to in sub-section (1), having regard to the time which has elapsed since the declaration by a court under section 28 and the circumstances under which it was made, or, as the case may be, to the time which has elapsed since the conviction and the nature of the offence.

CHAPTER III

REGULATION OF ACCOUNTS

Duty of money-lender to keep accounts.

10. Every money-lender shall, in respect of every loan advanced by him after the commencement of this Regulation and in respect of every transaction entered into by him after such commencement relating to any loan advanced by him before such commencement, regularly record and maintain or cause to be recorded and maintained an account showing in respect of each debtor—

(i) the date of the loan, the amount of the principal of the loan and the rate per centum per annum of interest charged on the principal;

(ii) the amount of every payment received by the money-lender in respect of the loan and the date of such payment;

(iii) such other particulars as may be prescribed.

Duty of pawn-broker to keep accounts.

11. (1) Every pawn-broker shall regularly record and maintain an account in which, in addition to the particulars specified in section 10, the following particulars shall be recorded, namely:—

(a) a full and detailed description of the article or of each of the articles taken in pawn;

(b) the time agreed upon for the redemption of the pawn and

(c) the name and address of the pawnor and, where the pawnor is not the owner of the article or of any of the articles pawned, the name and address of the owner thereof.

(2) At the time of taking any article in pawn, every pawn-broker shall deliver to the pawnor a receipt signed by the pawn-broker, which shall, in addition to the particulars specified in section (1), mention the sum for which the article has been pawned and the rate of interest chargeable on such sum.

Receipt to be given for every sum paid by debtor.

12. Every money-lender shall, in respect of every loan, deliver to the debtor a receipt for every sum paid by or on behalf of the debtor, duly signed and, if necessary, stamped, at the time of payment or within a reasonable time thereafter, and shall permit the debtor or his agent to endorse such payment on the document, if any, evidencing the loan.

Furnishing statement of account to borrowers.

13. Every money-lender shall—

(a) deliver to the borrower at the time a loan is advanced a statement (in the language commonly spoken in the locality or in the English language as the borrower may desire) in

form as may be prescribed and showing such particulars of the loan and such other information in connection therewith as may be prescribed;

(b) upon repayment in full of a loan mark indelibly every paper signed by the borrower with words either indicating full payment or cancellation of such paper and shall discharge any mortgage, restore any pledge, return any note and cancel any assignment given by the borrower as security for such loan.

14. (1) Every money-lender shall, on demand made in writing the debtor furnish to the debtor or, if the debtor so requires, to any person authorised by him in that behalf, a statement of account duly signed by the money-lender or his agent, showing:—

Other duties of money-lenders.

(a) the amount of principal and the amount of interest due to the money-lender, and the date of the loan;

(b) the amount of every payment received by the money-lender in respect of the loan and the date of each such payment;

(c) the payments, if any, credited towards interest and the payments, if any, credited towards the principal;

(d) the amount of principal remaining unpaid and the interest thereon; and

(e) such other particulars as may be prescribed:

Provided that where a money-lender has complied with such demand, the debtor shall not make a further demand for a statement of account in respect of the same loan within a period of six months from the date of such compliance.

(2) A person to whom a statement of account has been furnished under sub-section (1) shall not be bound to acknowledge or deny correctness, and his failure to object to the correctness of the account shall not by itself be deemed to be an admission of the correctness of such account.

(3) If a money-lender to whom a demand has been made under section, fails without reasonable cause to comply therewith within one month from the date of such demand, he shall not be entitled to any interest for the period of default.

(1) Where an officer specially empowered in this behalf by the Chief Commissioner, has reason to believe that the accounts required to be maintained under this Regulation by a money-lender are not properly maintained by him, such officer may call upon the money-lender to produce all his books of account for inspection and the money-lender shall be bound to produce all such books.

Inspection of accounts.

(2) If from such inspection it appears that the money-lender has committed any offence under this Regulation, such officer may cause proceedings to be instituted against him in the court having jurisdiction to try the offence.

CHAPTER IV

INTEREST AND OTHER CHARGES

Maximum
rate of
interest.

16. (1) The Chief Commissioner may, in consultation with the Central Government and, having regard to the prevailing rates of interest in the Islands, fix from time to time, by notification in the Official Gazette, the maximum rate of interest which a money-lender may charge, and different rates of interest may be fixed for different areas and in respect of secured loans and unsecured loans.

(2) Notwithstanding anything contained in any law for the time being in force, no agreement between a money-lender and a borrower for payment of interest at a rate exceeding the maximum rate fixed by the Chief Commissioner under sub-section (1) shall be valid, and no court shall in any suit to which this Regulation applies award interest at a rate exceeding such rate.

Certain
agreements
to be void.

17. (1) Any agreement between a money-lender and a borrower or an intending borrower for the payment to the lender of any sum on account of costs, charges or expenses incidental or relating to the negotiations for, or the granting of, the loan or proposed loan, shall be illegal, and if any sum is paid to a lender by the borrower or intending borrower as, or on account of, any such costs, charges or expenses, that sum shall be recoverable as a debt due to the borrower or intending borrower, or in the event of the loan being completed, shall, if not so recovered, be set off against the amount actually lent and that amount shall be deemed to be reduced accordingly:

Provided that nothing in this section shall debar a lender from recovering the costs of investigating title, of stamp duty and registration of documents and other necessary and incidental expenses in cases where the agreement includes a stipulation that property is to be given as security or by way of mortgage, or the costs of stamp duty and registration of documents in the case of unsecured loans, if both parties have agreed to such expenditure and the reimbursement thereof, nor from recovering such costs, charges or expenses as are leviable under the provisions of the Transfer of Property Act, 1882, or any other law for the time being in force.

4 of 1882.

(2) Any agreement between a money-lender and a borrower for the payment outside the Islands of any loan or interest thereon or any part of such loan or interest shall be illegal and shall not be enforceable in any court of law.

↳ Am. by 1 of 1958, s. 3.

CHAPTER V

PROVISIONS RELATING TO SUITS AND APPLICATIONS IN RESPECT OF LOANS
AND EXECUTION OF DECREES

18. After the expiry of six months from the commencement of this Regulation, no court shall entertain a suit by a money-lender for the recovery of a loan advanced by him after such commencement unless the court is satisfied that such money-lender held a valid licence at the time when such loan was advanced.

Suits for
recovery of
loans.

19. Notwithstanding anything contained in any law for the time being in force, in any suit brought by a money-lender for the recovery of a loan—

Procedure in
suits relating
to loans.

(a) the court shall, before deciding the claim on its merits, frame and decide the issue whether the money-lender has in respect of the claim in suit complied with the provisions of Chapter III;

(b) if the court finds that any of the aforesaid provisions have not been complied with, it may, if the plaintiff's claim is established in whole or in part, disallow the whole or such portion of the interest found due as may, in the circumstances of the case, appear to the court to be reasonable and may also disallow the whole or any portion of the costs.

20. (1) Notwithstanding anything contained in any law for the time being in force, in any suit to which this section applies, whether heard *ex parte* or otherwise, the court may exercise all or any of the following powers—

Re-opening
of transac-
tions.

(a) re-open any transaction or any account already taken between the parties;

(b) take an account between the parties;

(c) reduce the amount charged to the debtor in respect of any excessive interest;

(d) if on taking account it is found that the money-lender has received more than what is due to him, pass a decree in favour of the debtor in respect of such amount as has been received by the money-lender in excess of what is due to him;

(e) set aside either wholly or in part or revise or alter any security given or agreement made in respect of any loan, and if the lender has parted with the security, order him to

indemnify the debtor in such manner and to such extent as it may deem fit:

Provided that in the exercise of any such power the court shall not—

(i) re-open any adjustment or agreement purporting to close previous dealings and to create new obligations, which has been entered into by the parties or any persons through whom they claim, at a date earlier than twelve years prior to the date of the suit, not being a date earlier than the 8th day of October, 1945; or

(ii) do anything which affects any decree of a court other than a decree which has remained unsatisfied in whole or in part at the commencement of this Regulation.

(2) Where any decree passed before the commencement of this Regulation on the basis of a loan, remains unsatisfied in whole or in part at such commencement, the court which passed the decree or the court or other authority to which the decree is sent for execution, may, on application by the judgment-debtor, exercise all or any of the powers specified in sub-section (1) as if such application were a suit to which this section applies.

(3) In this section, the expression 'suit' to which this section applies' means any suit or proceeding—

(a) for the recovery of a loan advanced before or after the commencement of this Regulation; or

(b) for the enforcement of any agreement relating to a loan entered into before or after the commencement of this Regulation, whether by way of settlement of account or otherwise or of any security taken in respect of any loan advanced, whether before or after the commencement of this Regulation; or

(c) for the redemption of any security given before or after the commencement of this Regulation in respect of any loan advanced, whether before or after the commencement of this Regulation.

Application for taking accounts and declaring amount due to money-lender.

21. (1) Any debtor may, at any time during which any loan taken by him, whether before or after the commencement of this Regulation, remains unpaid in whole or in part, make an application to the court which has jurisdiction to entertain a suit by the money-lender for the recovery of such loan, praying that account in respect of such loan be taken by the court and that the amount due to the money-lender be declared by the court.

(2) Every such application shall be in writing and shall be accompanied by a fee of one rupee.

(3) Where any application is made under this section, the court shall cause a notice thereof to be served on the money-lender, calling upon him—

(a) to submit in the prescribed form a statement of the loan owed to him by the debtor, and

(b) to produce all documents including entries in books of accounts on which he relies to support his claim in respect of the loan together with a true copy of every such document.

(4) If any money-lender, without reasonable cause, fails to comply with a notice under sub-section (3), the court may declare that the loan, in respect of which the application has been made under this section by the debtor, shall, for all purposes and for all occasions, be deemed to have been duly repaid and that such declaration shall operate as an acquittance for the amount of such loan in the same manner and to the same extent as if that amount had been received by the money-lender on the date of such declaration.

(5) Where the money-lender has, in compliance with a notice under sub-section (3), submitted a statement of loan and the documents on which he relies to support his claim in respect of the loan, the court shall proceed to take accounts of the loan and shall, after giving a reasonable opportunity to the money-lender and the debtor to be heard and after taking such evidence as it may deem necessary, make an order declaring the amount, if any, payable by the debtor to the money-lender on the date of such order, whether on account of the principal of the loan or on account of interest thereon or on account of both principal and interest.

(6) In taking accounts under this section, the court shall follow, so far as may be, the same procedure as it follows in regard to civil suits and shall exercise the powers conferred on it under sub-section (1) of section 20 as if the proceeding were a suit to which that section applies.

(7) Every proceeding under this section shall be deemed to be a suit for the purposes of section 11 of the Code of Civil Procedure, 1908, and the order of the court under sub-section (5) shall, for the purposes of an appeal, be deemed to be a decree of the court.

22. Notwithstanding anything contained in the Code of Civil Procedure, 1908, or any other law for the time being in force, a court may, at any time, on application made by a judgment-debtor, and after notice to the decree-holder, direct that the amount of any decree passed against the judgment-debtor, whether before or after the commencement of this Regulation, in respect of a loan, shall be paid in such number of instalments and subject to such conditions and shall be payable on such dates, as, having regard to

Power of court to direct payment of decretal amount by instalments.

the circumstances of the judgment-debtor and the amount of the decree, the court deems fit.

Discharge of usufructuary mortgages.

23. (1) Notwithstanding anything contained in any law for the time being in force or in any contract or agreement, a usufructuary mortgage, whether executed before or after the commencement of this Regulation, shall, unless discharged earlier, be deemed to stand discharged after the expiration of fifteen years from the date of the mortgage as if the mortgage-debt had then been extinguished, and the mortgagee shall, on such expiration,—

(a) deliver possession of the mortgaged property, together with all the documents relating to such property, to the mortgagor, and

(b) re-transfer, at his cost, the mortgaged property to the mortgagor free from the mortgage and from all encumbrances created by him:

Provided that, in computing the period of fifteen years under this sub-section, the period from the 22nd day of March, 1942 to the 7th day of October, 1945 shall be excluded.

(2) In this section references to "mortgagor" and "mortgagee" shall include references to any person claiming under the mortgagor and the mortgagee, respectively.

Deposit in court of money due to money-lender.

24. (1) When a debtor tenders to a money-lender any amount on account of any interest due on a loan or on account of the principal of a loan and the money-lender refuses to accept such amount or to grant a receipt for the same, the debtor may deposit such amount in the court (in which the money-lender might have instituted a suit for the recovery of the loan) to the credit of the money-lender.

(2) The court shall thereupon grant a receipt for the deposit under its seal and shall cause a written notice of the deposit to be served on the money-lender.

(3) A receipt granted by the court under sub-section (2), shall operate as an acquittance for the amount deposited as aforesaid in the same manner and to the same extent as if that amount had been received by the money-lender to whose credit the deposit was made, on the date of such deposit.

(4) The money-lender may, at any time within three years after the date of service upon him of the notice referred to in sub-section (2), make an application to the court praying that the amount deposited as aforesaid be paid to him, and the court may thereupon order such amount to be paid to the applicant on such terms and conditions as may be specified in the order.

(5) If no application is made under sub-section (4) within the period mentioned in that sub-section, the amount deposited shall be disposed of in such manner as may be prescribed.

25. Notwithstanding anything contained in any law for the time being in force, no court shall order execution of a decree passed in any suit for the recovery of a loan by arrest and detention in prison of the judgment-debtor.

Prohibition of execution of decree by arrest and detention in prison.

26. (1) Notwithstanding anything contained in any law for the time being in force, or in anything having the force of law, where a decree is passed, whether before or after the commencement of this Regulation, for the payment by an agricultural debtor of the amount due on any loan advanced to him by a money-lender the court executing the decree—

Exemption of portion of holdings from attachment or sale in execution of decree.

(i) shall exempt from sale one acre of the land comprised in the holding or holdings of the judgment-debtor, if the area of such land does not exceed three acres; and

(ii) shall exempt from sale one acre and may exempt any further portion of such land, if the area of such land exceeds three acres.

Provided that the total area exempted from sale shall not exceed one-third of the total area of such land.

(2) For the purposes of this section, agricultural debtor means a person who earns his livelihood wholly or principally—

(a) by the cultivation of land personally or through servants or by hired labour, or

(b) as an artisan or a field labourer employed in work connected with agriculture (whether he is paid in cash or kind).

CHAPTER VI

PENALTIES

27. (1) No money-lender shall take from any debtor any promissory note, acknowledgment, bond or other writing which does not state the actual amount of the loan, or which states such amount wrongly or in excess of what has actually been advanced.

Entry of wrong sum in bond, etc., to be offence.

(2) No money-lender shall execute or cause to be executed any instrument pertaining to a loan, in which blanks are left to be filled after execution.

(3) Whoever contravenes the provisions of sub-section (1) or sub-section (2), shall be punishable with fine which may extend to one thousand rupees.

Court's
power to
cancel or
suspend
licence.

28. (1) A court trying a suit brought in respect of a loan by a money-lender or a suit to which section 20 applies or a court passing an order of conviction against a money-lender for an offence under this Regulation, if satisfied that the money-lender has been guilty of fraud or of any contravention of the provisions of this Regulation or of any rule made thereunder, or is otherwise unfit to carry on the business of money-lending, may order that the licence held by such money-lender be cancelled or suspended for such time as it may think fit, and may declare such money-lender to be disqualified for holding a licence under this Regulation.

(2) A court making an order under sub-section (1) shall cause the particulars of such order to be endorsed on the licence held by the money-lender and shall also send a certified copy of such order to the Registrar.

(3) Any licence required by a court for endorsement under sub-section (2) shall be produced by the person by whom it is held in such manner and within such time as may be directed by the court, and any person who without reasonable cause, makes default in producing the licence so required, shall be punishable with fine which may extend to one hundred rupees for each day during which the default continues.

(4) For the removal of doubts it is hereby declared that the powers conferred on a court under this section may also be exercised by the court of appeal or revision.

Penalty for
molestation.

29. (1) Whoever molests or abets the molestation of a debtor for the recovery of a loan owed by him to a money-lender, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Explanation.—For the purposes of this section, a person who, with intent to cause another person to abstain from doing any act which he has a right to do or to do any act which he has a right to abstain from doing,—

(a) obstructs or uses violence to or intimidates such other person; or

(b) persistently follows such other person from place to place or interferes with any property owned or used by him or deprives him of, or hinders him in, the use thereof; or

(c) loiters near a house or other place where such other person resides or works or carries on business or happens to be, or does any act calculated to annoy or intimidate such other person,

shall be deemed to molest such other person:

Provided that a person who goes to such house or place in order merely to obtain or communicate information, shall not be deemed to molest such other person.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this section shall be cognizable and bailable, and also compoundable with the leave of the Court.

CHAPTER VII

MISCELLANEOUS

30. No suit, prosecution or other proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

31. The provisions of this Regulation are in addition to, and not in derogation of, the provisions of the Usurious Loans Act, 1918. Provisions of Usurious Loans Act, 1918 not affected.

32. (1) The Chief Commissioner may, by notification in the Official Gazette, make rules for carrying out the purposes of this Regulation. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form of the register to be maintained under section 4;

(b) the form of an application under sub-section (2) of section 5 and the particulars to be contained in such application;

(c) the form of a licence to be granted under sub-section (4) of section 5;

(d) the form of an application under sub-section (2) of section 9 for the removal of a disqualification;

(e) the particulars to be shown in the account maintained under section 10;

(f) the form of a statement referred to in section 13 and the particulars to be contained in such statement;

(g) the form of a statement of accounts to be furnished by a money-lender under sub-section (1) of section 14, and the particulars to be contained in such statement;

(h) the manner in which the amount deposited in a court may be disposed of under sub-section (5) of section 24;

(i) the fees to be paid under this Regulation and the manner of their collection.

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

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EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 30] NEW DELHI, MONDAY, MAY 14, 1956

MINISTRY OF LAW

New Delhi, the 14th May, 1956.

THE ANDAMAN AND NICOBAR ISLANDS
(PROTECTION OF ABORIGINAL TRIBES)
REGULATION, 1956

No. 3 OF 1956

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

A Regulation to provide for the protection of the interests of
socially and economically backward aboriginal tribes in the
Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (2) of article 243
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 (Protection of Aboriginal Tribes) Regulation, 1956.
- (2) It extends to the whole of the Andaman and Nicobar Islands.
- (3) It shall come into force on such date as the Chief Commissioner may, by notification, appoint.

Short title,
extent and
commence-
ment.

2. In this Regulation, unless the context otherwise requires,—
(a) "aboriginal tribe" means any of the following tribes or
tribal communities in the Andaman and Nicobar Islands, and

Definitions.

includes parts of, or groups within, such tribes or tribal communities, namely:—

(a) "tribes" means the Andamanese, Jarawas, Onges, Sentinelese, Nicobarese, and Shom Pens;

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

(c) "Deputy Commissioner" means the Deputy Commissioner of the Andaman and Nicobar Islands;

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

(e) "pass" means a pass granted under section 7; and

(f) "reserved area" means an area which the Chief Commissioner has, by notification under section 3, declared to be a reserved area.

Declaration of reserved area.

3. (1) The Chief Commissioner may, by notification, declare any area which is predominantly inhabited by aboriginal tribes to be a reserved area and specify the limits of such area; and may, from time to time, in like manner, alter such limits.

(2) If any question arises whether any area falls within or without a reserved area, it shall be decided by the Chief Commissioner and his decision shall be final.

Allotment of land for agricultural purposes.

4. No waste or unoccupied land at the disposal of the Government in a reserved area shall be allotted for agricultural purposes to any person other than a member of an aboriginal tribe:

Provided that the Chief Commissioner may allot any such land to any person other than a member of an aboriginal tribe—

(a) if the Chief Commissioner is satisfied that such land is not required by any such member; or

(b) if in his opinion the allotment of land to a person other than a member of an aboriginal tribe is necessary for the purpose of consolidation of land or is otherwise in the public interest.

Transfer and attachment of land to be void in certain cases.

5. (1) No member of an aboriginal tribe shall, except with the previous sanction of the Chief Commissioner, transfer by way of sale, exchange, mortgage, lease or otherwise any land to any person other than a member of an aboriginal tribe.

(2) No land held or occupied by a member of an aboriginal tribe shall be liable to attachment or sale in execution of any decree or order of a civil or revenue court.

(3) Any transfer, attachment or sale of any land made in contravention of this section shall be void.

6. (1) No person other than a member of an aboriginal tribe shall, except with the previous sanction of the Chief Commissioner, acquire any interest in any land situated in a reserved area or in any product of, or crop raised on, such land, or shall, except under and in accordance with the terms and conditions of a licence granted by the Chief Commissioner, carry on any trade or business in any such area. Acquisition of interest in land, etc., and carrying on of trade or business.

(2) The provisions of sub-section (1) shall apply to any person who, at the commencement of this Regulation, is carrying on any trade or business in any such area after the expiration of sixty days from such commencement.

7. The Chief Commissioner may, by notification, prohibit any person other than a member of an aboriginal tribe or any class of persons other than members of an aboriginal tribe from entering a reserved area except on the authority and subject to the observance of the conditions and restrictions of a pass, granted by the Deputy Commissioner or by such other officer as the Deputy Commissioner may authorise in writing in this behalf. Entry into reserved area.

8. (1) Whoever, in contravention of the provisions of section 6, acquires any interest in, or in any product of, or crop raised on, any land, or carries on any trade or business, in a reserved area, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both; and the interest so acquired shall be disposed of in such manner as the Chief Commissioner may, after taking into consideration the circumstances of the case, direct. Penalties.

(2) Whoever, in contravention of a notification issued under section 7, enters a reserved area shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(3) Whoever does anything in contravention of any of the conditions or restrictions subject to which a pass has been granted to him under section 7, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Procedure.

9. (1) The Chief Commissioner or any person authorised by him in this behalf, may arrest without a warrant any person who has committed, or is suspected of having committed, any offence punishable under this Regulation.

(2) Every person arrested under sub-section (1) shall be produced before the nearest magistrate within twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest.

Power to make rules.

10. (1) The Chief Commissioner may, by notification, make rules to carry out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the form in which, the conditions and restrictions subject to which, and the fee not exceeding rupees fifty on payment of which, a pass under section 7 shall be granted.

Regulation to override other laws.

11. The provisions of this Regulation and of any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, or in any usage or agreement, or in any decree or order of any court or other authority.

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

THE ANDAMAN AND NICOBAR ISLANDS
(MUNICIPAL BOARDS) REGULATION, 1957

NO. 1 OF 1957

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THE ANDAMAN AND NICOBAR ISLANDS
(MUNICIPAL BOARDS) REGULATION, 1957

(Published in the Gazette of India Extraordinary, Part
Section 1, dated the 11th March, 1957)



No. 1 OF 1957

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

A Regulation to provide for the constitution of Municipal
Boards in the Andaman and Nicobar Islands, and to define and
regulate their powers and functions.

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

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957. Short title,
extent and
Commence-
ment.

(2) It extends to the whole of the territory of the Andaman and
Nicobar Islands.

(3) It shall come into force on such date as the Chief Commis-
sioner may, by notification, appoint.

2. In this Regulation, unless there is something repugnant in the Definitions,
subject or context,—

(1) "Board" means a municipal board constituted under
this Regulation and includes, in any case when a power is
expressed as being conferred or a duty as being imposed on a
Board, a sub-committee established by a Board and any member,
officer or servant of a Board authorised or required by or under
this Regulation to exercise the power or perform the duty.

(2) "building" means a house, hut, shed or other roofed
structure, for whatsoever purpose and of whatsoever material
constructed, and every part thereof, and includes a wall and a
well, but does not include a tent or other such portable and

Andaman and Nicobar Islands
(Municipal Boards)

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merely temporary shelter; and "part of a building" includes any wall, under-ground room or passage, verandah, fixed platform, plinth, staircase or door-steps attached to, or within the compound of, an existing building or constructed on ground which is to be the site or compound of a projected building;

(3) "bye-law" means a bye-law made at a special meeting of a Board in exercise of a power conferred by this Regulation;

(4) "Chief Commissioner" means the Chief Commissioner of the Andaman and Nicobar Islands;

(5) "Deputy Commissioner" means the Deputy Commissioner of the Andaman and Nicobar Islands, and includes any other officer specifically appointed by the Chief Commissioner to perform all or any of the functions of the Deputy Commissioner under this Regulation in relation to a Board;

(6) "district" means the district of the Andaman and Nicobar Islands;

(7) "District Judge" means the District Judge of the Andaman and Nicobar Islands;

(8) "drain" includes a sewer, pipe, ditch, channel or any other device for carrying off sullage, sewage, polluted water, rain-water or sub-soil water together with pail-depots, traps, sinks, cisterns, flush-tanks and other fittings appertaining thereto;

(9) "explosive" has the meaning given to it in clause (1) of section 4 of the Indian Explosives Act, 1884; 4 of 1884

(10) "infectious or contagious disease" includes cholera, leprosy, enteric fever, small-pox, tuberculosis, diphtheria, plague, influenza and any other epidemic, endemic, or infectious disease which the Chief Commissioner may, by notification, declare to be an infectious or contagious disease for the purposes of this Regulation;

(11) "inhabitant" in relation to a municipal area means any person ordinarily residing or carrying on business, or owning or occupying immovable property therein, and, in case of any dispute, means any person declared by the Deputy Commissioner to be an inhabitant;

(12) "joint committee" means a joint committee appointed under section 18;

(13) "lodging-house" includes a collection of buildings, or a building, or part of a building used for the accommodation of travellers;

(14) "major road" means any surfaced, that is to say metalled, and motorable public street not constructed by or on behalf of a Board out of the municipal fund, which may be declared by the Chief Commissioner to be maintainable by the Public Works Department;

(15) "member" means a member of a Board;

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(16) "municipal area" means any area declared under section 3 to be a municipal area;

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

(18) "occupier" includes an owner in actual occupation of his own land or building, and any person for the time being paying or liable to pay to the owner of any land or building the rent or any portion of the rent payable in respect thereof; and, in Chapter VII includes a hotel keeper, a lodging-house keeper, and any owner whose premises are let to more than one tenant;

(19) "officer" in relation to a Board means a person holding an office created or continued by or under this Regulation, but does not include a member as such;

(20) "owner" includes the person for the time being holding the licence, permit or grant under the Andaman and Nicobar Islands (Land-tenure) Regulation, 1926, in respect of any land, and also the person for the time being receiving the rent of any land or building, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant;

(21) "petroleum" means petroleum as defined in clause (a) of section 2 of the Petroleum Act, 1934;

(22) "public place" means a place in a municipal area not being private property, which is open to the use or enjoyment of the public;

(23) "public street" means any street in a municipal area which—

(i) has, with the consent, express or implied, of the owner of the site thereof, been levelled, paved, metalled, channelled, sewered or repaired out of municipal or other public funds, or

(ii) under the provisions of this Regulation, becomes, or is declared by the Board to be, a public street;

(24) "rule" means a rule made in exercise of a power conferred by this Regulation;

(25) "Senior Medical Officer" means the Senior Medical Officer of the Andaman and Nicobar Islands;

(26) "servant" in relation to a Board means any person in the pay and service of the Board;

(27) "street" means any road, bridge, foot-way, lane, square, alley or passage in a municipal area along which the public or any portion of the public has a right to pass and includes, the drains, or gutters on either side, and the land up to the defined boundary of any abutting property, notwithstanding the projection over such land of any verandah or other superstructure;

(28) "sub-committee" means a sub-committee established under section 17;

(29) "tax" includes a rate, fee or cess levied or imposed by a Board under any of the provisions of this Regulation;

(30) "vehicle" includes a bicycle, tricycle and motor car, and every other wheeled conveyance which is used or is capable of being used on a public street; and

(31) "water works" includes all lakes, tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, cuts, sluices, mains, pipes, culverts, engines, hydrants, stand-pipes, conduits, and all machinery, lands, buildings, bridges, and things for supplying or used for supplying water.

CHAPTER II

MUNICIPAL AREAS

Declaration
of municipal
areas.

3. (1) Subject to the provisions contained in sub-section (2), the Chief Commissioner may, by notification, declare any area within the district, to be a municipal area, and may, by like notification, extend, contract or otherwise alter the limits of any municipal area, or may declare that any such area shall, from a date specified by him, cease to be a municipal area:

Provided that no such notification shall be issued unless,—

(i) a draft of the proposed notification together with a notice specifying the date after which that draft and the objections and suggestions of the persons likely to be affected thereby, will be taken into consideration by the Chief Commissioner, has been previously published and posted at the office of the Deputy Commissioner and one or more conspicuous places within or adjacent to the area concerned; and

(ii) the objections and suggestions of the persons likely to be affected by the proposed notification received in writing within the date so specified, have been taken into consideration by the Chief Commissioner, and have been found by him to be insufficient or invalid.

(2) No notification under sub-section (1) shall be issued in respect of—

(a) any place which has been declared by the Central Government under section 3 of the Cantonments Act, 1924, to be a Cantonment for the purposes of that Act, or

(b) any area not having an average population of five hundred inhabitants to a square mile calculated in accordance with the latest official census.

Effect of
including
other area in
municipal
area.

4. When, by reason of a notification under section 3, the limits of a municipal area are extended to include therein any other area, such other area shall thereby become subject to this Regulation and to all notifications, rules, bye-laws, orders, directions, issued or made thereunder, and in force throughout the municipal area, save in so far as the Chief Commissioner may otherwise, by notification, direct.

Effect of
excluding
area from
municipal
area.

5. (1) When, by reason of a notification under section 3, the limits of a municipal area are contracted to exclude therefrom any area forming part thereof, if the area so excluded is immediately placed under the control of some other local authority, such portion

of the municipal fund and property vesting in the Board and such portion of the liabilities of the Board, as the Chief Commissioner may direct, shall be transferred to that other local authority, or, if the area so excluded is not immediately placed under the control of any other local authority such portion of the municipal fund and property vesting in the Board shall vest in the Government, and such portion of the liabilities of the Board shall be transferred to the Government, as the Chief Commissioner may direct.

(2) When, by reason of a notification under section 3, any municipal area ceases to be a municipal area then, if the area comprised therein is immediately placed under the control of some other local authority, the municipal fund and property vesting in the Board shall vest in, and the liabilities of the Board shall be transferred to, such other local authority, or, if the area is not immediately placed under the control of another local authority, such fund and property shall vest in the Government and the liabilities of the Board shall be transferred to the Government.

6. All property vested in the Government under section 5, shall be applied under the orders of the Chief Commissioner in the first place to discharging the liabilities imposed on the Government under that section and in the second place for the promotion of the safety, health, welfare or convenience of the inhabitants of the area which has ceased to be, or, as the case may be, to be the part of a municipal area.

Application of property vested in Government.

CHAPTER III

MUNICIPAL AUTHORITIES, OFFICERS AND SERVANTS

A. Boards

7. In every municipal area, there shall be a Municipal Board and every such Board shall be a body corporate by the name of the Municipal Board of the place by reference to which the municipal area is known, and shall have perpetual succession and a common seal with the power of acquiring, holding and transferring property, movable or immovable, and of contracting, and may, by the said name, sue and be sued.

Constitution of Boards.

8. (1) Every Board shall consist of—

Composition of Boards.

(a) (i) such number of members nominated by the Chief Commissioner, or

(ii) such number of elected members, or

(iii) such number of members nominated by the Chief Commissioner and such number of elected members,

as the Chief Commissioner may, by notification prescribe; and

(b) the Chairman nominated under section 13:

Provided that the total number of members of a Board (including its Chairman) shall not be less than five or more than sixteen:

Provided further that, where a Board is to consist partly of elected and partly of nominated members,—

(i) the members nominated under sub-clause (iii) of clause (a) shall not exceed in number one-fourth of the total

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number of members (including the Chairman) as prescribed by the Chief Commissioner;

(ii) only such number of members shall be nominated as is necessary, in the opinion of the Chief Commissioner, to secure the adequate representation of the various interests in the municipal area; and

(iii) any vacancies due to failure to elect the full number of elected members may be filled up by nomination by the Chief Commissioner.

(2) The Chief Commissioner may appoint persons as expert advisers to a Board, and persons so appointed shall have a right to receive notices of meetings thereof and to address such meetings but not to propose resolutions or vote thereat.

(3) Every election and nomination and every vacancy in the membership of a Board shall be notified by the Chief Commissioner.

B. Members

Term of
office of
members.

9. (1) Save as hereinafter provided in this section, the term of office of an elected or nominated member shall be three years, and shall commence from the date of the notification of his election, or nomination, as the case may be, or from such later date, if any, as may be specified in that notification, or when the election or nomination has been notified before the vacancy has occurred from the date on which the vacancy occurs.

(2) The term of office of a member elected upon an election being declared void, or elected or nominated to fill a casual vacancy occurring by reason of death, resignation, removal or otherwise, shall commence from the date of the notification of his election or nomination, as the case may be, or from such later date, if any, as may be specified in that notification, and shall be the period for which the person whose election has been declared void or the member whose place he fills, as the case may be, would, at such date, have been entitled, in the ordinary course of events, to retain office if the election had not been declared void, or the vacancy had not occurred.

(3) A person ceasing to be a member by reason of the expiry of his term of office shall, if otherwise qualified, be eligible for re-election or re-nomination.

Resignation
of members.

10. (1) A member (other than the Chairman or a member nominated *ex officio*) wishing to resign his office, may forward his resignation in writing through the Chairman to the Chief Commissioner.

(2) When the acceptance of the resignation by the Chief Commissioner has been communicated to the Board, the member shall be deemed to have vacated his seat.

Powers of
Chief Com-
missioner
to remove
members.

11. (1) The Chief Commissioner may, by notification, remove any member—

(a) if he has been declared, by notification, to be disqualified for employment in, or has been dismissed from, the public service, for any reason which implies, in the opinion of the Chief Commissioner, a defect of character which unfits him to be a member; or

(b) if he has absented himself for more than three consecutive months from the meetings of the Board and is unable to explain such absence to the satisfaction of the Board; or

(c) if, in the opinion of the Chief Commissioner, he has flagrantly abused his position as a member; or

(d) if he has voluntarily acquired the citizenship of a State other than India, or is under any acknowledgment of allegiance or adherence to such State; or

(e) if he has, since his election or nomination, incurred any of the disqualifications specified in section 30.

(2) Before issuing any notification under clause (a) of sub-section (1), the Chief Commissioner shall give reasonable opportunity to the member of being heard.

(3) (a) A member removed under clause (b) of sub-section (1), shall be eligible for re-election or re-nomination, if otherwise qualified;

(b) a member removed under clause (c) of sub-section (1) shall not be so eligible until after the expiry of a period of three years from the date of his removal;

(c) a member removed under clause (d) of sub-section (1) shall not be so eligible until he is declared by the Central Government to be no longer ineligible;

(d) a member removed under clause (e) of sub-section (1) shall not be so eligible as long as he continues to remain subject to the disqualification which necessitated his removal;

(e) a member removed under any other provisions of sub-section (1) shall not be so eligible until he is declared by the Chief Commissioner to be no longer ineligible.

12. (1) Vacancies on a Board occurring by reason of the normal expiration of the term of office of elected members shall be filled at ordinary elections. Filling of vacancies on Board.

(2) A vacancy occurring by reason of the death, resignation, removal or voidance of the election of an elected member, shall be filled at a casual election:

Provided that, where the term of office of the vacating member would, in the ordinary course of events, have determined within six months of the occurrence of the vacancy, the Board may direct that the vacancy shall be left unfilled until the next ordinary elections.

(3) In the case of a casual vacancy in the office of a nominated member, the Chief Commissioner may nominate another member in his place.

C. Chairman and Vice-Chairmen

13. As soon as may be after the formation of a Board, the Chief Commissioner shall nominate any salaried servant of Government or of Chairman.

any other person who is, or is qualified for election as, a member to be the Chairman of the Board:

Provided that the Chief Commissioner may, by notification, direct in the case of such Board as may be specified in the notification, any salaried servant of Government shall be the *ex officio* Chairman.

Election of
Vice-Chair-
man.

14. Every Board shall, at a special meeting, elect one or two of its members to be the Vice-Chairman or Vice-Chairmen, and may by resolution regulate the precedence of the Vice-Chairmen.

Terms of
offices of
Chairman
and Vice-
Chairman.

15. (1) The term of office of a Chairman nominated under sub-section (1) of section 13, shall continue during the pleasure of the Chief Commissioner.

(2) The term of office of a Vice-Chairman shall be one year from the date of his election as such or the residue of his term of office as a member, whichever is less.

(3) A Chairman or Vice-Chairman whose term of office has expired shall, if otherwise qualified, be eligible for being re-nominated or re-elected, as such.

Resignation
or removal
of Chairman
or Vice-
Chairman.

16. (1) A Chairman, not being a salaried servant of Government nominated under sub-section (1) of section 13, may resign his office, and, on his resignation being accepted by the Chief Commissioner, his office shall be deemed vacant.

(2) A Vice-Chairman may resign his office, and, on his resignation being communicated to the Board, his office shall be deemed vacant.

D. Sub-committees

Appoint-
ment of
sub-com-
mittees.

17. (1) A Board may—

(a) by bye-laws establish such sub-committees as it thinks fit for the purpose of exercising such powers, performing such duties or discharging such functions, as may respectively be delegated to them by the Board under the provisions of this Regulation;

(b) by a resolution appoint such members, with one of them as convener, as it thinks fit, for a period not exceeding one year, to any sub-committee so established; and

(c) by a resolution remove any member or convener appointed under clause (b).

(2) Notwithstanding anything contained in this Regulation, a Board may, by a resolution supported by not less than one-half of the total number of members for the time being holding office, appoint as members of a sub-committee persons, not being members of the Board, who, in the opinion of the Board, possess special qualifications for serving on such sub-committee:

Provided that the number of persons so appointed shall not exceed one-third of the total number of members of the sub-committee.

E. Joint committees

Joint
Committees.

18. A Board may concur with any other Board, or with more than one Board, in appointing, out of their respective bodies, a joint committee, for any purpose in which they are jointly interested, and

in delegating to any such joint committee any power which might be exercised by either or any of the Boards concerned:

Provided that no joint committee shall be appointed in pursuance of such concurrence without the previous approval of the Deputy Commissioner.

F. Officers and servants

19. Every Board shall have a Secretary who shall be a whole-time employee of the Board and shall be appointed by the Chief Commissioner. Secretary of the Board.

20. When a member is appointed as Secretary, he shall receive no remuneration in respect of his services and in the case of any other person appointed as Secretary, the pay, allowances and other conditions of service shall be such as may be determined by the Chief Commissioner. Remuneration payable to Secretary.

21. (1) A Board may, by special resolution, and, if so required by the Chief Commissioner, shall appoint a Health Officer, an Engineer or a Water-works or Electrical Engineer. Appointment of Health Officer and Engineers.

(2) Each such appointment, and the salary and other conditions attaching thereto, shall be subject to the approval of the Chief Commissioner.

(3) If a Board, when required by the Chief Commissioner to do so, fails within a reasonable time to appoint any such officer as aforesaid, the Chief Commissioner may appoint him, and any officer so appointed shall be deemed to have been appointed by the Board.

