

The Goa, Daman and Diu Administration of Evacuee Property Rules, 1965

GOA

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Rule

THE-GOA-DAMAN-AND-DIU-ADMINISTRATION-OF-EVACUEE-PROPE of 1965

- Published on 19 April 1966
- Commenced on 19 April 1966
- [This is the version of this document from 19 April 1966.]
- [Note: The original publication document is not available and this content could not be verified.]

The Goa, Daman and Diu Administration of Evacuee Property Rules, 1965Published vide Notification No. HD/33/1676/65, dated 19th April, 1966HD/33/1676/65. - In exercise of the powers conferred by Section 46 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (No. 6 of 1964) the Government of Goa, Daman and Diu hereby makes the following Rules.

1. Short title and commencement.

(1)These Rules may be called the Goa, Daman and Diu Administration of Evacuee Property Rules, 1965.(2)These rules shall come into force at once.

2. Definitions.

- In these Rules -(a)"The Act" means the Goa, Daman and Diu Administration of Evacuee Property Act, 1964.(b)"Form" means a Form appended to these Rules.(c)"Section" and "Sub-Section" mean respectively, a section and a sub-section of the Act.(d)All other terms and expressions used herein but not defined shall have the meanings respectively assigned to them in the Act.

3.

[* * *] [[Rule 3 is deleted vide Amendment Rules, 1980, published in Official Gazette, Series I No. 31 dated 30-10-1980. The deleted rule 3 is as follows:"The Custodian shall be a person qualified in law and having experience as a Judicial Officer or as an officer in the Central or any State Government,

having experience of rehabilitation work for at least five years.']]

4. Manner of enquiry under Section 5.

(1)Where the Custodian is satisfied from the information in his possession or otherwise that any property or an interest therein is prima facie evacuee property, he shall cause a notice served in Form No. 1 on the person claiming title to be such property or interest and on any other person or persons whom he considers to be interested in the property.(2)The notice shall, as far as practicably, mention the grounds on which the property is sought to be declared as evacuee property and shall specify the provision of the Act under which the person claiming any title to or interest in, such property is alleged to be an evacuee.(3)The notice shall be served personally; but if that is not practicable, the service may be effected in any manner provided in Rule 24.(4)Where a notice has been duly served, and the party called upon to show cause why the property should not be declared as evacuee property, fails to appear on the date fixed for hearing, the Custodian may proceed to hear the matter ex-parte and pass such order on the material before him as he deems fit.(5)Where such party appears and contests the notice, he shall forthwith file a written statement verified in the same manner as a pleading under the Code of Civil Procedure, 1908 stating the reasons why he should not be deemed to be an evacuee and why the property or his interest therein should not be declared as an evacuee property. Any person or persons claiming to be interested in the enquiry or in the property being declared as evacuee property may file a reply to such written statement. The Custodian shall then, either on the same day or any subsequent day to which the hearing may be adjourned, proceed to hear the evidence, if any, which the party claiming to be interested as mentioned above may adduce.(6)After the whole evidence has been duly recorded in a summary manner, the Custodian shall proceed to pronounce his order. The order shall state the points for determination, and the findings thereon with brief reasons.

5. Notification of evacuee property under sub-section (4) of section 5.

(1)All properties declared by a Custodian as Evacuee Properties shall, in addition to being notified in the Official Gazette, also be notified in the manner indicated in sub-rule (2) on the Notice Board kept in the office of the Custodian.(2)[The Notification shall be in Form No. 2 and shall give particulars of the property regarding the location etc. In case of agricultural land, it shall specify, as far as possible, its name and registration number and the village where it is situated.] [[Sub-rule (2) of Rule 5 is substituted vide Amendment Rules, 1977, published in Official Gazette, Series I No. 53 dated 31-3-1977. The original sub-rule (2) reads as follows: '(2) The notification shall be in Form No. 2 and shall give full particulars of the property regarding the location etc. In case of agricultural land, it shall specify, as far as possible, its name and registration number and the village where it is situated. Any error or irregularity in the drawing up or the publication of the notification shall not be deemed to detract from the validity of such a notification or otherwise afford a valid defence to claim of the Custodian to the property as having vested in him.']]

**6. [Notice of surrender possession under sub-section (3) of section 6 (1).
[[Rule 6 is substituted vide (Amendment) Rules, 1977, published in the
Official Gazette, Series I No. 53 dated 31-3-1977. The original rule 6 reads as
follows:**

'6. Notice to surrender possession under sub-section 3 of section 6. - (1) On the publication of a notification under Rule 5, a notice in Form No. 3 demanding surrender of possession may be served on the occupant or holder of evacuee property, calling upon him to surrender possession to the Custodian or a person authorized by him in this behalf within the time specified in the notice, provided that in an emergent case, the Custodian may require the occupant to give up possession immediately and the premises may be sealed at once. The notice under sub rule (1) shall be signed by an officer not below the rank of an Assistant Custodian'.]](1)On the publication of a notification under Rule 5, a notice in Form No. 3 demanding surrender of possession may be served on the occupant or holder of evacuee property, calling upon him to surrender possession to the Custodian or a person authorised by him in this behalf within the time specified in the notice, provided that in an emergent case, the Custodian may require the occupant to give up possession immediately and the premises may be sealed at once:Provided that in cases where the Custodian is satisfied that the occupant or the holder of evacuee property is tampering with the evacuee property and that possession of the property by the occupant or holder is against the interest of the evacuee or such possession comes in the way of smooth management of the evacuee property, the Custodian may require the occupant or the holder to give up possession forthwith and the premises may be sealed at once:(2)The notice under sub-rule (1) shall be signed by an officer not below the rank of an Assistant Custodian.]

7. Procedure under section 7.

- (i) Where a notice has been duly served on the occupant or holder of the property under Rule 6 and the possession is not delivered, as required, the officer who issued the notice or any other officer, not below the rank of a Deputy Custodian, may issue a warrant of eviction or seizure in Form No. 4. One copy of the warrant shall be forwarded to the officer-in-charge of the Police Station within the territorial limits of which the property concerned is for the time being to be found or such other officer as may be in-charge of carrying out evictions or seizures, who shall forthwith take steps to effect the eviction or seizure with the use of such force as may be necessary.(ii)Every Police Officer to whom a warrant of eviction or seizure is sent for execution shall submit a weekly report to the Senior Superintendent of Police having jurisdiction and a copy thereof to the Custodian giving details of number of warrants entrusted to, as well as executed by him together with such other particulars as may be necessary.(iii)A register of warrants shall be maintained by the Custodian and such register shall contain the following particulars:(a)Name of owner.(b)Description of property.(c)Name of the person against whom the warrant is to be executed.(d)Date of issue and service of surrender notice.(e)The final result.

