REGD. GOA - 5

Panaji, 28th October, 1976 (Kartika 6, 1898)

SERIES I No. 31

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Education and Public Works Department

Directorate of Education

—

ORDER

DE/Accts/CPF/1/71/15993

Read Govt. Order No. DE/Sec/32/DF/66/21848 dated 25-3-1971.

Sanction is hereby accorded to effect the following modification to the rules attached to above mentioned order regarding Triple Benefit Scheme in non-Govt. Secondary Schools of the Union Territory of Goa, Daman and Diu.

Rule 31(x): The following may be added as proviso to Rule 31(x):

"Provided also that the service of teachers prior to liberation of the Union Territory of Goa, Daman and Diu, who have opted for Triple Benefit Scheme and still continue to teach in the aided schools without any interruption, will count as qualifying service for the purpose of pension/ /gratuity."

This order is issued with the prior concurrence of the Ministry of Finance, Govt. of India, as conveyed by the Ministry of Education and Social Welfare (Dept. of Education) Govt. of India, New-Delhi, vide their letter no. F.A.38017/8/71-UT-I/dated 3-9-76.

By order and in the name of the Administrator of Goa, Daman and Diu.

W. Shaiza, Director of Education and Additional Secretary to Govt. of Goa, Daman and Diu.

Panaji, 12th October, 1976.

Labour and Information Department

—

Notification

1/746/75-LAB/ESI/1584

Whereas certain draft rules which Government of Goa, Daman and Diu proposes to make in exercise of powers conferred under section 96 of the Employees' State Insurance Act, 1948 (34 of 1948), were published as required by sub-section (1) of section 96 of the said Act, at pages 58 to 66 of the Official Gazette Series I No. 3 dated 19th April, 1975 under the Notification of Labour and Information Department, Government of Goa, Daman and Diu No. LC/12 /ESI/73-74/354 dated 10th April, 1975, inviting objections and suggestions from any person likely to be affected thereby within 30 days from the date of publication of Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 19th April, 1975;

And whereas no objections and suggestions are received from the public on the said draft;

Now, therefore in exercise of the powers conferred by clauses (a) to (c) of sub-section (1) of Section 96 of the Employees State Insurance Act, 1948 (Central Act 34 of 1948) the Lt. Governor of Goa, Daman and Diu, after consultation with the Employees State Insurance Corporation hereby makes the following rules, namely: —

CHAPTER I

Preliminary

1. Short title, extent and commencement. — (1) These Rules may be called the Goa, Daman and Diu Employee's Insurance Court Rules, 1976.

(2) They extend to the whole of the Union territory of Goa. Daman and Diu.

(3) They shall come into force with immediate effect.

2. Definitions. — In these rules, unless the context requires, otherwise —

(a) "Act" means the Employees' State Insurance Act, 1948 (XXXIV of 1948);

(b) "Court" means an Employees' Insurance Court constituted under Section 74;

(c) "Form" means a form appended to these rules;

(d) "Section" means section of the Act;

(e) "Government" means the Government of Goa, Daman and Diu;

(f) "Union territory" means the Union territory of Goa, Daman and Diu;

(g) All other words and expressions used herein and not defined shall have the meanings respectively assigned to them by the Act,

CHAPTER II

Constitution of Courts

3. Composition of the Court and place of sitting. — (1) A court shall ordinarily consist of one Judge:

Provided that the Government may, after consultation with the Corporation, by notification in the Official Gazette appoint two or more Judges to a Court for any particular proceeding or class of proceedings and for such period as may be specified in the notification.

(2) Subject to the provisions of rule 6, a Court shall sit at such place or places and at such time as the Government may, after consultation with the Corporation, from time to time, specify.

4. Presiding Officer of the Court. — The Government may appoint the Presiding Officer of any Industrial Tribunal or any Labour Court or any Civil or Criminal Court as the Presiding Officer of the Court and such Officer shall thereupon discharge the functions of the Court in addition to his own duties.

5. Distribution of business where there are more Courts than one. — Where more than one Court is constituted for the same local area, the Government may, after consultation with the Corporation by a general or special order, distribute business among them.

6. Fixing of time of sitting, etc., where there is one Court for two or more local areas. — (1) Where one Court is constituted for two or more local areas, the Court shall, subject to the approval of the Government, appoint the time at which the Court shall sit in respect of each local area or in respect of any class of proceedings under the Act.