22. (1) A Board may, by special resolution and not otherwise, punish, dismiss or remove its Health Officer, Engineer or Water-works or Electrical Engineer: Punishment and dismissal, etc., of Health Officer and Engineers.

Provided that no such resolution as aforesaid shall be proposed until the officer concerned except when he is to be punished, dismissed or removed on the ground of his conviction on a criminal charge, has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided further that, where the officer concerned is in the service of Government and his services have been wholly or partly lent to the Board, no such resolution as aforesaid in respect of him shall be proposed, except with the previous sanction of the Chief Commissioner or of the head of his parent department, as the case may be.

(2) A resolution punishing, dismissing or removing any of the aforesaid officers shall be communicated to the officer concerned and shall not take effect until the expiration of fifteen days from the date when the communication was served on him, or, in the event of an appeal being filed by him under sub-section (3), until the appeal is decided.

(3) Any of the aforesaid officers may, within fifteen days of the receipt of notice of a resolution of punishment, dismissal or removal, appeal to the Chief Commissioner through the Deputy Commissioner, and the Chief Commissioner shall thereupon either allow, disallow or vary the punishment, dismissal or removal.

(4) On receiving an appeal under sub-section (3), the Chief Commissioner may, if he thinks fit, suspend the officer concerned pending the decision of the appeal.

(5) The Chief Commissioner shall have authority to require, in accordance with the procedure laid down in this section, the dismissal or removal of any of the aforesaid officers in the case of proved incompetency.

Employment
of other
officers and
servants.

23. Subject to the provisions of this Regulation and the rules and bye-laws made thereunder, a Board may, with the previous approval of the Deputy Commissioner, employ such other officers and servants including a contingent of sweepers as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants including sweepers such pay as it thinks fit:

Provided that a Board may, without such approval but subject to the provisions as aforesaid, employ such officers or servants whose monthly emoluments, in any individual case, do not exceed one hundred rupees.

Pensions,
leave allow-
ances and
provident
funds.

24. (1) If an officer or servant of a Board is a person in the service of Government, the Board shall—

(a) if his services are wholly lent to it, contribute to his pension, gratuity and leave allowances in accordance with the rules for the time being governing his conditions of service under Government; and

(b) if he devotes only a part of his time to the performance of duties on behalf of the Board, contribute to his pension, gratuity and leave allowances in such proportion as may be determined by the Chief Commissioner.

(2) In the case of an officer or servant of a Board who is not a Government official, the Board may, subject to such conditions as the Chief Commissioner may by rule prescribe, grant him leave, absentee or acting allowance, and—

(a) if his pay is less than twenty rupees a month grant him a gratuity on retirement; or

(b) establish and maintain a provident or annuity fund and compel him to contribute thereto; or

(c) where such a fund has not been established or where such a fund has been established, but he has been contributing thereto for less than the whole of his service, grant him a pension or gratuity, or purchase or arrange for an annuity for him on his retirement.

(3) With the sanction of the Chief Commissioner, a Board may grant a compassionate gratuity or grant or arrange for the purchase of an annuity to any officer or servant injured otherwise than by reason of his own default in the execution of his duty, or where such injury results in his death, to the widow, children, or other relatives dependent on him.

(4) Where an officer or servant dies in circumstances other than those referred to in sub-section (3), the Board may, with the sanction of the Chief Commissioner, grant a compassionate gratuity to the widow, children or other relatives dependent on him.

(5) A pension, gratuity or annuity shall not exceed the sum to which, under any rule, or general or special order, made by the Central Government, such officer or servant or his family would be entitled if the service had been service under Government.

(6) Nothing in this Regulation shall be deemed to prohibit the establishment of Provident Fund for officers and servants of a Board at such rates and under such conditions as the Board may, by rules to be confirmed by the Chief Commissioner, fix and apportion for such purpose.

25. (1) If a person serving or having served under a Board has been or is transferred from or to the service of Government or is partly employed by the Government and partly by the Board, the Board shall contribute to his pension and leave allowances to such extent as may be required by any rules made by the Government concerned in this behalf.

Pension, etc., in case of service partly under Government and partly under Board.

(2) The Board shall not, save with the consent of the Chief Commissioner, dispense with the services of any person partly employed as aforesaid without giving the Chief Commissioner six months' previous notice.

26. No suit shall be maintainable against any officer or servant of a Board, or any member, or any person acting under the direction of such officer, servant or member in respect of anything in good faith done under this Regulation or any rule or bye-law made thereunder:

Liability of members, officers and servants.

Provided that every such person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Board, if such loss, waste or misapplication is a direct consequence of neglect or misconduct in the discharge of his duties under this Regulation; and a suit for compensation for the same may be instituted against him by the Board with the sanction of the Deputy Commissioner, or by the Chief Commissioner.

27. Every member and every municipal officer and servant shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Municipal officers to be public servants.

CHAPTER IV

ELECTIONS

A. Municipal wards, electoral rolls, voters and candidates for election

28. (1) Any municipal area may, for the purpose of election to the Board of that area, be divided into such number of municipal wards extending to such limits as the Chief Commissioner may, by notification, determine.

Municipal wards and electoral rolls.

(2) For every municipal ward, there shall be an electoral roll which shall be prepared and published every year under the superintendence, direction and control of the Deputy Commissioner, and

shall contain such particulars in respect of the voters as the Chief Commissioner may, from time to time, direct:

Provided that the Chief Commissioner may, by notification, direct that no new electoral roll for any municipal ward shall be prepared and published in any particular year, and that the electoral roll previously published shall continue to be valid until the new electoral roll is published.

Qualifications
for registra-
tion as voter
and for candi-
dates in elec-
tions.

29. (1) A person shall not be deemed to be a voter of a municipal ward unless he is registered as such in the electoral roll for that ward.

(2) Subject to the provisions of this Regulation and of any other law for the time being in force, every person who—

(a) is a citizen of India,

(b) has attained the age of 21 years on the 1st day of January of the year for which the electoral roll is being prepared, and

(c) has the requisite qualifications in respect of residence or business premises or taxation,

shall be entitled to be registered as a voter in the electoral roll for a municipal ward:

Provided that no person shall be entitled to be so registered if he—

(i) is of unsound mind and stands so declared by a competent court; or

(ii) is for the time being disqualified from voting under the provisions of section 38 or any other law relating to corrupt and illegal practices and other offences in connection with elections:

Provided further that no person shall be entitled to be so registered in the electoral rolls for more than one such ward in a municipal area or more than once in any electoral roll.

(3) For the purpose of sub-section (2), a person shall be deemed to have requisite qualifications—

(a) in respect of residence, if he has ordinarily resided in a dwelling (other than as an inmate or a patient in a prison or hospital) in the municipal ward concerned, for a period of not less than twelve months immediately preceding the 1st day of January of the year for which the electoral roll is being prepared;

(b) in respect of business premises, if he occupied any business premises in the municipal ward concerned, for a period of not less than twelve months immediately preceding the 1st day of January of the year for which the electoral roll is being prepared; and

(c) in respect of taxation, if he owns within the limits of the municipal ward concerned immovable property which is assessed to any municipal tax on the 1st day of April of the year immediately preceding the year for which the electoral roll is being prepared.

(4) Every person who is a voter of a municipal ward within a municipal area and who, for a period of not less than six months commencing from the 1st day of January of the year during which an election is to be held, has been residing in that municipal area, shall, subject to the provisions of this Regulation and any other law for the time being in force, be qualified to be a candidate for election as a member of the Board in that municipal area.

30. (1) A person shall be disqualified for being elected as, and for being, a member—

Disqualifications for membership.

(a) if he is an undischarged insolvent;

(b) if he is not eligible for election or nomination under the provisions of section 11 or section 38;

(c) if he has been convicted by a criminal court of any offence and sentenced to whipping or to imprisonment for a term exceeding six months, unless a period of one year has elapsed since the expiry of the sentence;

(d) if he, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, has any share or interest in a contract for the supply of goods to, or for the execution of any work, or the performance of any services undertaken by, the Board, unless such contract is a contract between a co-operative society and the Board; or

(e) if he has been dismissed from service under Government for corruption or disloyalty to the State, or from service under any Board for corruption, unless a period of three years has elapsed since his dismissal.

(2) No person who is in the service of Government shall be eligible for being elected as a member.

B. Election petitions

31. (1) The election of any person as a member may be questioned by an election petition on the ground—

Power to question election.

(a) that such person has committed during or in respect of the election any corrupt or illegal practice as hereinafter defined;

(b) that such person was declared to be elected by reason of the improper rejection or admission of one or more votes, or that, for any other reason, he was not duly elected by a majority of lawful votes; or

(c) that such person was disqualified for being elected as a member under any of the provisions of this Regulation.

(2) The election of any person as a member shall not be questioned—

(a) on the ground that the name of any person qualified to vote has been omitted from, or the name of any person not qualified to vote has been inserted in, the electoral roll or rolls; or

(b) on the ground of any non-compliance with this Regulation or any rule, or of any mistake in the forms required thereby, or of any error, irregularity or informality on the part of the

officer or officers charged with carrying out this Regulation or any rule, unless such non-compliance, mistake, error, irregularity or informality has materially affected the result of the election.

Definition of "corrupt practice" and "illegal practice".

32. (1) A person shall be deemed to have committed a corrupt practice who directly or indirectly, by himself or by any other person,—

(i) induces or attempts to induce by fraud, intentional misrepresentation, coercion or threat of injury, any voter to give or to refrain from giving a vote in favour of any candidate;

(ii) with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money, or valuable consideration, or any place or employment, or holds out any promise of individual advantage or profit to any person;

(iii) gives or procures the giving of a vote in the name of a voter who is not the person giving such vote;

(iv) abets (within the meaning of the Indian Penal Code) the doing of any of the acts specified in clauses (i), (ii) or (iii); ^{45 of 1860.}
or

(v) commits any of the practices specified in sections 123 and 124 of the Representation of the People Act, 1951. ^{43 of 1951.}

(2) A person shall be deemed to have committed an illegal practice who, directly or indirectly, by himself or by any other person, commits any of the practices specified in section 125 of the Representation of the People Act, 1951. ^{43 of 1951}

Explanation.—A "promise of individual advantage or profit to any person" includes a promise for the benefit of the person himself, or of any one in whom he is interested, but does not include a promise to vote for or against any particular municipal measure.

Form and presentation of election petition.

33. (1) An election petition or any application relating to the hearing of an election petition shall be presented to the District Judge within seven days from the date on which the result of the election was notified and shall specify the ground or grounds on which the election is questioned, and shall contain a summary of the circumstances alleged to justify the election being questioned on such grounds.

(2) The petition may be presented by any candidate in whose favour votes have been recorded and who claims in the petition to be declared elected in place of the person whose election is questioned, or by ten or more voters of the municipal area.

(3) The person whose election is questioned and, where the petitioner claims that any other candidate shall be declared elected in place of such person, every unsuccessful candidate who has polled more votes than such other candidate, shall be made a respondent to the petition.

34. Any respondent may give evidence to prove that any person in respect of whom a claim is made that such person be declared elected in his place or in priority to him, should not be declared so elected, in the same manner as if he had presented a petition against the election of such person.

Regulatory proceedings in election disputes.

35. (1) Save as otherwise provided by this Regulation or by any rule made thereunder, the procedure provided in the Code of Civil Procedure, 1908, in regard to suits, shall, in so far as it may be applicable, be followed in the hearing of election petitions by the District Judge:

Procedure for hearing of election petitions.

Provided that—

(a) two or more persons whose election is called in question, may be made respondents to the same petition and their cases may be tried at the same time, and any two or more election petitions may be heard together; but so far as is consistent with such joint trial or hearing, the petition shall be deemed to be a separate petition against each respondent;

(b) the District Judge shall not be required to record or have recorded the evidence in full, but shall make a memorandum of the evidence sufficient in his opinion for the purpose of deciding the case;

(c) the District Judge may, at any stage of the proceedings, require the petitioner to give security or further security for the payment of all costs incurred or likely to be incurred by any respondent; and

(d) the District Judge, for the purpose of deciding any issue, shall only be bound to require the production of or to receive so much evidence, oral or documentary, as he may consider necessary.

(2) An order for the payment of costs, or an order for the realization of a security bond for costs passed by the District Judge, shall be executed in the same manner, as if the amount to be recovered was an arrear of land-revenue.

36. (1) If the District Judge, after making such inquiry as he thinks necessary, finds, in respect of any person whose election is called in question by a petition, that his election was valid, the petition shall be dismissed against such person with costs.

Finding of District Judge.

(2) If the District Judge finds that the election of any person was invalid, he shall either—

(a) declare a casual vacancy to have arisen, or

(b) declare another candidate to have been duly elected, whichever course appears, in the particular circumstances of the case, to be more appropriate; and in either case the District Judge may award costs in his discretion.

(3) In the event of the District Judge declaring a casual vacancy to have arisen, he shall direct the Board to take proceedings for filling the vacancy:

Avoidance of election. 27. (1) Notwithstanding anything contained in section 26, if the District Judge, in the course of hearing an election petition, is of the opinion that the evidence discloses that corrupt or illegal practices at the election proceedings in question, have prevailed to such an extent as to render it advisable to set aside the whole of election proceedings, he shall pass a conditional order to this effect, and give notice thereof to every candidate declared elected who has not already been made a party in the case, calling upon such candidate to show cause why such conditional order should not be made final.

(2) Thereupon every such candidate may appear and show cause, and may have re-called for the purpose of putting questions to him, any witness who has appeared in the case.

(3) The District Judge shall thereafter either cancel the conditional order or make it absolute in which case he shall direct the Board to take measures for holding fresh election proceedings.

Disqualification for corrupt or illegal practice.

28. The District Judge may declare any candidate found to have committed any corrupt or illegal practice to be ineligible for being a member, or for being appointed or retained in any office or place in the gift or at the disposal of the Board, or for being registered as a voter, for such period not exceeding five years as the District Judge may determine.

C. Election rules

Conduct of elections and kindred matters.

29. The Chief Commissioner may, by notification, make rules consistent with this Regulation for the purpose of regulating all or any of the following matters, namely:—

- (a) the preparation and revision of electoral rolls, and the adjudication of claims to be registered as voters and objections to registration;
- (b) the nomination of candidates;
- (c) the dates, time, and manner of holding elections, general or casual;
- (d) the number of representatives proper for each ward and reservation of seats (if any) for women;
- (e) any other matter relating to elections or election petitions in respect of which this Regulation makes no provision or insufficient provision; and
- (f) any other matter necessary for securing the due constitution of Boards.

CHAPTER V

DUTIES AND POWERS OF MUNICIPAL AUTHORITIES

A. Duties and powers of Boards.

Duties of Boards.

30. Subject to such exceptions and conditions as the Chief Commissioner may, from time to time, make and impose, it shall be the duty of every Board to make reasonable provision within the municipal area for—

- (a) lighting public streets and public places;

- (b) watering public streets and public places;
- (c) cleansing public streets, public places and drains, removing noxious vegetation and abating all public nuisances;
- (d) house-scavenging and making arrangement for conservancy in dwelling places;
- (e) disposing of night-soil and rubbish;
- (f) regulating offensive, dangerous and obnoxious trades, callings or practices;
- (g) removing, on the ground of public safety, health or convenience, undesirable obstructions and projections in streets or public places;
- (h) securing or removing dangerous buildings or places;
- (i) acquiring, maintaining, changing and regulating places for the disposal of the dead;
- (j) constructing, altering, and maintaining public streets other than major roads, culverts, markets, slaughter-houses, latrines, privies, urinals, drains, drainage-works, and sewerage-works, subject to the direction and general control of the Public Works Department;
- (k) planting and maintaining trees on road-sides and other public places;
- (l) providing a sufficient supply of pure and wholesome water used for human consumption and preventing pollution of such water;
- (m) registering births and deaths;
- (n) establishing and maintaining a system of public vaccination;
- (o) rendering assistance in extinguishing fires and protecting life and property when fires occur;
- (p) taking such measures as may be required to prevent the out-break of, or to suppress and prevent the recurrence of, infectious and contagious diseases;
- (q) maintaining and developing the value of property vested in, or entrusted to, the management of the Board;
- (r) preparing such returns, statements and reports as the Chief Commissioner may require the Board to submit; and
- (s) fulfilling any obligation imposed upon it by law.

41. (1) The Chief Commissioner may, with the consent of a Board, direct that the Board shall make provision for any of the following matters within the municipal area, subject to any exceptions and conditions that may be laid down by the Chief Commissioner, namely:—

- (a) laying out, in areas whether previously built or not, new public streets and acquiring land for that purpose and for the construction of buildings to abut on such streets;
- (b) constructing, establishing or maintaining public parks, gardens, libraries, museums, halls, offices, Dhermashalas, rest-houses, encamping grounds, poor-houses, dairies, baths, bathing

Discretionary
functions of
Boards.

to submit
statements

ghats, washing places, drinking fountains, tanks, wells, dams and other works of public utility;

(c) reclaiming unhealthy localities;

(d) furthering educational objects;

(e) taking of census and registration of vital statistics;

(f) supporting public hospitals and dispensaries;

(g) making arrangements for the confinement or destruction of stray dogs;

(h) securing, or assisting the securing of, suitable places for the carrying on of any dangerous or offensive trade or manufacture;

(i) establishing and managing pounds and performing such functions and of the State Government and the Magistrate of the district as may be transferred to the Board under section 31 of the Cattle-trespass Act, 1871;

(j) holding fairs and exhibitions, and arranging entertainments, functions and public receptions, with the previous approval of the Deputy Commissioner; and

(k) adopting any measure, other than a measure specified in section 40 or in this sub-section likely to promote the public safety, health or convenience.

(2) A Board may, with the previous approval of the Chief Commissioner, make provisions for the extension beyond the limits of the municipal area of the benefits of any municipal undertaking.

(3) A Board may also make provision within or beyond the limits of the municipal area for the doing of anything whereon expenditure is declared by the Chief Commissioner or by the Board with the sanction of the Chief Commissioner, to be an appropriate charge on the municipal fund.

Delegation of powers of Board.

42. (1) A Board may, subject to the provisions of section 54, by bye-law, empower a sub-committee or the Chairman, or a Vice-Chairman, or any member, to exercise and perform, subject to such conditions, restrictions and limitations as may be imposed by the Board, all or any of the powers and duties conferred or imposed on the Board by any of the provisions of this Regulation.

(2) The bye-law made under sub-section (1) may provide that any orders passed in the exercise of the powers or performance of the duties so delegated shall, within such time as may be therein prescribed, be subject to appeal to, or revision by, the Board.

B. Duties of Chairman and Vice-Chairmen

Duties of Chairman.

43. It shall be the duty of the Chairman of a Board—

(a) unless prevented by reasonable cause, to convene and preside at all meetings of the Board and to control in accordance with the bye-laws made in this behalf, the transaction of business thereat;

(b) to watch over the financial, and superintend the executive, administration of the Board and to bring to the notice of the Board any defect therein coming to his knowledge; and

(c) to perform such other duties as are required of or may be imposed upon him by or under this Regulation.

44. (1) It shall be the duty of the Senior Vice-Chairman present— Duties of Vice-Chairman.

(a) to perform, during the temporary absence of the Chairman or during a vacancy in the office of Chairman, the duties of the Chairman described in section 43; and

(b) to perform such other duties as are required of or may be imposed upon him by or under this Regulation.

(2) A Vice-Chairman performing the duties of the Chairman in the circumstances stated in clause (a) of sub-section (1), shall have all the powers conferred on the Chairman by or under this Regulation.

C. Emergency powers

45. (1) In cases of emergency, the Chairman of a Board may direct the execution of any work or the doing of any act which the Board is empowered to execute or do; and the immediate execution or doing of which is, in his opinion, necessary for the preservation of the valuable property or for the safety of the public, and may also direct that the expense of executing such work or doing such act shall be paid from the municipal fund. Extraordinary powers of Chairman in cases of emergency.

Provided that every direction given under this section shall be reported to the Board at its next following meeting.

(2) The Chairman shall not act under this section in contravention of any express order of the Board.

(3) The Chairman may prohibit, until the matter has been considered by the Board, the doing of any act which is, in his opinion, undesirable in the public interest, provided that the act is one which the Board has power to prohibit.

(4) No direction given under this section shall be questioned in any court on the ground that the case was not one of emergency.

CHAPTER VI

TRANSACTION OF MUNICIPAL BUSINESS

A. Meetings

46. (1) Every Board shall meet for the transaction of business at least once in every month at such time as may be fixed by the bye-laws. Ordinary and special meetings.

(2) The Chairman may, whenever he thinks fit, and shall, on a requisition made in writing in this behalf by not less than one-fifth of the members, convene an ordinary or a special meeting at any other time.

(3) Every meeting of a Board shall be either ordinary or special.

(4) Any business of the Board may be transacted at an ordinary meeting unless required by this Regulation or the rules made thereunder to be transacted at a special meeting.

Quorum. 47. (1) The quorum necessary for the transaction of business at a special meeting of a Board shall be one-half of the number of members actually serving for the time being, but shall not be less than three.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a Board shall be one-third of the number of members serving for the time being, but shall not be less than three:

Provided that, if at any ordinary or special meeting a quorum is not present, the Chairman shall adjourn the meeting to such other day as he may think fit, and that the business which would have been brought before the original meeting if there had been a quorum present, shall be brought before, and transacted at, the adjourned meeting whether there be a quorum present thereat or not.

Chairman of meeting. 48. (1) At every meeting of a Board, the Chairman, if present, shall preside.

(2) If the Chairman is not present, his place shall be taken by the Vice-Chairman and if there be two Vice-Chairmen then by the Senior Vice-Chairman and if he too is absent, by the Junior Vice-Chairman.

(3) If there be no Chairman or Vice-Chairman present, such one of the members as the members present may elect, shall preside as Chairman.

Vote of majority decisive. 49. Save as otherwise provided by this Regulation or any rule, all questions which come up at any meeting of a Board, shall be decided by a majority of the votes of the members present, the Chairman of the meeting, in case of an equality of votes, having a second or casting vote.

Adjournments. 50. Any meeting of a Board may, with the consent of a majority of the members present thereat, be adjourned to some other time, and the business left undisposed of at such meeting, shall be carried over with priority to the adjourned meeting.

Cancellation of resolutions. 51. No resolution of a Board shall be modified or cancelled within six months after the passing thereof—

(a) unless previous notice has been given to the members setting forth fully the resolution it is proposed to modify or cancel and the motion or proposition for its modification or cancellation; and

(b) otherwise than by a resolution supported by not less than one-half of the total number of members serving at the time.

Record and publication of proceedings. 52. (1) Minutes of the proceedings at each meeting of a Board shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the Chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the Chief Commissioner may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant of the municipal area.

(2) A copy of every resolution passed at any meeting of a Board shall, within ten days from the date of the meeting, be forwarded to the Deputy Commissioner.

53. A Board may make bye-laws consistent with this Regulation and with the rules made thereunder to provide for all or any of the following matters, namely:

Bye-laws for conduct of business.

- (a) the time and place of its meetings;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;
- (c) the conduct of proceedings at meetings and the adjournment of meetings;
- (d) the custody of the common seal and the purposes for which it shall be used;
- (e) the procedure of sub-committees appointed under section 17, the filling of casual vacancies therein, the number necessary to form a quorum at meeting thereof, and other matters relating to such committees;
- (f) the person by whom receipts may be granted on behalf of the Board for money received under this Regulation;
- (g) the appointment, duties, executive powers, leave, suspension and removal of its officers and servants; and
- (h) all other similar matters.

B. Contracts and conveyances.

54. (1) A Board may, subject to the provisions of this Regulation, delegate to one or more of its members the power of entering on its behalf into any particular contract whereof the value or amount does not exceed two hundred rupees or into any class of such contracts.

Authority to contract.

(2) No contract by or on behalf of a Board whereof the value or amount exceeds two hundred rupees, shall be entered into until it has been sanctioned at a meeting of the Board.

55. (1) Every contract made by or on behalf of a Board whereof the value or amount exceeds one hundred rupees, shall be in writing and shall be signed by two members, of whom the Chairman or a Vice-Chairman shall be one, and countersigned by the Secretary.

Mode of executing contracts and transfer of property.

Provided that, when the power of entering into any contract on behalf of the Board has been delegated under section 54, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(2) Every transfer of immovable property belonging to a Board other than a lease for a term not exceeding one year, shall be made by an instrument in writing, executed by the Chairman or a Vice-Chairman and by at least two members of the Board whose execution thereof shall be attested by the Secretary.

(3) No contract or transfer executed otherwise than in conformity with the provisions of this section shall be binding on a Board.

C. Municipal Budget

56. (1) Every Board shall have prepared and laid before it, at a meeting to be held in every year before such date as is fixed by rule in this behalf, a complete account of the actual and expected

Budget.

receipts and expenditure for the year ending on the thirty-first day of March next following such date, together with a budget estimate of the income and expenditure of the Board for the year commencing on the first day of April next following.

(2) The Board shall at such meeting decide upon the appropriations and the ways and means contained in the budget estimate and, by special resolution, sanction a budget which shall be submitted to the Chief Commissioner through the Deputy Commissioner for information.

(3) The Board may vary or alter from time to time as circumstances may render desirable, by special resolution, the budget sanctioned under sub-section (2).

57. As soon as may be after the first day of October, a revised budget for the year shall be framed and such revised budget shall, so far as may be, be subject to all the provisions applicable to a budget made under section 56.

Special provisions as to budget.

58. (1) In framing a budget, the Board shall provide for the maintenance of such minimum closing balance (if any) as the Chief Commissioner may, by order in writing, prescribe.

(2) Notwithstanding anything contained in this Regulation, the Chief Commissioner may, by order in writing, direct that the budget of a Board shall be subject to the sanction of the Deputy Commissioner or, where the Deputy Commissioner is the *ex officio* Chairman of the Board, of the Chief Commissioner, and that the power to vary or alter the budget under sub-section (3) of section 56, shall be subject to such conditions as may be imposed in the order.

Expenditure not to exceed budget allotment.

59. (1) Where a budget has been passed, the Board shall not incur any expenditure under any of the heads of the budget, other than a head providing for the refund of taxes, in excess of the amount passed under that head, without making provision for such excess by the variation or alteration of the budget.

(2) Where any expenditure under any head providing for the refund of taxes is incurred in excess of the amount passed under that head, provision shall be made without delay for such expenditure by the variation or alteration of the budget.

CHAPTER VII

MUNICIPAL FINANCE, PROPERTY AND TAXATION

A. Municipal finance

Municipal fund.

60. (1) There shall be formed for each Board a fund to be called the municipal fund, and there shall be placed to the credit thereof—

(a) the proceeds of all taxes, fines (other than the fines imposed by a court), penalties and fees levied under this Regulation;

(b) all sums received by, or on behalf of, the Board under this Regulation;

(c) all sums transferred or carried to the credit of the Board under any of the provisions of this Regulation or any other law for the time being in force;

(d) all rents and profits accruing from property vested in the Board or managed by it; and

(e) all sums assigned to the fund by the Chief Commissioner or by any other authority, and all sums contributed thereto by any committee, authority or private person.

(2) The municipal fund shall vest in the Board, and the balance at its credit shall be kept in the Government Treasury:

Provided that any portion of such balance may, with the previous sanction of the Chief Commissioner, be kept in the Post Office Savings Bank, or be invested in such Government securities as may be approved by the Chief Commissioner:

Provided further that such sum, not exceeding an amount specified in this behalf by the Chief Commissioner, as is required for day to day expenses of a Board, may be kept by the Board at the Municipal Office in safe custody.

61. The Central Government may, by notification, declare that all fines and any other sums recovered from persons convicted of offences committed within the municipal area against this Regulation or any rule or bye-law made thereunder, or against any other law for the time being in force, shall be carried to the credit of the Board of that area. Certain sums may be carried to credit of Board.

62. (1) The municipal fund shall be charged with the payment of expenses on— Application of municipal fund.

(i) fulfilment of any liability or obligation arising from trusts legally imposed upon, or accepted by, the Board;

(ii) the municipal establishment including such subscriptions and contributions as are payable by the Board under this Regulation and the rules made thereunder;

(iii) auditing the accounts of the Board; and

(iv) such other matters as may be specified by the Chief Commissioner, from time to time.

(2) Subject to the charges specified in sub-section (1) and to such rules as may be made by the Chief Commissioner with respect to the priority to be given to the several duties of the Board, the municipal fund shall be applicable to the payment of expenses incurred for the purpose of any object or duty which is to be or may be undertaken by the Board in accordance with the provisions of this Regulation.

63. (1) Subject to the provisions of this Regulation, or any rule or bye-law made thereunder, every Board shall keep and maintain and audit a detailed account of its receipts and expenditure. Accounts and audit.

(2) The account of receipts and expenditure kept and maintained by a Board, shall be examined and audited in such manner as the Chief Commissioner may, from time to time, direct.

~~1957 M. of Law-5~~
4 Subs. by Ord. 19 1960, 2.2.

Property
vested in
Board.

B. Municipal property

64. (1) Subject to any special reservation made, or to any special conditions imposed, by the Chief Commissioner, all property of the nature hereinafter in this section specified and situated within, or, where expressly so provided, beyond any municipal area, shall vest in and be under the control of the Board, and shall be held and applied by it for the purposes of this Regulation, that is to say:—

(a) all public markets, slaughter-houses and other buildings of every description (whether within or beyond the municipal area) which have been constructed or are maintained out of the municipal fund;

(b) all public streams, tanks, wells, springs and works (whether within or beyond the municipal area) for the supply, storage or distribution of water for public purposes within the municipal area, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains, culverts and water-courses in, alongside, or under any street, and all works, materials and things appertaining thereto;

(d) all dust, dirt, dung, ashes, refuse, animal-matter or filth or rubbish of any kind or dead bodies of animals, collected by the Board from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the Board under this Regulation;

(e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(f) all land or other property, within or beyond the municipal area, transferred to the Board by the Central Government or acquired by gift, purchase, or otherwise for local public purposes; and

(g) all public streets (other than major roads) not being open spaces or lands owned by Government, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

(2) Where any immovable property is transferred otherwise than by sale by the Central Government to a Board for public purposes, it shall be deemed to be a condition of such transfer, unless specially provided to the contrary, that should the property be at any time resumed by or under the authority of the Central Government, the compensation payable therefor shall, notwithstanding anything to the contrary in any law for the time being in force, in no case exceed the amount, if any, paid to the Central Government for the transfer, together with the cost or the present value, whichever is less, of any buildings erected or other works executed on the land by the Board.

65. (1) The management, control and administration of every public institution maintained out of a municipal fund shall vest in the Board. Management of public institutions.

(2) When any public institution has been placed under the direction, management and control of a Board, all property, endowments and funds belonging thereto shall be held by the Board in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed:

Provided that the extent of the independent authority of the Board in respect of any such institution may be defined by the Chief Commissioner:

Provided further that nothing in this section shall be held to prevent the vesting of any trust-property in the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890.

66. When any land, whether within or without the limits of a municipal area, is required for the purposes of this Regulation, the Chief Commissioner may, at the request of the Board, take suitable steps under the provisions of any law for the time being in force, to make such land available to the Board, and, on payment by the Board of all such charges as may be determined by the Chief Commissioner, the land shall vest in the Board. Acquisition of land.

Explanation.—When any land is required for a new street or for the improvement of an existing street, the Board may request for, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street, and such land shall be deemed to be required for the purposes of this Regulation.

67. (1) A Board may, subject to rules made in this behalf by the Chief Commissioner, transfer by sale, mortgage, lease, gift, exchange or otherwise any property vested in it, not being property held by it on any trust the terms of which are inconsistent with the right so to transfer. Transfer of property vesting in Board.

(2) Notwithstanding anything contained in sub-section (1), a Board may, with the sanction of the Chief Commissioner, transfer to Government any property vesting in the Board under section 64 or section 65 but not so as to affect any trust or public rights subject to which the property is held.

68. Nothing in this Regulation shall affect the provisions of the Local Authorities Loans Act, 1914. Saving of Act 9 of 1914.

C. Municipal taxation

69. For the purposes of this Regulation, "annual value" means— Definition of "annual value".
(a) in the case of land, the gross annual rent at which it may reasonably be expected to let from year to year:

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part exempted or remitted, the Chief Commissioner may direct that the annual

value shall be deemed to be double the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not, or, when the land-revenue has been wholly or in part exempted or remitted, double the amount which, but for such exemption or remission, would have been leviable;

(b) in the case of any house or building, the gross annual rent at which such house or building, together with its appurtenances and any furniture that may be let for use or enjoyment therewith, may reasonably be expected to let from year to year subject to the following deductions, namely:—

(i) such deduction not exceeding twenty per centum of the gross annual rent as the Board may consider a reasonable allowance on account of the furniture let with the house or building;

(ii) a deduction of ten per centum of the balance of the gross annual rent after allowing the deduction (if any) under sub-clause (i), for cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross annual rent;

(iii) where land is let with a building, such deduction, not exceeding twenty per centum of the gross annual rent, as the Board may consider reasonable on account of the actual expenditure (if any), annually incurred by the owner on the upkeep of the land in a state to command such gross annual rent;

(c) in the case of any house or building the gross annual rent of which cannot be determined under clause (b), five per centum of the sum obtained by adding the estimated present cost of erecting the building, less such amount as the Board may deem reasonable to be deducted on account of depreciation (if any), to the estimated market value of the site and any land appertaining to the house or building:

Provided that—

(i) in the calculation of the annual value of any premises, no account shall be taken of any machinery thereon; and

(ii) where, in the opinion of the Board, the annual value of any building would, by reason of exceptional circumstances, be excessive, if calculated in accordance with the foregoing provisions of this section, the Board may fix the annual value at such less amount as appears to it equitable.

Explanation I.—For the purposes of clause (b), it is immaterial whether the house or building, and the furniture and the land let for use or enjoyment therewith, are let by the same contract or by different contracts and, if by different contracts, whether such contracts are made simultaneously or at different times.

Explanation II.—The expression "gross annual rent" does not include any tax payable by the owner in respect of which the owner and tenant have agreed that it shall be paid by the tenant.

70. (1) Subject to such general or special orders as the Chief Commissioner may make, a Board may, in the manner provided by this Regulation, impose any of the following taxes in the whole or any part of the municipal area, namely:—

Taxes which may be imposed.

(a) a tax on buildings or lands or both, payable by the owner, not exceeding—

(i) ten per centum of the annual value, or

(ii) one anna per square yard of the ground area per annum, or

(iii) rupees three per running foot of frontage in streets and bazars per annum,

(b) a tax on persons practising any profession or art, or carrying on any trade or calling within the municipal area:

Provided that the total amount of such tax payable by any one person, shall not exceed two hundred and fifty rupees per annum,

(c) a tax, payable by the owner, on all or any class of vehicles, all or any class of animals, or dogs, when the vehicles, animals or dogs, as the case may be, are kept within the municipal area,

(d) a tax of the nature of a toll on vehicles and animals used for riding, driving, draught or burden and entering the municipal area:

Provided that—

(i) no tax shall be levied in respect of any vehicle or animal for which a tax is paid under clause (c),

(ii) any owner of such vehicle or animal may compound for the tax by paying the corresponding tax under clause (c) if such tax is in force in the municipal area,

(e) an octroi or a terminal tax on animals or dogs or goods brought into or sent out of the municipal area:

Provided that no tax under this clause shall be imposed except with the previous sanction of the Chief Commissioner to the proposals for the imposition thereof,

(f) a tax to meet the cost of constructing or maintaining works for the supply of water to the municipal area, payable by the occupier or, if there be no occupier, by the owner, on the annual value of such buildings or lands as are so situated that their occupiers can benefit by the works;

Provided that the rate of tax payable by any such occupier or owner, as the case may be, shall be determined having regard, among other considerations, to the distance of the buildings or

lands from the nearest point at which the water can be delivered from the works to their level:

Provided further that no such tax shall be leviable in respect of buildings or lands which are assessed to the general water-rate or the special water-rate as hereinafter provided,

(g) a general water-rate payable by the inhabitants of the municipal area, or a special water-rate for water supplied by the Board under section 92 which may be assessed in any form including that of charges for such supply:

Provided that no such rate shall exceed the limit or limits prescribed by the Chief Commissioner, from time to time,

(h) a lighting rate not exceeding three per centum of the annual value of holdings:

Provided that such rate shall not be levied in an area where lighting arrangements have not been made,

(i) a general conservancy rate or a rate for house-scavenging on such scales, terms and conditions as may be approved by the Chief Commissioner from time to time,

(j) any other tax which may be authorised by the Chief Commissioner.

(2) Notwithstanding anything contained in this Regulation or any other law for the time being in force, the property belonging to Government shall be exempt from all taxes mentioned in clauses (a), (c), (d), (e), (f) and (h) of sub-section (1).

(3) Notwithstanding anything contained in this Regulation, all taxes, rates, fees or cesses which were being lawfully levied before the commencement of this Regulation, shall, until some other provision is made under this Regulation, continue to be levied and collected in the same manner in which they were being levied and collected before such commencement.

Procedure in
imposing
taxes.

71. (1) Every Board shall, before imposing any tax, observe the procedure prescribed in this section.

(2) The Board shall, by a resolution passed at a special meeting, frame proposals specifying the following particulars, namely:—

(a) the nature of the tax having regard to the provisions of section 70;

(b) the persons or class of persons on whom, and the description of property or other taxable thing or the circumstances in respect of which, the tax is proposed to be levied;

(c) the amount or scale of the tax;

(d) the rules regulating the levy of the tax; and

(e) any other matter which the Chief Commissioner may, by general or special order, require to be so specified.

(3) The Board shall publish the proposals in such manner as may be prescribed by the Chief Commissioner and shall also publish a notice inviting the objections and suggestions in writing of the persons likely to be affected by such proposals, within a period of not less than one month of the date of such publication.

(4) After the expiry of the period referred to in sub-section (3), the Board shall, at a special meeting, take into consideration the objections and suggestions of the aforesaid persons received (if any) and shall then either confirm its resolution referred to in sub-section (2) with or without modification, amendment, addition or alterations, or abandon such resolution.

(5) When a resolution has been confirmed by the Board under sub-section (4), it shall be presented to the Chief Commissioner who may—

(i) give his approval to the resolution; or

(ii) refuse to give his approval to the resolution; or

(iii) return the resolution to the Board for reconsideration in the light of such suggestions as may be made by him.

(6) If the Chief Commissioner gives his approval to a resolution, he shall notify the resolution together with any rules which he may make under section 196 in respect of the tax and shall also specify a date, not earlier than three months from the date of such notification, from which the tax shall come into force and be levied:

Provided that a tax leviable by the year shall not come into force except on the first day of January, April, July or October in any year; and if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing.

(7) When the Chief Commissioner refuses to give his approval to a resolution, it shall be returned to the Board.

(8) When the Chief Commissioner returns a resolution to the Board for reconsideration, the Board may either abandon such resolution or may, after reconsideration, amend, alter or vary such resolution; and the resolution so amended, altered or varied shall be presented to the Chief Commissioner and be disposed of by him in the manner provided in sub-section (5).

(9) The procedure prescribed in this section shall apply to any proposal to increase or decrease the amount of, or to extend or curtail the scope or effect of, any tax.