8. Mode of taking possession of immovable property

(1)Where any evacuee property, which vests in the Custodian, is in the possession of either the evacuee himself or any other person, whether holding on behalf of or under the evacuee or otherwise, but having no lawful title to the possession of such property enforceable against the Custodian, possession may be taken by evicting the person in possession of such property in the manner provided in the Act and these Rules.(2)Where such property is, at the time aforesaid, in the possession of one or more tenants or one or more lessees or licensees whom the Custodian cannot eject or, for any reason, does not want to eject, possession may be taken by serving on the tenants or the lessees or the licensees a notice directing them to pay the rent or the lease-money or the licence fee, as the case may be, to the Custodian or to any person authorised by him to receive such payment. The notice may be served in any manner provided in Rule 24. Where such property is an undivided share in joint property,(a)If under some arrangement inter se the co-sharers, the evacuee was in separate possession of any part of the joint property, possession may be taken of such part in accordance with the manner provided in sub-rule (1) or sub-rule (2), whichever is applicable.(b)In any other case, constructive possession be taken by affixing a copy of the warrant for possession on a conspicuous part of the property, and if considered necessary, by proclamation, by beat of drum in the locality in which the property is situated.

9. Mode of taking possession of tangible movable property.

- Where the property to be taken possession of is tangible movable property, possession may be taken by actual seizure and after such seizure the Custodian may either keep the property in his own custody or entrust to the local Mamlatdar or any other person duly authorized by him on the latter furnishing security in Form No. 5.

10. Mode of taking other movable property.

(1)Where property to be taken possession of is a debt or a legacy or interest payable on a debt or a legacy, possession may be taken by serving the party liable with a notice requiring such party to pay the same to the Custodian or any other person authorized by him to receive the payment.(2)Where such property is a share in a joint Stock Company, possession may be taken by informing the principal officer of such Company that the share has vested in the Custodian.(3)Where such property consists of Government or other securities, stock, or debentures, possession may be taken by serving upon the appropriate authority a notice requiring such authority to make all payments in respect of such securities, stock, or debentures to the Custodian or any other person authorised by him in this behalf.(4)Where such property is a running business, or a share in such business the Custodian may take possession of the stock-in-trade and other assets of the business and may further take such steps as he considers necessary either for the continuance or for the winding up of such business.

11. Preparation of inventory of movable property.

- Where the Custodian takes possession of any movable property including any stock-in-trade or plant or machinery or any undertaking, he shall cause an inventory to be prepared of the property in Form No. 6, in triplicate, in the presence of not less than two residents of the locality. The inventory shall be signed by the person by whom it was prepared and each of the witnesses and shall be countersigned by the Custodian. One copy of the inventory shall be made over to the person in possession prior to the taking over and two copies shall be retained by the Custodian.

12. Delegation of powers by the Custodian.

- The Custodian may delegate any of his functions assigned to him under the Act except those under clause (f) or clause (g) of sub-section (2) of Section 8, to a Deputy or Assistant Custodian.

13. Cancellation or variation of leases and allotments.

(1)The Custodian shall not ordinarily vary the terms of a lease subsisting at the time he takes possession of immovable property or cancel any such lease or evict a person who is lawfully in occupation of such property under a lease granted by a lessor before he became an evacuee and not in anticipation of becoming an evacuee, unless the Custodian is satisfied that the lessee has done or omitted to do something which renders him liable to eviction under any law for the time being in force.(2)In case of a lease or allotment granted by the Custodian himself, the Custodian may evict the person on any ground justifying eviction of a tenant under any law for the time being in force.(3)Before cancelling or varying the terms of lease or before evicting any lessee the Custodian shall serve the person or the person concerned with a notice to show cause against the order proposed to be made and shall afford him a reasonable opportunity of being heard.(4)The Custodian shall, as soon as may be, after the commencement of the Act, take appropriate proceedings under sub-section (3) of section 10 in respect of all evacuee property referred to in sub-section (2) thereof.

14. Procedure for restoration of property.

(1)An application for restoration of evacuee property shall be made to the Government or to any person authorized by Government in this behalf.(2)The application shall contain the name of the person interested in the property sought to be restored and the facts on which the claim for restoration is based.(3)The application shall be verified in the same manner as a plaint under the Code of Civil Procedure, 1908.(4)Before any order is made on the application, the Government or the authorised person, as the case may be, shall cause an enquiry to be held through the Custodian or any other person.(5)(a)On receipt of the application, the Government or the authorized person, as the case may be, shall cause a notice to be given to the party or parties named in the application and any other person who may otherwise appear to be interested in the property or the proceedings.(b)A Public Notice of the application shall also be issued in a local daily or a weekly newspaper at the expense of the applicant.

15. Conditions subject to which order under section 15 may be granted.

(1)An order for the restoration of property under section 15 may contain all or any of the conditions, namely:-(i)That the person to whom property is restored shall not evict any allottee except in the circumstances in which lessee can be evicted under any law for the time being in force.(ii)Where the person to whom the property is restored is given vacant possession of the property, he shall pay such compensation to the allottees in respect of any improvements made by them on the property as may be determined by the Custodian.(iii)That the person to whom the property is restored shall pay the amount due to the Custodian in respect of the property or the management thereof.(iv)Such other conditions as the Government may by order specify from time to time.(2)Without prejudice to the generality of the provisions contained in section 15 on the subject, a Custodian may while making an order for the restoration of evacuee property under that Section, impose any terms or conditions which he considers to be just and proper, having regard to the commitments already made, or action already taken by him in the exercise of his functions under the Act, or which otherwise seem to be necessary for carrying out the purpose of the Act.