(2) A notice of the time appointed under sub-rule (1) shall be published in such manner as the Government may, from time to time, direct.

7. Procedure where there are more Judges than one. — (1) Where more than one Judge has been appointed to a Court, the Government shall specify their rank and precedence.

(2) The senior Judge for the time being shall, from time to time, make such arrangements, as he thinks fit for the distribution of business of the Court among the Judges thereof.

(3) When two or more Judges, sitting together, differ on any question, the opinion of the majority of such Judges shall prevail; where there is no majority, the opinion of the senior most Judge shall unless the Government otherwise directs prevail.

8. Abolition, etc., of a Court. — The Government may, with the consent of the Corporation by notification in the Official Gazette abolish any Court or by a like notification alter the jurisdiction of any Court.

Conditions of Service of Judges, etc.

9. Appointment, salaries, allowances etc. — (1) The Government may appoint a person qualified under section 74 of the Act to be a Judge of a Court.

(2) A Judge shall receive such salary and allowances as the Government may in consultation with the Corporation and Central Government, from time to time, determine.

(3) A Judge shall receive dearness allowance, compensatory (city) allowance, house-rent and other allowances, at such rates and subject to such conditions as are applicable to officers of the Government of a corresponding rank stationed at the same place. A Judge shall be entitled to leave and leave salary under the leave rules which may from time to time be applicable to other Government servants of similar status and drawing similar emoluments.

(4) A Judge shall be entitled to travelling allowance for journeys performed on official business in accordance with the scale applicable to the class of officers to which in the opinion of the Government such Judge belongs.

(5) A Judge shall be subject to such other conditions of service, as the Government may in consultation with the Corporation and the Central Government determine.

(6) Notwithstanding anything contained in sub-rules (2) to (5) the pay, allowances and other conditions of service of a judge, if he is a person already in the service of the Government, shall be such as the State Government may in consultation with the Corporation and Central Government, by a general or special order, from time to time, determine.

(7) Where the Government has appointed any such Officer referred to in Rule 4, as a Presiding Officer of the Court, he may be paid such additional allowance as the Government may, after consultation with the Central Government and the Corporation, determine.

10. Appointment of other officers and subordinate staff. — (1) The Government may, with the consent of the Corporation, appoint such ministerial officers and other subordinate staff as may be necessary for the exercise and performance of the powers and duties conferred and imposed on a Court by or under the Act.

(2) The ministerial officers and the subordinate staff of a Court shall exercise such powers and discharge such duties as the Judge, or if there are more Judges than one, the senior Judge, may, subject to any order of the Government, from time to time, direct.

(3) The ministerial officers, and subordinate staff of a Court shall be subject to such conditions of service and draw such salaries and other emoluments and receive such benefits as may be fixed by the Government after consultation with the Central Government and the Corporation.

Administrative Control and Court Seal

11. Administrative control of the High Court. — A Court shall be subject to the Administrative control and superintendence of the Judicial Commissioner's Court/High Court, and shall —

(a) keep such registers, books and accounts as the Judicial Commissioner's Court/High Court may, from time to time, prescribe; and

(b) comply with such requisitions as may be made by the Judicial Commissioner's Court/High Court or the Government for submission of service records, returns and statements, in such forms and

in such manner as the authority making the requisition directs.

12. **Seal.** — A Court shall keep a seal of such size, dimensions and design as the Government may direct.

CHAPTER III

Procedure and Execution of Orders

13. **Application.** — (1) Every proceeding under section 75 shall be instituted by the presentation of an application to the Court.

(2) Every such application shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.

(3) An application under section 77 shall be presented in Form I shall be duly stamped in accordance with these rules, and shall contain the following particulars: —

(i) the name of the Court in which the application is brought;

(ii) the full name including the father's name, description including age, occupation and place of residence of the applicant;

(iii) the full name including the father's name, description including age, occupation and place of residence of the opposite party so far as they can be ascertained;

(iv) where the applicant or the opposite party is a minor or a person of unsound mind a statement to that effect and the full name, age, occupation and address of his or her next friend or guardian;

(v) the facts constituting the cause of action and the date when it arose;

(vi) the facts showing that the court has jurisdiction;

(vii) particulars giving the address within the jurisdiction of the Court at which notice or summons may be served on the applicant; and

(viii) the relief which the applicant claims.