(10) A notification under sub-section (6) in respect of a tax shall be conclusive evidence that such tax has been imposed in accordance with the provisions of this Regulation.

72. Notwithstanding anything contained in this Regulation, if at any time it appears to the Chief Commissioner, on a complaint made, that any tax imposed under this Regulation, is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interest of the general public, he may require the Board to take,

Power of
Chief Com-
missioner to
suspend
taxes.

within a specified period, measures to remove the objection indicated by him; and, if within that period, the requirement is not complied with to the satisfaction of the Chief Commissioner, he may, by notification, suspend the levy of such tax, or of such part thereof, as the case may be, until the objection has been removed.

Prepara-
tion and
publication
of assess-
ment list.

73. (1) Every Board shall cause an assessment list of all buildings and lands on which any tax is imposed to be prepared, containing—

(a) the name of the street or *muhalla* in which the property is situated;

(b) a description of the property sufficient for the identification thereof;

(c) the names of the owner and occupier, if known;

(d) the annual value and the particulars on which the annual value is based; and

(e) the amount of the tax assessed thereon by the Board.

(2) When the assessment list has been completed, the Board shall give public notice thereof, and of the place where the list of a copy thereof may be inspected; and every person claiming to be either the owner or the occupier of the property included in the list, and any authorised agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Disposal of
objections.

74. (1) The Board shall, at the time of the publication of the assessment list, give public notice of a time, not less than one month thereafter, when it will proceed to revise the valuation and assessment; and in all cases in which any immovable property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or the occupier of the property.

(2) Every objection to a valuation or assessment shall be in writing setting forth the grounds on which the valuation or assessment is disputed, and shall be left at the office of the Board before the time fixed in the notice.

(3) The Board, or such sub-committee or officer of the Board or of Government as it may by special resolution appoint in this behalf, shall consider every objection duly made and shall, after giving the objector an opportunity of being heard in support thereof either in person or by duly authorised agent, dispose of and make such consequential amendment (if any) as is necessary in the assessment list.

Authenti-
cation
of list.

75. (1) When the Board, or the sub-committee or the officer appointed in that behalf under sub-section (3) of section 74, has disposed of the objections and made the necessary amendments in the assessment list in the manner prescribed in that sub-section, the Chairman, or the members of the sub-committee or the officer as aforesaid, as the case may be, shall authenticate it and at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed

shall be deemed to be the tax for the year commencing on the first day of April next ensuing and, in the case of a tax imposed for the first time, for the period between the date on which the tax comes into force and such first day of April.

(2) The list when so authenticated shall be deposited in the office of the Board, and shall there be open during office hours to all owners or occupiers of the property included therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.

76. (1) The Board may, after giving notice to any person affected by the amendment, of a time, not less than one month from the date of service, at which the amendment is to be made, at any time amend the list by inserting the name of any person whose name ought to have been or ought to be inserted, or by inserting any property which ought to have been or ought to be inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the Board or of the assessee, or, where in the case of a tax payable by the occupier, a change in the tenancy has taken place, by altering the name of the occupier.

Further amendments of assessment list and annual revision.

(2) Any person interested in any such amendment, may tender an objection to the Board in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person, or by authorised agent, as he may think fit.

(3) It shall be in the discretion of the Board to prepare a new assessment list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may, in particular cases, be deemed necessary, as the valuation and assessment for the year following, giving to persons affected by such alterations the same notice of the valuation and assessment as if a new assessment list had been prepared.

77. (1) Whenever the title to or over any building or land of any person primarily liable for the payment of property taxes on such property is transferred, the transfer shall, within three months of the registration of the deed of transfer if it is registered, or if it is not registered, within three months of its execution, or if no instrument is executed, within three months of the actual transfer, give notice in writing of such transfer to the Board.

Notice to be given to Board of all transfers of title of persons primarily liable to payment of property tax.

(2) Every person primarily liable for the payment of a tax on any immovable property who transfers his title to or over such property without giving notice of such transfer to the Board as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue to be liable for the payment of all such taxes from time to time payable in respect of the said property until he gives such notice, or until the transfer shall have been recorded in the Board's books.

(3) Nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the Board for the recovery of the taxes due on any immovable property.

Remission
of tax on
unoccupied
immovable
property.

78. (1) When any property assessed to a tax under clause (a), (g) or (i) of sub-section (1) of section 70, which is payable by the year or by instalments, has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the Board shall remit the amount of the tax or of the instalment, as the case may be:

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the Board within the first month after the expiry of the period in respect of which it is so claimed.

(2) When any such property as aforesaid—

(a) has not been occupied or productive of rent for any period of not less than ninety consecutive days, or

(b) consists of separate tenements, one or more of which has or have not been occupied or productive of rent for any such period as aforesaid, or

(c) is wholly or in greater part demolished or destroyed by fire or otherwise,

the Board may remit such portion (if any) of the tax or instalment as it may think equitable, but the portion so remitted shall not in any case falling only under clause (a) exceed one-half of the tax or the instalment, as the case may be.

(3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(4) For the purposes of this section, neither the presence of a care-taker nor the mere retention in an otherwise unoccupied dwelling-house of the furniture habitually used in it shall constitute occupation of the house.

(5) For the purposes of this section, a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

Recovery of
property
taxes payable
by owner
29

79. (1) When any sum is due on account of a tax payable under this Regulation in respect of any immovable property, by the owner thereof, the Board shall cause a bill for the amount, stating the property and the period for which the charge is made, to be delivered to the person liable to pay the same.

(2) If the bill is not paid within ten days from the delivery thereof, the Board may cause a notice of demand to be served on the person liable to pay the same and, if he does not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear of tax.

(3) The amount of every such arrear shall, subject to any claim on behalf of Government, be a first charge on the property in respect of which it is payable, and shall, besides being recoverable in any other manner provided by this Regulation, be recoverable, on application made in this behalf by the Board to the Collector, as if the

property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorise the arrest of a defaulter.

(4) If any tax or sum leviable under this Regulation from the owner is recovered from the occupier, such occupier shall, in the absence of any contract to the contrary, be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

80. (1) Every person bringing or receiving within the octroi or terminal tax limits of a municipal area any article on which octroi or terminal tax is payable shall, when required by an officer duly authorised by the Board in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

Power to examine article liable to octroi or terminal tax and to search.

(a) permit that officer to inspect, examine, weigh or otherwise deal with the article; and

(b) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

(2) If any person bringing or receiving within the octroi or terminal tax limits of a municipal area a conveyance or packing on which octroi or terminal tax is or is believed to be leviable, refuses, on the demand of an officer authorised by the Board in this behalf, to permit the officer to inspect, weigh or otherwise examine the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi or terminal tax is payable, or refuses to communicate to that officer any information, or to exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article, or, with the intention of defrauding the Board, communicates any such information which is false or exhibits any such bill, invoice or document of a like nature which is false, forged or fraudulent, he shall be punishable with fine which may extend to fifty rupees.

(3) Any such person may demand that the conveyance or package or both, as the case may be, shall be taken without unnecessary delay before a member or the Secretary or a Magistrate, who shall cause the inspection to be made in his presence.

81. If goods passing the octroi or terminal tax boundary of a municipal area are liable to the payment of octroi or terminal tax, then every person who, with intention to defraud the Board, introduces or attempts to introduce within the said octroi or terminal tax boundary, any such goods upon which payment of the octroi or terminal tax due on such introduction has neither been made nor tendered, or causes or abets such introduction, shall be punishable with fine which may extend either to ten times the value of such octroi or terminal tax, or to fifty rupees, whichever amount is greater.

Penalty for evasion of octroi or terminal tax.

82. (1) In the case of non-payment of any octroi or terminal tax, on demand, the officer empowered to collect the same may seize any article on which the octroi or terminal tax is chargeable, or any part of its burden of sufficient value to satisfy the demand.

Summary recovery of octroi or terminal tax.

(2) The Board, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale, may cause any property so seized, or so much thereof as may be necessary, to be sold by public auction to satisfy the demand and the expenses occasioned by the seizure, custody and sale thereof, unless the demand and the expenses are in the meantime paid:

Provided that, by order of the Chairman or a Vice-Chairman, articles of perishable nature which cannot be kept for five days without serious risk of damage, may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

Appeals
against
taxation.

83. (1) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Regulation shall lie to the Deputy Commissioner or to such other officer as may be empowered by the Chief Commissioner in this behalf.

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of, assessment of a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the Chief Commissioner.

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in section 113 of the Code of Civil Procedure, 1908 and Order XLVI in the First Schedule to that Code. 5 of 19

(4) In every appeal, the costs shall be in the discretion of the officer deciding the appeal.

(5) Costs awarded under this section to a Board shall be recoverable by the Board as if they were arrears of a tax due from the appellant.

(6) If a Board fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having custody of the balance of the municipal fund to pay the amount.

Limitation.

84. No appeal shall be entertained under section 83, unless the appellant has paid all other municipal taxes due from him to the Board upto the date of such appeal, and unless it has been preferred,—

(a) where it refers to a tax on any land or building, within one month of the publication of the notice prescribed by section 75 or sub-section (3) of section 76, or of the date of the final order under section 76, as the case may be; or

(b) where it refers to any other tax, within one month of the date on which a demand was made therefor:

Provided that an appeal may be entertained after the expiry of the period referred to in clause (a) or clause (b), as the case may be, if the appellant satisfies the officer before whom the appeal is

preferred that he had sufficient cause for not presenting the appeal within that period.

85. No assessment and no charge of demand of any tax made under this Regulation, shall be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of form; and it shall be enough in any such tax on property or any assessment of value for the purpose of any such tax if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Tax not
invalid for
defect of
form.

86. (1) A Board may exempt, in whole or in part, for any period not exceeding one year, from the payment of any tax, any person who by reason of poverty is, in its opinion, unable to pay the same, and may renew such exemption as often as may be necessary.

Remissions
and exemp-
tions.

(2) A Board, by a resolution passed at a special meeting, may—

(a) provide that any person or all persons may be allowed to compound for any tax imposed under clause (e) of sub-section (1) of section 70; or

(b) subject to the control of the Chief Commissioner,—

(i) abolish, suspend or reduce in amount any tax imposed under section 70; or

(ii) for special reasons exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

(3) The Chief Commissioner may, by order in writing, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

87. (1) Every person shall, on the demand of an officer duly authorised by the Board in this behalf, furnish such information as may be necessary in order to ascertain whether such person is liable to pay any municipal tax; and every hotel or lodging-house keeper or secretary of a residential club shall also, on demand made as aforesaid, furnish a list of all persons residing in such hotel, lodging-house or club.

Duty of
furnishing
true informa-
tion regard-
ing liability
to municipal
taxation.

(2) If any person so called upon to furnish such information omits to do so or furnishes information which is untrue, he shall be punishable with fine which may extend to one hundred rupees.

88. Subject to the provisions of sub-section (6) of section 71 and of sub-section (1) of section 75, any tax imposed under this Chapter and payable periodically shall be payable on such dates and in such instalments (if any) as the Board may direct.

Taxes when
payable.

89. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Regulation.

Taxation not
to be ques-
tioned ex-
cept under
this Regula-
tion.

90. No refund of any tax shall be claimable by any person otherwise than in accordance with the provisions of this Regulation and the rules.

Refunds.

CHAPTER VIII

PUBLIC HEALTH AND SAFETY

A. Water Supply

Provision of
water.

91. (1) In a municipal area in which a general water-rate is levied under clause (g) of sub-section (1) of section 70, the Board shall, and in any other case a Board may, provide a supply of drinking water within the municipal area, and shall cause such tanks, reservoirs, engines, pipes, taps and other works as may be necessary for the said purpose, to be constructed and maintained, whether within or without the municipal area and shall erect sufficient stand-pipes or other conveniences for the gratuitous supply of water to the public.

(2) The Board shall, as far as possible, make adequate provision to ensure that such supply is continuous throughout the year, and that the water is at all times pure and fit for human consumption.

Supply of
water.

92. (1) A Board may, on application by the owner or occupier of any building, arrange for supplying water from the nearest main to the same for domestic purposes, in such quantities as it thinks reasonable, and may, if it considers necessary, limit the amount of water to be so supplied.

Explanation.—A supply of water for domestic purposes shall not be deemed to include a supply—

(a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire;

(b) for any trade, manufacture or business;

(c) for fountains, swimming baths, or for any ornamental or mechanical purpose;

(d) for gardens or for purposes of irrigation;

(e) for watering roads or paths; or

(f) for building purpose.

(2) A Board may supply water for any purpose other than a domestic purpose on receiving an application specifying the purpose for which the supply is required and the quantity likely to be consumed.

Provided that the Board may withdraw such supply at any time if it should appear necessary to do so in order to maintain a sufficient supply of water for domestic purposes.

(3) For all water supplied under this section, payment shall be made to the Board at such special rate or rates as may be prescribed under clause (g) of sub-section (1) of section 70.

Making
connection
with municipal
water
works.

93. Where water is to be supplied under section 92, all necessary communication-pipes and fittings shall be supplied by the Board and the work of laying and applying such communication-pipes and fittings shall be executed by the municipal agency under the orders of the Board.

Provided that the cost of making any such connection and of all communication-pipes and fittings so supplied and of all works so

executed shall be paid by the owner or the person making the application for water supply:

Provided further that the Board may, if it thinks fit, provide a meter and charge rent for the same, or may require the owner or applicant to provide a meter of such size, material and description as it may approve.

94. (1) Any owner or occupier of any building or land, in or on which water supplied under this Regulation is misused from negligence or other circumstances under his control, or is used without permission in excess of the quantity fixed under section 93, or in which the pipes, mains or other works are out of repair to such an extent as to cause waste of water, shall, if he has knowledge thereof, be bound to give notice of the same to such officer as the Board may appoint in this behalf.

Obligation of owner or occupier and power of Board to cut off supply.

(2) If any person whose premises are supplied with water neglects to pay the water-rate or any sum payable in respect of the water supply under this Regulation, or to give notice as provided in sub-section (1), or wilfully or negligently misuses or causes waste of water, the Board may, after giving him such notice as it deems reasonable in the circumstances, cut off the supply of water from his premises.

B. Protection from fire

95. A Board may equip itself with such implements, appliances and other materials as it may think necessary for rendering assistance in extinguishing fires and protecting life and property when fires occur.

Equipment for rendering assistance in extinguishing fires.

96. (1) On the occasion of a fire in a municipal area, any Magistrate, the Secretary or any member of the Board, or any member of a fire-brigade then and there directing the operations of men belonging to the brigade, or any police officer directed by a Magistrate, may—

Power of certain persons for suppression of fire.

(a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property;

(b) close any street or passage in or near which any fire is burning;

(c) for the purpose of extinguishing the fire, break into or through or pull down any premises, or cause any premises to be broken into or through or to be pulled down or used for the passage of hoses or other appliances;

(d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;

(e) call on the persons in charge of any fire-engine to render such assistance as may be possible; and

(f) generally, take such measures as may appear necessary for the preservation of life or property.

(2) When any Government building is endangered by fire, the officer of the Public Works Department for the time being in charge of the building may exercise the powers conferred on a Magistrate by sub-section (1).

(3) No person shall be liable to pay damages for any act done by him in good faith under this section.

(4) Any damage done in the exercise of a power conferred or a duty imposed by this section, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

(5) The powers conferred by this section shall be subject to any conditions or restrictions which may be imposed by the Chief Commissioner.

C. Drains and privies

Powers of Board in respect of drains, privies, etc.

97. (1) A Board may, by notice, require the owner of any building or land in the municipal area—

(a) to provide, move or remove any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse, or provide any additional drains, privies, latrines, urinals, cesspools or other receptacles as aforesaid which should in its opinion be provided for the building or land, in such manner and of such pattern as the Board may direct;

(b) to have any privy, latrine or urinal provided with some shut out, by a sufficient roof, wall or fence, from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the Board may direct, any door or trap-door of a privy, latrine or urinal opening on to any street or drain; or

(c) to close, demolish, repair, alter or put in good order any drain, privy, latrine, urinal, cesspool or receptacle for any filth or refuse.

(2) A Board may, by notice, require any person who constructs in the municipal area any new drain, privy, latrine, urinal, cesspool or receptacle for filth or refuse without its permission in writing or contrary to its directions or to the provisions of this Regulation or of any bye-law, or who constructs, rebuilds or opens any drain, privy, latrine, urinal, cesspool, or receptacle for filth or refuse which it has ordered to be demolished or closed or not to be made, to demolish the drain, privy, latrine, urinal, cesspool or receptacle, or to make such alteration therein as it thinks fit.

(3) A Board may, by notice, require any person who, without its permission in writing newly erects or rebuilds any building over any sewer, drain, culvert, water-course or water-pipe vested in the Board, to pull down or otherwise deal with the same as it may think fit.

Removal of latrines, etc., near any source of water supply.

98. (1) A Board may, by notice, require the owner or occupier of any land on which any drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

(2) Whoever, without the permission of the Board, fails to comply with the requirement of the notice referred to in sub-section (1), shall be punishable with fine which may extend to twenty rupees, and with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for compliance therewith.

99. Whoever, without the permission of the Board,—

(a) causes or knowingly or negligently allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any street or public place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees;

Improperly discharging sewage and making or altering drains without authority.

(b) makes or causes to be made, or alters or causes to be altered, any drain leading into any sewer or drain vested in the Board, shall be punishable with fine which may extend to fifty rupees.

D. Laying and connecting pipes, sewers and the like

100. A Board may lay or carry any main, pipe, drain, sewer or channel of any kind for the purpose of carrying out, establishing or maintaining any system of water supply, drainage or sewerage, through, across, under or over any road or street or any place laid out or intended as a road or street, or after giving not less than fourteen days notice in writing to the owner or occupier, into, through, across, under or over any land or building situated within the municipal area, and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such main, pipe, drain, sewer or channel, as the case may be, in an effective state for the purpose for which the same may be used or intended to be used:

Power to lay or carry mains, pipes, drains or sewers for water supply, etc.

Provided that no nuisance or interference with the rights of the owner or occupier to the enjoyment of such land or building, shall be created by any such operation to any larger extent than what is absolutely necessary for the proper execution of the work:

Provided further that no such operation into, through, across, under or over any major road or Government building or land, shall be carried out except with the permission in writing of the Public Works Department:

Provided also that reasonable compensation shall be paid to the owner or occupier for any damage at the time sustained by him on account of, or directly occasioned by, the carrying out of any such operation.

101. (1) No person shall, without the permission of the Board at any time make, or cause to be made, any connection or communication with any main, pipe, drain, sewer or channel constructed or maintained by or vested in a Board, for any purpose whatsoever.

Connections with mains, etc.

(2) A Board may prescribe the size of the ferrules to be used for the supply of water and may establish meters or other appliances for the purpose of testing the quantity or quality of any water supplied to the premises of any person or to or for the use of any person or business.

(3) The ferrules, communication-pipes, connections, meters, standpipes and all fittings thereon or connected therewith, leading from mains, pipes, drains, sewers or channels into any building or land and the pipes, fittings and works inside any such building or within the limits of any such land; shall in all cases be executed subject to the inspection by and to the satisfaction of the Board.

(4) A Board may fix the fees to be charged for the establishment by it or through its agency of communications from, and connections with, mains or pipes for the supply of water, and may levy such fees.

E. Disposal of surface water

Troughs and pipes for rain water. 102. (1) The Board may, by notice, require the owner of any building or land to put up and keep in good condition proper troughs and pipes for receiving and carrying the water including the rain-water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

(2) For the purpose of efficiently draining any building or land in the municipal area, a Board may, by notice in writing,—

(a) require any court-yard, alley or passage between two or more buildings to be paved with such materials and in such manner as may be approved by it; and

(b) require such paving to be kept in proper repair.

F. Bathing and washing places

Bathing and washing places. 103. (1) A Board may set apart suitable places in the municipal area for the purposes of bathing and may specify the times at which and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants of the municipal area; and may, by public notice, prohibit the bathing or washing of animals or clothes in any public place not so set apart, or at times or by persons other than those specified and any other act by which water in public places may be rendered foul or unfit for use and may charge fees for the use of such places by any specified class or classes of persons or by the public generally.

(2) A Board may fix, by notice, places at which articles of clothing, bedding or other articles which have been exposed to infection shall be washed, and no person shall wash any such article at any place in the municipal area not so fixed.

G. Scavenging

Removal and deposit of offensive matter. 104. A Board may fix places within, or, with the approval of the Deputy Commissioner, beyond the limits of, the municipal area for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may, by public notice, give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

105. Whoever, being the owner or occupier of any building or land in a municipal area, keeps or knowingly or negligently allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle or pit, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle or pit to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Penalty for failure to remove offensive matter.

106. Whoever commits or permits any servant or member of his household or any person under his control to whom the provisions of section 82, section 83 or section 84 of the Indian Penal Code are applicable to commit, a nuisance upon any street or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Penalty for nuisance.

H. House-scavenging

107. For the purpose of this Regulation, "house-scavenging" means the removal of filth, rubbish, ordure or other offensive matter from a privy, latrine, urinal, cesspool or other common receptacle for such matter in, or pertaining to, a building including its appurtenances.

Definition of "house-scavenging."

108. (1) It shall be the duty of every Board to make such arrangements, and to maintain a system of such servants, for house-scavenging, as it may deem fit.

Undertaking of house-scavenging by Board.

(2) The Board shall charge such rate or rates for house-scavenging as may be prescribed under clause (i) of sub-section (1) of section 70.

(3) Any servant of a Board who is employed in house-scavenging may, at all reasonable times, do all things necessary for the proper performance of any house-scavenging undertaken by the Board.

(4) All matter removed by the servants of a Board in the course of house-scavenging shall belong to the Board.

109. (1) Whenever any animal in the charge of any person in a municipal area dies otherwise than by slaughter, the person in charge thereof shall within twenty-four hours, either—

Disposal of dead animals.

(a) convey the carcass to a place (if any) fixed by the Board under section 104 for the disposal of the dead bodies of animals, or, if no such place has been fixed, to some suitable place at least one mile beyond the limits of the municipal area; or

(b) give notice of the death to the Board, whereupon the Board shall cause the carcass to be disposed of.

(2) In respect of the disposal of the dead body of an animal under clause (b) of sub-section (1), the Board may charge such fee as it may, by public notice, prescribe in this behalf.

(3) For the purposes of this section "animal" means and includes all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine and other large animals.

(4) Any person who fails to comply with the provisions of sub-section (1), shall be punishable with fine which may extend to ten rupees.

I. Slaughter places

Places for slaughter of animals for sale. 110. A Board may, with the approval of the Deputy Commissioner, appoint premises for the slaughter of animals for sale or of any specified description of such animals, and may, with the like approval grant licences for the use of such premises, or, if they belong to the Board charge rent or fees for the use of the same.

Animals to be slaughtered for sale at authorised places only. 111. (1) Where a Board has appointed any premises under section 110, no person shall slaughter any animals for sale at any other place within the municipal area.

(2) Any person who contravenes the provisions of sub-section (1), shall be punishable with fine which may extend to twenty rupees.

J. Food

Control of sale of food. 112. A Board may regulate by bye-laws, the keeping of any place in the municipal area as a hotel, restaurant, lodging-house, tea-stall, bakery, confectionery or aerated water factory, or as a market or shop for the sale of fruit, vegetables, sweetmeats, milk, animals, meat, fish, eggs, fowls or anything intended for human food, and such bye-laws may prohibit the keeping of any place for any such purpose save under and in accordance with the conditions of a licence granted in that behalf by the Board.

Penalty for feeding animals on deleterious substance. 113. Whoever, feeds or allows to be fed on any deleterious substance, filth or refuse of any kind any animal which is kept, or is intended to be used, for the supply of milk or food to the inhabitants of a municipal area, shall be punishable with fine which may extend to fifty rupees.

K. Dangerous diseases

Information to be given of infectious or contagious diseases.

114. Whoever,—

(a) being the owner or occupier of any dwelling other than a public hospital in a municipal area, and being cognizant of the existence of any infectious or contagious disease therein, or

(b) being the person in charge of, or in attendance on, any person suffering from any such disease in such dwelling, and being cognizant of the existence of such disease therein,

fails to give information to such officer as the Board may prescribe in this behalf, or gives false information respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees.

Provided that a person such as is referred to in clause (b) shall not be punishable if he had reasonable cause to believe that the information had been, or would be, duly given by a person such as is referred to in clause (a).

115. (1) If a Board is of opinion that the cleansing or disinfecting of a building in the municipal area or any part thereof, or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any disease, or is otherwise necessary, it may, after giving a notice to the owner or occupier, cause the same to be cleansed or disinfected in such manner as it may deem fit.

Disinfection of buildings and articles.

(2) Whoever knowingly lets a house or other building in a municipal area or part of such a house or building, in which any person has been suffering from an infectious or contagious disease without having such house or building or part thereof and all articles therein liable to retain infection disinfected to the satisfaction of the Board, shall be punishable with fine which may extend to two hundred rupees.

116. In any municipal area, the Board may—

Provision of places and appliances for disinfection.

(a) provide proper places with all necessary attendants and apparatus, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection;

(b) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by it; or

(c) direct any clothing, bedding or other articles likely to retain infection to be destroyed.

Provided that the Board shall give compensation for any article destroyed under this section.

117. Whoever, while suffering from an infectious, contagious or loathsome disease or disorder,—

Penalty for acts done by persons suffering from certain disorders;

(a) makes or offers for sale any article of food or drink for human consumption or any medicine or drug, or

(b) wilfully touches any such article, medicine or drug when exposed for sale by others, or

(c) takes any part in the business of washing or carrying soiled clothes,

shall be punishable with fine which may extend to twenty rupees

118. If a Board, on the report of the Senior Medical Officer or Health Officer, considers that the water in any well, tank or other place in the municipal area is likely, if used for drinking, to generate or cause the spread of any dangerous disease, it may—

Prohibition by Board of use of unwholesome water.

(a) by public notice prohibit the removal or use of such water for drinking;

(b) by notice require the owner or person having control of such well, tank or place to take such steps as may be specified in the notice to prevent the public from having access to or using such water; or

(c) take such steps as it may, on the advice of the Senior Medical Officer or Health Officer, consider expedient to prevent the generation or spread of any such disease.

L. Burial and burning-places

Appointment
of places as
burial or
burning-
grounds.

119. (1) A Board shall, with the previous approval of the Senior Medical Officer, by public notice, appoint places which shall be used as burial or burning-grounds, and shall also define the limits of such places.

(2) No burial or burning-ground, whether public or private, shall be made or formed in a municipal area or within one mile thereof without the permission in writing of the Board.

(3) No person shall, without the permission of the Board, bury or burn, or cause or permit to be buried or burnt, any corpse at any place in a municipal area except a place appointed by the Board as a burial or burning-ground.

(4) Whoever contravenes the provisions of sub-section (2) or sub-section (3), shall be punishable with fine which may extend to fifty rupees.

Control over
removal of
corpses.

120. (1) A Board may, by public notice, prescribe routes for the removal of corpses to burial or burning-grounds.

(2) Whoever carries a corpse along a route prohibited by the Board, or in a manner likely to cause annoyance to public, shall be punishable with fine which may extend to ten rupees.

M. Dangerous or insanitary buildings and places

Powers to
require build-
ings, wells,
tanks, etc., to
be secured.

121. If any building, tank, reservoir, pool, depression or excavation in a municipal area, is, for want of sufficient repair, protection or enclosure, dangerous to the persons dwelling or working therein or in the neighbourhood thereof or to persons passing by, the Board may, by notice, require the owner or occupier thereof to repair, protect or enclose the same, and, if the requirement of such notice is not complied with, the Board shall forthwith take, at the expense of the owner, any steps which it thinks necessary for the purpose of averting imminent danger.

Power to
order remo-
val or repair
of buildings,
etc., in dan-
gerous state.

122. If in any municipal area any building, wall or structure or any thing affixed thereto, or any bank or tree, is deemed by the Board to be in a ruinous state or in any way dangerous, the Board may, by notice, require the owner thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall, structure or bank as the Board may consider necessary for the public safety, and, if the requirement of such notice is not complied with, the Board shall forthwith take, at the expense of the owner, any steps which it thinks necessary for the purpose of averting imminent danger.

Power to
order clean-
ing of filthy
buildings or
land.

123. If the owner or occupier of any building or land in a municipal area suffers the same to be in a filthy or unwholesome state, the Board may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state and thereafter to keep it in a clean and proper state, and, if it appears to the Board to be necessary for sanitary purposes to do so, it may at any time, by notice, direct the occupier of any building in the municipal area to lime-wash or otherwise cleanse that building inside or outside in such manner and within such period as may be specified in the notice.

124. A Board may, by notice, require the owner or occupier of any land in the municipal area to clear away and remove therefrom any thick vegetation or undergrowth which may appear to the Board to be injurious to health or offensive to persons residing in the neighbourhood.

Power to require owner to clear away noxious vegetation.

125. A Board may, by notice, require the owner or occupier of any land in the municipal area to cut or trim within three days the hedges growing thereon and bordering on any street or any branches of trees growing thereon which overhang any street and obstruct the same or cause danger or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to require Hedges and trees to be trimmed.

126. If the Senior Medical Officer certifies that the cultivation of any description of crop or the use of any kind of manures or the irrigation of land in any specified manner—

Prohibition of cultivation, use of manure or irrigation injurious to health.

(a) in any place within the limits of the municipal area, is injurious or facilitates practices which are injurious to the health of persons dwelling in the neighbourhood, or

(b) in any place within or beyond the limits of the municipal area, is likely to contaminate the water supply of the municipal area or otherwise renders it unfit for drinking purposes,

the Board may, with the approval of the Chief Commissioner, by public notice, prohibit the cultivation of such crop, the use of such manure, or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent such injury or contamination:

Provided that, when on any land to which such notice applies the act prohibited has been practised during the five years immediately preceding the notice in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such notice.

N. Dangerous or offensive trades

127. (1) No place within a municipal area shall be used—

Regulation of offensive and dangerous trades.

(a) for melting tallow or fat;

(b) for boiling or drying bones, offal or blood;

(c) as a soap-house, oil-boiling-house, tannery, or barber's shop;

(d) as a brick-field, brick-kiln, pottery or lime kiln;

(e) as any other manufactory, engine-house or place of business from which offensive or unwholesome smell, noises, fumes or smoke arise;

(f) as a yard or depot for trade in hay, straw, thatching-grass, dry leaves, wood, charcoal or coal, or other dangerously inflammable material; or

(g) as a store-house for any explosive, or for petroleum or any inflammable oil or spirit;

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except under a licence granted by the Board which shall be renewable annually.

(2) The licence shall not be withheld unless the Board considers that the business which is intended to be established or maintained would be the cause of annoyance, offence or danger to persons residing in, or frequenting, the immediate neighbourhood, or that for general reasons the establishment of such business in the locality is undesirable.

(3) The Board may charge fees according to a scale to be fixed by bye-laws for such licences, and may impose such conditions in respect thereof as it may think necessary.

(4) Whoever, without a licence or in contravention of the condition of any such licence, uses any place for any such purpose as is specified in this section, shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing offence, with a further fine which may extend to ten rupees for every subsequent day during which the offence is continued.

Penalty for negligence in quarrying, blasting, cutting timber or building.

128. Whoever in a municipal area quarries, blasts, cuts timber or carries on building operations in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

O. Fairs

Provision of police protection at fairs, etc.

129. The Chief Commissioner may provide special police protection on the occasion of any fair, agricultural show or industrial exhibition managed by a Board, or for the purpose of guarding houses in a municipal area evacuated on account of plague, and the Board shall pay such charges in respect of such protection as the Chief Commissioner may determine in this behalf.

Powers to levy fees at fairs.

130. A Board may levy fees, not exceeding such amount as the Chief Commissioner may fix in this behalf, by notification, on persons attending a fair on which the Board incurs expenditure and on persons exposing goods for sale or plying any occupation for gain.

P. Brothels

Powers over disorderly houses and prostitutes.

131. (1) A Board may, by notice, prohibit in any specified part of the municipal area—

- (a) the keeping of a brothel; or
- (b) the residence of a public prostitute.

(2) Whoever fails to comply with a notice issued under sub-section (1), shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to one hundred rupees, and, in the case of a continuing failure, with a further fine which may extend to ten rupees for every subsequent day during which the failure continues.

132. On the complaint of the Board or of three or more inhabitants of a municipal area that a house in the municipal area is used as a brothel, or by disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, or that any such house is used as a brothel in the neighbourhood of any educational institution, boarding-house or place of worship, any Magistrate of the first class having jurisdiction in the place where the house is situated, may summon the owner or tenant of the house, and, on being satisfied that the house is so used and that it is a source of annoyance or offence to the neighbours, or that it is in the neighbourhood of any educational institution, boarding-house or place of worship, may order the owner or tenant to discontinue such use of it; and if such owner or tenant fails to comply with such order within five days, the Magistrate may impose upon him a fine which may extend to fifty rupees for every day hereafter during which the house has been so used.

Power to close down brothels.

Q. Animals

133. (1) A Board may—

Disposal of mad and stray dogs and other animals.

(a) authorise any person—

(i) to destroy or cause to be destroyed or to confine or cause to be confined, for such period as the Board may direct, any dog or other animal found in the municipal area suffering, or reasonably suspected to be suffering, from rabies, or bitten by any dog or other animal suffering or suspected as aforesaid;

(ii) to confine, or cause to be confined, any dogs found wandering about streets of public places without collars or other marks distinguishing them as private property;

(b) charge a fee for any dog confined under sub-clause (ii) of clause (a) and destroy or otherwise dispose of any such dog if the dog is not claimed and the fee not paid within one week;

(c) by public notice, issue a temporary or standing order that any dogs without collars or other marks distinguishing them as private property found straying on the street or beyond the enclosures of the houses of the owners of such dogs may be destroyed, and destroy or cause them to be destroyed accordingly.

(2) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

Whoever, in a municipal area, keeps any swine in disregard of any orders which the Board may give to prevent them from becoming a nuisance, or keeps any other animal so as to be injurious to the health of the inhabitants or of animals or so as to become a nuisance, shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing offence with a further fine which may extend to five rupees for every subsequent day during which the offence is continued.

penalty for keeping animal so as to be injurious to health.

R. Other nuisances

Penalty for beating drums, etc.

135. Whoever, in contravention of any general or special prohibition issued by a Board, without the permission of the Board, beats a drum or tomtom, blows a horn or trumpet, or beats or sounds any brass or other instrument or utensil, shall be punishable with fine which may extend to twenty-five rupees.

Explanation.—In the case of an offence under this section committed by a band, each individual member of such band shall be so punishable.

Penalty for discharging fire arms, etc.

136. Whoever, in a municipal area, discharges fire arms or lets off fireworks, fire balloons or detonators, or engages in any game, in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling in the neighbourhood or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Prohibition of collecting inflammable materials, etc.

137. A Board may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit the stacking or collecting of timber, wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of a fire in any place, or within any limits in the municipal area which may be specified in the notice:

Provided that no such notice shall be issued except with the previous approval of the Deputy Commissioner.

CHAPTER IX

STREETS

A. General

Power over streets.

138. A Board may, with the previous approval of the Chief Commissioner,—

(a) close temporarily any public street or any part thereof for any public purpose;

(b) divert, discontinue or close permanently any public street other than a major road; or

(c) sell its interest in the land forming a public street other than a major road or any part thereof, if not required for the purposes of this Regulation.

Power of permitting temporary occupation of streets, etc.

139. A Board may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission:

Provided that, in the case of a major road, no such permission shall be granted except with the previous approval of the Public Works Department.

B. Encroachments and obstructions

140. (1) Whoever, without the written permission of the Board, builds or erects any immovable encroachment upon the ground level of any street or on any sewer, drain or water-course in a municipal area or builds or makes any immovable overhanging structure projecting into a street at a point above the said ground level, shall be punishable with fine which may extend to fifty rupees.

Penalty for altering, obstructing or encroaching upon street.

(2) The Board may, by notice, require the owner or occupier of any building to remove or alter such immovable encroachment or overhanging structure as aforesaid, and no compensation shall be claimable in respect of such removal or alteration.

141. (1) Whoever, in a municipal area, without the written permission of the Board,—

Removal of projections and obstructions in streets.

(a) places in front of any building any movable encroachment upon the ground level of any street or over or on any sewer, drain or water-course, or erects any movable overhanging structure projecting into the street at a point above the said ground level, or

(b) takes up or alters the pavement or other materials or the fences or posts of any street, or

(c) deposits building materials, goods for sale or other article of merchandise on any street, or

(d) makes any hole or excavation in or under any street, or removes materials from beneath any street so as to cause risk of subsidence,

shall be punishable with fine which may extend to fifty rupees.

(2) The Board or the Secretary of the Board may—

(i) summarily remove, or cause to be removed by the police, any such movable encroachments or overhanging structures and any such materials, goods or articles of merchandise, and

(ii) take action summarily to restore the street to the condition it was in before any such alteration, excavation or damage,

and the expense of such restoration shall be recoverable from the offender.

Explanation.—For the purposes of this section "movable encroachment" includes a seat or settle, and "movable overhanging structure" includes an awning of any material.

142. In cases to which the provisions of section 140 or section 141 do not apply, the Board may, subject to the payment of reasonable compensation, by notice, require the owner or occupier of any building in the municipal area to remove or alter any balcony, projection, structure or verandah overhanging any street or projecting into or encroaching on any street, or any drain, sewer or aqueduct therein.

Removal of projections and obstructions on payment of compensation.

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Power to regulate line of buildings in streets.

143. (1) If any building or part of a building projects beyond the regular line of a street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the Board may, whenever such building or part has been either entirely or in greater part taken down or burnt down or has fallen down, by notice, require such building or part when being re-built to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back shall become part of the street and shall vest in the Board.

Provided that the Board shall make full compensation to the owner for any damage which he may sustain in consequence of his building or any part thereof being set back.

(2) The Board may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

(3) The provisions of this section shall apply to the rounding off of dangerous or inconvenient street corners.

C. Miscellaneous provisions as to streets

Power to attach brackets for lamps on houses.

144. A Board may attach to the outside of any building in the municipal area, brackets for lamps in such manner as not to occasion any injury to such building or other inconvenience.

Penalty for destroying direction-posts, lamp-posts, etc.

145. Whoever, without being authorised by the Board, defaces or disturbs any municipal direction-post, lamp-post or lamp, or extinguishes any municipal light in any public place, shall be punishable with fine which may extend to ten rupees.

Penalty for bill-sticking without permission.

146. Whoever, without the consent of the owner or occupier or other person for the time being in charge, affixes any posting bill, notice, placard or other paper or means of advertisement against or upon any building, wall, tree, board, fence or pale in a municipal area, or writes upon, soils, defaces or marks any such building, wall, tree, board, fence or pale with chalk or paint or in any other way whatsoever, shall be punishable with fine which may extend to twenty rupees.

Names to streets and numbers to buildings.

147. (1) A Board may cause a name to be given to any street, and a name-plate to be affixed on any building therein in such place as it may think fit, and may also cause numbers to be affixed to buildings in the municipal area.