16. Manner of enquiry under section 18.

(1)The provisions of this Rule shall apply to proceedings under section 21. In addition to the circumstances mentioned in section 18, the following shall be deemed to constitute a preparation for migration to Portuguese territories.(i)disposal of bulk of one's household effects,(ii)disposal of assets essential to one's profession, practice or calling or trade such as the disposal of medical books and equipment by a doctor, the disposal of law books by a practising lawyer and the disposal of his stock-in-trade by a trader, and(iii)disposal of the tools and instruments by which a person earns his livelihood.(2)Where the Custodian is satisfied from the information in his possession or otherwise that a person is an intending evacuee, he shall cause a notice to be given in Form No. 7 on the person.(3)The notice shall, as far as practicable, mention the grounds on which the person is sought to be declared as intending evacuee.(4)The notice shall be served personally; but if that is not practicable, the service may be effected in any manner provided in Rule 24.(5)Where a notice has been duly served and the party called upon to show cause why he should not be declared as an Intending Evacuee fails to appear on the date fixed for hearing the Custodian may proceed to hear the matter ex-parte and pass such order on the material before him as he deems fit.(6)Where such party appears and contests the notice, he shall forthwith file a written statement verified in the same manner as a pleading under the Code of Civil Procedure, 1908 stating the reasons why he should not be deemed to be an intending evacuee. The Custodian shall then either on the same day or on any subsequent day to which the hearing may be adjourned, proceed to hear the evidence, if any, which the party may adduce.[* * *] [[Sub-rules (7) and (8) are deleted vide (Amendment) Rules, 1977, published in the Official Gazette, Series I No. 53 dated 31-3-1977. The deleted rules read as follows:(7)After the whole evidence has been recorded in a summary manner the Custodian may pass an order either declaring such person to be an intending evacuee or closing the case.(8)Any declaration made in this regard by the Custodian shall be published in the Official Gazette.']]

17. Mode of attachment of property under sub-section 3 of section 18.

(1) Pending determination of the question whether any person is an intending evacuee or otherwise, the Custodian may where the property is immovable make an attachment order prohibiting the person from transferring or charging the property in any way and all persons from taking any benefit from such transfer or charge. (2) The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode and a copy of the order shall be affixed on a conspicuous part of the property and then upon a conspicuous part of the Custodian's office and also where the property is land paying revenue to the Government, in the office of the Commissioner of Revenue and Taxes or in the office of the Collector of the district in which the land is situate.

18. Procedure for the confirmation of transfers under section 31.

(1) An application for confirmation under sub-section (1) of section 31 shall contain the following particulars, namely: (a) Boundaries, name and location and registration number of the property. (b) Particulars of the transfer sought to be confirmed including the dates of the transfer and registration, if any, the address of the parties and the consideration paid or deferred. (c) Particulars of any previous transfers in respect of the property. (d) The name and address of the person in possession of the property transferred and the capacity in which such person is in possession. (2) The application shall be verified in the manner prescribed in the Code of Procedure, 1908, for verification of pleadings and shall be accompanied by a copy of the transfer deed, in question, and also a schedule containing the particulars of any other property owned, possessed or transferred by the transferor after 6th December, 1961. (3) The application shall be presented by the transferor or the transferee, personally or by any person claiming under, or lawfully authorised by either of them. (4) The Custodian shall cause a notice in Form No. 8 to be served on the transferor or transferee, as the case may be, and may further cause a similar notice to be served on any person whom the Custodian considers to be interested in, or likely to be affected by, the result of the application. (5) After notices are served in accordance with the provisions of sub-rule (4) the Custodian shall after a summary enquiry proceed to determine the application. (6) If the party making an application fails to appear on the date fixed when the case is called for hearing, the Custodian may dismiss the application for default or proceed to decide the application in the absence of the party, on the material before him. (7) Where the application is dismissed under sub-rule (6) the application shall be precluded for making a fresh application on the same facts with respect to the same property. But the applicant may apply within thirty days from the date of the order of dismissal is communicated to him for an order setting aside the dismissal and the Custodian, if he is satisfied that there was sufficient cause for non-appearance when the case was called for hearing shall make an order setting aside the order of dismissal, upon such terms as he thinks fit and shall fix a date for proceeding with the application. (8) The Custodian shall refuse to confirm any transfer which he has reasonable grounds to believe to be colourable or benami.

19. Application for obtaining previous approval under section 32.

- (i) The application for obtaining previous approval under section 32 in respect of transfer shall contain the following particulars, namely:-(a)Name and address of the transferor.(b)Boundaries, name and location and registration number of the property.(c)Nature of the right proposed to be transferred.(d)Whether any proceedings under the Act are pending for declaring the property to be evacuee property.(e)The consideration agreed upon for the transfer of the property.(f)(i)Whether the transferor was born in India including Goa, Daman and Diu.(ii)If not, whether either of his/her parents or grand-parents was born in India, including Goa, Daman and Diu. If so, the name of such person and the place of birth (village, taluka, etc.) indicating the relationship with the person named at (i) above.(iii)Date of his departure from this territory (Goa, Daman and Diu) with proof therefor.

20. Lease of Evacuee Property.

- Any evacuee property may be leased out by the Custodian for a period not exceeding the period specified in any general or special directions issued by or under authority of the Government. [The rent for the property so leased shall be determined by the Custodian by following the C.P.W.D. Code.] [These words have been added vide Amendment Rules, 1977, published in Official Gazette, Series I No. 53 dated 31-3-1977.]

20A. [Assessment of damages in cases of unauthorised possession. [Rule 20A is inserted vide Amendment Rules, 1977, published in Official Gazette, Series I No. 53 dated 31-3-1977.]

- If any person is or has at any time been, in unauthorised possession of any evacuee property, the Custodian may direct such person to make payment of such sums of money as may be determined by the Custodian in accordance with the principles applicable for determination of rent of properties leased out under rule 20.]

21. Method of payment of amounts due to the Custodian.

(1)Rents, rates, lease money, sale proceeds and other amounts payable to the Custodian in respect of evacuee property under the Act or under these Rules shall be tendered in cash or postal money order to the cashier in the office of the Custodian or to any other person who may be authorised by the Custodian in this behalf to receive such money.(2)The person receiving the money on behalf of the Custodian shall issue a receipt in Form No. 9. Receipts issued by the person making realisation on behalf of the Custodian on the spot shall, however, be prepared in Form No. 10 by carbon process by using double-sided carbon paper.(3)Crossed cheques may at the discretion of the Custodian be accepted. In case of outstation cheques, the amount on account of bank Commission should also be added to the amount due to the Custodian. No receipt for any cheque shall be valid discharge of any liability unless the cheque is cashed.