(4) The Court may summarily reject an application if it is not in accordance with sub-rule (3).

14. **Production of documents.** — (1) When any application is based upon a document, the document shall be appended to the application.

(2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2), as the case may be, shall not, without the permission of the Court, be admissible in evidence on behalf of the party who should have produced it.

(4) All such documents shall be accompanied by an accurate list thereof prepared in the manner prescribed in Form 2.

(5) Nothing in this rule shall apply to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

15. **Register of applications.** — All applications shall be entered in a Register in Form 3 called the Register of Proceedings. Such entries shall be serially numbered for every calendar year according to the order in which the applications are presented.

16. **Place of suing.** — In cases not falling under Sub-section (1) of Section 76, a proceedings against any person shall be instituted in the Court within the local limits of whose jurisdiction —

(a) the opposite party or each of the opposite parties where there are more than one, at the time of commencement of the proceedings, actually and voluntarily reside, or carries on business, or personally works for gain; or

(b) any of the opposite parties, where there are more than one, at the time of the commencement of the proceedings actually and voluntarily resides, or carries on business, personally works for gain, provided that in such case either the leave of the Court is given, or the opposite parties who do not reside, or carry on business or personally work for gain, as aforesaid, acquiesce in such institution; or

(c) the cause of action, wholly or in part, arose.

17. **Application presented to wrong Court.** — (1) Where on receiving an application it appears to the Court that it should be presented to another Court, it shall return it to the applicant after endorsing upon it the dates of the presentation and return, the reason for returning it and the name of the Court to which it should be presented.

(2) Where it appears to the Court at any stage subsequent to the presentation of an application, that the application should have been presented to another Court in the same Union territory, the first mentioned Court shall send the application to the Court empowered to deal with it and shall inform the applicant (and the opposite party, if he has received a copy of the application under rule 18), accordingly.

(3) The Court to which an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceeding or any part of it had been taken before it, if it is satisfied that the interests of the parties will not thereby be prejudiced.

18. **Issue of Summons.** — (1) On receiving an application, the Court shall, ordinarily within three days thereof, cause to be sent to the party from whom the applicant claims relief (hereinafter referred to as the "Opposite party"), a summons in Form 4 or Form 5, as the case may be, to appear and answer the application on a day, not later than fifteen days from the date of issue of such summons:

Provided that no such summons shall be issued when the opposite party has appeared at the presentation of the application and admitted the applicant's claim.

(2) A copy of the application shall also be sent along with the summons under sub-rule (1).

19. **Service of Summons or notice.** — (1) A summons or notice may, on payment of the required fee, be sent by the Court by which it is issued, either by registered post or in such other manner as the Court think fit.

(2) Where the Court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reason the summons or the notice cannot be served in the ordinary way, the Court shall order the summons or the notice to be reserved by affixing a copy thereof in some conspicuous place in the Court house, and also upon some conspicuous part of the house in which the opposite party is known to have last resided or carried on business or personally worked for gain or in such other manner as the Court thinks fit and such service shall be as effectual as if it had been made on the opposite party personally.

(3) Where a summons or notice is served under sub-rule (2), the Court shall fix such time for the appearance of the opposite party as the circumstances of the case may require.

20. **Additional matters in the summons.** — The Court shall determine at the time of issuing the summons, whether it shall be for the settlement of the issues only and/or for the final disposal of the applications, and the summons shall contain a direction accordingly; the Court may also call upon the parties to produce upon that date any evidence which they wish to tender.

21. **Written statement.** — (1) The opposite party may, and, if so required by the Court, shall at or before the first hearing or within such time as the Court may permit, present a written statement of his defence along with the documents on which he relies and an accurate list thereof in Form No. 2.

(2) Every such written statement shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.

(3) In every written statement submitted under sub-rule (1) the opposite party shall deal specifically with each obligation of fact alleged by the applicant, of which he admits or does not admit or denies the truth. The written statement must also contain all matters which show that the application is not maintainable and all such grounds of defence as, if not raised, would be likely to take the applicant by surprise or would raise issues of fact not arising out of the application as for instance, fraud, undue influence or coercion, release, payment performance or facts showing illegality of the transaction.