(2) Whoever destroys, pulls down or defaces any name-plate or number affixed to any street or building under this section, or puts up any different name or number from that put up by order of the Board, shall be punishable with fine which may extend to twenty rupees.

D. Street nuisances

148. Whoever, without the permission of the Board, pickets animals or collects carts on any street or uses any street as a halting place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray therein, shall be punishable with fine which may extend to twenty rupees.

Penalty for picketing animals and collecting carts.

149. Whoever, between such hours as may be prescribed by bye-laws, drives or propels in any street any vehicle which is not properly supplied with lights, shall be punishable with fine which may extend to twenty rupees.

Penalty for driving vehicles without proper light

150. (1) Whoever, in a street—

Penalty for certain offences.

(a) exposes goods for sale so as to cause obstruction,

(b) negligently lets loose any animal or suffers any ferocious dog to be at large without a muzzle or sets on or urges any dog or any animal to attack, worry or put in a fear any person or cattle,

(c) begs importunately for alms or exposes or exhibits, with the object of exciting charity or of extorting alms, any sores, wounds, bodily ailment or deformity,

(d) wilfully and indecently exposes his person or commits a nuisance by easing himself or omits to prevent any child under his care or custody from committing such nuisance, or

(e) is found drunk and incapable of taking care of himself or behaving in any riotous, disorderly or indecent manner,

shall be punishable with fine which may extend to fifty rupees.

(2) Whoever cruelly beats, ill-treats, tortures, or drives, rides or otherwise uses any animal in an unfit state to be so driven, ridden or used, or causes any animal to be cruelly beaten, ill-treated, tortured, or to be driven, ridden or used when unfit to be driven, ridden or used, shall be punishable with imprisonment which may extend to eight days, or with fine which may extend to one hundred rupees, or with both.

(3) Provisions of this section shall be in addition to and not in derogation of any other law for the time being in force.

CHAPTER X

BUILDINGS

151. For the purpose of this Chapter, a person is said to erect or re-erect a building who makes any material alteration or enlargement of a building or any part thereof.

Explanation.—An alteration in a building shall be deemed to be material, if it—

(a) affects or is likely to affect prejudicially the stability or safety of the building or the condition of the building in respect of drainage, ventilation, sanitation or hygiene, or

(b) increases or diminishes the height or cubical capacity of, or the area covered by, the building or reduces the cubical capacity of any room in the building below the minimum prescribed in any bye-law, or

(c) converts into a place for human habitation a building or part of a building originally constructed for other purposes, or

(d) involves the addition of any rooms, out-houses or other structures to any building, or

(e) involves the construction, in a wall adjoining any land not belonging to the owner of the wall, of a door opening on to such land, or

(f) is an alteration of any kind which has been declared by any bye-law to be a material alteration.

Prohibition
of building
without
sanction.

152. (1) No person shall erect or re-erect, or commence to erect or re-erect, any building in a municipal area without the sanction of the Board.

(2) Every person who intends to erect or re-erect any building, shall give notice in writing to the Board of such intention.

(3) The Board may, by bye-laws,—

(a) prescribe the manner in which notice of the intention to erect or re-erect a building shall be given to the Board; and

(b) require that with every such notice there shall be furnished a site plan of the land on which it is intended to erect or re-erect such building, and a plan and specification of the building, of such character and with such details as the bye-laws may require in respect of all or any of the following matters, namely:—

(i) the free passage or way to be left in front of the building;

(ii) the space to be left about the building to secure free circulation of air and to facilitate scavenging and for the prevention of fire;

(iii) ventilation, and the provision and position of drains, privies, latrines, urinals or cesspools;

(iv) the level and width of the foundation, the level of the lowest floor, and the stability of the structure; and

(v) the line of frontage with neighbouring buildings, if the building abuts on a street.

(4) Where bye-laws have been framed under this section, no notice under sub-section (2) shall be valid until the information (if any) required by such bye-laws has been furnished to the satisfaction of the Board.

153. A Board may, by bye-laws, regulate in respect of the erection or re-erection of any buildings within the municipal area or any part thereof—

Power to make bye-laws as to mode of construction of buildings.

(a) the materials and method of construction to be used for external and party walls, roofs, floors, fire-places and chimneys;

(b) the materials and method of construction and position of fire-places, chimneys, drains, latrines, privies, urinals and cesspools;

(c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(d) the ventilation and the space to be left about the building to secure the free circulation of air and for the prevention of fire;

(e) the line of frontage where the building abuts on a street;

(f) the number and height of the storeys of which the building may consist; and

(g) the means to be provided for egress from the building in case of fire.

154. In any case in which no bye-laws have been made under sub-section (3) of section 152 the Board may, within fourteen days of the receipt of the notice referred to in sub-section (2) of that section, require a person who has given such notice to furnish, within one week of the receipt by him of the requisition, information on all or any of the matters as to which bye-laws might have been made, and in such case the notice shall not be valid until such information has been furnished.

Special provision for cases where bye-laws have not been made.

155. A Board may, by resolution dispense with the observance of any or all of the bye-laws made under sub-section (3) of section 152 in regard to the erection or re-erection of any building specified in the resolution:

Dispensation from bye-laws.

Provided that no such resolution shall be proposed except with the previous sanction of the Chief Commissioner.

156. Within one month after the receipt of the notice required by sub-section (2) of section 152 the Board may refuse to sanction the building or may sanction it either absolutely or subject to such modifications as it thinks fit in respect of all or any of the matters specified in sub-section (3) of that section, and the person erecting or re-erecting any such building shall comply with the sanction of the Board as granted in every particular.

Powers to refuse sanction to build.

Provided that, if the Board neglects or omits, for two months after the receipt of a valid notice, to make and deliver to the person who has given such notice an order of sanction or refusal in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely.

Explanation.—The Board may refuse to sanction the erection or re-erection of any building either on grounds affecting the particular building or in pursuance of a general scheme sanctioned by the Chief Commissioner restricting the erection or re-erection of buildings or any class of buildings within specified limits for the prevention of overcrowding, or in the interest of the residents within such limits, or for any other public purpose, and sanction may also be refused in any case in which there is any dispute between the Board and the applicant as to the title of the land on which it is proposed to erect the building until such dispute is decided.

Lapse of sanction to build.

157. Every sanction for the erection or re-erection of a building which is given, or is deemed to have been given, by a Board shall remain in force for one year only from the date of such sanction and, if the erection or re-erection of the building is not commenced within the said period of one year, the sanction shall be deemed to have lapsed:

Provided that such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of this Regulation.

Penalty for building without sanction.

158. If the erection or re-erection of a building is begun or continued—

(a) without sanction as required by sub-section (1) of section 152, or

(b) without notice as required by sub-section (2) of section 152, or

(c) after sanction has been refused, or

(d) in contravention of the terms of any sanction granted, or

(e) after the sanction has lapsed, or

(f) in contravention of any bye-law made under section 153, the Board may, by notice, to be delivered within a reasonable time, require the building to be altered or demolished, as it thinks necessary, within the space of thirty days from the date of the service of such notice:

Provided that no such notice shall issue in respect of the contravention of any bye-law the observance of which has been dispensed with under section 155:

Provided further that the Board may, instead of requiring the alteration or demolition of any such building, accept by way of compensation such sum as it thinks reasonable.

Compensation for damage in respect of erections or re-erections.

159. (1) No compensation shall be claimable by an owner for any damage which he may sustain in consequence of a refusal to sanction the erection of any building.

(2) The Board shall make full compensation to the owner for any damage which he may sustain in consequence of a refusal to sanction the re-erection of any building:

Provided that the Board shall not be liable to make any compensation in respect of a refusal to sanction the re-erection of a building which, for a period of three years or more immediately preceding such refusal, has not been in existence or has been unfit for human habitation.

CHAPTER XI

GENERAL PROVISIONS

A. Power of entry and inspection

160. Any person authorised by the Board in this behalf may—

Power of entry for purposes of valuation or taxation.

(a) after giving twenty-four hours' notice to the occupier, or, if there be no occupier, to the owner, of any building or land in a municipal area, at any time between sunrise and sunset, enter, inspect and measure the building or land for the purpose of valuation; and

(b) enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Regulation or for which a licence has not been duly taken out.

161. (1) Any person authorised by the Board in this behalf, may enter, between sunrise and sunset, any building or land in a municipal area and inspect any drain, privy, latrine, urinal, cesspool, cable, wire, pipe, sewer or channel therein or thereon, and cause the ground to be opened where such person thinks fit for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, cable, wire, pipe, sewer or channel.

Power to inspect drains, privies and cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen, the ground or portion of any building, drain or other work (if any), opened, injured or removed for the purpose of such inspection shall be filled in, reinstated and made good by the Board.

(3) No building other than a latrine, urinal or privy shall be entered under this section until six hours' notice in writing has been given to the occupier of the building by the Board or by the person authorised by the Board to make the entry.

162. Any person authorised by the Board in this behalf, may, after giving three hours' notice to the occupier or, if there be no occupier, to the owner of any building in a municipal area, enter and inspect it at any time between sunrise and sunset where such inspection appears necessary for sanitary reasons:

Power to inspect buildings for sanitary purposes.

Provided that, if the building to be inspected is a stable for horses or a house or shed for cows or other cattle, previous notice shall not be required before inspection.

163. Any person authorised by the Board in this behalf, may, after giving twenty-four hours' notice to the occupier or, if there be no occupier, to the owner of any building or land in a municipal area, at any time between sunrise and sunset—

General powers of entry on buildings or land.

(a) enter and survey, or take levels or measurements of the building or land;

(b) enter the building or land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which the Board is by this Regulation empowered to execute or to maintain; or

(c) enter the building or land for the purpose of inspecting or repairing water or other installations or for taking readings of meters connected therewith.

Power to inspect places for illicit slaughter of animals.

164. If there are reasonable grounds for believing that any animal has been, is being, or is about to be slaughtered for sale in a municipal area in any place or premises not appointed for such purpose under section 110, or in contravention of any bye-law, the Board, by any person authorised by it in this behalf, may, at all reasonable times, enter into and inspect any such place or premises.

Power of entry for purposes of preventing spread of disease.

165. Any person authorised by the Board in this behalf, may, at any time between sunrise and sunset, enter any building or premises, situated in a municipal area, in which any infectious or contagious disease is reputed or suspected to exist, for the purposes of inspecting such building or premises.

General provisions.

166. (1) A Board may authorise persons to exercise the powers of entry conferred by the foregoing sections of this Chapter either generally in regard to all buildings and lands, or particularly in regard to specified buildings or lands or classes of buildings or lands.

(2) When any building used as a human dwelling is entered under this Regulation, due regard shall be paid to the social and religious sentiments of the occupiers, and before any apartment in the actual occupancy of any woman, who according to customs does not appear in public, is entered under this Regulation, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

B. Notices and consequences of non-compliance

Reasonable time for compliance with notices, etc., to be fixed.

167. When any notice under this Regulation requires any act to be done for which no time is fixed by this Regulation, it shall fix a reasonable time for doing the same.

Authentication, service and validity of notices.

168. (1) Every notice issued by a Board under this Regulation, shall be in writing, signed by the Chairman, a Vice-Chairman, the Secretary, or by any other person specially authorised by the Board in that behalf, and may be served on the person to whom it is addressed, or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business.

(2) When the place of abode or business of the persons to whom the notice is addressed is not within the limits of the municipal area, the notice may be served by posting it addressed to his usual place of abode.

(3) If the owner of any property has no place of abode or business within the municipal area, every such notice addressed to him as such owner, may be served on the occupier.

(4) When the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier, may be served by affixing it to some conspicuous part of the property.

(5) No notice issued by the Board under this Regulation shall be invalid for defect of form.

169. Whenever it is provided by or under this Regulation that any notice may be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to that one of them who is primarily liable to comply with such notice, and in case of doubt to both of them:

Service of notice, etc., when owner, and occupier are different persons.

Provided that in any such case, where there is no owner resident within the municipal area, the delivery of such notice to the occupier shall be sufficient.

170. When any notice is, by or under this Regulation, required to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served—

Mode of giving notice to owner or occupier of property.

(a) by delivering a written notice to some person on the property, or, if there is no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property, or

(b) by posting a pre-paid letter containing a written notice and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

171. Every public notice given by a Board under this Regulation, shall be published by proclamation or in such other manner as the Chief Commissioner may direct,

Publication of public notices.

172. Whoever disobeys any lawful direction given, or prohibition imposed, by a Board by public notice under this Regulation or any written notice lawfully issued by it thereunder, or fails to comply with the conditions subject to which any permission was given by the Board to him thereunder, shall, if the disobedience or failure is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees and, in the case of a continuing disobedience or failure, with a further fine which may extend to five rupees for every subsequent day during which the disobedience or failure continues:

Penalty for disobedience of orders of Board.

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified by or under this Regulation, no penalty shall be incurred by reason of such disobedience or failure if, in the opinion of the Court trying the case, the time so fixed was not a reasonable time.

Power in event of non-compliance with notices, etc. Penalty for obstructing Board.

173. Whenever the terms of any notice issued under this Regulation have not been complied with, the Board may, after six hours' further notice, cause the act to be done by its officers.

174. Any person wilfully obstructing a Board or any officer, or servant of a Board, or any person authorised by a Board, in the exercise of any power conferred by or under this Regulation, shall be punishable with fine which may extend to fifty rupees.

Recovery of costs of execution.

175. (1) Where, under this Regulation, the owner or occupier of any property is required by a Board to execute any work and default has been made in complying with the requirement, and the Board has executed the work, the Board may recover the cost of the work from the person in default.

(2) Where any money recoverable by the Board under this section is payable by the owner of the property, it shall be a charge thereon and shall be recoverable as if it were a tax levied by the Board on the property.

C. Payment of compensation by Board

Payment of compensation by Board.

176. (1) A Board may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it or its officers or servants under this Regulation, and shall make such compensation where the damage was caused by its negligence or the negligence of its officers or servants and the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises regarding the amount of any compensation which the Board is required by this Regulation to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1894 with reference to the acquisition of, and payment of compensation for, land for public purposes so far as the provisions of that Act can be made applicable.

D. Appeals from orders, etc., of Board

Appeals from orders of Board.

177. (1) Any person aggrieved—

- (a) by the refusal of a Board under section 156 to sanction the erection or re-erection of a building, or
- (b) by a notice from a Board under section 158 requiring the alteration or demolition of a building,

may appeal within thirty days from the date of such notice or refusal, to such officer as the Chief Commissioner may appoint in this behalf, or failing such appointment, to the Deputy Commissioner, but no such notice or refusal shall be liable to be called in question otherwise than by such appeal.

(2) The appellate authority may, if it thinks fit, extend the period allowed by sub-section (1) for appeal.

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(3) The order of the appellate authority confirming, setting aside or modifying the notice or refusal appealed from, shall be final:

Provided that the notice or refusal shall not be modified or set aside until the appellant and the Board, have had a reasonable opportunity of being heard.

178. When any order of a kind referred to in section 172 or section 175 is subject to appeal and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any contravention thereof or non-compliance therewith shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

Prosecution to be suspended in certain cases.

E. Offences and prosecutions

179. (1) Every police officer shall give immediate information to the Board of any offence made punishable by or under this Regulation, and shall be bound to assist all members, officers and servants of the Board in the exercise of their lawful authority.

Powers and duties of police in respect of offences against Regulation.

(2) Any police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his view any offence made punishable by or under this Regulation, if—

(a) the name and address of such person are unknown to such officer, and

(b) such person declines to give his name and address, or there is reason to doubt the accuracy of the name and address, if given.

(3) A person arrested under this section may be detained until his name and address have been correctly ascertained.

Provided that no person so arrested shall be detained for a longer period than may be necessary for bringing him before a Magistrate, and that such period shall not exceed twenty-four hours except under the order of a Magistrate for his detention.

180. Unless otherwise expressly provided, no Court shall take cognizance of any offence made punishable by or under this Regulation except on the complaint of, or upon information received from, the Board or some person authorised by the Board in this behalf.

Authority for prosecutions.

181. (1) A Board or any of its officers authorised in this behalf, may accept from any person against whom a reasonable suspicion exists that he has committed an offence made punishable by or under this Regulation a sum of money by way of composition for such offence.

Power to compound offences.

(2) On payment of such sum of money, the suspected person, if in custody, shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded for.

(3) Sums paid by way of composition under this section shall be credited to the municipal fund.

Members not to be disqualified from trying.

182. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence made punishable by or under this Regulation or any other law, within the meaning of section 556 of the Code of Criminal Procedure, 1898, by reason only that he is a member of the Board by the order, or under the authority, of which such prosecution has been instituted.

Power of Magistrate to order payment of costs and damages.

183. When any person is convicted of any offence made punishable by or under this Regulation, the Magistrate may direct that such costs of the prosecution and such compensation for any damage which may have been caused to any municipal property in the commission of such offence shall be paid by such person, and any sum so ordered to be paid shall be recoverable as if it were a fine and be credited to the municipal fund.

F. Suits

Suits against Board or its officers.

184. No suit shall be instituted against a Board or against any member, officer or servant of a Board in respect of any Act purporting to be done in its or his official capacity until the expiration of one month next after notice in writing has been, in the case of a Board delivered or left at its office, and in the case of an officer or servant delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff:

Provided that nothing in this section shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

1 of 1877.

G. Recovery of municipal claims

Recovery of taxes and other claims.

185. (1) Any tax, rate, cess or fee (other than a school-fee) and any costs, damages or compensation or other moneys payable to, or claimable or recoverable by a Board under this Regulation or any rule or bye-law may, after a demand has been made therefor in the manner prescribed by rules made by the Chief Commissioner, be recovered, on application to the Collector of the district, as arrears of land-revenue, that is to say by the distress and sale of any movable property, or by attachment and sale of immovable property, belonging to such person:

Provided that nothing in this section shall prevent the Board, in its discretion, from suing for the amount payable in any competent Civil Court.

(2) If any property, movable or immovable is sold under the provisions of this Regulation and there is, after payment of the amount due to the Board, any surplus from the sale proceeds, such surplus shall, if the owner of the property sold claims it within six months from the date of the sale, be paid to him by the Board, but if no such claim is preferred within such time, the said surplus shall be credited to the municipal fund, and no suit shall lie for the recovery thereof.

(3) No distress, attachment or sale made or held under this Regulation, shall be deemed unlawful, nor shall any person making

or holding the same be deemed to be a trespasser, on account of any error, defect, or want of form in any bill, notice, schedule, form, notice of demand, warrant of distress or attachment, inventory or other proceeding relating thereto if the provisions of this Regulation have been in substance and effect complied with.

Provided that any person aggrieved by any irregularity may recover satisfaction for any damage sustained by him arising therefrom.

CHAPTER XII

CONTROL

A. Control by Deputy Commissioner

186. (1) The Deputy Commissioner may—

Control by
Deputy
Commis-
sioner.

(a) enter, inspect and survey, or cause to be entered, inspected and surveyed, any immovable property occupied by any Board, sub-committee or joint committee, or any work in progress under its directions;

(b) by order in writing, call for and inspect any book or document in the possession or under the control of any Board, sub-committee or joint committee;

(c) by order in writing, require any Board, sub-committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties thereof as he may think fit to call for; and

(d) record in writing for the consideration of any Board, sub-committee or joint committee, any observations he may think proper to make in regard to the proceeding or duties thereof.

(2) Every Board shall submit such periodical reports to the Deputy Commissioner or such authority as the Chief Commissioner may direct.

187. The Deputy Commissioner may, by order in writing, suspend the execution of any resolution or order of a Board, sub-committee or joint committee, or prohibit the doing of any act which is about to be done, or is being done, in pursuance of or under the cover of this Regulation, or in pursuance of any sanction or permission granted by the Board in the exercise of its power under this Regulation, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

Power to
suspend
action of
Board.

188. (1) In cases of emergency the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a Board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expenses of executing the work or of doing the act shall forthwith be paid by the Board.

Extraordi-
nary power
of Deputy
Commission-
er in cases
of emer-
gency.

189

1877

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expenses, or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.

Power to provide performance of duties in default of Board.

189. (1) When the Deputy Commissioner, after due inquiry, is satisfied that a Board has made default in performing any duty imposed upon it by or under this Regulation, he may, by an order in writing, fix a period for the performance of that duty, and if it is not performed within the period so fixed, he may appoint some person to perform it and may direct that the expense thereof shall be paid, within such time as he may fix, by the Board.

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.

Action of Deputy Commissioner to be immediately reported.

190. When the Deputy Commissioner makes any order under section 187 or section 189, he shall forthwith forward to the Chief Commissioner a copy thereof, with a statement of the reasons for making it, and such explanation (if any) as the Board may wish to offer, and the Chief Commissioner shall confirm, modify or rescind the order.

B. Control by Chief Commissioner

Power of Chief Commissioner over Board.

191. (1) The Chief Commissioner and the Deputy Commissioner acting under the orders of the Chief Commissioner, shall be bound to require that the proceedings of Boards shall be in conformity with the law for the time being in force.

(2) The Chief Commissioner may exercise all powers necessary for the performance of this duty and may, among other things, by order in writing annul or modify any proceeding of a Board which he may consider not to be in conformity with law.

(3) The Deputy Commissioner may, for the same purpose, exercise such powers as may be conferred upon him by the Chief Commissioner.

Power of Chief Commissioner to supersede or dissolve Board.

192. (1) If a Board is, in the opinion of the Chief Commissioner, incompetent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Regulation or any other enactment, or exceeds or abuses its powers, the Chief Commissioner may, after giving an opportunity to the Board to show cause why action under this section should not be taken, by a notification setting forth his reasons for taking such action, either—

(a) (if the Board is wholly or partly elected) dissolve it as from such date as may be specified in the notification; or

(b) supersede it as from such date, and for such period, as may be specified therein.

(2) Where a Board is dissolved, the members including the Chairman shall vacate their seats on the date fixed for dissolution in the same manner as if their terms of office had expired in the ordinary way on that date, and the Board shall be reconstituted in the manner provided in this Regulation.

(3) Where a Board is superseded,—

(a) all members, including the Chairman, shall, from such date as may be specified in that behalf in the notification, vacate their seats;

(b) all powers and duties of the Board shall, until the Board is reconstituted, be exercised and performed, subject to the conditions, restrictions and limitations imposed on the Board, by or under this Regulation, by such person or authority as the Chief Commissioner may appoint in that behalf;

(c) all property and rights vested in the Board shall, until the Board is reconstituted, vest in Government; and

(d) the person or authority appointed under clause (b) and all persons acting under his authority shall be entitled to the same protection, and persons suffering damage from the exercise of the powers of the Board by the person or authority so appointed shall be entitled to the same relief, as if action had been taken by the Board:

Provided that the Chief Commissioner may reconstitute the Board before the expiry of the specified period of supersession.

193. If any dispute, for the decision of which this Regulation does not otherwise provide, arises between two or more Boards or between any Board and any other authority, the matter shall be referred to the Chief Commissioner whose decision shall be final. Disputes
between
Boards, etc.

CHAPTER XIII

BYE-LAW AND RULES

A. Bye-laws

194. A Board may, by bye-laws,— General
bye-laws.

(a) render licences necessary for the proprietors or drivers of vehicles or animals kept or plying for hire within the limits of the municipal area, and fix the fees payable for such licences and the conditions on which they shall be granted and may be revoked, and may by such conditions provide among other things for a minimum breadth for wheel tyres and for a minimum diameter of the wheels;

(b) limit the rates which may be demanded for the hire of any carriage, cart or other conveyance, or of animals hired to carry loads or persons, or for the services of persons hired to carry loads or to impel or carry such conveyances and prescribe the loads to be carried by such conveyances, animals or persons when hired within the municipal area for a period not exceeding twenty-four hours;

(c) provide for the proper registration of births, marriages and deaths, and for the taking of a census;

(d) fix, and from time to time vary, the number of persons who may occupy a building, or part of a building, which is let in lodging or occupied by members of more than one family or which is situated within such congested areas as may be specified in the bye-laws; and provide—

(i) for the registration and inspection of such buildings,

(ii) for promoting cleanliness and ventilation in such buildings,

(iii) for the notices to be given and the precautions to be taken in the case of any infectious or contagious disease breaking out in such buildings,

(iv) in the case of hotels, *serais*, lodging-houses and residential clubs, for the maintenance of registers in such form as the Board may prescribe, of visitors and lodgers, and

(v) generally for the proper regulation of such buildings;

(e) provide—

(i) for the inspection and proper regulation of encamping-grounds, pounds, *serais*, hotels, restaurants, lodging-houses, tea-stalls, confectioneries, bakeries, aerated-water factories, ice-factories, dhobies' ghats, flour-mills and slaughter-houses;

(ii) for the inspection and proper regulation of municipal markets, for the preparation and exhibition of a list of current prices, and for fixing the fees, rents, and other charges to be levied in such markets;

(iii) for the holding of fairs and industrial exhibitions within the municipal area or under the control of the Board and for the collection of fees under section 130;

(iv) for controlling and regulating the use and management of burial and burning-grounds; and

(v) for the supervision, regulation and protection from pollution of public-wells, tanks, springs or other sources from which water is or may be made available for the use of the public, whether within or without the municipal area;

(f) require and regulate the appointment by owners of buildings or land in the municipal area who are not resident in the municipal area of persons residing within or near the municipal area to act as their agents for all or any of the purposes of this Regulation;

(g) where the collection of a terminal tax has been sanctioned, fix terminal tax limits for the purpose of collecting the same, and prescribe routes by which goods, animals or dogs which are subject to such terminal tax may be brought into the municipal area;

(h) render licences necessary for using premises as stables, cow-houses, or houses or enclosures for sheep or goats; and otherwise regulate keeping of animals within the municipal area;

(i) in any municipal area where a reasonable number of slaughter-houses has been provided or licensed by the Board, control, regulate or prohibit the admission within the municipal area for the purpose of sale of the flesh (other than cured or preserved meat) of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Regulation, and provide for the seizure, destruction or disposal otherwise of any flesh brought within municipal limits in contravention of any such bye-law;

(j) prohibit the letting off of fire-arms, fire-works, fire-balloons or detonators except—

(i) with the permission of the Board or of an officer of the Board empowered to give such permission;

(ii) subject to such conditions as the Board may impose; and

(iii) on payment of such fees (if any) as may at any time have been fixed by the Board in that behalf;

(k) regulate the making and use of connections or communications between private houses and premises and mains or service cables, wires, pipes, drains, sewers and other channels established or maintained by the Board under any of the provisions of this Regulation;

(l) regulate the posting of bills and advertisements, and the position, size, shape and style of name-boards, sign-boards and sign-posts;

(m) provide for and regulate the construction and maintenance of boundary walls, hedges and fences hereafter erected or re-erected so as to abut on a public street or upon property vested in the Board;

(n) regulate or prohibit any description of traffic in the streets;

(o) prohibit the storage or more than a fixed maximum quantity of any explosive, petroleum, spirit, naphtha, or other inflammable material in any building not licensed under section 127;

(p) provide for the seizure and confiscation of ownerless animals straying within the municipal area;

(q) provide for the registration of all or any specified classes of dogs, and in particular and without prejudice to the generality of the foregoing,—

(i) provide for the imposition of an annual fee for such registration;

(ii) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the Board; and

(iii) provide that any dog, not registered and not wearing such token, may, if found in any public place, be detained at a place to be set apart for the purpose and shall be liable to be destroyed or otherwise disposed of after such period as may be specified in the bye-law;

(r) generally provide for any matter which may be authorised by the Chief Commissioner.

Provisions
relating to
bye-laws.

195. (1) Any power to make bye-laws conferred by this Regulation is conferred subject to the bye-laws being made after previous publication.

(2) In making any bye-law, the Board may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every subsequent day during which the breach continues:

Provided that in lieu of, or in addition to inflicting such fine, the Magistrate may require the offender to remedy the mischief so far as is within his power.

(3) No bye-law shall come into force until it has been confirmed by the Chief Commissioner and published in such manner as the Chief Commissioner may prescribe in this behalf.

(4) The Chief Commissioner may cancel his confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.

(5) A copy of all bye-laws shall be kept at the office of the Board and shall be open during office hours without charge to the inspection of any inhabitant of the municipal area.

(6) Copies of all such bye-laws shall be kept at the said office for sale to the public at a price not exceeding five rupees.

B. Forms and rules

Forms and
rules.

196. (1) The Chief Commissioner may prescribe forms for any proceeding of Boards for which he considers that a form should be provided and may, subject to the condition of previous publication, by notification, make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the qualifications requisite in the case of persons appointed by a Board to offices requiring professional skill;

(b) the authority on which money may be paid from the municipal fund, and the management and regulation of Provident Funds (if any) established under section 24.

(c) the custody and use of implements, appliances and other materials kept by Board under section 95;

(d) the procedure to be observed for the appointment, punishment or dismissal of officers and servants of Board and as to appeals from orders of appointments, punishments or dismissal;

(e) the conditions on which property may be acquired by a Board or on which property vested in a Board may be transferred by sale, mortgage, lease, exchange or otherwise;

(f) the intermediate office or offices (if any) through which correspondence between Boards or members and the Chief Commissioner or Deputy Commissioner shall pass;

(g) the preparation of plans and estimates for works to be partly or wholly constructed at the expense of Boards and the persons by whom, and the conditions subject to which, such plans and estimates are to be sanctioned;

(h) the assessment and collection and the composition, refund or the limiting of refunds, of taxes imposed under this Regulation, and the prevention of evasion of the same; and the fees payable for notices of demand;

(i) the conditions on which a Board may receive goods into a bonded-warehouse and the agreements to be signed by traders or others wishing to deposit goods therein;

(j) the accounts to be kept by Boards, the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Regulation, the manner in which such accounts are to be audited and published, and the power of the auditors in respect of disallowance and surcharge;

(k) the returns, statements and reports to be submitted by Boards;

(l) the powers to be exercised by the Deputy Commissioner under section 191;

(m) the language in which business of Boards shall be transacted, proceedings recorded and notices issued;

(n) the publication of public notices;

(o) the regulation of the proceedings of Boards and persons empowered to accept composition under section 181 for alleged offences;

(p) the maintenance, control and regulation of water works and supply of water;

(q) generally the guidance of Boards and public officers in carrying out the purposes of this Regulation; and

(r) any other matter which has to be or may be provided.

(3) In making such rules, the Chief Commissioner may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

(4) A rule may be general for all municipal areas, or for all municipal areas not expressly excepted from its operation, or may be special for the whole or any part of any one or more municipal areas, as the Chief Commissioner may direct.

CHAPTER XIV

SUPPLEMENTARY

Vacancies and irregularities not to invalidate proceedings.

197. No act done or proceeding taken under this Regulation shall be questioned on the ground merely of the existence of any vacancy in any Board, sub-committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Proof of municipal records.

198. (1) A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of a Board shall, if duly certified by the keeper thereof or other person authorised by bye-laws in this behalf, be received as evidence of the existence of the entry or document and of the matters or transactions therein recorded in every case where, and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters or transactions.

(2) No officer or servant of a Board shall in any legal proceedings to which the Board is not a party be required to produce any register or document the contents of which can be proved under sub-section (1) by a certified copy or to appear as a witness to prove the matters or transactions recorded therein, unless by order of the Court made for special cause.

Powers to remove difficulty.

199. If any difficulty arises in giving effect to the provisions of this Regulation and, in particular in relation to the constitution of a Board in any municipal area, the Chief Commissioner may, by order, make such provision as may appear to him to be necessary or expedient for removing the difficulty.

RAJENDRA PRASAD,

President

The Gazette of India



EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 191 NEW DELHI, MONDAY, JULY 8, 1957/ASADHA 17, 1879

MINISTRY OF LAW

New Delhi, the 8th July 1957

THE COURT-FEES (ANDAMAN AND NICOBAR ISLANDS AMENDMENT) REGULATION, 1957

No. 2 OF 1957

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

A Regulation to amend the Court-fees Act, 1870, in its application to the Andaman and Nicobar Islands.

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

1. (1) This Regulation may be called the Court-fees (Andaman and Nicobar Islands Amendment) Regulation, 1957.

(2) It extends to the whole of the Andaman and Nicobar Islands.

(3) It shall come into force on the 1st day of August, 1957.

2. After section 1A of the Court-fees Act, 1870 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

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

(a) "appeal" includes a cross-objection;

(b) "State Government" in relation to the Andaman and Nicobar Islands means the administrator thereof;

(c) "suit" includes an appeal from a decree except in section 8A."

3. In Chapter II of the principal Act, for the heading "FEES IN THE HIGH COURTS AND IN THE COURTS OF SMALL CAUSES AT THE PRESIDENCY-TOWNS", the heading "FEES PAYABLE IN COURTS AND IN PUBLIC OFFICES" shall be substituted.

Omission of word, figure and heading before section 6.
Amendment of section 9.

4. The word and figure "CHAPTER III" and the heading "FEES IN OTHER COURTS AND IN PUBLIC OFFICES" occurring before section 6 of the principal Act shall be omitted.

5. Section 6 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Notwithstanding anything contained in sub-section (1) or in any other Act, a Court may receive a plaint or memorandum of appeal in respect of which an insufficient fee has been paid, subject to the condition that the plaint or memorandum of appeal in respect of which an insufficient fee has appellant, as the case may be, pays to the Court within a time to be fixed by the Court such reasonable sum on account of court-fees as the Court may direct."

Insertion of new heading before section 7.

6. Before section 7 of the principal Act, the following heading shall be inserted, namely:—

"CHAPTER III

COMPUTATION OF FEES."

Amendment of section 7.

7. In section 7 of the principal Act,—

(1) in paragraph (iv), after the word "appeal", the words, figure and letter "subject to the provisions of section 8C" shall be inserted;

(2) for paragraphs (v) and (vi), the following paragraphs shall be substituted, namely:—

"(v) In suits for the possession of land, buildings or gardens—

(a) according to the value of the subject-matter, and such value shall be deemed to be fifteen times the net profits which have arisen from the land, building or garden during the year next before the date of presenting the plaint, or if the Court sees reason to think that such profits have been wrongly estimated, fifteen times such amount as the Court may assess as such profits or according to the market-value of the land, building or garden, whichever is lower:

(b) if, in the opinion of the Court, such profits are not readily ascertainable or assessable, or where there are no such profits, according to the market-value of the land, building or garden:

Explanation.—In this paragraph "building" includes a house, out-house, stable, privy, urinal, shed, hut, wall and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever:

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(vi) In suits to enforce a right of pre-emption— according to the market-value of the land, building or garden in respect of which the right is claimed:

Explanation.—In this paragraph “building” has the same meaning as in paragraph (v):”;

(3) after paragraph (vi), the following paragraph shall be inserted, namely:—

“(via) In suits for partition and separate possession of a share of joint family property or of a joint property, or to enforce a right to a share in any property on the ground that it is joint family property or joint property—if the plaintiff has been excluded from possession of the property of which he claims to be a coparcener or co-owner, according to the market-value of the share in respect of which the suit is instituted.”.

8. After section 8 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 8A to 8F.

“8A. In every suit in which an *ad valorem* court-fee is payable under this Act on the plaint, the plaintiff shall file with the plaint a statement of particulars of the subject-matter of the suit and his own valuation thereof unless such particulars and the valuation are contained in the plaint. The statement shall be in such form and shall contain such particulars as may be prescribed by the State Government by notification in the Official Gazette. In every such suit the plaintiff shall also, if the Court so directs, file a duplicate copy of the plaint and of the said statement.

Statement of particulars of subject-matter of suits and plaintiff's valuation thereof.

8B. (1) In every suit in which a court-fee is payable under this Act on the plaint or memorandum of appeal, the Court shall, on the date fixed for the appearance of the opposite party or as soon as may be thereafter, and in every case before proceeding to deliver judgment, record a finding whether a sufficient court-fee has been paid.

Procedure where insufficient court-fee is filed on plaint or memorandum of appeal.

(2) If the Court records a finding that an insufficient court-fee has been paid on the plaint or memorandum of appeal, the Court shall—

(a) stay all further proceedings in the suit until it has determined the proper amount of such court-fee payable and the plaintiff or the appellant, as the case may be, has paid such amount or until the date referred to in clause (b), as the case may be:

Provided that, if the plaintiff or appellant gives within such time as the Court may allow, security to the satisfaction of the Court for the payment of any additional amount

for which he may be found liable, the Court may proceed with the suit,

(b) fix a date before which the plaintiff or appellant shall pay the amount of court-fee due from him, as determined by the Court under clause (a).

(3) If the plaintiff or appellant fails to give the security referred to in clause (a) of sub-section (2) or to pay the amount referred to in clause (b) of that sub-section within the time allowed, or before the date fixed, by the Court, as the case may be, the suit shall be dismissed.

Inquiry as to valuation of suits.

8C. If the Court is of opinion that the subject-matter of any suit has been wrongly valued, it may revise the valuation and determine the correct valuation and may hold such inquiry as it thinks fit for such purpose.

Investigation to ascertain proper valuation.

8D. (1) For the purpose of an inquiry under section 8C, the Court may depute, or issue a commission to, any suitable person to make such local or other investigation as may be necessary and to report thereon to the Court. Such report and any evidence recorded by such person shall be evidence in the inquiry.

(2) The Court may, from time to time, direct such party to the suit as it thinks fit to deposit such sum as the Court thinks reasonable as the costs of the inquiry, and if the costs are not deposited within such time as the Court shall fix, may, notwithstanding anything contained in any other Act, dismiss the suit if such party is the plaintiff or the appellant and, in any other case, may recover the costs as a public demand.

Power of persons making inquiry under sections 8C and 8D.

8E. (1) The Court, when making an inquiry under section 8C and any person making an investigation under section 8D shall have, respectively, for the purposes of such inquiry or investigation, the powers vested in a Court under the Code of Civil Procedure, 1908, in respect of the following matters, 5 of 1908, namely:—

(a) enforcing the attendance of any person and examining him on oath or affirmation;

(b) compelling the production of documents or material objects; and

(c) issuing commissions for the examination of witnesses.

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(2) An inquiry or investigation referred to in sub-section (1) shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

8F. (1) If in the result of an inquiry under section 8C the Court finds that the subject-matter of the suit has been undervalued, the Court may order the party responsible for the undervaluation to pay all or any part of the costs of the inquiry.

Costs of inquiry as to valuation and refund of excess fee.

(2) If in the result of such inquiry the Court finds that the subject-matter of the suit has not been undervalued, the Court may, in its discretion, order that all or any part of such costs shall be paid by the State Government or by any party to the suit at whose instance the inquiry has been undertaken, and if any amount exceeding the proper amount of fee has been paid shall refund the excess amount so paid."

9. Sections 9 and 10 of the principal Act shall be omitted.

Omission of sections 9 and 10.

10. For section 11 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 11.

"11. Where in any suit for mesne profits or for land and mesne profits or for an account, the fee which would have been payable if the suit had comprised the whole of the relief to which the Court finds the plaintiff to be entitled exceeds the fee actually paid, the Court shall require the plaintiff to pay an additional fee equal to the amount of the excess, and if such additional fee is not paid within such time as the Court may fix, the suit, or if a decree has previously been passed therein, so much of the claim as has not been so decreed, shall be dismissed:

Procedure in suits for mesne profits or accounts when amount found due exceeds amount claimed.