22. [Management] [In the marginal heading of Rule 22 the word 'Administration' is substituted by the word 'Management' and in sub-rule (1) of Rule 22, the word 'administration' is substituted by the word 'Management' vide Amendment Rules, 1977, published in Official Gazette, Series I No. 53 dated 31-3-1977.] and other charges.

(1) A fee equivalent to [20] [In Rule 22 for the figure '10', figure '20' is substituted vide Amendment Rules, 1979, published in Official Gazette, Series I No. 18 dated 2-8-1979.] per cent of gross realisation made from evacuee property shall be charged as [Management] [In the marginal heading of Rule 22 the word 'Administration' is substituted by the word 'Management' and in sub-rule (1) of Rule 22, the word 'administration' is substituted by the word 'Management' vide Amendment Rules, 1977, published in Official Gazette, Series I No. 53 dated 31-3-1977.] charges from the date on which the property is taken over by the Custodian. (2) Nothing in sub-rule (1) shall entitle the Custodian to recover any charges on account of the administration, maintenance or repairs of any evacuee property from the sale proceeds thereof; but where any such property is disposed of by sale, it shall be lawful for the Custodian to realise from the sale proceeds only such amount as is, in his opinion, sufficient to defray the expenses incurred in connection with, or incidental to the disposal of such property. (3) In addition to normal repairs the Custodian may also spend such amounts on special repairs to the property as are sanctioned by the Government or the Custodian. Such expenditure on special repairs will in the first instance be met out of the income of the property and if there is no sufficient income, it will be debited against the capital value of the property.

23. Administration charges for movable properties.

- Where any movable evacuee property is returned under Section 15, or is disposed of by sale or is otherwise released, the Custodian may recover account of the maintenance, repair, transport or storage of such property and subject to such conditions, if any, as the Government may by general or a special order from time to time, direct.

24. Manner of service or publication of notice, summons or order.

- Service or publication of any notice, summons or order under the Act or under these Rules shall be effected in one or more of the following modes, namely: (1) By giving or tendering it to the person concerned or his manager or agent, if any. (2) By leaving it at the last known place of business of the person concerned or by giving or tendering it to some adult member of the family. (3) By sending the notice, summons or order by registered post. (4) By affixing the notice, summons or order on some conspicuous part of the premises concerned or at the last known place of business or residence of the person concerned or by publication in a daily or weekly newspaper or by proclamation by beat of drum in the locality, or other customary mode.

25. Appeals.

(1) All appeals under the Act shall be filed within sixty days of the date of any order, to the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965 and the decision of said Tribunal shall be final. (2) The petition of appeal shall be presented in person or through a legal practitioner or a recognised agent or may be sent by registered post. (3) Every petition shall state succinctly the grounds on which the order appealed from is attached and shall be accompanied by a copy of such order unless the appellate authority dispenses with such copy. (4) A notice of any appeal, may be given in addition to the person concerned, to any other person who in the opinion of the authority hearing the appeal, may be interested in the same. (5) The Tribunal when hearing any appeal may admit additional evidence before its final disposal or may remand the case for admission of additional evidence and report or for a fresh decision, as such authority may deem fit.

26. Fees.

(1) [Rupees fifty] [In sub-rule (1) of Rule 26 for the words 'Rupees twenty' the words 'Rupees fifty' are substituted vide Amendment Rules, 1997, published in Official Gazette, Series I No. 34 dated 20-11-1997.] shall be payable in respect of each appeal under the Act, as fees. (2) No officer authorised to receive any appeal shall receive the same unless fee payable under this rule is paid in such manner as Government from time to time determine. Pending such determination, the fees may be paid in Court fee stamps.

27. Basic record of property to be maintained in property section.

(a) All immovable property taken possession of by the Custodian shall be recorded in a register in Form No. 11. Similar registers shall be maintained with respect to properties of intending evacuees. (b) All movable property taken possession of by the Custodian shall be recorded in a register in Form No. 12 and a slip in Form No. 13 shall be attached to each article. The officer entrusted with the custody of such property shall be responsible for its safe custody and for protecting it from loss, damage or deterioration. He shall maintain a suitable record of the property taken into custody with a view to facilitating check at any time of the articles in hand with those shown as such in the registers. He shall also arrange for periodical physical verification of the articles in hand. (c) The account books, title-deeds and other valuable and documents taken possession of by the Custodian shall be noted in the Register of Valuables in Form No. 14 and a slip in Form No. 13 shall be attached to each article. Explanation. - When any property is disposed of by sale or otherwise the details of disposal shall be entered in the appropriate columns of the relevant registers.

28. Powers of managers.

- The Manager appointed under clause (a) of sub-section 2 of Section 8 shall act under the general supervision and control of the Custodian and may exercise such powers as may be delegated in

writing to him by the Custodian from time to time.

29. Fees for inspection and copies.

- [(1) The following fees shall be payable by the person desirous of obtaining any copy from any record maintained under the Act or these rules.

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|---|--|
| (a) Certificate of receipt of case or duplicate copy of challan ... | Rs. 3.00 |
| (b) For every certified copy or final original order passed by the Custodian:- | |
| (i) for every sheet of paper 30 x 30 cms. dimension in writing or typed with double spacing ... | Rs. 10/- for every sheet of paper or part thereof. |
| (ii) for such record in tabular... | twice the rate specified in (i) above |
| (c) For every true copy of certified copy ... | The same as (b) (i) above |
| (d) Copy of final order passed on appeal ... | The same as (b) (i) above |
| (e) Copy of any application, objection, petition, affidavit or statement made by a private party or a witness ... | Rs. 8.00 |
| (f) Any other document ... | Rs. 10.00] |

[Sub-rule (1) of Rule 29 is substituted vide (Amendment) Rules, 1997, published in Official Gazette, Series I No. 34 dated 20-11-1997.](2) Any person interested in any evacuee property may, with the permission of the Custodian, inspect the record relating to such property on payment of fee of [Rs. 5/-]. [In sub-rule (2) for the letters and figures 'Rs. 2' the letters and figures 'Rs. 5/-' are substituted vide (Amendment) Rules, 1997, published in Official Gazette, Series I No. 34 dated 20-11-1997.].