22. **Failure to present written statement called for by the Court.** — Where any party from whom a written statement is required fails to present the same within the time prescribed by the Court, the Court may pronounce judgement against it or make such order in relation to the proceeding as it thinks fit.

23. **Framing of issues.** — (1) At the first hearing of the application, after the summons is served the Court shall, after considering the application and the written statement, if any, or after such examination of the parties or any persons or any document as may appear necessary, ascertain upon what material proposition of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision appears to depend.

(2) In recording the issues, the Court shall distinguish between those issues which in its opinion concerns points of fact and those which concern points of law.

(3) The Court may, in like manner, at any time before passing its final order add to, strike out from or in any way amend the issues on such terms as it may think fit.

24. **Order where parties are not at issue.** — Where at any hearing of the case it appears that the parties are not at issue on any question of law or of fact the Court may at once pronounce its final order.

25. **Appearance of parties and consequences of non-appearance.** — On the day fixed in the summons for the opposite party to appear and answer, the parties shall be in attendance at the Court in person or by their respective legal practitioners or any other person authorised under section 79 and the application shall then be heard unless the hearing is adjourned by the Court.

(2) When neither party appears when the application is called on for hearing, the Court may make, an order that the application be dismissed.

(3) Where the opposite party appears and the applicant does not appear when the application is called on for hearing the Court shall made an order that the application be dismissed unless the opposite party admits the claim or part thereof in which case the Court shall make an order against the opposite party upon such admission and where part only of the claim has been admitted, it shall dismiss the case so far as it relates to the remainder.

(4) Where the applicant appears and the opposite party receiving the summons fails to appear when the application is called on for hearing, the Court may proceed ex-parte.

(5) Where the application is wholly or partly dismissed under sub-rule (2) or (3), the applicant may within thirty days of such dismissal apply in Form 6 for an order to set the dismissal aside and the Court shall, if it is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit and may proceed with the case or appoint a day for proceeding with the same:

Provided that no order under this sub-rule shall be made in respect of an application which is dismissed under sub-rule (3) unless notice of the application has been served in Form 7 on the opposite party.

(6) In any application in which an ex-parte order has been passed against the opposite party, he may within thirty days from the date of such order apply in Form 6 to the Court which passed the order, to set it aside and if the Court is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause, it shall after serving notice thereof to the applicant in Form 7 make an order setting aside the order upon such terms as to costs or otherwise as it thinks fit and may proceed with the hearing of the case or appoint a day for proceeding with the same.

26. **Summoning of witnesses.** — (1) At any time after the framing of the issues, the Court may call

upon the parties to produce their evidence in support of the issues.

(2) The Court may, on the application of either party, issue a summons in Form 8 to any witness directing him to attend or to produce any document.

(3) The Court may, before summoning any witness on application under sub-rule (2), require that his reasonable expenses to be incurred in attending the Court, be deposited with it.

27. **Grant of time and adjournment of hearing.** — (1) The Court may, if sufficient cause is shown, at any stage of the application grant time to the parties or to any of them, and may, from time to time adjourn the hearing of the application.

(2) In every such adjournment the Court shall fix a day not exceeding fifteen days from the date on which such adjournment is made for the further hearing of the application and may make such order as it thinks fit with respect to the costs occasioned by the adjournment:

Provided that when the hearing of the evidence has once begun, the hearing of the application shall be, continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

28. **Right to begin proceeding.** — The applicant had the right to begin unless the opposite party admits the fact alleged by the applicant and contends that either in point of law or on some additional facts alleged by the opposite party, the applicant is not entitled to the relief which he seeks, in which case the opposite party has the right to begin.

29. **Statement and production of evidence.** — (1) On the day fixed for the hearing of the application or on any other day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

(2) The other party shall then state his case and produce his evidence (if any) and may then address the Court generally on the whole case.

(3) The party beginning may then reply generally on the whole case.

30. **Method of recording evidence.** — The evidence of each witness shall be taken down in writing by the Judge or where there is more than one Judge, by the junior Judge in the language of the Court, not ordinarily in the form of question and answer, but in that of a narrative, and when completed, shall be read over or translated, where necessary, in the presence of such Judge to the witness, and such Judge shall, if necessary, correct the same and sign it.

31. **Recall of a witness.** — The Court may at any stage of a proceeding recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to him as the Court thinks fit.

32. **Inspection by Court.** — The Court may at any stage of a proceeding inspect any property or thing concerning which any question may arise.