Provided that, where the additional fee is payable in respect of a portion of the claim which can be relinquished, that portion only shall be dismissed."

11. In sub-section (ii) of section 12 of the principal Act, for the words, figures and brackets "and the provisions of section 10, paragraph (ii), shall apply", the following shall be substituted, namely:—

Amendment of section 12.

"and thereafter—

(a) if the party required to pay is the appellant or petitioner, the provisions of sub-sections (2) and (3) of section 8B, shall, so far as may be, apply;

(b) if the party required to pay is the respondent or the opposite party, the provisions of sub-section (2) of section

8B shall, so far as may be, apply, and, if such party fails to pay the fee required before the date fixed by the Court, the Court shall recover the amount of such fee from him as a public demand.

Explanation.—For the purposes of this section a question relating to the classification of any suit for the purpose of section 7 shall not be deemed to be a question relating to valuation.”

Substitution
of new sec-
tion for
section 17.

12. For section 17 of the principal Act, the following section shall be substituted, namely:—

Multifarious
suits.

“17. (1) In any suit in which two or more separate and distinct causes of action are joined and separate and distinct reliefs are sought in respect of each, the plaint or memorandum of appeal shall be chargeable with the aggregate amount of the fees with which the plaints or memoranda of appeal would be chargeable under this Act in separate suits instituted in respect of each such cause of action:

Provided that nothing in this sub-section shall be deemed to affect any power conferred by or under the Code of Civil Procedure, 1908, to order separate trials.

(2) Where more reliefs than one based on the same cause of action are sought either jointly or in the alternative, the fee shall be paid according to the value of the relief in respect of which the largest fee is payable.”

Amendment
of section 18.

13. In section 18 of the principal Act, for the words “a fee of eight annas”, the words “a fee of one rupee” shall be substituted.

Amendment
of section 19.

14. In section 19 of the principal Act,—

(1) in paragraph (i), before the words “to institute or defend a suit”, the words “or other written authority” shall be inserted;

(2) in paragraph (viii), for the words “one thousand rupees”, the words “two thousand rupees” shall be substituted;

(3) after paragraph (xxiv), the following paragraph shall be inserted, namely:—

“(xxv) Petitions of appeal by servants of the Government or Court of Wards against orders of dismissal, reduction or suspension; copies of such orders filed with such appeals, and applications for obtaining such copies.”

15. After section 34 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 34A.

“34A. Where any period is fixed or granted by the Court for the doing of any act prescribed or allowed by this Act, the Court may, in its discretion, from time to time, enlarge such period, even though the period originally fixed or granted may have expired.”

Enlargement of time.

16. In Schedule I to the principal Act,—

Amendment of Schedule I.

(1) for article 1, the following article shall be substituted, namely:—

Number		Proper Fee
	<p>When the amount or value of the subject-matter in dispute does not exceed seventy-five rupees, for every five rupees, or part thereof of such amount or value,</p> <p>and</p> <p>when such amount or value exceeds seventy-five rupees, for every five rupees or part thereof, in excess of seventy-five rupees, up to one hundred rupees,</p>	<p>Thirty-seven naye paise.</p> <p>Fifty naye paise.</p>
<p>“1. Plaint written statement pleading a set-off or counter-claim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to any Civil or Revenue Court except</p>	<p>and</p> <p>when such amount or value exceeds one hundred rupees, for every ten rupees or part thereof, in excess of one hundred rupees, up to one hundred and fifty rupees,</p> <p>and</p>	<p>One rupee sixty-two naye paise.</p>

Number		Proper Fee
those mentioned in section 3.	when such amount or value exceeds one hundred and fifty rupees, for every ten rupees or part thereof, up to one thousand rupees,	One rupee twelve <i>naye</i> <i>paise</i> .
	and when such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to seven thousand five hundred rupees,	Seven rupees fifty <i>naye</i> <i>paise</i> .
	and when such amount or value exceeds seven thousand five hundred rupees, for every two hundred and fifty rupees, or part thereof, in excess of seven thousand five hundred rupees, up to ten thousand rupees,	Fifteen rupees.
	when such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof in excess of ten thousand rupees, up to twenty thousand rupees,	Twenty-two rupees fifty <i>naye</i> <i>paise</i> .
	and when such amount or value exceeds twenty	Thirty rupees.

Number		Proper Fee
	<p>thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to fifty thousand rupees,</p> <p>and</p> <p>when such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees :</p> <p>Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be ten thousand rupees.</p>	<p>Thirty-seven rupees fifty naye paise.”;</p>

(2) in the third column of the entries relating to article 6,—

(a) for the words “Four annas” occurring against clause (a) of the entries in the second column, the words “Thirty-seven naye paise” shall be substituted,

(b) for the words “Eight annas” occurring against the first item of clause (b) of the entries in the second column, the words “Seventy-five naye paise” shall be substituted, and

(c) for the words “One rupee” occurring against the second item of clause (b) of the entries in the second column, the words “One rupee fifty naye paise” shall be substituted;

(3) in the first column of the entries relating to article 8, for the figures “1879”, the figures “1899” shall be substituted;

(4) in article 11,—

(a) for the entries above the proviso in the second column and the entries corresponding thereto in the third

column, the following entries shall be substituted respectively in the second and third columns, namely:—

Number		Proper Fee
	<p>“ When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two thousand rupees, on such amount or value up to ten thousand rupees,</p>	Two per centum.
	<p>and</p> <p>when such amount or value exceeds ten thousand rupees, on the portion of such amount or value which is in excess of ten thousand rupees up to fifty thousand rupees,</p>	Three per centum.
	<p>and</p> <p>when such amount or value exceeds fifty thousand rupees, on the portion of such amount or value which is in excess of fifty thousand rupees up to a lakh of rupees,</p>	Four per centum.
	<p>and</p> <p>when such amount or value exceeds a lakh of rupees, on the portion of such amount or value which is in excess of a lakh of rupees up to two lakhs and fifty thousand rupees,</p>	Five per centum.

Number		Proper Fee
	<p>when such amount or value exceeds two lakhs and fifty thousand rupees, on the portion of such amount or value which is in excess of two lakhs and fifty thousand rupees up to three lakhs of rupees,</p> <p style="text-align: center;">and</p> <p>when such amount or value exceeds three lakhs of rupees, on the portion of such amount or value which is in excess of three lakhs of rupees up to four lakhs of rupees,</p> <p style="text-align: center;">and</p> <p>when such amount or value exceeds four lakhs of rupees, on the portion of such amount or value which is in excess of four lakhs of rupees up to five lakhs of rupees,</p> <p style="text-align: center;">and</p>	<p>Five and a half per centum.</p> <p>Six per centum.</p> <p>Six and a half per centum.</p>
	<p>when such amount or value exceeds five lakhs of rupees, on the portion of such amount or value which is in excess of five lakhs of rupees.</p>	<p>Seven per centum.”;</p>

(b) in the proviso to the entries in the second column, for the words and figures “the Succession Certificate Act, 1889”, the words and figures “the Indian Succession Act, 1925” shall be substituted;

7 of 1889

39 of 1925

(5) for article 12, the following article shall be substituted, namely:—

Number		Proper Fee
<p>12. Certificate under the Indian Succession Act, 1925.</p>	<p>When the amount or value of any debt or security specified in the certificate under section 374 of the Act, exceeds one thousand rupees,</p> <p>and</p> <p>when the aggregate amount or value of any debts or securities specified in the certificate and of any debts or securities to which the certificate has been extended under section 376 of the Act, exceeds one thousand rupees.</p>	<p>Two per centum on the first ten thousand rupees, 39 of 19</p> <p>three per centum on the next forty thousand rupees,</p> <p>four per centum on the next fifty thousand rupees,</p> <p>five per centum on the next one lakh and fifty thousand rupees,</p> <p>five and a half per centum on the next fifty thousand rupees,</p> <p>six per centum on the next one lakh of rupees,</p> <p>six and a half per centum on the next one lakh of rupees, and</p> <p>seven per centum on the remainder of such amount or value.</p> <p>In respect of such portion of the aggregate amount or value as consists of the amount or value of debts or securities so specified, the fee hereinbefore provided in that behalf in this article, and</p> <p>three per centum on such portion of the</p>
		<p>first ten thousand rupees,</p> <p>four and a half per centum on such portion of the next forty thousand rupees,</p> <p>six per centum on such portion of the next fifty thousand rupees,</p> <p>seven and a half per centum on such portion of the next one lakh and fifty thousand rupees,</p>

Number		Proper Fee
		<p>eight and a quarter per centum on such portion of the next fifty thousand rupees, nine per centum on such portion of the next one lakh of rupees, nine and three-quarters per centum on such portion of the next one lakh of rupees, and ten and a half per centum on such portion of the remainder of such aggregate amount or value as consists of the amount or value of debts or securities to which the certificate has been extended.</p> <p>NOTE.—(1) The amount of a debt is its amount, including interest on the day on which the inclusion of the debt in the certificate is applied for so far as such amount can be ascertained.</p> <p>(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.”;</p>

(6) for the Table of rates of *ad valorem* fees leviable on the institution of suits, the Table set forth in the Schedule to this Regulation shall be substituted.

Amendment
of Schedule
II.

17. In Schedule II to the principal Act,—

(1) in article 1,—

(a) for the words "One anna" against clause (a) of the entries in the second column, the words "Twelve *naye paise*" shall be substituted;

(b) for the words "Eight annas" against clause (b) of those entries, the following words shall be substituted, namely:—

"In the case of a complaint or charge of an offence presented to a Criminal Court one rupee, and in other cases seventy-five *naye paise*.";

(c) for the words "One rupee" occurring in clause (c) of those entries, the words "One rupee fifty *naye paise*" shall be substituted;

(d) for clause (d) of the entries in the second column and the entries in the third column corresponding to that clause, the following entries shall respectively be substituted, namely:—

Number	—	Proper Fee
	<p>(d) (i) When presented to the High Court under section 115 of the Code of Civil Procedure, 1908, for revision of an order—</p> <p>(a) when the value of the suit to which the order relates does not exceed Rs. 1,000;</p>	<p>Five rupees.</p>
	<p>(b) when the value of the suit exceeds Rs. 1,000.</p> <p>(ii) When presented to the High Court otherwise than under that section.</p>	<p>Ten rupees.</p> <p>Two rupees.";</p>

(2) in article 10,—

(a) for the words "Eight annas" occurring against clause (a) of the entries in the second column, the words "One rupee" shall be substituted;

(b) for the words "One rupee" occurring against clause (b) of those entries, the words "One rupee fifty *naye paise*" shall be substituted;

(3) for article 11, the following article shall be substituted, namely:—

Number		Proper Fee
"11. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented—	(a) (i) to any Revenue Court or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Authority,	One rupee.
	(ii) to any Civil Court other than a High Court,	One rupee.
	(b) to Chief Commissioner or other Chief Controlling Executive or Revenue Authority,	Two rupees.
	(c) to a High Court.	Five rupees." ;

(4) for articles 12 and 13, the following articles shall be substituted, namely:—

Number		Proper Fee
" 12. Caveat.		Ten rupees.
13. Application under Act No. X of 1859, section 26, or Bengal Act No. VI of 1862, section 9, or Bengal Act No. VIII of 1869, section 37.		Five rupees." ;

(5) in the entries relating to articles 17, 18 and 19, the bracket in the second column, and the words "Ten rupees" in the third column, shall be omitted;

(6) in article 17,—

(a) after entry v in the first column, the following entry shall be inserted, namely:—

"va. for partition and separate possession of a share of joint family property or of joint property, or to enforce a right to a share in any property on the ground that it is joint family property or joint property if the plaintiff is in possession of the property of which he claims to be a coparcener or co-owner;"

(b) against each of the entries i, ii, iv, va and vi in the first column, the words "Fifteen rupees" shall be inserted in the third column,

(c) against each of the entries iii and v in the first column, the words "Twenty rupees" shall be inserted in the third column;

(7) in article 18, for the entry in the first column, the entry "18. Application under section 20 of the Arbitration Act, 1940" shall be substituted, and in the third column, the words "Ten rupees" shall be inserted; 10 of 19

(8) after article 18, the following article shall be inserted, namely:—

Number	—	Proper Fee
"18A. Application under section 14 of the Arbitration Act, 1940, for a direction of filing an award and every memorandum of appeal under section 39 of that Act.		Fifteen rupees."; 10 of 1940

(9) in article 19, the words "Ten rupees" shall be inserted in the third column.

THE SCHEDULE

Table of rates of ad valorem fees leviable on the institution of suits

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee
Rs.	Rs.	Rs. naye paise
0	5	0 37
5	10	0 74
10	15	1 11
15	20	1 48
20	25	1 85
25	30	2 22
30	35	2 59
35	40	2 96
40	45	3 33
45	50	3 70
50	55	4 7
55	60	4 44
60	65	4 81
65	70	5 18
70	75	5 55
75	80	6 5
80	85	6 55
85	90	7 5
90	95	7 55
95	100	8 5
100	110	9 67
110	120	11 29
120	130	12 91

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee
Rs.	Rs.	Rs. <i>may</i> paise
130	140	14 53
140	150	16 15
150	160	17 92
160	170	19 4
170	180	20 16
180	190	21 28
190	200	22 40
200	210	23 52
210	220	24 64
220	230	25 76
230	240	26 88
240	250	28 0
250	260	29 12
260	270	30 24
270	280	31 36
280	290	32 48
290	300	33 60
300	310	34 72
310	320	35 84
320	330	36 96
330	340	38 8
340	350	39 20
350	360	40 32
360	370	41 44

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee
Rs.	Rs.	Rs. naye paise
370	380	42 56
380	390	43 68
390	400	44 80
400	410	45 92
410	420	47 4
420	430	48 16
430	440	49 28
440	450	50 40
450	460	51 52
460	470	52 64
470	480	53 76
480	490	54 88
490	500	56 0
500	510	57 12
510	520	58 24
520	530	59 36
530	540	60 48
540	550	61 60
550	560	62 72
560	570	63 84
570	580	64 96
580	590	66 8
590	600	67 20
600	610	68 32

When the amount or value of the subject-matter exceeds—	But does not exceed—	When the amount or value of the subject-matter exceeds—
Rs.	Rs.	Rs. naye paise
610	620	69 44
620	630	70 56
630	640	71 68
640	650	72 80
650	660	73 92
660	670	75 4
670	680	76 16
680	690	77 28
690	700	78 40
700	710	79 52
710	720	80 64
720	730	81 76
730	740	82 88
740	750	84 0
750	760	85 12
760	770	86 24
770	780	87 36
780	790	88 48
790	800	89 60
800	810	90 72
810	820	91 84
820	830	92 96
830	840	94 8
840	850	95 20

When the amount of value of the subject-matter exceeds—	But does not exceed—	Proper Fee only
Rs.	Rs.	Rs. <i>rupee</i> <i>paise</i>
850	860	96 32
860	870	97 44
870	880	98 56
880	890	99 68
890	900	100 80
900	910	101 92
910	920	103 4
920	930	104 16
930	940	105 28
940	950	106 40
950	960	107 52
960	970	108 64
970	980	109 76
980	990	110 88
990	1,000	112 00
1,000	1,100	119 05 92
1,100	1,200	127 00 68
1,200	1,300	134 05 44
1,300	1,400	142 00 20
1,400	1,500	149 05 00
1,500	1,600	157 00 00
1,600	1,700	164 05 00
1,700	1,800	172 00 00
1,800	1,900	179 05 00

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee
Rs.	Rs.	Rs. <i>naïe paise</i>
1,900	2,000	187 00
2,000	2,100	194 50
2,100	2,200	202 00
2,200	2,300	209 50
2,300	2,400	217 00
2,400	2,500	224 50
2,500	2,600	232 00
2,600	2,700	239 50
2,700	2,800	247 00
2,800	2,900	254 50
2,900	3,000	262 00
3,000	3,100	269 50
3,100	3,200	277 00
3,200	3,300	284 50
3,300	3,400	292 00
3,400	3,500	299 50
3,500	3,600	307 00
3,600	3,700	314 50
3,700	3,800	322 00
3,800	3,900	329 50
3,900	4,000	337 00
4,000	4,100	344 50
4,100	4,200	352 00
4,200	4,300	359 50

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee
Rs.	Rs.	Rs. and paise
4,300	4,400	367 0
4,400	4,500	374 50
4,500	4,600	382 0
4,600	4,700	389 50
4,700	4,800	397 0
4,800	4,900	404 50
4,900	5,000	412 0
5,000	5,100	419 50
5,100	5,200	427 0
5,200	5,300	434 50
5,300	5,400	442 0
5,400	5,500	449 50
5,500	5,600	457 0
5,600	5,700	464 50
5,700	5,800	472 0
5,800	5,900	479 50
5,900	6,000	487 0
6,000	6,100	494 50
6,100	6,200	502 0
6,200	6,300	509 50
6,300	6,400	517 0
6,400	6,500	524 50
6,500	6,600	532 0
6,600	6,700	539 50

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee
Rs.	Rs.	Rs. naye paise
6,700	6,800	547 0
6,800	6,900	554 50
6,900	7,000	562 0
7,000	7,100	569 50
7,100	7,200	577 0
7,200	7,300	584 50
7,300	7,400	592 0
7,400	7,500	599 50
7,500	7,750	614 50
7,750	8,000	629 50
8,000	8,250	644 50
8,250	8,500	659 50
8,500	8,750	674 50
8,750	9,000	689 50
9,000	9,250	704 50
9,250	9,500	719 50
9,500	9,750	734 50
9,750	10,000	749 50
10,000	10,500	772 0
10,500	11,000	794 50
11,000	11,500	817 0
11,500	12,000	839 50
12,000	12,500	862 0
12,500	13,000	884 50

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee
Rs.	Rs.	Rs. naye paise
13,000	13,500	907 0
13,500	14,000	929 50
14,000	14,500	952 0
14,500	15,000	974 50
15,000	15,500	997 0
15,500	16,000	1,019 50
16,000	16,500	1,042 0
16,500	17,000	1,064 50
17,000	17,500	1,087 0
17,500	18,000	1,109 50
18,000	18,500	1,132 0
18,500	19,000	1,154 50
19,000	19,500	1,177 0
19,500	20,000	1,199 50
20,000	21,000	1,229 50
21,000	22,000	1,259 50
22,000	23,000	1,289 50
23,000	24,000	1,319 50
24,000	25,000	1,349 50
25,000	26,000	1,379 50
26,000	27,000	1,409 50
27,000	28,000	1,439 50
28,000	29,000	1,469 50
29,000	30,000	1,499 50

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee
Rs.	Rs.	Rs. naye paise
30,000	31,000	1,529 50
31,000	32,000	1,559 50
32,000	33,000	1,589 50
33,000	34,000	1,619 50
34,000	35,000	1,649 50
35,000	36,000	1,679 50
36,000	37,000	1,709 50
37,000	38,000	1,739 50
38,000	39,000	1,769 50
39,000	40,000	1,799 50
40,000	41,000	1,829 50
41,000	42,000	1,859 50
42,000	43,000	1,889 50
43,000	44,000	1,919 50
44,000	45,000	1,949 50
45,000	46,000	1,979 50
46,000	47,000	2,009 50
47,000	48,000	2,039 50
48,000	49,000	2,069 50
49,000	50,000	2,099 50
50,000	55,000	2,137 0
55,000	60,000	2,174 50
60,000	65,000	2,212 0

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee
Rs.	Rs.	Rs. naye paise
65,000	70,000	2,249 50
70,000	75,000	2,287 0
75,000	80,000	2,324 50
80,000	85,000	2,362 0
85,000	90,000	2,399 50
90,000	95,000	2,437 0
95,000	1,00,000	2,474 50
1,00,000	1,05,000	2,512 0
1,05,000	1,10,000	2,549 50
1,10,000	1,15,000	2,587 0
1,15,000	1,20,000	2,624 50
1,20,000	1,25,000	2,662 0
1,25,000	1,30,000	2,699 50
1,30,000	1,35,000	2,737 0
1,35,000	1,40,000	2,774 50
1,40,000	1,45,000	2,812 0
1,45,000	1,50,000	2,849 50
1,50,000	1,55,000	2,887 0
1,55,000	1,60,000	2,924 50
1,60,000	1,65,000	2,962 0
1,65,000	1,70,000	2,999 50
1,70,000	1,75,000	3,037 0
1,75,000	1,80,000	3,074 50

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper Fee
Rs.	Rs.	Rs. naye paise
1,80,000	1,85,000	3,112 0
1,85,000	1,90,000	3,149 50
1,90,000	1,95,000	3,187 0
1,95,000	2,00,000	3,224 50
2,00,000	2,05,000	3,262 0

and the fee increases at the rate of thirty-seven rupees fifty *naye paise* for every five thousand rupees, or part thereof, up to a maximum fee of ten thousand rupees, for example :—

Rs.	Rs. naye paise
3,00,000	3,974 50
4,00,000	4,724 50
5,00,000	5,474 50
6,00,000	6,224 50
7,00,000	6,974 50
8,00,000	7,724 50
9,00,000	8,474 50
10,00,000	9,224 50
11,00,000	9,974 50

RAJENDRA PRASAD,
President

THE INDIAN STAMP (ANDAMAN AND NICOBAR ISLANDS AMENDMENT) REGULATION, 1957

No. 3 OF 1957

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

A Regulation to amend the Indian Stamp Act, 1899, in its application to the Andaman and Nicobar Islands.

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

1. (1) This Regulation may be called the Indian Stamp (Andaman and Nicobar Islands Amendment) Regulation, 1957. Short title, extent and commencement.

(2) It extends to the whole of the Andaman and Nicobar Islands.

(3) It shall come into force on the 1st day of August, 1957.

2. In clause (10) of section 2 of the Indian Stamp Act, 1899 (hereinafter referred to as the principal Act), after the words and figure "by Schedule I", the following shall be inserted, namely:— Amendment of section 2.

"or by Schedule IA, as the case may be".

3. In the proviso to section 3 of the principal Act, after the word "Provided", the word "further" shall be inserted, and before that proviso as so amended, the following proviso shall be inserted, namely:— Amendment of section 3

"Provided that, except as otherwise expressly provided in this Act, and notwithstanding anything contained in clause (a), (b) or (c) of this section or in Schedule I, the amount indicated in Schedule IA to this Act shall, subject to the exemptions contained in that Schedule, be the duty chargeable under this Act on the following instruments, mentioned in clauses (aa) and (bb) of this proviso, as the proper duty therefor respectively,—

(aa) every instrument mentioned in Schedule IA as chargeable with duty under that Schedule, which, not having been previously executed by any person, is executed in the Andaman and Nicobar Islands on or after the 1st day of August, 1957 and

(bb) every instrument mentioned in Schedule IA as chargeable with duty under that Schedule, which, not having been previously executed by any person, is executed out of

the Andaman and Nicobar Islands on or after the 1st day of August, 1957, and relates to any property situated, or to any matter or thing done or to be done, in the Andaman and Nicobar Islands and is received in the Andaman and Nicobar Islands:—

Amendment
of section 4.

4. In sub-section (1) of section 4 of the principal Act,—

(a) after the words and figure "in Schedule I", the following shall be inserted, namely:—

"or in Schedule IA, as the case may be,"; and

(b) for the words and brackets "instead of the duty (if any) prescribed for it in that schedule", the following shall be substituted, namely:—

"if the principal instrument be chargeable with the duty prescribed in Schedule I, or with a duty of two rupees, if the principal instrument be chargeable with the duty prescribed in Schedule IA, instead of the duty (if any) prescribed for such other instrument in Schedule I or Schedule IA, as the case may be."

Amendment
of section 6.

5. In section 6 of the principal Act,—

(1) after the words and figure "in Schedule I", the following shall be inserted, namely:—

"or in Schedule IA, as the case may be,";

(2) in the proviso—

(a) for the words "one rupee", the words "two rupees" shall be substituted; and

(b) after the words "has been paid", the following shall be inserted, namely:—

"unless it falls within the provisions of section 6A".

Insertion of
new section
6A.

6. After section 6 of the principal Act, the following section shall be inserted, namely:—

"6A. (1) Notwithstanding anything contained in section 4 or 6 or in any other law, unless it is proved that the duty chargeable under the Indian Stamp (Andaman and Nicobar Islands Amendment) Regulation, 1957, has been paid—

(a) on the principal or original instrument, as the case may be, or

(b) in accordance with the provisions of this section, the duty chargeable on an instrument of sale, mortgage or settlement other than a principal instrument, or on a counterpart,

Payment of
Andaman
and Nicobar
Islands
stamp-duty
on copies,
counterparts
or duplicates
when that
duty has not
been paid
on the prin-
cipal or ori-
ginal instru-
ment.

duplicate or copy of any instrument shall, if the principal or original instrument would, when received in the Andaman and Nicobar Islands, have been chargeable under the Indian Stamp (Andaman and Nicobar Islands Amendment) Regulation, 1957, with a higher rate of duty, be the duty with which the principal or original instrument would have been chargeable under section 19A.

(2) Notwithstanding anything contained in any law, no instrument, counterpart, duplicate or copy chargeable with duty under this section shall be received in evidence as properly stamped unless the duty chargeable under this section has been paid thereon:

Provided that a Court before which any such instrument, counterpart, duplicate or copy is produced, may, in its discretion, permit the duty chargeable under this section to be paid thereon, and may then receive it in evidence."

7. After section 19 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 19A.

"19A. Where any instrument has become chargeable in any part of India outside the Andaman and Nicobar Islands with duty under the stamp law for the time being in force in that part and thereafter becomes chargeable with a higher rate of duty in the Andaman and Nicobar Islands under clause (bb) of the first proviso to section 3—

Payment of duty on certain instruments liable to increased duty in Andaman and Nicobar Islands under clause (bb) of first proviso to section 3.

(i) notwithstanding anything contained in the first proviso to section 3, the amount of duty chargeable on such instrument shall be the amount chargeable on it under Schedule IA less the amount of duty, if any, already paid on it in the Andaman and Nicobar Islands,

(ii) in addition to the stamps, if any, already affixed thereto, such instrument shall be stamped with the stamps necessary for the payment of the amount of duty chargeable on it under clause (i) in the same manner and at the same time and by the same persons as though such instrument were an instrument received in India for the first time at the time when it became chargeable with the higher duty."

8. In the proviso to sub-section (4) of section 28 of the principal Act, for the words "one rupee", the words "two rupees" shall be substituted.

Amendment of section 28

Insertion of
new section
29A.

9. After section 29 of the principal Act, the following section shall be inserted, namely:—

Application
of sections
23A, 24
and 29 to
instruments
chargeable
with duty
under Sched-
ule IA.

“29A. In applying section 23A, 24 or 29 to any instrument chargeable with a higher rate of duty under the Indian Stamp (Andaman and Nicobar Islands Amendment) Regulation, 1957, the references in those sections to the several articles in Schedule I shall be deemed to be references to the corresponding articles in Schedule IA.”

Amendment
of section
32.

10. In the proviso to sub-section (3) of section 32 of the principal Act,—

(a) in clause (a), after the words “any instrument”, the words, brackets, letters and figure “other than an instrument chargeable with a duty under clause (bb) of the first proviso to section 3” shall be inserted;

(b) the word “or” at the end of clause (b) shall be omitted;

(c) at the end of clause (c), the word “or” shall be inserted; and

(d) after clause (c), the following clause shall be inserted, namely:—

“(d) any instrument chargeable with duty under clause (bb) of the first proviso to section 3 and brought to him after the expiration of three months of the date on which it is first received in the Andaman and Nicobar Islands.”

Insertion of
new section
48A.

11. In Chapter IV of the principal Act, after section 48, the following section shall be inserted, namely:—

Validity of
certificate or
endorsement
in respect of
instruments
for which
higher rate
of duty
payable in
Andaman
and Nicobar
Islands.

“48A. Notwithstanding anything contained in this Act, no certificate or endorsement under this Act in respect of an instrument chargeable in the Andaman and Nicobar Islands with a higher rate of duty under the Indian Stamp (Andaman and Nicobar Islands Amendment) Regulation, 1957, shall be received in evidence or be in any way valid in respect of the payment of duty on such instrument or in respect of the chargeability of such instrument with duty, unless the duty chargeable under the Indian Stamp (Andaman and Nicobar Islands Amendment) Regulation, 1957, has been paid on such instrument.”

Amendment
of section 77

12. In section 77 of the principal Act, for the word “Nothing”, the following shall be substituted, namely:—

“Except for the provisions as to copies contained in section 6A, nothing”.

13. After Schedule I to the principal Act, the following Schedule shall be inserted, namely:—

Insertion of new Schedule IA.

“SCHEDULE IA

STAMP-DUTY ON CERTAIN INSTRUMENTS UNDER THE INDIAN STAMP (ANDAMAN AND NICOBAR ISLANDS AMENDMENT) REGULATION, 1957

(See section 3, first proviso)

(NOTE.—The articles in Schedule IA are numbered so as to correspond with similar articles in Schedule I.)

Description of Instrument	Proper Stamp-duty
<p>2. ADMINISTRATION-BOND, including a bond given under section 6 of the Government Savings Banks Act, 1873, or section 291 or section 375 or section 376 of the Indian Succession Act, 1925—</p> <p>(a) where the amount does not exceed Rs. 1,000 ;</p> <p>(b) in any other case.</p> <p>3. ADOPTION-DEED, that is to say, any instrument (other than a will) recording an adoption, or conferring or purporting to confer an authority to adopt.</p> <p>ADVOCATE. See ENTRY AS AN ADVOCATE (No. 30).</p> <p>4. AFFIDAVIT, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.</p>	<p>The same duty as a Bond (No. 15) for such amount.</p> <p>Ten rupees.</p> <p>Twenty rupees.</p> <p>Two rupees.</p>
<i>Exemptions</i>	
<p>Affidavit or declaration in writing when made—</p> <p>(a) as a condition of enlistment under the Air Force Act, 1950, or the Army Act, 1950 ;</p> <p>(b) for the immediate purpose of being filed or used in any Court or before the officer of any Court ; or</p> <p>(c) for the sole purpose of enabling any person to receive any pension or charitable allowance.</p>	

Description of Instrument	Proper Stamp-duty
5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—	
(a) if relating to the sale of a bill of exchange ;	Twenty-five <i>naye paise</i> .
(b) (i) if relating to the sale of a Government security ;	Subject to a maximum of twenty rupees, twelve <i>naye paise</i> for every Rs. 10,000 or part thereof, of the value of the security.
(ii) if relating to the sale of a share in an incorporated company or other body corporate ;	Twelve <i>naye paise</i> for every Rs. 5,000 or part thereof, of the value of the share.
(c) if not otherwise provided for.	One rupee.
<i>Exemptions</i>	
Agreement or memorandum of agreement—	
(a) for or relating to the sale of goods or merchandise exclusively, not being a NOTE OR MEMORANDUM chargeable under No. 43 ;	
(b) made in the form of tenders to the Central Government for or relating to any loan.	
AGREEMENT TO LEASE. See LEASE (No. 35).	
6. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE, that is to say, any instrument evidencing an agreement relating to	
(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or	
(2) the pawn or pledge of movable property, where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—	

Description of Instrument				Proper Stamp-duty					
				If drawn singly		If drawn in set of two, for each part of the set		If drawn in set of three, for each part of the set	
				Rs.	Rs. paise	Rs.	Rs. paise	Rs.	Rs. paise
(a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement—									
(i) when the amount of the loan or debt does not exceed				200	0 28	0 19	0 9		
(ii) when it exceeds Rs. 200 but does not exceed				400	0 56	0 28	0 19		
Ditto	400 ditto	600		0 84	0 47	0 28			
Ditto	600 ditto	800		1 12	0 56	0 37			
Ditto	800 ditto	1,000		1 41	0 75	0 47			
Ditto	1,000 ditto	1,200		1 69	0 84	0 56			
Ditto	1,200 ditto	1,600		2 25	1 12	0 75			
Ditto	1,600 ditto	2,500		3 37	1 69	1 12			
Ditto	2,500 ditto	5,000		7 75	3 37	2 25			
Ditto	5,000 ditto	7,500		10 0	5 6	3 37			
Ditto	7,500 ditto	10,000		13 50	6 75	4 50			
Ditto	10,000 ditto	15,000		20 25	10 12	6 75			
Ditto	15,000 ditto	20,000		27 0	13 50	9 0			
Ditto	20,000 ditto	25,000		33 75	16 87	11 25			
Ditto	25,000 ditto	30,000		40 50	20 25	13 50			
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000					13 50	6 75	4 50		
(b) if such loan or debt is repayable not more than three months from the date of such instrument.				Half the duty payable on a loan or debt under clause (a)(i) or clause (a)(ii) for the amount secured.					

Description of Instrument	Proper Stamp-duty
<p>7. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, movable or immovable, where made by any writing not being a will.</p>	<p>Twenty-five rupees.</p>
<p>8. APPRAISEMENT OR VALUATION made otherwise than under an order of Court in the course of a suit—</p> <p>(a) where the amount does not exceed Rs. 1,000 ;</p> <p>(b) in any other case.</p>	<p>The same duty as a Bottomry Bond (No. 16) for such amount.</p> <p>Ten rupees.</p>
<p><i>Exemptions</i></p> <p>(a) Appraisement or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.</p> <p>(b) Appraisement of crops for the purpose of ascertaining the amount to be given to a landlord as rent.</p>	
<p>9. APPRENTICESHIP-DEED, including every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment, not being ARTICLES OF CLERKSHIP (No. 11).</p>	<p>Ten rupees.</p>
<p><i>Exemption</i></p> <p>Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850, or by which a person is apprenticed by or at the charge of any public charity.</p>	
<p>10. ARTICLES OF ASSOCIATION OF A COMPANY—</p> <p>(a) where the nominal share capital does not exceed one lakh of rupees;</p> <p>(b) where the nominal share capital exceeds one lakh of rupees.</p>	<p>Fifty rupees.</p> <p>One hundred rupees.</p>

Description of Instrument	Proper Stamp-duty
<p><i>Exemption</i></p> <p>Articles of any Association not formed for profit and registered under section 25 of the Companies Act, 1956.</p> <p>See also MEMORANDUM OF ASSOCIATION OF A COMPANY (No. 39).</p> <p style="text-align: center;">* * * *</p>	<p>Articles of Association of a company not formed for profit and registered under section 25 of the Companies Act, 1956.</p> <p>Memorandum of Association of a company.</p>
<p>ASSIGNMENT. See CONVEYANCE (No. 23), TRANSFER (No. 62) and TRANSFER OF LEASE (No. 63), as the case may be.</p>	<p>Assignment of property.</p>
<p>ATTORNEY. See ENTRY AS AN ATTORNEY (No. 30), and POWER-OF-ATTORNEY (No. 48).</p>	<p>Entry as an attorney.</p> <p>Power of attorney.</p>
<p>AUTHORITY TO ADOPT. See ADOPTION-DEED (No. 3).</p>	<p>Adoption deed.</p>
<p>12. AWARD, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—</p>	<p>Award.</p>
<p>(a) where the amount or value of the property to which the award relates as set forth in such award, does not exceed Rs. 1,000 ;</p>	<p>The same duty as a Bond (No. 15) for such amount.</p>
<p>(b) if it exceeds Rs. 1,000 but does not exceed Rs. 5,000 ;</p>	<p>Ten rupees.</p>
<p>and for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000.</p>	<p>Fifty naye paise subject to a maximum of fifty rupees.</p>
<p><i>Exemption</i></p> <p>Act III Award under the Bombay District Municipal Act, 1901, section 160, of the Act III Bombay Hereditary Offices Act, 1874, section 18.</p> <p style="text-align: center;">* * * *</p>	<p>Award under the Bombay District Municipal Act, 1901, section 160, of the Act III Bombay Hereditary Offices Act, 1874, section 18.</p>

Description of Instrument	Proper Stamp-duty
14. BILL OF LADING (including a through bill of lading).	Thirty-seven naye paise.
<i>Exemptions</i>	<i>N.B.</i> —If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.
15 of 1908.	
(a) Bill of lading when the goods therein described are received at a place within the limits of any port, as defined under the Indian Ports Act, 1908, and are to be delivered at another place within the limits of the same port.	
(b) Bill of lading when executed out of India and relating to property to be delivered in India.	
7 of 1870.	
15. BOND [as defined by section 2 (5)] not being a DEBENTURE (No. 27) and not being otherwise provided for by this Act, or by the Court-fees Act, 1870;—	
where the amount or value secured does not exceed Rs. 10;	Twelve naye paise.
where it exceeds Rs. 10 and does not exceed Rs. 50;	Twenty-five naye paise.
where it exceeds Rs. 50 and does not exceed Rs. 100;	Fifty naye paise.
where it exceeds Rs. 100 and does not exceed Rs. 200;	One rupee.
where it exceeds Rs. 200 and does not exceed Rs. 300;	One rupee eighty-seven naye paise.
where it exceeds Rs. 300 and does not exceed Rs. 400;	Three rupees.
where it exceeds Rs. 400 and does not exceed Rs. 500;	Three rupees seventy-five naye paise.
where it exceeds Rs. 500 and does not exceed Rs. 600;	Four rupees fifty naye paise.
where it exceeds Rs. 600 and does not exceed Rs. 700;	Five rupees twenty-five naye paise.