Any person interested in any original case, appeal, pending before the Government or authority or tribunal, may with the permission of the presiding officer, inspect the record of such case on payment of a similar fee.(3) Such presiding officer, may authorise a person inspecting to take short notes.(4) The fees payable under this rule may be paid in a manner as the Government may from time to time determine.

30. Seal.

- The Custodian shall have a seal which will bear the words "Custodian of Evacuee Property".

31. Receipts.

- Income and other receipts on account of Evacuee Property fall under the following categories:(A) Immovable Property(1) Income from Urban Property:(a) Lands.(b) Houses.(c) Shops.(d) Factories, Workshops, and other commercial undertakings.(e) Miscellaneous.(2) Income from Rural Property:(a) Lands.(b) Houses.(c) Shops.(d) Miscellaneous.(B) Movable Property(1) Income from Urban Property:(a) Identifiable property.(i) Sale-proceeds.(ii) Other receipts.(b) Unidentifiable

Property:(i)Sale-proceeds.(ii)Other receipts.(2)Income from Rural (including Agricultural) property:(a)Identifiable property:(i)Sale-proceeds.(ii)Other receipts.(b)Unidentifiable Property:(i)Sale-proceeds.(C)Miscellaneous(ii)Other receipts.(1)Evacuee's interest in business concerns (e.g. Dividends on shares, business profits, etc.).(2)Debts and other payments due to evacuees.(3)Other receipts.

32. Maintenance of records and registers.

- The following account records and registers shall be maintained by Custodian of Evacuee Property or by officers authorised to act on their behalf:(i)An Index Register shall be maintained in Form No. 15 in which the names of evacuees shall be entered in alphabetical order. Reference to the pages of other registers in which the transactions of the evacuee are recorded shall be given on the relevant page of this register.(ii)A personal account shall be maintained in Form No. 16 for each evacuee in a bound register, with an index in an alphabetical order. Sufficient number of pages shall be set apart for each evacuee. The monthly total of receipts and payments as recorded in the several individual registers shall be posted into the personal account of each evacuee at the end of each month, figures of administration charge and Custodian's fee being posted separately as distinct from totals of other expenditure.(iii)A receipt and expenditure account of immovable property shall be maintained in Form No. 17 for recording complete details of receipt and payments of all evacuee immovable property other than agricultural land, and it shall also show the name of the owner, full specifications of property and assessed rent recoverable in respect of each item. Particulars of factories and workshops shall be recorded in a separate register in the same form. A separate account of receipt and expenditure shall be maintained in Form No. 18 in respect of agricultural property. The entries in the registers shall be attested by the officer checking them.(iv)Account of receipt and expenditure on account of movable property belonging to each evacuee shall be maintained in Form No. 19. Separate registers shall be maintained in respect of identifiable and unidentifiable property. Disposal of this property by auction, sale or otherwise when made shall be indicated in this register. The results of the verification of ground balance of the articles with the book balances shall be recorded in this register. When the property is sold or leased by public auction the bids shall be recorded in the Sales Register (Form No. 20), the signature or thumb impression of the last bidder being obtained in column 11 of the form.Note. - The intermediate bids in respect of property liable to fetch not more than Rs. 100/- may not be recorded in the register.(v)Account of receipt and expenditure in respect of debts or claims due to evacuee shall be maintained in Form No. 21.(vi)A rent demand and collection register for immovable property (other than agricultural) shall be maintained in Form No. 22 for showing the rent actually realised.(vii)A miscellaneous demand and collection register shall be maintained in Form No. 23 recording recovery of amounts other than those recorded in the Rent Demand and Collection Register.(viii)Income arising from the interest of evacuees in business concerns, e. g. Shares in business profits, shall be accounted for in a register in Form No. 24.(ix)In respect of agricultural land a register of demand and collection shall be maintained in Form No. 25. Demand in respect of all items brought on the property Register for agricultural land shall be recorded in this register, the name of evacuee owner, the allottee and the monthly rent fixed for each item of property shall also be shown therein. Demands which will be collected by issue of the rent bills and the realisations effected, shall be noted in the columns provided for the purpose.(x)The demand and Collection

Registers shall be reviewed and closed at the end of each year and the outstanding balance shall be struck and carried forward to the registers of the succeeding year. A certificate to the effect that all recoverable demands of the year have been noted in the registers and that the balances have been correctly carried forward to the succeeding year's registers shall be recorded at the end of each register by a responsible officer.(xi)A statement showing demands to the end of the previous month, and the recoveries made during the current month and the outstanding balances shall be forwarded to the Government in the Home Department, not later than 20th day of the succeeding month.(xii)The Custodian of Evacuee Property shall be entitled to keep a permanent advance of Rs. 100/- and shall maintain Cash Book in Form No. 26 in which all transactions of receipts and payments shall be entered. It will not be necessary to enter the Cash Book on days on which there are no transaction. The Cash Book will be verified on the last day of every month and a certificate of verification duly signed by the Custodian endorsed on the Cash Book. The Custodian might keep the amount of the permanent advance in a cash chest in his office or in a transportable cash chest which will be deposited in the treasury after close of the day and taken out whenever necessary on the following days. Any amount over and above the permanent advance shall be credited in current account in any nationalised bank. The Custodian might however deposit an amount to the extent of 75% of the total balance in the current account in Fixed Deposit Receipts with [any nationalised bank or invest in National Savings Organisation] [These words have been substituted for the words 'any Nationalised Bank' vide (Amendment) Rules, 1980, published in the Official Gazette, Series I No. 27 dated 3-10-1980.]. The amounts deposited in the Treasury in favour of Director of Accounts shall be separately accounted for in Form No. 27. A copy of this account will be sent to the Director of Accounts at the end every month duly verified by the Treasury Officer. The figures appearing in this account shall be reconciled with those of Director of Accounts monthly.