33. **Pronouncement of order.** — The Court, after the application has been heard, shall pronounce its final order in open Court, either at once or on some future day, of which due notice shall be given to the parties.

34. **Signing of order.** — The final order shall be dated and signed in open Court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to, save in the case of clerical or arithmetical mistake arising from any accidental slip or omission.

35. **Statement of decision on each issue.** — In cases in which issues have been framed, the Court shall state its finding or decision, with the reason therefore, upon each separate issue, unless the finding upon any one or more of the issues is sufficient for the decision of the case.

36. **Compromise of suit.** — Where it is proved to the satisfaction of the Court that a case has been adjusted wholly or in part by any lawful agreement or compromise, or where the opposite party satisfies the applicant in respect of the whole or any part of the subject matter of the case, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a final order in accordance therewith so far as it relates to the case.

37. **Finality of Order.** — Save as provided in section 82, the order of a Court shall be final and binding upon the parties.

Costs, Decree, etc.

38. **Costs.** — (1) The costs of and incidental to the application shall be in the discretion of the Court, and the Court shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purpose aforesaid. The fact that the Court has no jurisdiction to try the case shall be no bar to the exercise of such powers.

(2) Where the Court directs that any cost shall not follow the event, the Court shall state its reasons in writing.

39. **Contents of the decree.** — (1) A decree in Form 9 shall be prepared in conformity with the order made by the Court; it shall contain the number of the application, the names and descriptions of the parties, and particulars of the claim, and shall specify clearly the relief granted or other determination of the proceeding.

(2) The decree shall also state the amount of costs incurred in the proceeding and by whom and in what proportions such costs are to be paid.

(3) The Court may direct that the costs payable to one party by the other shall be set off against any sum which is admitted or fund to be due from the former to the latter.

40. **Certified copies of order, decree, etc., to be furnished.** — (1) Certified copies of the final order, decree or any other order or matter on record shall be furnished to the parties on application to the Court and at their expense.

(2) If any party requires copies of any order, decree or any other matter on record made by or furnished to the Court, as the case may be, to be supplied to him within forty-eight hours of the submission of an application therefore to the Court, he shall pay an additional fee of two rupees for each such copy.

(3) If any party applies for copies of any order, decree or any other matter on record made by or furnished to the Court, as the case may be, after the expiry of twelve months from the date of such making or furnishing, as the case may be, he shall pay an additional searching fee of two rupees.

Execution

41. **Execution.** — (1) Any person in whose favour an order had been passed shall, within one year from the date of the order, apply in Form 10 to the Court which made the order for its execution.

(2) On such application being made, the Court shall send the same together with the necessary record to a Civil Court, of competent jurisdiction, for the execution and such Civil Court shall have the same power in executing such order as if it has been passed by it.

42. **Communication of fact of execution or otherwise.** — The Civil Court to which a decree is sent for execution shall certify to the Court which passed it the fact of such execution or where that Court fails to execute the same and the circumstances attending such failure.

CHAPTER IV

Fees and Costs

43. **Fees.** — (1) The fee payable on an application in respect of any matter referred to in section 75 shall be two rupees.

(2) Subject to the provisions hereafter mentioned in this rule, the fee payable in respect of any other application except a written statement called for by the Court under these rules shall be fifty paise:

Provided that the fee for an application for obtaining a copy or translation of any document or record or statement, order or decree presented to or made before or by the Court, as the case may be, shall be ten paise.

(3) The fee for copies of any document on record, or statement or order or decree shall be such as may from time to time be determined by the Government after consultation with the Central Government and the Corporation.

(4) The fee for any authorisation for the appearance of any person under section 79 on behalf of any of the parties in a case shall be one rupee.

(5) The fee for filing certified copies of any document in a Court shall be fifty paise.

(6) All fees referred to in this rule and rule 40 shall be collected by means of court fee stamps used in ordinary Courts and no document which ought to bear stamp under these rules shall be of any validity unless and until it is properly stamped:

Provided that where any such document is through mistake or inadvertence, received, filed or used in a Court without being properly stamped, the Court may, if it thinks fit, order that such document be stamped as it may direct and on such document being stamped accordingly the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

(7) No document requiring a stamp under this rule shall be acted upon in any proceeding in a Court until the stamp has been cancelled.