Description of Instrument	Proper Stamp-duty
where it exceeds Rs. 700 and does not exceed Rs. 800;	Six rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900;	Six rupees seventy-five naye paise.
where it exceeds Rs. 900 and does not exceed Rs. 1,000;	Seven rupees fifty naye paise.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Three rupees seventy-five naye paise.
<p>See ADMINISTRATION-BOND (No. 2), BOTTOMRY BOND (No. 16), CUSTOMS BOND (No. 26), INDEMNITY BOND (No. 34), RESPONDENTIA BOND (No. 56), SECURITY BOND (No. 57).</p>	
<p><i>Exemptions:</i></p>	
<p>Bond, when executed by—</p>	
<p>Act III 1876.</p>	<p>(a) headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act ;</p>
<p>(b) any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility, shall not be less than a specified sum per mensem.</p>	
<p>16. BOTTOMRY BOND, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage—</p>	
<p>where the amount or value secured does not exceed Rs. 10 ;</p>	<p>Nineteen naye paise.</p>
<p>where it exceeds Rs. 10 and does not exceed Rs. 50 ;</p>	<p>Thirty-seven naye paise.</p>
<p>where it exceeds Rs. 50 and does not exceed Rs. 100 ;</p>	<p>Seventy-five naye paise.</p>

Description of Instrument.	Proper Stamp-duty.
16. BOTTOMRY BOND—<i>contd.</i>	
where it exceeds Rs. 100 and does not exceed Rs. 200 ;	One rupee fifty <i>naye</i> <i>paise</i> .
where it exceeds Rs. 200 and does not exceed Rs. 300 ;	Two rupees twenty-five <i>naye</i> <i>paise</i> .
where it exceeds Rs. 300 and does not exceed Rs. 400 ;	Three rupees.
where it exceeds Rs. 400 and does not exceed Rs. 500 ;	Three rupees seventy-five <i>naye</i> <i>paise</i> .
where it exceeds Rs. 500 and does not exceed Rs. 600 ;	Four rupees fifty <i>naye</i> <i>paise</i> .
where it exceeds Rs. 600 and does not exceed Rs. 700 ;	Five rupees twenty-five <i>naye</i> <i>paise</i> .
where it exceeds Rs. 700 and does not exceed Rs. 800 ;	Six rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900 ;	Six rupees seventy-five <i>naye</i> <i>paise</i> .
where it exceeds Rs. 900 and does not exceed Rs. 1,000 ;	Seven rupees fifty <i>naye</i> <i>paise</i> .
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Three rupees seventy-five <i>naye</i> <i>paise</i> .
17. CANCELLATION—Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	Seven rupees fifty <i>naye</i> <i>paise</i> .
<i>See also</i> RELEASE (No. 55), REVOCATION OF SETTLEMENT (No. 58-B), SURRENDER OF LEASE (No. 61), REVOCATION OF TRUST (No. 64-B).	
18. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold), granted to the purchaser of any property sold by public	

Description of Instrument	Proper Stamp-duty
<p>auCTION by a Civil or Revenue Court or Collector or other Revenue Officer—</p> <p>(a) where the purchase-money does not exceed Rs. 10 ;</p> <p>(b) where the purchase-money exceeds Rs. 10 but does not exceed Rs. 25 ;</p> <p>(c) in any other case,</p>	<p>Twenty-five <i>naye</i> <i>paise</i>.</p> <p>Fifty <i>naye</i> <i>paise</i>.</p> <p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.</p>
<p>20. CHARTER-PARTY, that is to say, any instrument (except an agreement for the hire of a tug-steamer) whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer, whether it includes a penalty clause or not.</p>	<p>Two rupees.</p>
<p>22. COMPOSITION-DEED, that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business under the supervision of inspectors or under letters of licence, for the benefit of his creditors;</p>	<p>Twenty rupees.</p>
<p>23. CONVEYANCE [as defined by section 2 (10)] not being a TRANSFER charged or exempted under No. 62—</p> <p>where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50 ;</p> <p>where it exceeds Rs. 50 but does not exceed Rs. 100 ;</p> <p>where it exceeds Rs. 100 but does not exceed Rs. 200 ;</p>	<p>Seventy-five <i>naye</i> <i>paise</i>.</p> <p>One rupee fifty <i>naye</i> <i>paise</i>.</p> <p>Three rupees.</p>

Description of Instrument	Proper Stamp duty
23. CONVEYANCE—<i>contd.</i>	
where it exceeds Rs. 200 but does not exceed Rs. 300 ;	Four rupees fifty <i>naye</i> <i>paise</i> .
where it exceeds Rs. 300 but does not exceed Rs. 400 ;	Six rupees.
where it exceeds Rs. 400 but does not exceed Rs. 500 ;	Seven rupees fifty <i>naye</i> <i>paise</i> .
where it exceeds Rs. 500 but does not exceed Rs. 600 ;	Nine rupees.
where it exceeds Rs. 600 but does not exceed Rs. 700 ;	Ten rupees fifty <i>naye</i> <i>paise</i> .
where it exceeds Rs. 700 but does not exceed Rs. 800 ;	Twelve rupees.
where it exceeds Rs. 800 but does not exceed Rs. 900 ;	Thirteen rupees fifty <i>naye</i> <i>paise</i> .
where it exceeds Rs. 900 but does not exceed Rs. 1,000 ;	Fifteen rupees.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Seven rupees fifty <i>naye</i> <i>paise</i> .
<i>Exemption</i>	
Assignment of copyright under the Indian Copyright Act, 1914. <i>See</i> 3 of 1914.	
CO-PARTNERSHIP DEED. <i>See</i> PARTNERSHIP (No. 46).	
24. COPY OR EXTRACT certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—	
(i) if the original was not chargeable with duty, or if the duty with which it was chargeable does not exceed one rupee.	One rupee.

Description of Instrument	Proper Stamp-duty
(ii) in any other case not falling within the provisions of section 6A.	Two rupees.
<i>Exemptions</i>	
(a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.	
(b) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials.	
25. COUNTERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid,—	
(a) if the duty with which the original instrument is chargeable does not exceed two rupees;	The same duty as is payable on the original.
(b) in any other case not falling within the provisions of section 6A.	Two rupees.
<i>Exemption</i>	
Counterpart of any lease granted to a cultivator when such lease is exempted from duty.	
26. CUSTOMS BOND—	
(a) where the amount does not exceed Rs. 1,000 ;	The same duty as a Bottomry Bond (No. 16) for such amount.
(b) in any other case.	Ten rupees.
* * * * *	

Description of Instrument	Proper Stamp-duty
<p>DECLARATION OF ANY TRUST. See TRUST (No. 64).</p> <p style="text-align: center;">* * * * *</p>	
<p>DEPOSIT OF TITLE-DEEDS. See AGREEMENT relating to DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6).</p>	
<p>DISSOLUTION OF PARTNERSHIP. See PARTNERSHIP (No. 46).</p>	
<p>29. DIVORCE—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.</p>	Five rupees.
<p>DOWER—Instrument of. See SETTLEMENT (No. 58).</p>	
<p>DUPLICATE. See COUNTERPART (No. 25).</p>	
<p>30. ENTRY AS AN ADVOCATE, VAKIL OR ATTORNEY ON THE ROLL OF ANY HIGH COURT, under the Indian Bar Councils Act, 1926, or in exercise of powers conferred on such Court by Letters Patent or by the Legal Practitioners Act, 1884.</p>	
<p>(a) in the case of an advocate or vakil;</p>	Seven hundred and fifty rupees.
<p>(b) in the case of an attorney.</p>	Five hundred rupees.
<p style="text-align: center;"><i>Exemption</i></p> <p>Entry of an advocate, vakil or attorney on the roll of any High Court when he has previously been enrolled in a High Court.</p>	

Description of Instrument	Proper Stamp-duty
<p>31. EXCHANGE OF PROPERTY—Instrument of.</p> <p>EXTRACT. See COPY (No. 24).</p> <p>32. FURTHER CHARGE—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—</p> <p>(a) when the original mortgage is one of the description referred to in clause (a) of Article No. 40 (that is, with possession);</p> <p>(b) when such mortgage is one of the description referred to in clause (b) of Article No. 40 (that is, without possession)—</p> <p>(i) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument;</p> <p>(ii) if possession is not so given.</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property of greatest value as set forth in such instrument.</p> <p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the further charge secured by such instrument.</p> <p>The same duty as a Conveyance (No. 23) for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge.</p> <p>The same duty as a Bond (No. 15) for the amount of the further charge secured by such instrument.</p>
<p>33. GIFT—Instrument of, not being a SETTLEMENT (No. 58), OR WILL OR TRANSFER (No. 62).</p> <p>HIRING AGREEMENT or agreement for service. See AGREEMENT (No. 5).</p> <p>34. INDEMNITY BOND.</p> <p>INSPECTORSHIP-DEED. See COMPOSITION-DEED (No. 22).</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property as set forth in such instrument.</p> <p>The same duty as a Security Bond (No. 57) for the same amount.</p>

Description of Instrument	Proper Stamp-duty
<p>35. LEASE, including an underlease or sub-lease and any agreement to let or sub-let—</p> <p>(a) where by such lease the rent is fixed and no premium is paid or delivered—</p> <p>(i) where the lease purports to be for a term of less than one year ;</p> <p>(ii) where the lease purports to be for a term of not less than one year but not more than five years ;</p> <p>(iii) where the lease purports to be for a term exceeding five years but not exceeding ten years ;</p> <p>(iv) where the lease purports to be for a term exceeding ten years but not exceeding twenty years ;</p> <p>(v) where the lease purports to be for a term exceeding twenty years but not exceeding thirty years ;</p>	<p>The same duty as a Bottomry Bond (No. 16) for the whole amount payable or deliverable under such lease.</p> <p>The same duty as a Bottomry Bond (No. 16) for the amount or value of the average annual rent reserved.</p> <p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of the average annual rent reserved.</p> <p>The same duty as a Conveyance (No. 23) for a consideration equal to twice the amount or value of the average annual rent reserved.</p> <p>The same duty as a Conveyance (No. 23) for a consideration equal to three times the amount or value of the average annual rent reserved.</p>
<p>(vi) where the lease purports to be for a term exceeding thirty years but not exceeding one hundred years ;</p> <p>(vii) where the lease purports to be for a term exceeding one hundred years or in perpetuity ;</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to four times the amount or value of the average annual rent reserved.</p> <p>The same duty as a Conveyance (No. 23) for a consideration equal in the case of a lease granted solely for agricultural purposes to one-tenth, and in any other case to one-sixth, of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.</p>

Description of Instrument	Proper Stamp-duty
<p>35. LEASE—<i>conia</i>.</p> <p>(viii) where the lease does not purport to be for any definite term ;</p> <p>(b) where the lease is granted for a fine or premium, or for money advanced and where no rent is reserved ;</p> <p>(c) where the lease is granted for a fine or premium or for money advanced in addition to rent reserved.</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.</p> <p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.</p> <p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered :</p> <p>Provided that, in any case when an agreement to lease is stamped with the <i>ad valorem</i> stamp required for a lease and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed seventy-five naye paise.</p>
<p><i>Exemption</i></p>	
<p>Lease executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink), without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.</p>	

Description of Instrument	Proper Stamp duty
<p>35. LEASE—<i>concl.</i></p> <p>In this exemption a lease for the purposes of cultivation shall include a lease of lands for cultivation together with a homestead or tank.</p> <p style="text-align: center;">* * * *</p> <p><i>Explanation.</i>—When a lessee undertakes to pay any recurring charge, such as Government revenue, the landlord's share of cesses or the owner's share of municipal rates or taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee shall be deemed to be part of the rent.</p> <p style="text-align: center;">* * * *</p>	
<p>LETTER OF GUARANTEE. See AGREEMENT (No. 5).</p>	
<p>38. LETTER OF LICENCE, that is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.</p>	Fifteen rupees.
<p>39. MEMORANDUM OF ASSOCIATION OF A COMPANY—</p>	
<p>(a) if accompanied by articles of association under section 26 of the Companies Act, 1956;</p>	Thirty rupees.
<p>(b) if not so accompanied</p> <p>(i) where the nominal share capital does not exceed one lakh of rupees;</p> <p>(ii) where the nominal share capital exceeds one lakh of rupees.</p>	Eighty rupees. One hundred and thirty rupees.
<p><i>Exemption</i></p> <p>Memorandum of any association not formed for profit and registered under section 25 of the Companies Act, 1956.</p>	

Description of Instrument	Proper Stamp-duty
<p>40. MORTGAGE-DEED, not being an AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6), BOTTOMRY BOND (No. 16), MORTGAGE OF A CROP (No. 41), RESPONDENTIA BOND (No. 56), OR SECURITY BOND (No. 57)—</p>	
<p>(a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given ;</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount secured by such deed.</p>
<p>(b) when possession is not given or agreed to be given as aforesaid ;</p>	<p>The same duty as a Bond (No. 15) for the amount secured by such deed.</p>
<p><i>Explanation.</i>—A mortgagor who gives to the mortgagee a power-of-attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this Article.</p>	
<p>(c) when a collateral or auxiliary or additional or substituted security or by way of further assurance for the above-mentioned purpose where the principal or primary security is duly stamped—</p>	
<p>for every sum secured not exceeding Rs. 1,000;</p>	<p>Seventy-five paise.</p>
<p>and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.</p>	<p>One rupee.</p>
<p><i>Exemptions</i></p>	
<p>(1) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, or by their sureties as security for the repayment of such advances.</p>	
<p>(2) Letter of hypothecation accompanying a bill of exchange.</p>	
<p>41. MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop,</p>	

Description of Instrument	Proper Stamp-duty
<p>41. MORTGAGE OF A CROP—<i>contd.</i></p> <p>whether the crop is or is not in existence at the time of the mortgage—</p> <p>(a) when the loan is repayable not more than three months from the date of the instrument—</p> <p>or every sum secured not exceeding Rs. 200 ;</p> <p>and for every Rs. 200 or part thereof secured in excess of Rs. 200 ;</p> <p>(b) when the loan is repayable more than three months but not more than eighteen months from the date of the instrument—</p> <p>for every sum secured not exceeding Rs. 100 ;</p> <p>and for every Rs. 100 or part thereof secured in excess of Rs. 100.</p> <p>42. NOTARIAL ACT, that is to say, any instrument, endorsement, note, attestation, certificate, or entry not being a PROTEST (No. 50), made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public.</p> <p><i>See also</i> PROTEST OF BILL OR NOTE (No. 50).</p>	<p>Nine naye paise.</p> <p>Nine naye paise.</p> <p>Twenty-five naye paise.</p> <p>Twenty-five naye paise.</p> <p>Two rupees.</p>
<p>43. NOTE OR MEMORANDUM sent by a broker or agent to his principal intimating the purchase or sale on account of such principal—</p> <p>(a) of any goods exceeding in value twenty rupees ;</p> <p>(b) of any stock or marketable security exceeding in value twenty rupees but not being a Government security ;</p> <p>(c) of a Government security.</p>	<p>Twenty-five naye paise.</p> <p>Twelve naye paise for every Rs. 5000 or part thereof of the value of the stock or security.</p> <p>Subject to a maximum of twenty rupees, twelve naye paise for every Rs. 10000 or part thereof of the value of the security.</p>

Description of Instrument	Proper Stamp-duty
<p>44. NOTE OF PROTEST BY THE MASTER OF A SHIP.</p> <p><i>See also</i> PROTEST BY THE MASTER OF A SHIP (No. 51).</p>	<p>One rupee.</p>
<p>45. PARTITION—Instrument [as defined by section 2(15)]</p>	<p>of</p> <p>The same duty as a Bond (No. 15) for the amount of the value of the separated share or shares of the property.</p> <p><i>N. B.</i>—The largest share remaining after the property is partitioned (or if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated:</p> <p>Provided always that—</p> <p>(a) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than one rupee;</p> <p>(b) where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue;</p>

Description of Instrument	Proper Stamp duty
<p>45. PARTITION—<i>contd.</i></p>	<p>(c) where a final order for effecting a partition passed by any Revenue authority or any Civil Court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition, and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed one rupee.</p>
<p>46. PARTNERSHIP—</p> <p>A.—INSTRUMENT OF—</p> <p>(a) where the capital of the partnership does not exceed Rs. 500;</p> <p>(b) in any other case.</p> <p>B.—DISSOLUTION OF—</p> <p>PAWN OR PLEDGE. See AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6).</p>	<p>Five rupees.</p> <p>Twenty rupees.</p> <p>Ten rupees.</p>
<p>48. POWER OF ATTORNEY [as defined by section 2 (21)], not being a Proxy—</p> <p>(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents;</p>	<p>One rupee.</p>
<p>(b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882;</p>	<p>One rupee.</p>
<p>(c) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a);</p>	<p>Two rupees.</p>

Description of Instrument	Proper Stamp-duty
<p>48. POWER-OF-ATTORNEY—<i>contd.</i></p> <p>(d) when authorising not more than five persons to act jointly and severally in more than one transaction or generally ;</p> <p>(e) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally ;</p> <p>(f) when given for consideration and authorising the attorney to sell any immovable property ;</p> <p>(g) in any other case.</p> <p><i>Explanation.</i>—For the purposes of this Article more persons than one when belonging to the same firm shall be deemed to be one person.</p>	<p>Ten rupees.</p> <p>Twenty rupees.</p> <p>The same duty as a Conveyance (No. 23) for the amount of the consideration.</p> <p>Two rupees for each person authorised.</p> <p><i>N. B.</i>—The term “ registration ” includes every operation incidental to registration under the Indian Registration Act, 1908. 16 of 1908.</p>
<p>50. PROTEST OF BILL OR NOTE, that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a Bill of Exchange or promissory note.</p>	<p>Two rupees.</p>
<p>51. PROTEST BY THE MASTER OF A SHIP, that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public, or other person lawfully acting as such.</p> <p><i>See also</i> NOTE OF PROTEST BY THE MASTER OF A SHIP (No. 44).</p>	<p>Two rupees.</p>

Description of Instrument	Proper Stamp-duty
<p>54. RE-CONVEYANCE OF MORTGAGED PROPERTY—</p> <p>(a) if the consideration for which the property was mortgaged does not exceed Rs. 1,000 ;</p> <p>(b) in any other case.</p>	<p>The same duty as a Conveyance (No. 23) for the amount of such consideration as set forth in the re-conveyance.</p> <p>Fifteen rupees.</p>
<p>55. RELEASE, that is to say, any instrument (not being such a release as is provided for by section 23A), whereby a person renounces a claim upon another person or against any specified property—</p> <p>(a) if the amount or value of the claim does not exceed Rs. 1,000 ;</p> <p>(b) in any other case.</p>	<p>The same duty as a Bond (No. 15) for such amount or value as set forth in the release.</p> <p>Ten rupees.</p>
<p>56. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making re-payment contingent on the arrival of the cargo at the port of destination.</p> <p>REVOCAATION OF ANY TRUST OR SETTLEMENT. See SETTLEMENT (No. 58) ; TRUST (No. 64).</p> <p>57. SECURITY BOND OR MORTGAGE-DEED, executed by way of security for the due discharge of a liability, or for the due execution of an office, or to account for money or other property received by virtue thereof, or executed by a surety to secure the due performance of a contract—</p>	<p>The same duty as a Bottomry Bond (No. 16) for the amount of the loan secured.</p>
<p>(a) when the amount secured does not exceed Rs. 1,000 ;</p> <p>(b) in any other case.</p>	<p>The same duty as a Bond (No. 15) for the amount secured.</p> <p>Ten rupees.</p>

Description of Instrument	Proper Stamp-duty
<p style="text-align: center;"><i>Exemptions</i></p> <p>Bond or other instrument when executed—</p> <p>(a) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act ;</p> <p>(b) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital, or any other object of public utility shall not be less than a specified sum per mensem ;</p> <p>(c) under No. 3A of the rules made by the State Government of Bombay, under section 70 of the Bombay Irrigation Act, 1879 ;</p> <p>(d) executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, or by their sureties, as security for the repayment of such advances ;</p> <p>(e) executed by servants of the Government or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.</p>	
<p>58. SETTLEMENT—</p>	
<p>A—INSTRUMENT OF (including a deed of dower)</p>	<p>The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property settled as set forth in such settlement ;</p> <p>Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement, and</p>

Bengal Act III of 1876.

Bombay Act VII of 1879.

19 of 1883, 12 of 1884.

Description of Instrument	Proper Stamp-duty
<p style="text-align: center;"><i>Exemption</i></p> <p>Deed of dower executed on the occasion of a marriage between Muham-madans.</p> <p style="text-align: center;">* * * *</p>	<p>an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed one rupee.</p> <p style="text-align: center;">* * * *</p>
<p>B—REVOCATION OF—</p> <p style="text-align: center;"><i>See also TRUST (No. 64).</i></p>	<p>The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument of revocation, but not exceeding fifteen rupees.</p>
<p>1 of 1956 59. SHARE WARRANTS to bearer issued under the Companies Act, 1956.</p> <p style="text-align: center;"><i>Exemption</i></p> <p>Share warrant when issued by a company in pursuance of the Companies Act, 1956, section 114, to have effect only upon payment, as composition for that duty, to the Collector of Stamp-revenue of—</p>	<p>One and a half times the duty payable on a Conveyance (No. 23) for a consideration equal to the nominal amount of the shares specified in the warrant.</p>
<p>(a) one and a half <i>per centum</i> of the whole subscribed capital of the company; or</p> <p>(b) if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital—One and a half <i>per centum</i> of the additional capital so issued.</p> <p style="text-align: center;">* * * *</p>	<p style="text-align: center;">* * * *</p>

Description of Instrument	Proper Stamp-duty
<p>61. SURRENDER OF LEASE—</p> <p>(a) when the duty with which the lease is chargeable does not exceed seven rupees fifty <i>naye</i> <i>paise</i>;</p> <p>(b) in any other case.</p> <p><i>Exemption</i></p> <p>Surrender of lease, when such lease is exempted from duty.</p>	<p>The duty with which such lease is chargeable.</p> <p>Seven rupees fifty <i>naye</i> <i>paise</i>.</p>
<p>62. TRANSFER (whether with or without consideration)—</p> <p>* * * *</p> <p>(b) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8 ;</p> <p>(c) of any interest secured by a bond, mortgage-deed in respect of which duty has been paid under Article No. 40 or policy of insurance—</p> <p>(i) if the duty on such bond, mortgage-deed or policy does not exceed five rupees ;</p> <p>(ii) in any other case ;</p>	<p>* * * *</p> <p>One-half of the duty payable on a Conveyance (No. 23) for a consideration equal to the face amount of the debenture.</p> <p>The duty with which such bond, mortgage-deed or policy of insurance is chargeable.</p> <p>Ten rupees.</p>
<p>(d) of any property under the Administrator-General's Act, 1913, section 25 ;</p> <p>(e) of any trust-property without consideration from one trustee to another trustee, or from a trustee to a beneficiary.</p>	<p>Fifteen rupees.</p> <p>Seven rupees fifty <i>naye</i> <i>paise</i> or such smaller amount as may be chargeable under clause (a) of Article 62 in Schedule I and clauses (b) and (c) of this Article.</p>

Description of Instrument	Proper Stamp-duty
<i>Exemptions</i>	
Transfers by endorsement—	
(a) of a bill of exchange, cheque or promissory note ;	
(b) of a bill of lading, delivery order, warrant for goods, or other mercantile document of title to goods ;	
(c) of a policy of insurance ;	
(d) of securities of the Central Government.	
<i>See also section 8.</i>	
63. TRANSFER OF LEASE by way of assignment, and not by way of under-lease.	The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the consideration for the transfer.
<i>Exemption</i>	
Transfer of any lease exempt from duty.	
64. TRUST—	
A.—DECLARATION OF—of, or concerning, any property when made by any writing not being a WILL.	The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument but not exceeding twenty-two rupees fifty naye paise.
B.—REVOCATION OF—of, or concerning, any property when made by any instrument other than a WILL.	The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding fifteen rupees.
<i>See also SETTLEMENT (No. 38).</i>	
VALUATION, See APPRAISEMENT (No. 8).	

Description of Instrument	• Proper Stamp-duty
<p>VAKIL. <i>See</i> ENTRY AS A VAKIL (No. 30).</p> <p>65. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.</p>	<p>Fifty naye paise."</p>

RAJENDRA PRASAD,

President.

K. V. K. SUNDARAM,

Secy. to the Govt of India.

THE INDIAN STAMP (ANDAMAN AND NICOBAR ISLANDS AMENDMENT) REGULATION, 1957

No. 3 OF 1957

(Published in the Gazette of India Extraordinary Part II, Section 1, dated the 8th July, 1957)



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

A Regulation to amend the Indian Stamp Act, 1899, in its application to the Andaman and Nicobar Islands.

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

1. (1) This Regulation may be called the Indian Stamp (Andaman and Nicobar Islands Amendment) Regulation, 1957. Short title, extent and commencement.

(2) It extends to the whole of the Andaman and Nicobar Islands.

(3) It shall come into force on the 1st day of August, 1957.

2. In clause (10) of section 2 of the Indian Stamp Act, 1899 (hereinafter referred to as the principal Act), after the words and figure "by Schedule I", the following shall be inserted, namely:— Amendment of section 2.

"or by Schedule IA, as the case may be".

3. In the proviso to section 3 of the principal Act, after the word "Provided", the word "further" shall be inserted, and before that proviso as so amended, the following proviso shall be inserted, namely:— Amendment of section 3.

"Provided that, except as otherwise expressly provided in this Act, and notwithstanding anything contained in clause (a), (b) or (c) of this section or in Schedule I, the amount indicated in Schedule IA to this Act shall, subject to the exemptions contained in that Schedule, be the duty chargeable under this Act on the following instruments, mentioned in clauses (aa) and (bb) of this proviso, as the proper duty therefor respectively,—

(aa) every instrument mentioned in Schedule IA as chargeable with duty under that Schedule, which, not having been previously executed by any person, is executed in the Andaman and Nicobar Islands on or after the 1st day of August, 1957, and

(bb) every instrument mentioned in Schedule IA as chargeable with duty under that Schedule, which, not having been previously executed by any person, is executed out of the Andaman and Nicobar Islands on or after the 1st day of August, 1957, and relates to any property situated, or to any matter or thing done or to be done, in the Andaman and Nicobar Islands and is received in the Andaman and Nicobar Islands."

Amendment of section 4.

4. In sub-section (1) of section 4 of the principal Act,

(a) after the words and figure "in Schedule I", the following shall be inserted, namely:—

"or in Schedule IA, as the case may be"; and

(b) for the words and brackets "instead of the duty (if any) prescribed for it in that schedule", the following shall be substituted, namely:—

"if the principal instrument be chargeable with the duty prescribed in Schedule I, or with a duty of two rupees, if the principal instrument be chargeable with the duty prescribed in Schedule IA, instead of the duty (if any) prescribed for such other instrument in Schedule I or Schedule IA, as the case may be."

Amendment of section 6.

5. In section 6 of the principal Act,—

(1) after the words and figure "in Schedule I", the following shall be inserted, namely:—

"or in Schedule IA, as the case may be";

(2) in the proviso—

(a) for the words "one rupee", the words "two rupees" shall be substituted; and

(b) after the words "has been paid", the following shall be inserted, namely:—

"unless it falls within the provisions of section 6A."

6. After section 6 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 6A.

“6A. (1) Notwithstanding anything contained in section 4 or 6 or in any other law, unless it is proved that the duty chargeable under the Indian Stamp (Andaman and Nicobar Islands Amendment) Regulation, 1957, has been paid—

Payment of Andaman and Nicobar Islands

stamp duty on copies, counterparts or duplicates

where that duty has not been paid on the principal or original instrument.

(a) on the principal or original instrument, as the case may be, or

(b) in accordance with the provisions of this section, the duty chargeable on an instrument of sale, mortgage or settlement other than a principal instrument, or on a counterpart, duplicate or copy of any instrument shall, if the principal or original instrument would, when received in the Andaman and Nicobar Islands, have been chargeable under the Indian Stamp (Andaman and Nicobar Islands Amendment) Regulation, 1957, with a higher rate of duty, be the duty with which the principal or original instrument would have been chargeable under section 19A.

(2) Notwithstanding anything contained in any law, no instrument, counterpart, duplicate or copy chargeable with duty under this section shall be received in evidence as properly stamped unless the duty chargeable under this section has been paid thereon:

Provided that a Court before which any such instrument, counterpart, duplicate or copy is produced, may, in its discretion, permit the duty chargeable under this section to be paid thereon, and may then receive it in evidence.”

7. After section 19 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 19A.

“19A. Where any instrument has become chargeable in any part of India outside the Andaman and Nicobar Islands with duty under the stamp law for the time being in force in that part and thereafter becomes chargeable with a higher rate of duty in the Andaman and Nicobar Islands under clause (bb) of the first proviso to section 3—

Payment of duty on certain instruments liable to increased duty in Andaman and Nicobar

(a) notwithstanding anything contained in the first proviso to section 3, the amount of duty chargeable on such instrument shall be the amount chargeable on it under Schedule IA less the amount of duty, if any, already paid on it in the Andaman and Nicobar Islands,

Instrument chargeable under clause (bb) of first proviso to section 3

(ii) in addition to the stamps, if any, already affixed thereto, such instrument shall be stamped with the stamps necessary for the payment of the amount of duty chargeable on it under clause (a) in the same manner and at the same

time and by the same persons as though such instrument were an instrument received in India for the first time at the time when it became chargeable with the higher duty."

Amendment of section 28.

8. In the proviso to sub-section (4) of section 28 of the principal Act, for the words "one rupee", the words "two rupees" shall be substituted.

Insertion of new section 29A.

9. After section 29 of the principal Act, the following section shall be inserted, namely:—

Application of sections 23A, 24 and 29 to instruments chargeable with duty under Schedule IA.

"29A. In applying section 23A, 24 or 29 to any instrument chargeable with a higher rate of duty under the Indian Stamp (Andaman and Nicobar Islands Amendment) Regulation, 1957, the references in those sections to the several articles in Schedule I shall be deemed to be references to the corresponding articles in Schedule IA."

Amendment of section 32.

10. In the proviso to sub-section (3) of section 32 of the principal Act,—

(a) in clause (a), after the words "any instrument", the words, brackets, letters and figure "other than an instrument chargeable with a duty under clause (bb) of the first proviso to section 3" shall be inserted;

(b) the word "or" at the end of clause (b) shall be omitted;

(c) at the end of clause (c), the word "or" shall be inserted; and

(d) after clause (c), the following clause shall be inserted, namely:—

"(d) any instrument chargeable with duty under clause (bb) of the first proviso to section 3 and brought to him after the expiration of three months of the date on which it is first received in the Andaman and Nicobar Islands."

Insertion of new section 48A.

11. In Chapter IV of the principal Act, after section 48, the following section shall be inserted, namely:—

Validity of certificate or endorsement in respect of instruments for which higher rate of duty payable in Andaman and Nicobar Islands.

"48A. Notwithstanding anything contained in this Act, no certificate or endorsement under this Act in respect of an instrument chargeable in the Andaman and Nicobar Islands with a higher rate of duty under the Indian Stamp (Andaman and Nicobar Islands Amendment) Regulation, 1957, shall be received in evidence or be in any way valid in respect of the payment of duty on such instrument or in respect of the chargeability of such instrument with duty, unless the duty chargeable under the Indian Stamp (Andaman and Nicobar Islands Amendment) Regulation, 1957, has been paid on such instrument."

12. In section 77 of the principal Act, for the word "Nothing", the following shall be substituted, namely:—

Amendment of section 77.

"Except for the provisions as to copies contained in section 6A, nothing".

13. After Schedule I to the principal Act, the following Schedule shall be inserted, namely:—

Insertion of new Schedule IA.

" SCHEDULE IA

STAMP-DUTY ON CERTAIN INSTRUMENTS UNDER THE INDIAN STAMP (ANDAMAN AND NICOBAR ISLANDS AMENDMENT) REGULATION, 1957

(See section 3, first proviso)

(NOTE.—The articles in Schedule IA are numbered so as to correspond with similar articles in Schedule I.)

Description of Instrument	Proper Stamp-duty
<p>2. ADMINISTRATION-BOND, including a bond given under section 6 of the Government Savings Banks Act, 1873, or section 291 or section 375 or section 376 of the Indian Succession Act, 1925—</p>	<p>The same duty as a Bond (No. 15) for such amount.</p>
<p>(a) where the amount does not exceed Rs. 1,000 ;</p> <p>(b) in any other case.</p>	<p>Ten rupees.</p>
<p>3. ADOPTION-DEED, that is to say, any instrument (other than a will) recording an adoption, or conferring or purporting to confer an authority to adopt.</p>	<p>Twenty rupees.</p>
<p>ADVOCATE. See ENTRY AS AN ADVOCATE (No. 30).</p>	<p>Two rupees.</p>
<p>4. AFFIDAVIT, including an affirmation or declaration in the case of persons by law allowed to affirm or declare instead of swearing.</p>	
<p><i>Exemptions</i></p>	
<p>Affidavit or declaration in writing when made—</p>	
<p>(a) as a condition of enlistment under the Air Force Act, 1950, or the Army Act, 1950 ;</p>	
<p>(b) for the immediate purpose of being filed or used in any Court or before the officer of any Court ; or</p>	

Description of Instrument	Proper Stamp duty
<p>(c) for the sole purpose of enabling any person to receive any pension or charitable allowance.</p> <p>5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—</p> <p>(a) if relating to the sale of a bill of exchange ;</p> <p>(b) (i) if relating to the sale of a Government security ;</p> <p>(ii) if relating to the sale of a share in an incorporated company or other body corporate ;</p> <p>(c) if not otherwise provided for.</p>	<p>Twenty-five naye paise.</p> <p>Subject to a maximum of twenty rupees, twelve naye paise for every Rs. 10,000 or part thereof, of the value of the security.</p> <p>Twelve naye paise for every Rs. 5,000 or part thereof, of the value of the share.</p> <p>One rupee.</p>
<p><i>Exemptions</i></p> <p>Agreement or memorandum of agreement—</p> <p>(a) for or relating to the sale of goods or merchandise exclusively, not being a NOTE OR MEMORANDUM chargeable under No. 43 ;</p> <p>(b) made in the form of tenders to the Central Government for or relating to any loan.</p>	
<p>AGREEMENT TO LEASE. See LEASE (No. 35).</p> <p>6. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE, that is to say, any instrument evidencing an agreement relating to—</p>	
<p>(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security), or</p> <p>(2) the pawn or pledge of immovable property, where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or future debt—</p>	

Description of Instrument		Proper Stamp duty			
(a) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement—			If drawn singly	If drawn in set of two for each part of the set	If drawn in set of three for each part of the set
		Rs.	Rs. paise	Rs. paise	Rs. paise
(i) when the amount of the loan or debt does not exceed Rs. 200		200	0 28	0 19	0 9
(ii) when it exceeds Rs. 200 but does not exceed Rs. 400		400	0 56	0 28	0 19
Ditto	400 ditto	600	0 84	0 47	0 28
Ditto	600 ditto	800	1 12	0 56	0 37
Ditto	800 ditto	1,000	1 41	0 75	0 47
Ditto	1,000 ditto	1,200	1 69	0 84	0 56
Ditto	1,200 ditto	1,600	2 25	1 12	0 75
Ditto	1,600 ditto	2,500	3 37	1 69	1 12
Ditto	2,500 ditto	5,000	6 75	3 37	2 25
Ditto	5,000 ditto	7,500	10 0	5 6	3 37
Ditto	7,500 ditto	10,000	13 50	6 75	4 50
Ditto	10,000 ditto	15,000	20 25	10 12	6 75
Ditto	15,000 ditto	20,000	27 0	13 50	9 0
Ditto	20,000 ditto	25,000	33 75	16 87	11 25
Ditto	25,000 ditto	30,000	40 50	20 25	13 50
and for every additional Rs. 10,000 or part thereof in excess of Rs. 30,000			13 50	6 75	4 50
(b) if such loan or debt is repayable not more than three months from the date of such instrument.		Half the duty payable on a loan or debt under clause (a)(i) or clause (a)(ii) for the amount secured.			

Description of Instrument	Proper Stamp duty
<p>7. APPOINTMENT IN EXECUTION OF A POWER, whether of trustees or of property, movable or immovable, where made by any writing not being a will.</p>	<p>Twenty-five rupees.</p>
<p>8. APPRAISEMENT OR VALUATION made otherwise than under an order of Court in the course of a suit—</p> <p>(a) where the amount does not exceed Rs. 1,000 ;</p> <p>(b) in any other case.</p> <p><i>Exemptions</i></p> <p>(a) Appraisal or valuation made for the information of one party only, and not being in any manner obligatory between parties either by agreement or operation of law.</p> <p>(b) Appraisal of crops for the purpose of ascertaining the amount to be given to a landlord as rent.</p>	<p>The same duty as a Bottomry Bond (No. 16) for such amount.</p> <p>Ten rupees.</p>
<p>9. APPRENTICESHIP-DEED, including every writing relating to the service or tuition of any apprentice, clerk or servant placed with any master to learn any profession, trade or employment, not being ARTICLES OF CLERKSHIP (No. 11).</p> <p><i>Exemption</i></p> <p>Instruments of apprenticeship executed by a Magistrate under the Apprentices Act, 1850, or by which a person is apprenticed by or at the charge of any public charity.</p>	<p>Ten rupees.</p>
<p>10. ARTICLES OF ASSOCIATION OF A COMPANY—</p> <p>(a) where the nominal share capital does not exceed one lakh of rupees;</p> <p>(b) where the nominal share capital exceeds one lakh of rupees.</p>	<p>Fifty rupees.</p> <p>One hundred rupees.</p>

Description of Instrument	Proper Stamp-duty
<p style="text-align: center;"><i>Exemption</i></p> <p>Articles of any Association not formed for profit and registered under section 25 of the Companies Act, 1956.</p> <p><i>See also</i> MEMORANDUM OF ASSOCIATION OF A COMPANY (No. 39).</p> <p style="text-align: center;">* * * *</p> <p>ASSIGNMENT. <i>See</i> CONVEYANCE (No. 23), TRANSFER (No. 62), and TRANSFER OF LEASE (No. 63), as the case may be.</p> <p>ATTORNEY. <i>See</i> ENTRY AS AN ATTORNEY (No. 30), and POWER-OF-ATTORNEY (No. 48).</p> <p>AUTHORITY TO ADOPT. <i>See</i> ADOPTION-DEED (No. 3).</p> <p>12. AWARD, that is to say, any decision in writing by an arbitrator or umpire, not being an award directing a partition, on a reference made otherwise than by an order of the Court in the course of a suit—</p> <p>(a) where the amount or value of the property to which the award relates as set forth in such award, does not exceed Rs. 1,000 ;</p> <p>(b) if it exceeds Rs. 1,000 but does not exceed Rs. 5,000 ;</p> <p>and for every additional Rs. 1,000 or part thereof in excess of Rs. 5,000.</p>	<p style="text-align: center;">(a) Nil</p> <p style="text-align: center;">(b) The same duty as a Bond (No. 15) for such amount.</p> <p style="text-align: center;">Ten rupees.</p> <p style="text-align: center;">Fifty naye paise subject to a maximum of fifty rupees</p>
<p style="text-align: center;"><i>Exemption</i></p> <p>Act III Award under the Bombay District Municipal Act, 1901, section 160, or the Act III Bombay Hereditary Offices Act, 1874, section 18.</p> <p style="text-align: center;">* * * *</p>	<p style="text-align: center;">Nil</p>

Description of Instrument	Proper Stamp-duty
<p>14. BILL OF LADING (including through bill of lading).</p> <p style="text-align: center;"><i>Exemptions</i></p> <p>(a) Bill of lading when the goods therein described are received at a place within the limits of any port, as defined under the Indian Ports Act, 1908, and are to be delivered at another place within the limits of the same port.</p> <p>(b) Bill of lading when executed out of India and relating to property to be delivered in India.</p>	<p>Thirty-seven <i>naye paise</i>.</p> <p><i>N.B.</i>—If a bill of lading is drawn in parts, the proper stamp therefor must be borne by each one of the set.</p>
<p>15. BOND [as defined by section 2 (5)] not being a DEBENTURE (No. 27) and not being otherwise provided for by this Act, or by the Court-fees Act, 1870,—</p> <p>where the amount or value secured does not exceed Rs. 10;</p> <p>where it exceeds Rs. 10 and does not exceed Rs. 50;</p> <p>where it exceeds Rs. 50 and does not exceed Rs. 100;</p> <p>where it exceeds Rs. 100 and does not exceed Rs. 200;</p> <p>where it exceeds Rs. 200 and does not exceed Rs. 300;</p> <p>where it exceeds Rs. 300 and does not exceed Rs. 400;</p> <p>where it exceeds Rs. 400 and does not exceed Rs. 500;</p> <p>where it exceeds Rs. 500 and does not exceed Rs. 600;</p> <p>where it exceeds Rs. 600 and does not exceed Rs. 700;</p>	<p>Twelve <i>naye paise</i>.</p> <p>Twenty-five <i>naye paise</i>.</p> <p>Fifty <i>naye paise</i>.</p> <p>One rupee.</p> <p>One rupee eighty-seven <i>naye paise</i>.</p> <p>Three rupees.</p> <p>Three rupees seventy-five <i>naye paise</i>.</p> <p>Four rupees fifty <i>naye paise</i>.</p> <p>Five rupees twenty-five <i>naye paise</i>.</p>

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Description of Instrument	Proper Stamp-duty
where it exceeds Rs. 700 and does not exceed Rs. 800;	Six rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900;	Six rupees seventy-five naye paise.
where it exceeds Rs. 900 and does not exceed Rs. 1,000;	Seven rupees fifty naye paise.
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Three rupees seventy-five naye paise.
<p><i>See</i> ADMINISTRATION-BOND (No. 2), BOTTOMRY BOND (No. 16), CUSTOMS BOND (No. 26), INDEMNITY BOND (No. 34), RESPONDENTIA BOND (No. 56), SECURITY BOND (No. 57).</p>	
<p style="text-align: center;"><i>Exemptions</i></p>	
<p>Bond, when executed by—</p>	
<p>(a) headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act ;</p>	
<p>(b) any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital or any other object of public utility, shall not be less than a specified sum per mensem.</p>	
<p>16. BOTTOMRY BOND, that is to say, any instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to preserve the ship or prosecute her voyage—</p>	
<p>where the amount or value secured does not exceed Rs. 10 ;</p>	Nineteen naye paise.
<p>where it exceeds Rs. 10 and does not exceed Rs. 50 ;</p>	Thirty-seven naye paise.
<p>where it exceeds Rs. 50 and does not exceed Rs. 100 :</p>	Seventy-five naye paise.