Clause (xii) of Rule 32 has been substituted vide (Amendment) Rules, 1980, published in Official Gazette, Series I No. 12 dated 19-6-1980. The original clause (xii) reads as follows:"(xii) A cash book in Form No. 26 shall be maintained to show all transactions of receipts and payments relating exclusively to evacuee property. Amounts received or paid on account of evacuee property shall be entered in the cash book on the dates on which they are received or paid. The cash book shall be closed daily and the entries therein shall be checked and initialled daily by the Custodian or an authorized Gazetted Officer, or some other officer, as the case may be. Cash in hand shall be deposited promptly into the treasury. The cash in hand shall be verified at the end of each month by the Custodian or by any other Officer nominated by him for the purpose and he shall record a signed and dated certificate to this effect in the cash book. In addition, surprise checks shall be made frequently at irregular intervals. The Custodian will keep a separate account in Form No. 27 of the amounts deposited in the Treasury in favour of the Director of Accounts. A copy of this account will be sent to the latter at the end of every month, duly verified by the Treasury Officer. The figures appearing in this account shall be reconciled with those of the Director of Accounts, monthly."

33. Payments.

- Where repairs, etc., to evacuee property are carried out by the Public Works Department the Executive Engineer concerned shall send a schedule in Form No. 28 showing the charges incurred by him on such repairs etc. These charges shall be debited to the account of the property of the

evacuee owner concerned. Where, however, the allottees in occupation of evacuee property are permitted by the Custodian to carry out minor repairs and to set off the amount of expenditure actually incurred against the rent due, the gross amount of the rent shall be entered in the relevant demand and collection register while the cost of repairs shall be noted in the appropriate column in the account of the property of the evacuee concerned.

34. Payment by Custodian.

- No payment shall be made except after the payee has presented his claim and the Custodian or an officer duly authorised by him in this behalf, after checking the same, has passed order of payment thereon.

35.

If a form different from that prescribed in these rules is used, the prior approval of the Audit Officer who is responsible for the local audit of the accounts, shall be obtained.

36. Sale of movable or immovable property.

- The Custodian shall dispose of all movable or immovable property which he is empowered to under the Act, by public auction subject to the rules in force, in that behalf in this Union Territory, unless otherwise directed by the Government. Appendix A Form No. 1 [See Rule 4(1)] Office of the Custodian of Evacuees' Property Notice Dated 196 To Shri Whereas there is credible information in possession of the Custodian that you are an evacuee under clause (b) of Section 2 of the Goa, Daman and Diu Administration of Evacuee Property Act on account of the grounds mentioned below; And whereas it is desirable to hear you in person; Now, therefore, you are hereby called upon to show cause (with all material evidence on which you wish to rely) why orders should not be passed declaring you an evacuee and all your property as evacuee property under the provisions of the said Act. The hearing of our case is fixed before the undersigned in Room No. on 196 at Grounds: Acquisition of any right to, interest in or benefit from any evacuee or abandoned property, otherwise than by way of purchase or exchange.

Deputy Assistant | Custodian

Form No. 2 [See Rule 5(2)] Office of the Custodian of Evacuees' Property Notification Dated 196 In pursuance of sub-section (4) of Section 5 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964, the Custodian is pleased to notify for general information the list of the evacuee properties specified in the schedule annexed hereto, which have vested in him.

Schedule

Serial No. Description Locality

Custodian of Evacuees' Property. Form No. 3 [See Rule 6(1)] Office of the Custodian of Evacuees' Property Notice under sub-section (3) of Sec. 6 of the Goa, Daman and Diu Administration of

Evacuee Property Act, 1964 Whereas the undermentioned property has vested in the Custodian under Sec. 6 of the Goa, Daman and Diu Administration of the Evacuee Property Act, 1964, I hereby demand that the possession of the said property be surrendered by you to me or to....authorised by me, byfailing which you will be evicted from the undermentioned premises, with such force as may be necessary for the purpose.

Serial No. Description Locality

Custodian of Evacuees' Property. Dated: To.....Form No. 4[See Rule 7(1)]Office of the Custodian of Evacuees' Property Warrant of Eviction Warrant of Eviction under Section 7 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 Whereas a notice in writing dated.... in which a demand to surrender the possession of undermentioned property was made to.....And whereas he has refused or failed to vacate the said property. Now, therefore, in exercise of the powers vested in me by Section 7 of the said Act, I hereby order that be evicted forthwith from the said property and the same be taken into possession. I also order the use of such force as may be necessary for the propose of eviction and for taking the property into possession. Given under my hand and seal this.... day of 196...

Serial No. Description Locality

Custodian of Evacuees' Property. The Form of The Bond Form No. 5 (See Rule 9) Office of the Custodian of Evacuees' Property Know all men by these presents that we... (Supurdar) and (Surety) do hereby bind ourselves and each of us, our and each of our heirs, executors and administrators to pay to the President of India on demand the sum of Rs.... Dated this..... day of 196 ... Whereas the above-bounded (Supurdar) has been entrusted by the Custodian of Evacuee Property (hereinafter called the Custodian) with the custody of the property mentioned in the schedule hereunder written. Now the condition of the above-written bond is such that if the above-bounded (Supurdar) shall duly hand over to the Custodian whenever demanded by him, the property, mentioned in the Schedule hereunder written in good order and condition and shall duly account for any loss which the owner of the property may suffer by reason of any default or neglect on his part and shall, until delivery to the Custodian as aforesaid property maintain and take care of the said property and shall obey all orders of the Custodian in respect thereof then and in such case the above-written obligation shall be void and of no effect; otherwise it shall be and remain in full force and virtue. The Schedule referred to... (Supurdar) in the presence of Signed and delivered by the above-bounded (Surety) in the presence of... Two witnesses. Form No. 6 (See Rule 11) Office of the Custodian of Evacuees' Property Dated /196... Inventory List of properties recovered on.... for the House/Factory/Shop/Garden of ... at.... No. Mohalla... . City

Serial No. Name of properties Description

Witnesses: (1) (2) Signature of official recovering the property. Counter-signature of Assistant Deputy Custodian. Form No. 7 (See Rule 16) Office of the Custodian of Evacuees' Property Notice Dated.... 196.... To Shri..... Whereas there is reliable information in possession of the Custodian that you are an intending evacuee under clause (f) of section 2 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 on account of the grounds mentioned below; And whereas it is desirable to hear you in person; Now, therefore, you are called upon to show cause (with

all the material evidence on which you wish to rely) - why orders should not be passed declaring you an intending evacuee under the provisions of the said Act. The hearing of the case is fixed before the undersigned in his office at ... on... Grounds:- You are intending to settle in a place outside India.