44. **Payment of costs of services of summons, etc.**— (1) The cost of service of summons or notices or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in the preceding rule shall be such amount as may be specified in each case by the Court, and such amount or any other sum of money payable under these rules shall be paid in such manner and within such time as it may specify therefor.

(2) Any amount which is left over after meeting the expenses, if any, for which it was intended, shall be returned by the Court to the party by whom or on whose behalf the amount was originally paid to the Court.

(3) The Court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

45. **Fees and costs of poor persons.** — The Court may, whenever it thinks fit, receive and register proceedings instituted under the Act and applications made under these rules, by persons who are paupers, and may issue summons or notices on behalf of such persons, without payment or on a part payment of the fees and costs mentioned in rules 43 and 34.

CHAPTER V

Miscellaneous

46. **Provisions in the Code of Civil Procedure, 1908 (V of 1908) etc., to apply.** — In respect of matters relating to powers, procedure or admission of evidence for which no specific provision is made in these rules, the provisions of the Code of Civil Procedure, 1908 (V of 1908), including the Rules made thereunder and the Indian Evidence Act, 1872 (I of 1872), shall, so far as may be, apply to proceedings under the Act.

FORM 1

(Rule 13)

In the Employees' Insurance Court at ... A.B. (add description and residence) ... Applicant;

against

C.D. (add description and residence) ... Opposite Party.

Other particulars of the application specified in rule 13 ...

Date ...

Signature of the applicant

...

(Verification by the applicant)

The statement of facts contained in this application is to the best of my knowledge and belief true and correct.

Signature

...

Date ...

...

FORM 2

(Rules 14 and 21)

List of documents produced by applicant / opposite party

(Title) e. g. Description, subject, name of the Court, No.

No.	Description of document	Date if any, which the document bear	Signature of party or pleader or any authorised representatives
1	2	3	4

FORM 3

Register of Proceedings (Rule 15)

Employee's Insurance Court at ...

Register of Proceedings in the year 19 ...

		Applicant			Opposite party			Claim			Appearance			Final order			Appeal		Execution					Other remarks, if any
Date of presentation of application	No. of proceedings	Name	Description	Place of residence	Name	Description	Place of residence	Particulars	Amount of value if any	When the cause of action accrued	Day for parties to appear	Applicant	Opposite party	Date	For whom	For what, or amount	Date of decision of appeal, if any	Judgement in appeal	Date of application	Against whom	For what and amount of money	Amount of costs	Date of order transferring to another civil court of ... at ...	

FORM 4

(Rule 18)

Summons for disposal of proceedings

(Title)

To

(Name, description and place of residence).

Whereas ... has instituted proceedings against you for ... you are hereby summoned to appear in this Court in person or by authorised agent duly instructed and able to answer all material questions relating to the case, or who shall be accompanied by some person able to answer all such questions at ... O'clock in the ... noon on the ... day of ... 19 ... to answer the claim, and as the day fixed for your appearance is appointed for the final disposal of the proceedings, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to relay in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the case will be heard and determined in your absence.

Given under my hand and the seal of the Court, this ... day of ... 19 ...

Court.

Notice: — 1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call on the witness to produce, on the applying to the Court and on depositing the necessary expenses.

2. If you admit the claim. You should pay the money into Court together with the costs of the proceedings to avoid execution of the decree, which, may be against your person or property or both.

FORM 5

(Rule 18)

Summons for settlement of Issues

To

(Name, Description and Place of residence).

Whereas ... has instituted proceedings against you for ... you are hereby summoned to appear in the Court in person, or by an authorised agent duly instructed and able to answer all material questions relating to the proceedings or who shall be accompanied by some person able to answer such question at ... O'clock in the ... noon. On the ... day of ... 19 ... to answer the claim and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that in default of your appearance on the day before mentioned, the case will be heard and determined in your absence.

Given under my hand and the seal of the Court, this ... day of ... 19 ...

Court.

Notice: — 1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness and the production of any document that you have a right to call on the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim. You should pay the money into Court together with the cost of the suit, to avoid execution of the decree which may be against your person or property or both.

FORM 6

(Rule 25)

(Title)

Subject: — Application for setting aside Ex-parte order. The ... above named states as follows: —

(The grounds of application should be stated).

Date ...

Signature of the applicant

...

Verification by the applicant.