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Description of Instrument	Proper Stamp-duty
16. BOTTOMRY BOND—contd.	
where it exceeds Rs. 100 and does not exceed Rs. 200 ;	One rupee fifty <i>naye</i> <i>paise</i> .
where it exceeds Rs. 200 and does not exceed Rs. 300 ;	Two rupees twenty-five <i>naye</i> <i>paise</i> .
where it exceeds Rs. 300 and does not exceed Rs. 400 ;	Three rupees.
where it exceeds Rs. 400 and does not exceed Rs. 500 ;	Three rupees seventy-five <i>naye</i> <i>paise</i> .
where it exceeds Rs. 500 and does not exceed Rs. 600 ;	Four rupees fifty <i>naye</i> <i>paise</i> .
where it exceeds Rs. 600 and does not exceed Rs. 700 ;	Five rupees twenty-five <i>naye</i> <i>paise</i> .
where it exceeds Rs. 700 and does not exceed Rs. 800 ;	Six rupees.
where it exceeds Rs. 800 and does not exceed Rs. 900 ;	Six rupees seventy-five <i>naye</i> <i>paise</i> .
where it exceeds Rs. 900 and does not exceed Rs. 1,000 ;	Seven rupees fifty <i>naye</i> <i>paise</i> .
and for every Rs. 500 or part thereof in excess of Rs. 1,000.	Three rupees seventy-five <i>naye</i> <i>paise</i> .
17. CANCELLATION— Instrument of (including any instrument by which any instrument previously executed is cancelled), if attested and not otherwise provided for.	Seven rupees fifty <i>naye</i> <i>paise</i> .
<i>See also</i> RELEASE (No. 55), REVOCATION OF SETTLEMENT (No. 58-B), SURRENDER OF LEASE (No. 61), REVOCATION OF TRUST (No. 64-B).	
18. CERTIFICATE OF SALE (in respect of each property put up as a separate lot and sold) granted to the purchaser of any property sold by public	

Description of Instrument	Proper Stamp-duty
<p>auCTION by a Civil or Revenue Court or Collector or other Revenue Officer—</p>	
<p>(a) where the purchase-money does not exceed Rs. 10 ;</p>	<p>Twenty-five <i>naye</i> <i>paise</i>.</p>
<p>(b) where the purchase-money exceeds Rs. 10 but does not exceed Rs. 25;</p>	<p>Fifty <i>naye</i> <i>paise</i>.</p>
<p>(c) in any other case.</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the purchase-money only.</p>
<p>20. CHARTER-PARTY, that is to say, any instrument (except an agreement for the hire of a tug-steamer) whereby a vessel or some specified principal part thereof is let for the specified purposes of the charterer, whether it includes a penalty clause or not.</p>	<p>Two rupees.</p>
<p>22. COMPOSITION-DEED, that is to say, any instrument executed by a debtor whereby he conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business under the supervision of inspectors or under letters of licence, for the benefit of his creditors.</p>	<p>Twenty rupees.</p>
<p>23. CONVEYANCE [as defined by section 2 (10)] not being a TRANSFER charged or exempted under No. 62—</p>	
<p>where the amount or value of the consideration for such conveyance as set forth therein does not exceed Rs. 50 ;</p>	<p>Seventy-five <i>naye</i> <i>paise</i>.</p>
<p>where it exceeds Rs. 50 but does not exceed Rs. 100 ;</p>	<p>One rupee fifty <i>naye</i> <i>paise</i>.</p>
<p>where it exceeds Rs. 100 but does not exceed Rs. 200 ;</p>	<p>Three rupees.</p>

Description of Instrument	Proper Stamp-duty
<p>23. CONVEYANCE—contd.</p> <p>where it exceeds Rs. 200 but does not exceed Rs. 300 ;</p> <p>where it exceeds Rs. 300 but does not exceed Rs. 400 ;</p> <p>where it exceeds Rs. 400 but does not exceed Rs. 500 ;</p> <p>where it exceeds Rs. 500 but does not exceed Rs. 600 ;</p> <p>where it exceeds Rs. 600 but does not exceed Rs. 700 ;</p> <p>where it exceeds Rs. 700 but does not exceed Rs. 800 ;</p> <p>where it exceeds Rs. 800 but does not exceed Rs. 900 ;</p> <p>where it exceeds Rs. 900 but does not exceed Rs. 1,000 ;</p> <p>and for every Rs. 500 or part thereof in excess of Rs. 1,000.</p>	<p>Four rupees fifty <i>naye paise</i>.</p> <p>Six rupees.</p> <p>Seven rupees fifty <i>naye paise</i>.</p> <p>Nine rupees.</p> <p>Ten rupees fifty <i>naye paise</i>.</p> <p>Twelve rupees.</p> <p>Thirteen rupees fifty <i>naye paise</i>.</p> <p>Fifteen rupees.</p> <p>Seven rupees fifty <i>naye paise</i>.</p>
<p><i>Exemption</i></p>	
<p>Assignment of copyright under the Indian Copyright Act, 1914.</p>	
<p>CO-PARTNERSHIP-DEED. See PARTNERSHIP (No. 46).</p>	
<p>24. COPY OR EXTRACT certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—</p> <p>(i) if the original was not chargeable with duty, or if the duty with which it was chargeable does not exceed one rupee;</p>	<p>One rupee.</p>

Description of Instrument	Proper Stamp-duty
<p>(ii) in any other case not falling within the provisions of section 6A.</p>	<p>Two rupees.</p>
<p>* * * * *</p> <p><i>Exemptions</i></p>	
<p>(a) Copy of any paper which a public officer is expressly required by law to make or furnish for record in any public office or for any public purpose.</p>	
<p>(b) Copy of, or extract from, any register relating to births, baptisms, namings, dedications, marriages, divorces, deaths or burials.</p>	
<p>25. COUNTERPART OR DUPLICATE of any instrument chargeable with duty and in respect of which the proper duty has been paid,—</p>	
<p>(a) if the duty with which the original instrument is chargeable does not exceed two rupees;</p>	<p>The same duty as is payable on the original.</p>
<p>(b) in any other case not falling within the provisions of section 6A.</p>	<p>Two rupees.</p>
<p><i>Exemption</i></p>	
<p>Counterpart of any lease granted to a cultivator when such lease is exempted from duty.</p>	
<p>26. CUSTOMS BOND—</p>	
<p>(a) where the amount does not exceed Rs. 1,000 ;</p>	<p>The same duty as a Bottomry Bond (No. 16) for such amount.</p>
<p>(b) in any other case</p>	<p>Ten rupees.</p>

Description of Instrument	Proper Stamp-duty
<p>DECLARATION OF ANY TRUST. See TRUST (No. 64).</p>	
<p>* * * * *</p>	<p>* * * * *</p>
<p>DEPOSIT OF TITLE-DEEDS. See AGREEMENT relating to DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6).</p>	
<p>DISSOLUTION OF PARTNERSHIP. See PARTNERSHIP (No. 46).</p>	
<p>29. DIVORCE—Instrument of, that is to say, any instrument by which any person effects the dissolution of his marriage.</p>	<p>Five rupees.</p>
<p>DOWER—Instrument of. See SETTLEMENT (No. 58).</p>	
<p>DUPLICATE. See COUNTERPART (No. 25).</p>	
<p>30. ENTRY AS AN ADVOCATE, VAKIL OR ATTORNEY ON THE ROLL OF ANY HIGH COURT, under the Indian Bar Councils Act, 1926, or in exercise of powers conferred on such Court by Letters Patent or by the Legal Practitioners Act, 1884—</p>	
<p>(a) in the case of an advocate or vakil;</p>	<p>Seven hundred and fifty rupees.</p>
<p>(b) in the case of an attorney.</p>	<p>Five hundred rupees.</p>
<p><i>Exemption</i> Entry of an advocate, vakil or attorney on the roll of any High Court when he has previously been enrolled in a High Court.</p>	

Description of Instrument	Proper Stamp-duty
<p>31. EXCHANGE OF PROPERTY—Instrument of.</p> <p>EXTRACT. See COPY (No. 24).</p> <p>32. FURTHER CHARGE—Instrument of, that is to say, any instrument imposing a further charge on mortgaged property—</p> <p>(a) when the original mortgage is one of the description referred to in clause (a) of Article No. 40 (that is, with possession) ;</p> <p>(b) when such mortgage is one of the description referred to in clause (b) of Article No. 40 (that is, without possession)—</p> <p>(c) if at the time of execution of the instrument of further charge possession of the property is given or agreed to be given under such instrument ;</p> <p>(d) if possession is not so given.</p> <p>33. GIFT—Instrument of, not being a SETTLEMENT (No. 58), OR WILL OR TRANSFER (No. 62).</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property of greatest value as set forth in such instrument.</p> <p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the further charge secured by such instrument.</p> <p>The same duty as a Conveyance (No. 23) for a consideration equal to the total amount of the charge (including the original mortgage and any further charge already made) less the duty already paid on such original mortgage and further charge.</p> <p>The same duty as a Bond (No. 15) for the amount of the further charge secured by such instrument.</p> <p>The same duty as a Conveyance (No. 23) for a consideration equal to the value of the property as set forth in such instrument.</p>
<p>HIRING AGREEMENT or agreement for service. See AGREEMENT (No. 5).</p> <p>34. INDEMNITY BOND.</p> <p>INSPECTORSHIP DEED. See Composition Deed (No. 33).</p>	<p>The same duty as a Security Bond (No. 57) for the same amount.</p>

Description of Instrument	Proper Stamp-duty
<p>35. LEASE, including an underlease or sub-lease and any agreement to let or sub-let—</p>	
<p>(a) where by such lease the rent is fixed and no premium is paid or delivered—</p>	
<p>(i) where the lease purports to be for a term of less than one year ;</p>	<p>The same duty as a Bottomry Bond (No. 16) for the whole amount payable or deliverable under such lease.</p>
<p>(ii) where the lease purports to be for a term of not less than one year but not more than five years ;</p>	<p>The same duty as a Bottomry Bond (No. 16) for the amount or value of the average annual rent reserved.</p>
<p>(iii) where the lease purports to be for a term exceeding five years but not exceeding ten years ;</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of the average annual rent reserved.</p>
<p>(iv) where the lease purports to be for a term exceeding ten years but not exceeding twenty years ;</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to twice the amount or value of the average annual rent reserved.</p>
<p>(v) where the lease purports to be for a term exceeding twenty years but not exceeding thirty years ;</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to three times the amount or value of the average annual rent reserved.</p>
<p>(vi) where the lease purports to be for a term exceeding thirty years but not exceeding one hundred years ;</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to four times the amount or value of the average annual rent reserved.</p>
<p>(vii) where the lease purports to be for a term exceeding one hundred years or in perpetuity ;</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal in the case of a lease granted solely for agricultural purposes to one-tenth, and in any other case to one-sixth, of the whole amount of rents which would be paid or delivered in respect of the first fifty years of the lease.</p>

Description of Instrument	Proper Stamp-duty
<p>35. LEASE—<i>contd.</i></p> <p>(viii) where the lease does not purport to be for any definite term ;</p> <p>(b) where the lease is granted for a fine or premium, or for money advanced and where no rent is reserved ;</p> <p>(c) where the lease is granted for a fine or premium or for money advanced in addition to rent reserved.</p> <p style="text-align: center;"><i>Exemption</i></p> <p>Lease executed in the case of a cultivator and for the purposes of cultivation (including a lease of trees for the production of food or drink), without the payment or delivery of any fine or premium, when a definite term is expressed and such term does not exceed one year, or when the average annual rent reserved does not exceed one hundred rupees.</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to three times the amount or value of the average annual rent which would be paid or delivered for the first ten years if the lease continued so long.</p> <p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease.</p> <p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount or value of such fine or premium or advance as set forth in the lease, in addition to the duty which would have been payable on such lease, if no fine or premium or advance had been paid or delivered :</p> <p>Provided that, in any case when an agreement to lease is stamped with the <i>ad valorem</i> stamp required for a lease and a lease in pursuance of such agreement is subsequently executed, the duty on such lease shall not exceed seventy-five <i>naye paise</i>.</p>

Description of Instrument	Proper Stamp duty
<p>35. LEASE—<i>concl.</i></p> <p>In this exemption a lease for the purposes of cultivation shall include a lease of lands for cultivation together with a homestead or tank.</p> <p style="text-align: center;">* * * *</p> <p><i>Explanation.</i>—When a lessee undertakes to pay any recurring charge, such as Government revenue, the landlord's share of cesses or the owner's share of municipal rates or taxes, which is by law recoverable from the lessor, the amount so agreed to be paid by the lessee shall be deemed to be part of the rent.</p> <p style="text-align: center;">* * * *</p>	
<p>LETTER OF GUARANTEE. See AGREEMENT (No. 5).</p>	
<p>38. LETTER OF LICENCE, that is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion.</p>	Fifteen rupees.
<p>39. MEMORANDUM OF ASSOCIATION OF A COMPANY—</p>	
<p>(a) if accompanied by articles of association under section 26 of the Companies Act, 1956 ;</p>	Thirty rupees.
<p>(b) if not so accompanied—</p> <p>(i) where the nominal share capital does not exceed one lakh of rupees ;</p>	Eighty rupees.
<p>(ii) where the nominal share capital exceeds one lakh of rupees.</p>	One hundred and thirty rupees.
<p style="text-align: center;"><i>Exemption</i></p> <p>Memorandum of any association not formed for profit and registered under section 25 of the Companies Act, 1956.</p>	

Description of Instrument	Proper Stamp-duty
<p>40. MORTGAGE-DEED, not being an AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6), BOTTOMRY BOND (No. 16), MORTGAGE OF A CROP (No. 41), RESPONDENTIA BOND (No. 56), OR SECURITY BOND (No. 57)—</p>	
<p>(a) when possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given ;</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount secured by such deed.</p>
<p>(b) when possession is not given or agreed to be given as aforesaid ;</p>	<p>The same duty as a Bond (No. 15) for the amount secured by such deed.</p>
<p><i>Explanation.</i>—A mortgagor who gives to the mortgagee a power-of-attorney to collect rents or a lease of the property mortgaged or part thereof, is deemed to give possession within the meaning of this Article.</p>	
<p>(c) when a collateral or auxiliary or additional or substituted security or by way of further assurance for the above-mentioned purpose where the principal or primary security is duly stamped—</p>	
<p>for every sum secured not exceeding Rs. 1,000;</p>	<p>Seventy-five naye paise.</p>
<p>and for every Rs. 1,000 or part thereof secured in excess of Rs. 1,000.</p>	<p>One rupee.</p>
<p><i>Exemptions</i></p>	
<p>(1) Instruments executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, or by their sureties as security for the repayment of such advances.</p>	
<p>(2) Letter of hypothecation accompanying a bill of exchange.</p>	
<p>41. MORTGAGE OF A CROP, including any instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop.</p>	

Description of Instrument	Proper Stamp-duty
<p>41. MORTGAGE OF A CROP—<i>contd.</i></p> <p>whether the crop is or is not in existence at the time of the mortgage—</p> <p>(a) when the loan is repayable not more than three months from the date of the instrument—</p> <p>for every sum secured not exceeding Rs. 200 ;</p> <p>and for every Rs. 200 or part thereof secured in excess of Rs. 200 ;</p> <p>(b) when the loan is repayable more than three months but not more than eighteen months from the date of the instrument—</p> <p>for every sum secured not exceeding Rs. 100 ;</p> <p>and for every Rs. 100 or part thereof secured in excess of Rs. 100.</p>	<p>Nine <i>naye</i> paise.</p> <p>Nine <i>naye</i> paise.</p> <p>Twenty-five <i>naye</i> paise.</p> <p>Twenty-five <i>naye</i> paise.</p>
<p>42. NOTARIAL ACT, that is to say, any instrument, endorsement, note, attestation, certificate, or entry not being a PROTEST (No. 50), made or signed by a Notary Public in the execution of the duties of his office, or by any other person lawfully acting as a Notary Public.</p> <p><i>See also</i> PROTEST OF BILL OR NOTE (No. 50).</p>	<p>Two rupees.</p>
<p>43. NOTE OR MEMORANDUM, sent by a broker or agent to his principal intimating the purchase or sale on account of such principal—</p> <p>(a) of any goods exceeding in value twenty rupees ;</p> <p>(b) of any stock or marketable security exceeding in value twenty rupees but not being a Government security ;</p> <p>(c) of a Government security.</p>	<p>Twenty-five <i>naye</i> paise.</p> <p>Twelve <i>naye</i> paise for every Rs. 5,000 or part thereof of the value of the stock or security.</p> <p>Subject to a maximum of twenty rupees, twelve <i>naye</i> paise for every Rs. 10,000 or part thereof of the value of the security.</p>

Description of Instrument	Proper Stamp-duty
<p>44. NOTE OF PROTEST BY THE MASTER OF A SHIP.</p> <p><i>See also</i> PROTEST BY THE MASTER OF A SHIP (No. 51).</p> <p style="text-align: center;">* * *</p>	<p>One rupee.</p> <p style="text-align: center;">* * *</p>
<p>45. PARTITION—Instrument [as defined by section 2(15)].</p> <p style="text-align: center;">of</p>	<p>The same duty as a Bond (No. 15) for the amount of the value of the separated share or shares of the property.</p> <p><i>N. B.</i>—The largest share remaining after the property is partitioned (or if there are two or more shares of equal value and not smaller than any of the other shares, then one of such equal shares) shall be deemed to be that from which the other shares are separated:</p> <p>Provided always that—</p> <p>(a) when an instrument of partition containing an agreement to divide property in severalty is executed and a partition is effected in pursuance of such agreement, the duty chargeable upon the instrument effecting such partition shall be reduced by the amount of duty paid in respect of the first instrument, but shall not be less than one rupee;</p> <p>(b) where land is held on Revenue Settlement for a period not exceeding thirty years and paying the full assessment, the value for the purpose of duty shall be calculated at not more than five times the annual revenue;</p>

Description of Instrument *	Proper Stamp-duty
<p>45. PARTITION—<i>contd.</i></p>	<p>(c) where a final order for effecting a partition passed by any Revenue authority or any Civil Court, or an award by an arbitrator directing a partition, is stamped with the stamp required for an instrument of partition, and an instrument of partition in pursuance of such order or award is subsequently executed, the duty on such instrument shall not exceed one rupee.</p>
<p>46. PARTNERSHIP—</p> <p>A.—INSTRUMENT OF—</p> <p>(a) where the capital of the partnership does not exceed Rs. 500;</p> <p>(b) in any other case.</p>	<p>Five rupees.</p> <p>Twenty rupees.</p>
<p>B.—DISSOLUTION OF—</p> <p>PAWN OR PLEDGE. See AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6).</p> <p>* * * * *</p>	<p>Ten rupees.</p> <p>* * *</p>
<p>48. POWER OF ATTORNEY [as defined by section 2 (21)], not being a PROXY—</p> <p>(a) when executed for the sole purpose of procuring the registration of one or more documents in relation to a single transaction or for admitting execution of one or more such documents;</p>	<p>One rupee.</p>
<p>(b) when required in suits or proceedings under the Presidency Small Cause Courts Act, 1882;</p>	<p>One rupee.</p>
<p>(c) when authorising one person or more to act in a single transaction other than the case mentioned in clause (a);</p>	<p>Two rupees.</p>

Description of Instrument	Proper Stamp-duty
<p>48. POWER-OF-ATTORNEY—contd.</p>	
<p>(d) when authorising not more than five persons to act jointly and severally in more than one transaction or generally ;</p>	<p>Ten rupees.</p>
<p>(e) when authorising more than five but not more than ten persons to act jointly and severally in more than one transaction or generally ;</p>	<p>Twenty rupees.</p>
<p>(f) when given for consideration and authorising the attorney to sell any immovable property ;</p>	<p>The same duty as a Conveyance (No. 23) for the amount of the consideration.</p>
<p>(g) in any other case,</p>	<p>Two rupees for each person authorised.</p>
	<p><i>N. B.</i>—The term “registration” includes every operation incidental to registration under the Indian Registration Act, 1908.</p>
<p><i>Explanation.</i>—For the purposes of this Article more persons than one when belonging to the same firm shall be deemed to be one person.</p>	<p>16 of 1908.</p>
* * * * *	
<p>50. PROTEST OF BILL OR NOTE, that is to say, any declaration in writing made by a Notary Public, or other person lawfully acting as such, attesting the dishonour of a bill of exchange or promissory note.</p>	<p>Two rupees.</p>
<p>51. PROTEST BY THE MASTER OF A SHIP, that is to say, any declaration of the particulars of her voyage drawn up by him with a view to the adjustment of losses or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship, when such declaration is attested or certified by a Notary Public or other person lawfully acting as such.</p>	<p>Two rupees.</p>
<p><i>See also NOTE OF PROTEST BY THE MASTER OF A SHIP (No. 44).</i></p>	
* * * * *	

Description of Instrument	Proper Stamp-duty
<p>54. RE-CONVEYANCE OF MORTGAGED PROPERTY—</p> <p>(a) if the consideration for which the property was mortgaged does not exceed Rs. 1,000 ;</p> <p>(b) in any other case.</p>	<p>The same duty as a Conveyance (No. 23) for the amount of such consideration as set forth in the re-conveyance.</p> <p>Fifteen rupees.</p>
<p>55. RELEASE, that is to say, any instrument (not being such a release as is provided for by section 23A), whereby a person renounces a claim upon another person or against any specified property—</p> <p>(a) if the amount or value of the claim does not exceed Rs. 1,000 ;</p> <p>(b) in any other case.</p>	<p>The same duty as a Bond (No. 15) for such amount or value as set forth in the release.</p> <p>Ten rupees.</p>
<p>56. RESPONDENTIA BOND, that is to say, any instrument securing a loan on the cargo laden or to be laden on board a ship and making re-payment contingent on the arrival of the cargo at the port of destination.</p>	<p>The same duty as a Bottomry Bond (No. 16) for the amount of the loan secured.</p>
<p>REVOCAION OF ANY TRUST OR SETTLEMENT. See SETTLEMENT (No. 58) ; TRUST (No. 64).</p>	
<p>57. SECURITY BOND OR MORTGAGE-DEED, executed by way of security for the due discharge of a liability, or for the due execution of an office, or to account for money or other property received by virtue thereof, or executed by a surety to secure the due performance of a contract—</p> <p>(a) when the amount secured does not exceed Rs. 1,000 ;</p> <p>(b) in any other case.</p>	<p>The same duty as a Bond (No. 15) for the amount secured.</p> <p>Ten rupees.</p>

Description of Instrument	Proper Stamp-duty
<p style="text-align: center;"><i>Exemptions</i></p> <p>Bond or other instrument when executed—</p> <p>(a) by headmen nominated under rules framed in accordance with the Bengal Irrigation Act, 1876, section 99, for the due performance of their duties under that Act ;</p> <p>(b) by any person for the purpose of guaranteeing that the local income derived from private subscriptions to a charitable dispensary or hospital, or any other object of public utility shall not be less than a specified sum per mensem ;</p> <p>(c) under No. 3A of the rules made by the State Government of Bombay, under section 70 of the Bombay Irrigation Act, 1879 ;</p> <p>(d) executed by persons taking advances under the Land Improvement Loans Act, 1883, or the Agriculturists' Loans Act, 1884, or by their sureties, as security for the repayment of such advances ;</p> <p>(e) executed by servants of the Government or their sureties to secure the due execution of an office or the due accounting for money or other property received by virtue thereof.</p>	
<p>58. SETTLEMENT—</p> <p>A—INSTRUMENT OF (including a deed of dower)</p>	<p>The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property settled as set forth in such settlement ;</p> <p>Provided that, where an agreement to settle is stamped with the stamp required for an instrument of settlement, and</p>

Bengal Act
III of 1876.

Bombay Act
II of 1879.

of 1883.
of 1884.

Description of Instrument	Proper Stamp-duty
<p><i>Exemption</i></p> <p>Deed of dower executed on the occasion of a marriage between Muhammadans.</p> <p style="text-align: center;">* * *</p>	<p>an instrument of settlement in pursuance of such agreement is subsequently executed, the duty on such instrument shall not exceed one rupee.</p>
<p>B—REVOCATION OF—</p>	<p>The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument of revocation, but not exceeding fifteen rupees.</p>
<p><i>See also TRUST (No. 64).</i></p>	
<p>59. SHARE WARRANTS to bearer issued under the Companies Act, 1956.</p>	<p>One and a half times the duty payable on a Conveyance (No. 23) for a consideration equal to the nominal amount of the shares specified in the warrant.</p>
<p><i>Exemption</i></p> <p>Share warrant when issued by a company in pursuance of the Companies Act, 1956, section 114, to have effect only upon payment, as composition for that duty, to the Collector of Stamp-revenue of—</p>	
<p>(a) one and a half per centum of the whole subscribed capital of the company; or</p> <p>(b) if any company which has paid the said duty or composition in full, subsequently issues an addition to its subscribed capital—One and a half per centum of the additional capital so issued.</p>	

Description of Instrument	Proper Stamp-duty
<p>61. SURRENDER OF LEASE—</p> <p>(a) when the duty with which the lease is chargeable does not exceed seven rupees fifty naye paise;</p> <p>(b) in any other case.</p> <p><i>Exemption</i></p> <p>Surrender of lease, when such lease is exempted from duty.</p>	<p>The duty with which such lease is chargeable.</p> <p>Seven rupees fifty naye paise.</p>
<p>62. TRANSFER (whether with or without consideration)—</p> <p>* * * *</p> <p>(h) of debentures, being marketable securities, whether the debenture is liable to duty or not, except debentures provided for by section 8 ;</p> <p>(c) of any interest secured by a bond, mortgage-deed in respect of which duty has been paid under Article No. 40 or policy of insurance—</p> <p>(i) if the duty on such bond, mortgage-deed or policy does not exceed five rupees ;</p> <p>(ii) in any other case ;</p> <p>(d) of any property under the Administrator General's Act, 1913, section 25 ;</p> <p>(e) of any trust property without consideration from one trustee to another trustee, or from a trustee to a beneficiary.</p>	<p>One-half of the duty payable on a Conveyance (No. 23) for a consideration equal to the face amount of the debenture.</p> <p>The duty with which such bond, mortgage-deed or policy of insurance is chargeable.</p> <p>Ten rupees.</p> <p>Fifteen rupees.</p> <p>Seven rupees fifty naye paise or such smaller amount as may be chargeable under clause (a) of Article 62 in Schedule I, and clauses (b) and (c) of this Article.</p>

Description of Instrument	Proper Stamp-duty
<p style="text-align: center;"><i>Exemptions</i></p> <p>Transfers by endorsement—</p> <p>(a) of a bill of exchange, cheque or promissory note ;</p> <p>(b) of a bill of lading, delivery order, warrant for goods, or other mercantile document of title to goods ;</p> <p>(c) of a policy of insurance ;</p> <p>(d) of securities of the Central Government.</p> <p><i>See also section 8.</i></p>	
<p>63 TRANSFER OF LEASE by way of assignment, and not by way of under-lease.</p> <p style="text-align: center;"><i>Exemption</i></p> <p>Transfer of any lease exempt from duty.</p>	<p>The same duty as a Conveyance (No. 23) for a consideration equal to the amount of the consideration for the transfer.</p>
<p>64. TRUST—</p> <p>A.—DECLARATION OF—of, or concerning any property when made by any writing not being a WILL.</p> <p>B.—REVOCATION OF—of, or concerning any property when made by any instrument other than a WILL.</p>	<p>The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument but not exceeding twenty-two rupees fifty naye paise.</p> <p>The same duty as a Bottomry Bond (No. 16) for a sum equal to the amount or value of the property concerned, as set forth in the instrument, but not exceeding fifteen rupees.</p>
<p><i>See also SETTLEMENT (No. 58).</i></p> <p>VALUATION. <i>See</i> APPRAISEMENT (No. 8).</p>	

Description of Instrument	Proper Stamp-duty
<p>VAKIL. See ENTRY AS A VAKIL (No. 30).</p> <p>65. WARRANT FOR GOODS, that is to say, any instrument evidencing the title of any person therein named, or his assignee, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the person in whose custody such goods may be.</p>	<p>Fifty naye paise."</p>

RAJENDRA PRASAD,
President.

THE NORTH EAST FRONTIER AGENCY (POLITICAL OFFICERS DELEGATION OF FUNCTIONS) REGULATION, 1957

No. 4 OF 1957 °

(Published in the Gazette of India Extraordinary, Part II, Section 1, dated the 11th September, 1957)



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

A Regulation to provide for the delegation of the functions vested in Political Officers in the North East Frontier Agency.

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

1. (1) This Regulation may be called the North East Frontier Agency (Political Officers Delegation of Functions) Regulation, 1957. Short title and extent.

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

2. In this Regulation, "Political Officer" means the Political Officer of any Division or Area in the North East Frontier Agency. Definition.

3. Any functions vested in a Political Officer under any enactment in force in the North East Frontier Agency or in any part thereof may, notwithstanding anything contained in any such enactment, be performed also by such officer as the Governor of Assam may, by general or special order in writing and subject to such conditions and restrictions as may be specified therein, authorise in this behalf. Functions of Political Officer may be performed by other officers also.

RAJENDRA PRASAD,
President.

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MINISTRY OF LAW

New Delhi, the 1st December 1957

THE NORTH EAST FRONTIER AREAS (ADMINISTRATION) AMENDMENT REGULATION, 1957

No. 5 OF 1957

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

A Regulation to amend the North East Frontier Areas
(Administration) Regulation, 1954.

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

1. (1) This Regulation may be called the North East Frontier
Areas (Administration) Amendment Regulation, 1957.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Govern-
ment may, by notification in the Official Gazette, appoint.

2. In the long title of the North East Frontier Areas (Administra-
tion) Regulation, 1954 (hereinafter referred to as the principal Regu-
lation), for the words "the areas", the words "the North East
Frontier Tract" shall be substituted.

Amendment
of long title.

3. In section 2 of the principal Regulation,—

(i) in clause (a), for the words "and the Naga Tribal Area
shall be collectively known", the words "shall be known" shall be
substituted;

Amendment
of section 2.

(ii) in the table below clause (c), the entry relating to Naga Tribal Area shall be omitted.

Omission of section 4.

4. Section 4 of the principal Regulation shall be omitted.

RAJENDRA PRASAD,

President.

THE NAGA HILLS-TUENSANG AREA
(ADMINISTRATION) REGULATION, 1957

No. 6 OF 1957

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

A Regulation to make provision for the administration of the Naga Hills-Tuensang Area and for matters connected therewith.

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

Short title and commencement.

1. (1) This Regulation may be called the Naga Hills-Tuensang Area (Administration) Regulation, 1957.

(2) It extends to the whole of the Naga Hills-Tuensang Area.

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

Definitions.

2. In this Regulation,—

(a) "appointed day" means the date appointed under subsection (3) of section 1 for the coming into force of this Regulation;

(b) "law" means any law, ordinance, regulation, order, bye-law, rule, scheme, notification or other instruments having the force of law in India or any part thereof.

Division of Naga Hills-Tuensang Area into districts.

3. The Naga Hills-Tuensang Area shall be divided into three districts to be called the Kohima district, Mokokchung district and Tuensang district, each comprising the areas respectively set out against it in the Schedule.

Administration of Naga Hills-Tuensang Area.

4. (1) The administration of Naga Hills-Tuensang Area shall be carried on by the Governor of Assam as the agent of the President.

(2) The Central Government may appoint a Commissioner for the Naga Hills-Tuensang Area to assist the Governor of Assam, and the

31-12-1957

Governor may appoint a Deputy Commissioner for each of the districts therein; and the Deputy Commissioners shall perform their functions under the supervision and control of the Commissioner.

5. Without prejudice to the provisions of section 4 and to the powers of the Central Government to appoint from time to time such officers as may be necessary for the administration of the Naga Hills-Tuensang Area, all other officers who, immediately before the appointed day, were exercising lawful functions in the Naga Hills-Tuensang Area or any part thereof shall, until other provision is made by the Central Government in this behalf, continue to exercise in connection with the administration of the Naga Hills-Tuensang Area their respective powers and jurisdiction and to perform their respective duties and functions in the same manner and to the same extent as before the appointed day.

Provision
as to other
officers.

6. Save as otherwise expressly provided in this Regulation, all laws in force in the Naga Hills District or the Tuensang Frontier Division of the North East Frontier Agency immediately before the appointed day shall continue in force in the districts of Kohima and Mokokchung or, as the case may be, in the Tuensang district until repealed or amended by a competent Legislature or other competent authority.

Existing
laws to
continue.

7. All taxes, duties, cesses or fees which, immediately before the appointed day, were being lawfully levied in the Naga Hills-Tuensang Area or any part thereof shall continue to be levied and to be applied to the same purposes, until other provision is made by a competent Legislature or other competent authority.

Existing
taxes to
continue.

8. For the avoidance of doubts, it is hereby declared that all property and assets within the districts of Kohima and Mokokchung which, immediately before the appointed day, vested in the State Government of Assam shall, as from that day, vest in the Central Government.

Property
and assets.

9. All rights, liabilities and obligations of the State Government of Assam in relation to the districts of Kohima and Mokokchung shall, as from the appointed day, be the rights, liabilities and obligations of the Central Government.

Rights and
obligations.

10. (1) Any territorial references in any law to the Naga Hills District, the Naga Tribal Area, or the Tuensang Frontier Division shall be construed as references—

Construction
of certain
references
in existing
laws.

(a) in the case of the Naga Hills District, to the districts of Kohima and Mokokchung; and

(b) in the case of the Naga Tribal Area or the Tuensang Frontier Division, to the Tuensang district.

(2) In the Rules for the administration of Justice and Police in the Naga Hills District prescribed by the Governor of Assam in his No. 2530(b) A.P., dated the 25th March, 1937, as in force in the districts of Kohima and Mokokchung, any reference to the Inspector General of Police, Assam, shall be construed as a reference to the Superintendent of Police, Naga Hills-Tuensang Area.

(3) In the Assam Frontier (Administration of Justice) Regulation, 1945, as in force in the Tuensang district, any reference to Political Officer, additional Political Officer and assistant Political Officer shall be construed as a reference to Deputy Commissioner, Additional Deputy Commissioner and Assistant Commissioner, respectively.

Powers of courts and other authorities for purposes of facilitating the application of laws.

11. For the purpose of facilitating the application of any law in the Naga Hills-Tuensang Area, any court or other authority may construe any such law with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

Power to remove difficulties.

12. (1) If any difficulty arises in giving effect to the provisions of this Regulation or in connection with the administration of the Naga Hills-Tuensang Area, the Central Government may, by order, make such further provision as appears to it to be necessary or expedient for removing the difficulty.

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

Power to make rules.

13. The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

THE SCHEDULE

(See section 3)

District	Areas
1. Kohima	The areas which immediately before the appointed day were comprised in the Naga Hills District excluding the areas in Mokokchung district as specified in Item No. 2.
2. Mokokchung	The areas which immediately before the appointed day were comprised in the Mokokchung sub-division of the Naga Hills District.

<i>District</i>	<i>Areas</i>
3. Tuensang	The areas which immediately before the appointed day were comprised in the Tuensang Frontier Division of the North East Frontier Agency.

RAJENDRA PRASAD,

President.

G. R. RAJAGOPAUL,

Addl. Secy. to the Govt. of India.

Duplicate

THE NAGA HILLS-TUENSANG AREA
(ADMINISTRATION) REGULATION, 1957

No. 6 OF 1957

(Published in the Gazette of India Extraordinary, Part II, Section 1,
dated the 1st December, 1957)



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

A Regulation to make provision for the administration of the
Naga Hills-Tuensang Area and for matters connected
therewith.

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

- 1. (1) This Regulation may be called the Naga Hills-Tuensang Area (Administration) Regulation, 1957. Short title and commencement.
- (2) It extends to the whole of the Naga Hills-Tuensang Area.
- (3) It shall come into force on such date as the Central Govern-
ment may, by notification in the Official Gazette, appoint.

2. In this Regulation,—

(a) "appointed day" means the date appointed under sub-
section (3) of section 1 for the coming into force of this
Regulation;

(b) "law" means any law, ordinance, regulation, order, bye-
law, rule, scheme, notification or other instruments having the
force of law in India or any part thereof.

3. The Naga Hills-Tuensang Area shall be divided into three dis-
tricts to be called the Kohima district, Mokokchung district and Tuensang
district, each comprising the areas respectively set out against
it in the Schedule. Division of Naga Hills-Tuensang Area into districts.

Price 0.12 nP. or 3d.

Administra-
tion of Naga
Hills-
Tuensang
Area.

4. (1) The administration of Naga Hills-Tuensang Area shall be carried on by the Governor of Assam as the agent of the President.

(2) The Central Government may appoint a Commissioner for the Naga Hills-Tuensang Area to assist the Governor of Assam, and the Governor may appoint a Deputy Commissioner for each of the districts therein; and the Deputy Commissioners shall perform their functions under the supervision and control of the Commissioner.

Provision
as to other
officers.

5. Without prejudice to the provisions of section 4 and to the powers of the Central Government to appoint from time to time such officers as may be necessary for the administration of the Naga Hills-Tuensang Area, all other officers who, immediately before the appointed day, were exercising lawful functions in the Naga Hills-Tuensang Area or any part thereof shall, until other provision is made by the Central Government in this behalf, continue to exercise in connection with the Administration of the Naga Hills-Tuensang Area their respective powers and jurisdiction and to perform their respective duties and functions in the same manner and to the same extent as before the appointed day.