Deputy Assistant | Custodian

Form No. 8 [See Rule 18(4)] Office of the Custodian of Evacuees' Property To..... Whereas the transferor/transferee ... has presented an application dated... to the Custodian for confirmation of the transfer as specified below. You are hereby required to be present on... at... in the office of the Custodian. You may also bring any papers in your possession relevant to the inquiry. Custodian of Evacuees' Property. Particulars of Transfer

Form No. 9

Form No. 9

[See Rule 21(2)]

[See Rule 21(2)]

Custodian of Evacuees' Property

Custodian of Evacuee Property Receipt for payment to Government

Dated....196

Dated....196

....

....

Book No.... Receipt No...

Book No.... Receipt No... Place Received from

Rs.....Rupees

Rs.....Rupees

Signature of cashier/official granting receipt

Signature of cashier/official granting receipt

Form No. 10 [See Rule 21(2)] Office of the Custodian of Evacuees' Property

Book No..... Receipt No..... Place.....

Dated.....

Received from ...Rs.... (Rupees ...) in cash/by cheque on account of rent/lease fee/lease money in respect of ... for ... @ Rs.... Previous Receipt No.... Signature Designation Form No. 11 [See Rule 27 (a)] Register of Immovable Property

Sr. No.	Locality Municipal	House No.	Ration House No.	Designation of property by name, if any, and by type of building for instance residential bungalow, shop, cinema, theatre, mosque, factory, etc.	Name and address of owner	Accommodation available, No. and size of rooms, store rooms, verandah, kitchen, bathroom, court yard etc.	Present condition of the building
1	2	3	4	5	6	7	8

Site rent, if any, payable by owner of the building

Class of accommodation

Whether Electricity or water laid on

Present occupant (Name and Father's name or

Authority of occupation, if any (allotment or confirmation letter

		Head of family)		with No. and date	
9	10	11	12	13	
Date of occupation	No. of his family members and their Ration Card Nos. their names, ages and relationship to the head	Description of present occupation i. e. Business services or other avocation	His income from immovable property before he left the territory	Name of F.I. who surveyed	Name of Officer who checked
14	15	16	17	18	19
No. and date Restoration of tenancy deed executed		Municipal Assessment	Assessed Rent (per mensem)	Restoration	Remarks
Date of application		Restored on			
20		21	22	23	24 25

Form No. 12[See Rule 27(b)]Register of inventories of Movable Property of.....Address ..Locality ...

Value as per report of Deputy Custodian Rs.P.	Condition in which taken over	Initials	Reference to order, if restored or rent on hire or otherwise	Reference to SI. No. in the sale list
1	2	3	4	5

Sale proceeds received	Initials	Remarks
No. and date of challan	No. and date of receipt	Amount Rs. P.
6	7	8 9 10

Form No. 13(See Rule 27-b)Malkhana LabelsName of estate ...Date of Possession.....Serial No. Register of Valuables ..Form No. 14(See Rule 27-C)Register of Valuables

Serial No.

Name of estate

Index Register

Referenceto

Register of Movable Property

Full particulars of property

Date of possession

Initial of the incharge

Date of disposal

How disposed of (in case of sale quota No. and date of receipt)

Initials of Incharge

Remarks

Form No. 15[See Rule 32 (1)]Index Register

1. Serial No.

2. Name and father's name of evacuee with address before evacuation.

3. Firm's name, if any. * Reference to page thereof.**

4. Name of register.

(a)Register of movable property(b)Register of immovable property evacuee(c)Register of debits or claim due to evacuee(d)Register of agricultural property(e)Ledger.

5. Dates on which property restored or disposed of.

6. Remarks.

Form No. 16[See Rule 32 (ii)]Ledger account of the Estate of ... EvacueeAddress

Immovable property	Agricultural Property	Movable Property	Debts or Claims due to Evacuee					
Register No.	Register No.	Page No.	Register No.	Page No.	Register No.	Page No.		
1	1		1					
2	2		2					
3			3					
4			4					
5			5					
6			6					
Month	Particulars of Transactions		CREDIT	Register	Amount	Progressive Total	Initials	Remarks
No. Page								
1	2	3	4	5		6	7	
DEBITS								
Register	Amount	Progressive Total	Balance	Initials	Remarks			
No. Page								
8	9	10	11	12	13			

Form No. 17[See Rule 32 (iii)]Receipts and payments on account of Immovable Property (other than Agricultural Property)

- 1. Ward No.**
- 2. Name of street/lane.**
- 3. Municipal No. of House/Business Premises/Factory.**
- 4. Name of owner with parentage and address.**
- 5. Name of occupant with parentage.**
- 6. Date of occupation.**
- 7. Assessed Rent: Licence Fee.**
- 8. House Tax/Water charges, if recoverable.**

Receipts

Serial No.	No. and date of Challan receipt	Brief particulars and period	Amount	Progressive Total Rs	No. of vouchers and date	House-tax
	Initials	Remarks	Date of Payment			
1	2	3	4		5	6 7 8 9

Payments

Nature of expenditure	Progressive Total	Remarks						
		(a) Ordinary repairs	(b) Sepcial repairs	Miscellaneous	Administrative charges and Custodian's fees	Total Rs	Initials	
Water-tax	Repairs	11		12	13	14	15	16
10								

Form No. 18[See Rule 32 (iii)]Receipts and payments on account of Immovable Property (Agricultural)

- 1. Reference to Page No. of Basic Record-Register of Immovable Property.**
- 2. Name of Village, Tehsil and District.**

3. Registration/Other particulars of property.

4. Name of owner with parentage and address.

5. Name and parentage of persons other than the owner, if any, interested in the property.

6. Interest of evacuee in the property.

7. Name of occupant with percentage and address.

8. Date of occupation.

9. Assessed rent.

10. Period for which rent at item 8 above is assessed.

11. Share of evacuee in the rent.

12. Reference to Serial No. and page of basic record of Property Register.

Receipts

Serial No.	No. and date of challan Receipt	Brief particulars and period	Amount	Progressive total	Initials	Remarks
1	2	3	4	5	6	7

Payments
Nature
of expenditure

Date of payment	Date of voucher	Taxes on property	Land Revenue including cess	Lambardari fee	Total	Progressive Total	Initials	Remarks
8	9	10	11	12	13	14	15	16

Form No. 19[See Rule 32 (iv)]Receipts and payments on account of Movable PropertyReference to page No. of Basic Record Register of Movable PropertyAddressName

Sale

Proceeds

Month	Serial No.	Description of property	No. of articles	Ref. To SI. No. in the	No. and date of Challan	Amount	Initials	Remarks
-------	------------	-------------------------	-----------------	------------------------	-------------------------	--------	----------	---------

sales list								
1	2	3	4	5	6	7	8	9
Expenditure		Date of verification of balance and remarks, if any						
No. and date of voucher	Particulars of payments	To whom paid	Amount	Administrative charges and Custodians fee	Total (Cols 13 and 14)		Initials	
10	11	12	13	14	15		16	17

Form No. 20[See Rule 32 (iv)]Sale list of property sold by the Custodian of ...

Serial No.	1
Date of sale	2
Particulars of property	3
Number of articles, if any	4
Name of Estate	5
Reference to page No. of Property Register	6
Amount for which sold	7
Amount recovered at the time of sale	8
Balance left due	9
Name of bidders and the amount of bids	10 1 2 3 4 5 6
Thumb-impression or signature of Purchaser,i.e. HIGHESTBIDDER	11
No. and date of receipt issued	12
Remarks	13

Form No. 21[See Rule 32 (v)]Receipt and expenditure account of debts and claim due toReference to Basic Register of debts and claim due to evacuee ...

1	2	3	4	5	6	7
Month	Serial No.	Debtor's name with address	Nature of claim	Amount of debt or claim	Ref. to order determining the debts or claim	Amount of debt or claims
Secured	Unsecured					
Principal	Interest	Principal	Interest			

8	9	10	11
Expenditure	Expenditure	If restored to the evacuee, date and ref. to order of restoration	Remarks

Date of auction	No. and date of receipt	Amount				Admn. Charges and Custodian's fees	Other expenditure	Total	
Form No. 22[See Rule 32 (vi)]Rent Demand and collection Register of Immovable Property (other than Agricultural)Ward No.Name of Village									
Serial No.	House Shop No.	Name parentage and address of Owner	Name and other particulars of tenants	Particulars of property	Date of occupation	Authority	Monthly rent	Arrears upto6-12-61	Initials of Rent Officer or any Governments authorized by the Custodian
1	2	3	4	5	6	7	8	9	10

MAY	JUNE	JULY	AUGUST								
12	13	14	15								
a. Rent assessed	b. No. and date of receipt	c. Amount realised	d. Balance	a. Rent assessed	b. No. and date of receipt	c. Amount realised	d. Balance	a. Rent assessed	b. No. and date of receipt	c. Amount realised	d. Balance
SEPTEMBER				OCTOBER				NOVEMBER			
16		17	18	19							
a. Amount assessed	b. No. and date of receipt		c. Amount realised	d. Balance	a. Amount assessed	b. No. and date of receipt	c. Amount realised	d. Balance	a. Amount assessed	b. No. and date of receipt	c. Amount realised
			Balance								
			Amount								
January	February	March	written off	22(d) minus 23 (b)]	Remarks						
20	21	22	23	24	25						
a. amount assessed	b. No. and date of receipt	c. Amount realised	d. Balance	a. amount assessed	b. No. and date of receipt	c. Amount realised	d. Balance	a. amount assessed	b. No. and date of receipt	c. Amount realised	d. Balance

*Amount assessed means amount due for the current month plus all arrears outstanding to end of the previous month.

Form No. 23[See Rule 32 (vii)]Miscellaneous Demand and Collection Register

- 1. Serial No.**
 - 2. Name and address of person by whom the demand is payable.**
 - 3. Name of owner Particulars of the owner.**
 - 4. Nature of demand and instalments.**
 - 5. Reference to order, if any.**
 - 6. Arrears.**
 - 7. Current demand.**
 - 8. Total.**
- Demand
- 9. Signature of the Assistant Custodian.**
 - 10. Number and date of receipt.**
 - 11. Amount.**
- Amount Realised
- 12. Balance carried over to next year's register.**
 - 13. Initials.**
 - 14. Remarks.**

Form No. 24[See Rule 32 (viii)]Receipts and Payments Account of Evacuee's Interest in Business, Companies, etc.

1	2	3	4
S.I. No.	Name and parentage of evacuee	Name of business, company, etc., with office inwhich evacuee has interest	Particulars and extent of interest of the evacueein the business

5	6	7	8	9	10
Particulars of Income or dividend, etc., due Period	Deductions Income tax, etc. Amount	Net amount realisable	Amount realised Folio No.	Personal Ledger A/Cs	

Form No. 25[See Rule 32 (ix)]Demand and Collection Register for Agricultural Property

SI. No.	SI. No. in the Property Register	Locality and description property	Name and parentage of evacuee owner	Name, parentage and origl. home address of the present allottee or person by whom demand is payable	Date of occupation and authority for occupation
1	2	3	4	5	6
Assessed rent or nature of demand	Initials	Realisations	SI. No. and date of receipt amount	Balance carried over to next year's register	Remarks
Period of Demand	Arrears	Current demand		Ref. No. and date of Demand Bill	
7	8	9		10	11
					12 13

Form No. 26[See Rule 32 (xii)]Cash Book for the month of 19

Dr. Receipts

Date	SI. No.	Sector or section	Receipt No.	On what account and from whom received	Cash in	Remarks
Hand Treasury						
1	2	3	4	5	6	7

Payments

Date	SI. No.	Sector or section	Vr. No.	On what account and from whom received	Amount paid at treasury	Remarks
In cash	Cheque amount					
8	9	10	11	12	13	14

Form No. 27Details of the amount deposited in the Treasury in favour of the Director of Accounts on account of receipts of Unidentified Movable Property/Unacquired Evacuee Property

Serial No.	Treasury Challan No. and date	Name of the treasury where deposited	Amount deposited
(1)As Administration charges/Custodians's fees	(2)Net receipts	Remarks	

1

2

3

4

5 6

Form No. 28(See Rule 83)

of Repairs to Evacuee Property for the month of ...

SI. No.	Description and location of property with name of evacuee owner	Nature of work done by P.W.D. or departmentally	No. and date of letter conveying administrative approval	Amount sanctioned	Amount spent	Remarks
1	2	3	4	5	6	7

Compared with the relevant schedule of work expenditure Divisional Actt.