Existing
laws
to
continue.

6. Save as otherwise expressly provided in this Regulation, all laws in force in the Naga Hills District or the Tuensang Frontier Division of the North East Frontier Agency immediately before the appointed day shall continue in force in the districts of Kohima and Mokokchung or, as the case may be, in the Tuensang district until repealed or amended by a competent Legislature or other competent authority.

Existing
taxes
to
continue.

7. All taxes, duties, cesses or fees which, immediately before the appointed day, were being lawfully levied in the Naga Hills-Tuensang Area or any part thereof shall continue to be levied and to be applied to the same purposes, until other provision is made by a competent Legislature or other competent authority.

Property
and assets.

8. For the avoidance of doubts, it is hereby declared that all property and assets within the districts of Kohima and Mokokchung which, immediately before the appointed day, vested in the State Government of Assam shall, as from that day, vest in the Central Government.

Rights
and
obligations.

9. All rights, liabilities and obligations of the State Government of Assam in relation to the districts of Kohima and Mokokchung shall, as from the appointed day, be the rights, liabilities and obligations of the Central Government.

10. (1) Any territorial references in any law to the Naga Hills District, the Naga Tribal Area, or the Tuensang Frontier Division shall be construed as references—

Construction of certain references in existing laws.

(a) in the case of the Naga Hills District, to the districts of Kohima and Mokocheung; and

(b) in the case of the Naga Tribal Area or the Tuensang Frontier Division, to the Tuensang district.

(2) In the Rules for the Administration of Justice and Police in the Naga Hills District prescribed by the Governor of Assam in his No. 2530(b)A.P., dated the 25th March, 1937, as in force in the districts of Kohima and Mokocheung, any reference to the Inspector-General of Police, Assam, shall be construed as a reference to the Superintendent of Police, Naga Hills-Tuensang Area.

of 1945. (3) In the Assam Frontier (Administration of Justice) Regulation, 1945, as in force in the Tuensang district, any reference to Political Officer, Additional Political Officer and Assistant Political Officer shall be construed as a reference to Deputy Commissioner, Additional Deputy Commissioner and Assistant Commissioner, respectively.

11. For the purpose of facilitating the application of any law in the Naga Hills-Tuensang Area, any court or other authority may construe any such law with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

Powers of courts and other authorities for purposes of facilitating the application of laws.

12. (1) If any difficulty arises in giving effect to the provisions of this Regulation or in connection with the administration of the Naga Hills-Tuensang Area, the Central Government may, by order, make such further provision as appears to it to be necessary or expedient for removing the difficulty.

Power to remove difficulties.

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

13. The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

Power to make rules.

THE ANDAMAN AND NICOBAR ISLANDS
MONEY-LENDERS (AMENDMENT)
REGULATION, 1958

No. 1 OF 1958

(Published in the Gazette of India, Extraordinary, Part II, Section 1,
dated the 6th January, 1958)



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

A Regulation to amend the Andaman and Nicobar Islands
Money-lenders Regulation, 1956.

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 Money-lenders (Amendment) Regulation, 1958. Short title and commencement.

(2) It shall come into force at once.

1956. 2. In section 2 of the Andaman and Nicobar Islands Money-lenders Regulation, 1956 (hereinafter referred to as the principal Regulation), Amendment of section 2.
in clause (a), after the words and figures "Banking Companies Act, 1949", the words and figures "and includes the State Bank of India constituted under the State Bank of India Act, 1955" shall be inserted.

1955 3. After section 16 of the principal Regulation, the following Insertion of new section 16A.
section shall be inserted, namely:—

"16A. Notwithstanding anything contained in any law for Limitation of amount of interest.
the time being in force or in any agreement, no debtor shall be liable to pay,—

(a) any sum in respect of principal and interest
which together with any amount already paid or included

Price: - 0.25 Rs. or 5d.

THE SCHEDULE

(See section 3)

District	Areas
1. Kohima	The areas which immediately before the appointed day were comprised in the Naga Hills District excluding the area in Mokokchung district as specified in Item No. 2.
2. Mokokchung	The areas which immediately before the appointed day were comprised in the Mokokchung sub-division of the Naga Hills District.
3. Tuensang	The areas which immediately before the appointed day were comprised in the Tuensang Frontier Division of the North East Frontier Agency.

RAJENDRA PRASAD,
President.

2 *Andaman and Nicobar Islands Money-lenders (Amendment)* [REG 1

in any decree in respect of a loan, exceeds twice the amount of the principal of the original loan;

(b) on account of interest outstanding on the date up to which the liability of the debtor is computed, a sum greater than the principal outstanding on such date."

RAJENDRA PRASAD,
President.

Ministry

**THE ARMED FORCES (SPECIAL POWERS)
REGULATION, 1958**

No. 2 OF 1958

*(Published in the Gazette of India Extraordinary, Part II, Section 3,
dated the 5th April, 1958)*



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

A Regulation to enable certain special powers to be conferred upon officers of the armed forces in disturbed areas in the Kohima and Mokokchung districts of the Naga Hills-Tuensang Area.

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

(1) This Regulation may be called the Armed Forces (Special Powers) Regulation, 1958.

Short title, extent, commencement and duration.

(2) It extends to the Kohima and Mokokchung districts of the Naga Hills-Tuensang Area.

(3) It shall come into force at once.

(4) It shall remain in force for a period of one year.

[for a period of three years]

2. In this Regulation,—

Definitions.

(a) "armed forces" means the military forces and the air forces operating as land forces and includes any other armed forces of the Union so operating;

(b) "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area.

Price Rs. 0.31 or 6d.

4. Sub. by Ord. 2 of 1958, 12/1
3. Sub. by Ord. 2 of 1958, 12/1

(c) all other words and expressions used herein but not defined and defined in the Air Force Act, 1950, or the Army Act, 1950, shall have the meanings respectively assigned to them in those Acts.

Power to declare areas to be disturbed areas.

3. If the Governor of Assam is of opinion that the whole or any part of the Kohima district or the Mokokchung district in the Naga Hills Tuensang Area is in such a disturbed or dangerous condition that the use of armed forces in aid of the civil power is necessary, he may, by notification in the Official Gazette, declare the whole or any part of such district or districts, as the case may be, to be a disturbed area.

Special powers of the armed forces.

4. (1) Any commissioned officer, warrant officer, or non-commissioned officer not below the rank of Havildar of the armed forces may, in a disturbed area—

(a) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire arms, ammunition or explosive substances;

(b) if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as a training camp for armed volunteers or utilised as a hide-out by armed gangs or absconders wanted for any offence;

(c) arrest, without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest;

(d) enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary.

5. Any person arrested and taken into custody under this Regulation shall be made over to the officer in charge of the nearest police station with the least possible delay together with a report of the circumstances occasioning the arrest.

Arrested persons to be made over to the police.

6. No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Regulation.

Protection of persons acting under the Regulation.

7. No prosecution, suit or other legal proceeding shall lie in any court of law against any officer of the armed forces in respect of anything done in any part of the Kohima or Mokokchung district of the Naga Hills-Tuensang Area on or after the 23rd December, 1957, and before the commencement of this Regulation which might lawfully have been done in a disturbed area by the said officer, if this Regulation had been then in force; and all acts done during the said period, including the arrest of any person or recovery of any person or property shall be as valid as if they have been done at a time when this Regulation was in force.

Indemnity of officers of the armed forces for certain acts.

8. On the expiry of this Regulation, section 6 of the General Clauses Act, 1897, shall apply as if this Regulation had then been repealed by another Regulation.

Effect of expiry of the Regulation.

RAJENDRA PRASAD,
President.



THE ANDAMAN AND NICOBAR ISLANDS WEIGHTS
AND MEASURES (ENFORCEMENT)
REGULATION, 1959

No. 1 OF 1959

ARRANGEMENT OF SECTIONS

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Price 0.25 nP. or 5d.

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THE ANDAMAN AND NICOBAR ISLANDS WEIGHTS
AND MEASURES (ENFORCEMENT)
REGULATION, 1959

(Published in the Gazette of India Extraordinary, Part II Section 1,
dated the 24th January, 1959)

No. 1 OF 1959



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

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

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

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Andaman and Nicobar
Islands Weights and Measures (Enforcement) Regulation, 1959. Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Union territory of the Andaman
and Nicobar Islands.

(3) It shall come into force on such date as the Chief Commis-
sioner may by notification in the Official Gazette, appoint; and
different dates may be appointed for different provisions of this
Regulation or for different areas or for different classes of under-
takings or for different classes of goods.

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

(a) "Chief Commissioner" means the Chief Commissioner
of the Andaman and Nicobar Islands;

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

(c) "Controller" means the Controller of Weights and
Measures appointed under section 15;

(d) "Inspector" means an Inspector of Weights and Measures appointed under section 15;

(e) "measuring instrument" means any measuring instrument other than a weighing instrument, and includes any instrument for measuring length, area, volume or capacity;

(f) "Mint" means the mint of the Central Government either in Bombay or in Calcutta;

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

(h) "reference standards" means the sets of standard weights and measures supplied to the Chief Commissioner by the Central Government in pursuance of sub-section (2) of section 15 of the Standards of Weights and Measures Act, 1956;

89 of 1956.

(i) "stamping" means marking in such manner as to be, so far as practicable, indelible, and includes casting, engraving, etching and branding;

(j) "standard weight or measure" means any unit of mass or measure referred to in sub-section (1) of section 13 of the Standards of Weights and Measures Act, 1956, and includes any other weight or measure permitted to be used by the Central Government in pursuance of sub-section (1) of section 14 of the said Act;

89 of 1956.

(k) "verification", with its grammatical variations, used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument, and also includes re-verification;

(l) "weighing instrument" means any instrument for weighing, and includes scales with the weights belonging thereto, scale-beams, balances, spring balances, steel yards and other weighing machines.

CHAPTER II

STANDARD WEIGHTS AND MEASURES

Working standards

3. (1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade or commerce, the Chief Commissioner may cause to be prepared as many sets of authenticated standard weights and measures as it may deem necessary to be called the working standards, and special sets of working standards in relation to bullion and precious stones may also be prepared.

(2) The working standards shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.

(3) The working standards shall be kept at such places, in such custody and in such manner as may be prescribed.

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

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

(5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this Regulation.

(6) A working standard which has become defective shall not be deemed legal or be used for the purposes of this Regulation, until it has been verified and marked in the prescribed manner:

4. (1) For the purpose of verifying the correctness of the working standards, the Chief Commissioner may cause to be prepared at the Mint as many sets of authenticated standard weights and measures as he may deem necessary to be called the secondary standards. Secondary standards.

(2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.

(3) The secondary standards shall be kept at such places, in such custody and in such manner as may be prescribed.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the Chief Commissioner may direct.

(5) A secondary standard which is not so verified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Regulation.

5. The reference standards shall be kept at such places, in such custody and in such manner as the Chief Commissioner may direct. Reference standards.]

6. (1) For the purpose of verifying the correctness of commercial weights and measures and of weighing and measuring instruments used in transactions for trade or commerce, the Chief Commissioner may cause to be prepared as many sets of weighing and measuring instruments as he may deem necessary. Standard weighing and measuring instruments.

(2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standards or working standards are kept.

7. (1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measure, other than the standard weights or measures, shall be used in any transaction for trade or commerce or in any dealing or contract or for any work to be done or goods to be sold or delivered in any area or class of goods or undertakings in respect of which this Regulation has come into force. Prohibition of use of weights and measures other than standard weights and measures.

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

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

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

8. (1) Notwithstanding anything contained in this Regulation, the Chief Commissioner may, by notification in the Official Gazette, direct that in any specified trade or class of trades no transaction, dealing or contract shall be made or had except by weight only or except by measure only.

(2) A notification issued under this section shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.

CHAPTER III

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES

Marking of denominations on commercial weights and measures.

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

Prohibition of sale of unstamped commercial weights and measures.

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

Prohibition of use of unstamped commercial weights or measures.

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

Power to exempt.

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

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

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

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

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

15. (1) The Chief Commissioner may appoint a Controller of Weights and Measures for the Union territory and as many Assistant Controllers and Inspectors of Weights and Measures as may be necessary for exercising the powers and discharging the duties conferred or imposed on them by or under this Regulation. Appointment of Controller, Assistant Controllers and Inspectors.

(2) The Chief Commissioner may, by general or special order, define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred or imposed on Inspectors by or under this Regulation.

(3) Subject to the provisions of this Regulation, all Assistant Controllers of Weights and Measures and Inspectors shall perform their functions under the general superintendence and control of the Controller; and the Controller and the Assistant Controllers of Weights and Measures may, in addition to the powers and duties conferred or imposed on them by or under this Regulation, exercise any power or discharge any duty so conferred or imposed on Inspectors.

16. (1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments, attend at such place and time within his jurisdiction as may be appointed in this behalf by the Controller. Verification and stamping by Inspectors.

(2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification.

1956. (3) If, on such verification, the Inspector finds the weight or measure or weighing or measuring instrument correct and in conformity with the Standards of Weights and Measures Act, 1956, and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner; but, if on the other hand, he finds the weight or measure or weighing or measuring instrument incorrect and defective, he shall, subject to the provisions of section 18, refuse to stamp the same with a stamp of verification and obliterate the stamp thereon.

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

or weighing or measuring instrument with a secondary or working standard or weighing or measuring instrument prescribed for the purpose.

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights, measures, weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trader, employee or agent shall comply with such requirement.

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

(5) Where an Inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, the Inspector may break open the sealed package or container and verify its contents; and if, on such verification, the net weight or measure of the article is found to be correct, the Inspector shall re-seal the package or container where it is possible so to do without injury to the contents thereof and attach a certificate thereto stating the correct weight or measure of the article, but if, on the other hand, the net weight or measure of article is found to be incorrect, the Inspector may seize and detain the package or container and the article contained therein.

(6) For the purpose of such inspection, an Inspector may, at all reasonable times, enter into any place where weights, measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

Power of
Inspector
to adjust
weights
and mea-
sures.

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

19. (1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments, and every person using them in transactions for trade or commerce shall maintain such records and accounts as may be prescribed and, if required so to do by an Inspector, shall produce such records and accounts before him.

Manufacturers, etc., to maintain records and documents.

(2) Notwithstanding anything contained in sub-section (1), if the Chief Commissioner is of opinion that having regard to the nature of business carried on by any such manufacturer, repairer or dealer, it is necessary so to do, he may, by order, exempt such person or class of persons from the operation of that sub-section.

20. (1) If an Inspector—

Appeals

(a) refuses to stamp any weight or measure or weighing or measuring instrument or obliterates the stamp thereon under sub-section (3) of section 16, or

(b) seizes and detains any weight or measure or weighing or measuring instrument under sub-section (4) of section 17, or

(c) seizes and detains any package or container or the article contained therein under sub-section (5) of section 17, or

(d) refuses to make any adjustment under section 18,

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

(2) An appeal shall lie from every decision or order made by the Controller in pursuance of any power conferred on him by or under this Regulation [(other than a decision made in appeal under sub-section (1))], within sixty days from the date of such decision or order, to the Chief Commissioner or any officer specially authorised by the Chief Commissioner in this behalf.

(3) On receipt of any such appeal, the appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such inquiry as it deems proper, decide the appeal and the decision of the appellate authority shall be final.

21. The Chief Commissioner may charge such fees—

Levy of fees.

(a) for the grant of licences under section 13 for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments, and

(b) for the verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments;

as may be prescribed.

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

Validity of weights and measures duly stamped.

CHAPTER IV

PENALTIES

Penalty for sale or delivery by weight or measure other than standard weight or measure.

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

Penalty for sale of un-stamped commercial weights and measures.

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

Penalty for use of un-stamped commercial weights and measures.

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

Explanation 1.—When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade or commerce.

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

Penalty for manufacture of weights, etc., without licence.

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

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

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

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

28. Whoever contravenes the provisions of section 14 shall be punishable with fine which may extend to two thousand rupees.

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

Penalty for fraudulent use of weights or measures, etc.

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

Penalty for being in possession of false weight or measure, etc.

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

Penalty for making or selling false weight or measure, etc.

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

Penalty for giving short weight or measure.

33. (1) Whoever forges or counterfeits any stamp used under this Regulation for the stamping of any standard weight or measure or weighing or measuring instrument or possesses any such counterfeit stamp, or removes a stamp from any standard weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument, or wilfully increases or diminishes a weight or measure so stamped, shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

Penalty for forging, etc., of weights, measures etc.

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

34. Whoever—

(a) refuses or neglects to produce for inspection under section 17, any weight or measure or weighing or measuring instrument or any document or record relating thereto in his possession or on his premises, or

Penalty for neglect or refusal to produce weight or measure etc., for inspection

(b) refuses to permit an Inspector to inspect and verify any such weight, measure, instrument, document or record, or

(c) obstructs the entry of an Inspector under section 17, or

(d) otherwise obstructs or hinders an Inspector in the performance of his duties under this Regulation,

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

Penalty for breach of duty by Inspector.

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

CHAPTER V MISCELLANEOUS

Protection of action taken in good faith.

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

Controller, etc., appointed under the Regulation to be public servants.

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

45 of 1860.

Cognizance of offences, etc.

38. (1) No court shall take cognizance of an offence punishable under this Regulation except upon complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order.

(2) No court inferior to that of a magistrate of the first class shall try any offence punishable under this Regulation.

Stamped weight, etc., to be presumed to be correct.

39. A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Regulation and the rules made thereunder shall be presumed to be correct until its inaccuracy is proved, if this is produced in any court by any Inspector having charge thereof or by any person acting under the general or special authority of the Controller.

Offences by companies.

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

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

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

of 195

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate, and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

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

of 1956. 42. Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956, in this behalf, the Chief Commissioner may prescribe the limits of error which may be tolerated,— Limits of error to be tolerated in weights and measures.

(a) in secondary standards referred to in section 4;

(b) in working standards referred to in section 3;

(c) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades; and

(d) weighing and measuring instruments.

43. (1) The Chief Commissioner may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the material of which and the designs and specifications according to which working standards may be made, the agency by which such standards may be prepared, the person by whom or the authority by which and the manner in which such standards may be stamped and authenticated; the places at which and the custody and manner in which such standards may be kept;

(b) the procedure for the verification and marking of working standards, the persons by whom, the places at which and the intervals at which, they may be marked;

(c) the material of which and the designs and specifications according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept;

(d) the procedure for the verification or re-verification and marking of secondary standards and the manner in which they may be marked;

(e) the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same;

(f) the material, form and specification, and manufacture and sale of commercial weights and measures and weighing and measuring instruments;

(g) the manner in which commercial weights and measures may be marked by manufacturers;

(h) the form and manner in which, and the conditions subject to which, licences may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments;

(i) the qualifications, functions and duties generally of Inspectors under this Regulation;

(j) the verification and stamping of weights and measures and weighing and measuring instruments and the period within which they are to be re-verified;

(k) the inspection of weights and measures and weighing and measuring instruments used in transactions for trade or commerce;

(l) the seizure, detention and disposal of weights and measures which are not authorised by this Regulation;

(m) the books, accounts and records relating to weights and measures and weighing and measuring instruments to be maintained and the manner in which they may be maintained or produced;

(n) the limits of error which may be tolerated in secondary or working standards;

(o) the limits of error which may be tolerated in weights and measures and weighing and measuring instruments used or intended to be used in transactions for trade or commerce;

(p) the limits of error which may be tolerated in selling articles by weight and measure generally or as regards any trade or class of trades;

(q) the form and manner in which appeals may be preferred against decisions of Inspectors and the procedure for hearing appeals;

(r) the fees which may be charged for the grant of licences under section 13 and for verification, adjustment and stamping of weights and measures and weighing and measuring instruments and the collection and levy of the same;

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

(3) In making any rule under this section the Chief Commissioner may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazette.

RAJENDRA PRASAD,
President.

The Gazette of India



EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY.

No. 6] NEW DELHI, SATURDAY, APRIL 4, 1959/CHAITRA 14, 1881

MINISTRY OF LAW,
(Legislative Department)

New Delhi, the 4th April, 1959/Chaitra 14, 1881 (Saka)

THE ARMED FORCES (SPECIAL POWERS)
CONTINUANCE REGULATION, 1959
No. 2 OF 1959

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

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

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

1. (1) This Regulation may be called the Armed Forces (Special
Powers) Continuance Regulation, 1959.

Short title
and com-
mencement.

(2) It shall come into force at once.

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

Amend-
ment of sec-
tion 1.

RAJENDRA PRASAD,
President.

G. R. RAJAGOPAL, Secy.

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THE ANDAMAN AND NICOBAR ISLANDS (PRIMARY
EDUCATION) REGULATION, 1959

No. 3 OF 1959

(Published in the Gazette of India Extraordinary, Part II,
Section I, dated the 27th June, 1959)



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

A Regulation to provide for free and compulsory primary
education for children in the Andaman and Nicobar
Islands.

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

1. (1) This Regulation may be called the Andaman and Nicobar
Islands (Primary Education) Regulation, 1959.

Short title,
extent and
commence-
ment,

(2) It extends to the whole of the Union territory of the Andaman
and Nicobar Islands.

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

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

Definitions

(a) "attendance officer" means a person appointed by the
Chief Commissioner for any specified area to perform all or any
of the functions of an attendance officer under this Regulation;

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

(c) "child" means a boy or a girl whose age is not less than
six, and not more than eleven, years;

Price Rs. 0.19nP. or 4d.

Andaman and Nicobar Islands (Primary Education) [Reg. 3

(d) "guardian" means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognised usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any lawful authority;

(e) "Islands" means the Union territory of the Andaman and Nicobar Islands;

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

(g) "primary education" means such elementary education as may be prescribed;

(h) "recognised school" means a school or department of a school maintained or aided by the Government for imparting primary education;

(i) "specified area" means any area referred to in section 3.

Declaration
of specified
areas for
compulsory
primary edu-
cation.

3. The Chief Commissioner may, after ensuring that adequate facilities for imparting primary education to children have been provided in any area, by notification in the Official Gazette, declare that area within the Islands to be an area in which primary education for children shall be compulsory, and thereupon the provisions of sections 4 to 12 inclusive shall take effect in such area.

Responsi-
bility of
guardian to
cause child-
ren to attend
school.

4. (1) It shall be the duty of the guardian of every child residing within a specified area to cause the child to attend a recognised school in the manner required by sub-section (2) unless there be a reasonable excuse for his non-attendance.

so specified

(2) The Chief Commissioner may, by order in writing, specify the days in each month and the hours in each day for which any child shall be required to attend a recognised school, and no child shall be deemed to have attended the school within the meaning of this section unless he has attended the school for the days and hours

Fees not to
be levied.

5. No fee shall be levied in respect of any child for attending a recognised school for obtaining primary education.

Reasonable
excuse for
non-attend-
ance.

6. Any of the following circumstances shall be deemed to be a reasonable excuse for the purposes of this Regulation—

(a) that there is no recognised school within a distance of one mile measured by the shortest route from the residence of

the child which he can attend, or that any such school is a school in which any religious observance or religious instruction of the nature not approved by the guardian is compulsory;

(b) that the child has been granted temporary leave of absence from school for sickness or other prescribed reason;

(c) that the child is receiving instruction in some other manner declared to be satisfactory by the Chief Commissioner;

(d) that the child has already received instruction up to the standard prescribed for primary education;

(e) that the child is unfit to attend school by reason of some physical or mental defect.

7. Where any attendance officer has reason to believe that the guardian of a child is not complying with the provisions of section 4 or that a child is being employed elsewhere by any person during the specified hours of attendance at a recognised school, the attendance officer shall warn the guardian or other person, as the case may be, in the prescribed manner to cause the child to attend the recognised school, or to discontinue the employment of such child, as the case may be, within a week after the receipt of the warning. Warning to guardian, etc., in certain cases.

8. Any guardian or person, who, after the receipt of a warning under section 7, fails to comply with the requirements of such warning, shall be punishable with fine which may extend to fifty rupees. Penalties.

9. (1) No court shall take cognizance of an offence under section 8 except on the complaint of a person generally or specially authorised in this behalf by the Chief Commissioner. Cognizance of offences.

(2) No magistrate of the third class shall try any offence punishable under this Regulation, unless he is specially empowered by the Chief Commissioner in this behalf.

10. The Chief Commissioner may, by notification in the Official Gazette, exempt any class of persons or any community in any specified area from the operation of this Regulation. Power to exempt.

11. Every attendance officer and all persons duly authorised under section 9 to make complaints shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Certain persons to be public servants.

45 of 1860.

12. No suit, prosecution or other legal proceeding shall lie against the Government or any authority or person in respect of anything which is in good faith done or intended to be done by it or him under this Regulation or any rule or order made thereunder. Protection of action taken in good faith.

Andaman and Nicobar Islands (Primary Education) [Reg. 3 of 1959]

Delegation
of powers.

13. The Chief Commissioner may, by notification in the Official Gazette, authorise any officer or person to exercise all or any of the powers conferred on him by this Regulation, except the power to make rules.

Power to
make rules.

14. (1) The Chief Commissioner may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) declaring what shall constitute primary education;
- (b) the circumstances in which, and the authorities by which, leave may be granted to a child under section 6;
- (c) the manner in which warnings by attendance officers shall be given and their powers exercised;
- (d) the registers, statements and other information which shall be maintained by recognised schools for the purposes of this Regulation;
- (e) any other matter which may be, or has to be, prescribed.

(3) The power to make rules conferred by this section shall be subject to the condition of previous publication.

(4) In making such rules, the Chief Commissioner may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

RAJENDRA PRASAD,

President.

The Gazette  of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 16] NEW DELHI, MONDAY, SEPTEMBER 7, 1959/BHADRA 16, 1881 (Saka)

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 7th September, 1959/Bhadra 16, 1881(Saka)

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS
SURVEY AND BOUNDARIES REGULATION, 1959

No. 4 OF 1959

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

A Regulation to provide for the survey of lands and the
settlement of boundary disputes in the Union territory of the
Laccadive, Minicoy and Amindivi Islands.

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

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959. Short title and extent.

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

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

(a) "Administrator" means the Administrator of the Islands;

(b) "cowledar" means a person who has been or is granted a lease of pandaram land on rent for a specified period, one of the conditions of such lease being that he makes improvements thereto;

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

(d) "land-owner" means a person—

(i) who is the proprietor of a parcel of land under the customary law of the Islands; or

(ii) who is shown as holding land as a lessee thereof in the Government accounts; or

(iii) who is shown as holding pandaram land as a cowledar in the Government accounts; or

(iv) whose name is registered as owner in any register maintained by the Administrator or by any of his assistants authorised by him in this behalf;

(e) "pandaram land" means land in which Government has a proprietary right;

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

(g) "survey" includes all operations incidental to the determination, measurement and record of a boundary, or any part of a boundary and includes a re-survey;

(h) "survey mark" means any mark or object erected, made, employed or specified by a survey officer to indicate or determine or assist in determining the position or level of any point or points;

(i) "survey officer" means any person appointed to be a survey officer under section 3.

Appoint-
ment of
survey officer.

3. (1) The Administrator may, by notification in the Official Gazette, appoint any person to be a survey officer for all or any of the purposes of this Regulation.

(2) Subject to the control of the Administrator and of any officer or authority appointed by him in this behalf, every person appointed under sub-section (1) shall exercise the powers and perform the duties of a survey officer within such local limits and for such periods of time as the Administrator may direct.

CHAPTER II

SURVEY OF LANDS

4. The Administrator may, whenever he thinks fit, by notification in the Official Gazette, order that a survey shall be made of any land situated in the Islands or of any boundary of such land.

Power of Administrator to order survey of lands or boundaries of lands.

5. (1) When a survey is ordered under section 4, the survey officer shall publish a notification in the prescribed manner inviting all persons having any interest in the land the survey of which has been ordered or in the boundaries of such land, to attend either in person or by agent at a specified place and time and from time to time thereafter when called upon for the purpose of pointing out boundaries and supplying information in connection therewith.

Notification to be published by survey officers.

(2) A notification published under sub-section (1) shall be held to be a valid notice to every person having interest in the land the survey of which has been ordered or in the boundaries of such land.

6. The survey officer shall carry out the survey in the prescribed manner.

Survey officer to carry out survey in the prescribed manner.

7. (1) The survey officer shall have power to determine and record as undisputed any boundary in respect of which no dispute is brought to his notice.

Power of survey officer to determine and record an undisputed boundary.

(2) Notice of every decision of the survey officer under sub-section (1) shall be given in the prescribed manner to the land-owners the boundaries of whose lands may be affected by his decision.

8. (1) Where a boundary is disputed, the survey officer, after making such inquiry as he considers necessary, shall determine the boundary and record it in accordance with his decision and he shall also record in writing the reasons for his decision.

Power of survey officer to determine and record a disputed boundary.

(2) Notice of every decision of the survey officer under sub-section (1) shall be given in the prescribed manner to the parties to the dispute and other land-owners, the boundaries of whose lands may be affected by his decision.

Appeals
against
orders under
section 7
or 8.

9. (1) Any person affected by a decision under section 7 or section 8 may appeal to the prescribed officer.

(2) The decision of the appellate authority with the reasons therefor shall be recorded in writing, and notice of such decision shall be given in the prescribed manner to the parties to the appeal.

(3) Any modification of the survey officer's decision ordered by the appellate authority shall be noted in the record prepared under section 7 or section 8, as the case may be.

(4) A copy of the order and a copy of the map recording the boundaries as determined under section 7 or section 8 or sub-section (2) of section 9, shall be furnished to any person interested in such order or map, as the case may be, on his application and at his cost.

Period with-
in which
appeal
should be
preferred.

10. (1) An appeal under section 9 shall be preferred within six months from the date of service of notice under section 7 or section 8:

Provided that in computing such period the time requisite for obtaining a copy each of the decision and of the map, and also, if necessary, all or any of the months of June, July, August and September, shall be excluded.

(2) No appeal preferred after the expiry of the said period shall be admitted:

Provided that the appellate authority may admit an appeal after the expiry of the said period on being satisfied that the appellant had good and sufficient cause for not preferring the appeal within the said period.

Explanation.—The fact that notice under section 7 or section 8 was not served personally on the appellant shall be deemed to be good and sufficient cause within the meaning of the foregoing proviso.

(3) No appeal shall be admitted under sub-section (2) after the issue of the notification specified in section 11.

Completion
of demar-
cation to be
notified.

11. (1) When the survey of any land or boundary which has been notified under section 4, has been completed in accordance with the orders passed under section 7, section 8 or section 9, the survey officer shall notify the fact in the Official Gazette and a copy of such notification shall be posted in the Cutchery of the Amin or the office of the Tahsildar, if any, of the Islands.

(2) Unless the survey so notified is modified by a decree of a civil court under the provisions of section 12, the record of the survey

shall be conclusive proof that the boundaries determined and recorded therein have been correctly determined and recorded.

12. (1) Any person deeming himself aggrieved by the determination of any boundary under section 7, section 8 or section 9 may institute a suit within three years from the date of the notification under section 11 to set aside or modify the said determination and the survey shall, if necessary, be altered in accordance with the final decree in the suit and the alteration, if any, shall be noted in the record.

Institution of suit in civil court within three years to establish right claimed in respect of the boundary of the property surveyed.

(2) The plaintiff in such suit shall join as parties to it all persons whom he has reason to believe to be interested in the boundary which is the subject of the suit.

(3) No suit under this section shall be instituted in any court after the expiry of the period of three years aforesaid:

Provided that in computing such period the time requisite for obtaining a copy each of the decision and of the map shall be excluded.

13. (1) Subject to such conditions as may be prescribed in this behalf, every land-owner shall be bound to maintain, renew and repair the survey marks on or within the boundaries of his land and in default of his doing so, the survey officer or Administrator may, at the cost of Government, maintain, renew and repair such survey marks, determine and apportion the cost of so doing, and recover such cost from the land-owner concerned as if it were payable under a decree of a civil court and such cost may include the cost of all operations incidental to such renewal or repair but not any charges on account of survey officers and supervising establishment.

Land-owners responsible for maintenance of survey marks.

(2) Before the survey officer or Administrator takes steps to maintain, renew or repair any survey marks, he shall serve a notice in writing on the land-owner in the prescribed manner giving particulars of the survey marks in respect of which default has been committed calling upon him to maintain, renew or repair the same within a time to be specified in such notice which shall be not less than thirty days from the date of service thereof.

(3) If the notice under sub-section (2) cannot be served personally on the land-owner, a copy of the same shall be served on the cultivator or other person interested in the land.

Duties of
Amin,
Gumastha
and Karani.

14. It shall be the duty of every Amin, Gumastha and Karani of the Islands,—

(a) to prevent the destruction, injury, removal or alteration of any survey mark on or within the limits of his jurisdiction; and

(b) when he becomes aware that any such mark has been destroyed, injured, removed or altered, to report the fact without delay to the prescribed officer.

CHAPTER III

MISCELLANEOUS

Power to
enter upon,
examine and
clear ob-
struction on
lands.

15. For the purposes of any survey, inquiry or other proceedings under this Regulation, the survey officer or the Administrator or any of the subordinates of such officers shall have power to enter upon, examine and measure any land under survey and to clear by cutting down or removing any trees, jungle fences, standing crops or other material obstructions, boundaries or other lines, the clearance of which may be necessary for the purposes of the survey.

Power to
summon
witnesses and
require
production
of docu-
ments.

16. Any survey officer generally or specially authorized in that behalf, or the Administrator or any officer to whom an appeal is preferred under any of the provisions of this Regulation may, for the purposes of rendering assistance in the survey of any land, summon and enforce the attendance of any person who has an interest therein and may, for the purposes of any survey, inquiry or other proceedings under this Regulation, summon and enforce the attendance of any person for giving evidence and for the production of documents in the prescribed manner.

Reference to
arbitration.

17. (1) The Administrator or the survey officer may, with the consent of all the parties concerned, refer to arbitration any dispute as to a boundary.

(2) The decision of the Administrator or the survey officer passed in accordance with such award shall be conclusive between the parties to such arbitration and those claiming under them.

Delegation
of powers
and duties.

18. The Administrator may, by general or special order in writing, direct that all or any of the powers or duties which may be exercised or discharged by him under the provisions of this Regulation except those under this section and section 20, shall, in such

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circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged also by any officer or authority specified in this behalf in the order.

19. No suit, prosecution or other legal proceeding shall lie against any person for or in respect of anything in good faith done or intended to be done under this Regulation or any rule or order made thereunder. Protection of action taken under Regulation.

20. (1) The Administrator may, by notification in the Official Gazette and subject to the condition of previous publication, make rules to carry out the purposes of this Regulation. Power of Administrator to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) specify for different localities the unit of survey, the sub-divisions thereof and the description of the survey marks and provide for the maintenance, renewal and repair of such marks;

(b) provide for the collection and record of any information in respect of any land which has been or is about to be surveyed;

(c) define the classes of officers to be appointed to perform any duty under this Regulation and the powers to be exercised by such officers;

(d) provide for and regulate the procedure to be followed by those officers in the conduct of proceedings under this Regulation;

(e) provide for the publication of all notifications issued under this Regulation and for the form, issue and service of all orders, communications and notices to be issued, communicated, given or served under this Regulation;

(f) regulate the furnishing of survey marks, labour and other matters necessary to surveys notified under this Regulation and the recovery of charges incidental thereto where they are recoverable;

(g) provide for the fees payable for processes issued and copies granted under this Regulation;

(h) provide for the manner in which arbitrators are to be appointed and regulate the procedure to be followed by them;

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

Repeal.

21. If immediately before the commencement of this Regulation there is in force in the whole or any part of the Islands any law corresponding to this Regulation, that law shall on such commencement stand repealed.

RAJENDRA PRASAD,
President.

G. R. RAJAGOPAL, Secy.

The Gazette  of India

EXTRAORDINARY
PART II—Section 1
PUBLISHED BY AUTHORITY

No. 32] NEW DELHI, THURSDAY, SEPTEMBER 16, 1959/BHADRA 19, 1881

MINISTRY OF LAW
(Legislative Department)

New Delhi, the 10th September, 1959/Bhadra 19, 1881 (Saka)

THE NORTH EAST FRONTIER AGENCY (ABOLITION
OF POLL TAX AND LEVY OF HOUSE-TAX)
REGULATION, 1959

No. 5 OF 1959

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

A Regulation to provide for the abolition of poll tax and for the
levy of a tax on houses in the North East Frontier Agency.

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

1. (1) This Regulation may be called the North East Frontier Agency (Abolition of Poll Tax and Levy of House-Tax) Regulation, 1959. Short title, extent and commencement.

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

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

Definitions.

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

(a) "appointed day" means the day appointed under subsection (3) of section 1 for the coming into force of this Regulation;

(b) "Governor" means the Governor of Assam;

(c) "house" includes an outhouse, a stable, latrine, shed, hut and any other such structure, whether of masonry, bricks, wood, leaves, grass, thatch or any other material whatsoever, but does not include any portable shelter;

(d) "house-tax" means the tax levied under section 4.

Abolition of poll tax.

3. As from the appointed day, the poll tax leviable within the North East Frontier Agency by virtue of any law in force immediately before the appointed day shall cease to be levied.

Levy of house-tax.

4. (1) The Governor may, by notification in the Official Gazette, direct that with effect from the appointed day or such other day as may be specified in the notification, there shall be levied in the prescribed manner a tax on houses situated in the North East Frontier Agency or any such part thereof as may be specified in the notification.

(2) The house-tax shall, subject to the prior payment of land revenue, if any, due to the Government in respect of the site of the house, be a first charge upon the house and upon the movable property, if any, found within or upon the same and belonging to the person liable to such tax.

(3) If the occupier of a house pays the house-tax on behalf of the owner thereof in cases where the owner is liable to pay the tax, the occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him.

Power to make rules.

5. (1) The Governor 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 basis on which house-tax may be levied, whether on the capital value of houses or on their annual value or otherwise and the rates at which such tax may be levied;

(b) the persons liable to pay house-tax;

(c) the times at which house-tax shall be levied and the manner in which it shall be recovered;

(d) the grant of exemptions from house-tax on the ground of poverty or on any other ground;

(e) the grant of vacancy and other remissions;

(f) the giving of notices of transfer of houses;

(g) the circumstances in which, and the conditions subject to which, houses constructed, reconstructed or demolished during any part of a year shall be liable or cease to be liable to the whole or any portion of the house-tax;

(h) any incidental or supplementary matters, including, in particular, the entering and inspection of houses and the collection of any information from persons for the purposes of this Regulation.

(3) In making a rule under this section, the Governor may direct that a breach thereof shall be punishable with fine which may extend to two hundred rupees, and if the breach is a continuing one, with further fine which may extend to five rupees for every day after the first during which the breach continues. ^{Repeal and saving.}

6. (1) As from the appointed day, so much of any law referred to in section 3 as relates to the levy of poll tax in the North East Frontier Agency shall stand repealed.

(2) Notwithstanding anything contained in sub-section (1), any amount due by way of poll tax before the appointed day may be recovered as if it had accrued as an arrear of house-tax, and the provisions of this Regulation and the rules made thereunder shall apply accordingly.

RAJENDRA PRASAD,

President.

G. R. RAJAGOPAUL, Secy.