The statement of facts contained in the application is to the best of my knowledge and belief true and correct.

Date ...

Signature

Place ...

FORM 7

(Rule 25)

General Form

(Title)

To

Whereas the above named ... has made application on this Court that ... You are hereby warned to appear in this Court in person or by a pleader only instructed at ... O'clock in the ... noon, on the ... day of ... 19 ... to show cause against the application failing wherein, the said application will be heard and determined ex-parte.

Given under my hand and seal of the Court, this ... day of... 19 ...

Court

FORM 8

(Rule 26)

Summons to Witness

(Title)

To

Whereas your attendance is required to ... on behalf of the ... in the above procedings, you are hereby required (Personally) to appear before this Court on the ... day of ... 19 ... at ... O'clock in the morning, and to bring with you (or to send to this ... Court ....

A sum of Rs. ... being your travelling and other expenses and subsistence allowance for one day, is deposited with this Court and will be tendered to you on the day you appear before the Court. If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908 (V of 1908).

Given under my hand and seal of the Court, this ... day of ... 19 ...

Court

Notice: — If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

If you are detained beyond the day aforesaid, a sum of Rs. ... will be tendered to you for each day's attendance beyond the day specified.

FORM 9

(Rule 39)

Decree in case

(Title)

Claim for

This case coming on this day for final disposal before ... in the presence of ... for the applicant and of ... for the opposite party, it is ordered and decreed that ... and that the sum of Rs. ... be paid by the ... to the ... on account of the costs of this suit, with interest thereon at the rate of ... per cent. per annum from this date to the date of realisation.

Given under my hand and the seal of the Court, this ... day of ... 19 ...

Court.

Cost of Suit

	Rs. a. p.		Rs. a. p.
1. Stamp for application	... ...	Stamp for power	... ...
2. Stamp for Power	... ...	Stamp for written Statement	... ...
3. Stamp for exhibits	... ...	Pleader's fee	... ...
4. Pleader's fee	... ...	Subsistence for witnesses	... ...
5. Subsistence for witnesses	... ...	Service of summons and notices	... ...
6. Commissioner's fee	... ...		
7. Service of summons and notices	... ...	Commissioner's fee	... ...
Total	... ...	Total	... ...

FORM 10

(Rule 41)

Application for the execution of a decree

In the Court of ... decree-holder, hereby apply for execution of the decree hereinbelow set forth: —

Number of proceedings	Name/s of party/ies	Date of decree	Whether any appeal preferred from decree	Payment or adjustment made, if any	Previous application, if any, with date and result	Amount with interest due upon the decree or other relief granted thereby together with particulars of any cross decree	Amount of costs, if any, awarded	Against whom to be executed	Mode in which the assistance of the Court is required
1	2	3	4	5	6	7	8	9	10
III of 1949	A. B. — Applicant C. D. — Opposite party	November 11th, 1949	No	None	Rs. 72-4-0 recorded on application, dated the 9th April, 1949	Rs. 314-8-2 principal, X (interest at 6% per annum from date of order till payment)	As awarded in the decree ... Rs. a. p. Subsequently incurred ... Total ...	Against the opposite party C. D.	(When attachment and sale of movable property is sought.). I pray that the total amount of Rs. ... (together with interest on the principal sum up to date of payment) and the costs of taking out this execution, be realised by attachment and sale of the opposite party's movable property as per annexed list and paid to me. (When attachment and sale of immovable property is sought.). I pray that the total amount of Rs. ... (together with interest on the principal sum up to date of payment) and the costs of taking out this execution, be realised by attachment and sale of the opposite party's immovable property specified at the foot of this application and paid to me.

I, ... declare that what is stated herein is true to the best of my knowledge and belief.

Dated the ... day of ... 19 ...

Signed ...

Decree Holder

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

Panaji, 20th October, 1976.

Law and Judicial Department

Notification

LD/2121/76

The following notification received from the Government of India, Ministry of Labour, New Delhi is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 4th June, 1976.

MINISTRY OF LABOUR

Notification

New Delhi, the 28th February, 1976

G. S. R. 99(E) — In exercise of the powers conferred by sub-section (1), read with sub-section (2) of section 26 of the Bonded Labour System (Abolition) Act, 1976 (19 of 1976), the Central Government hereby makes the following rules, namely: —

1. *Short title and commencement.* — (1) These rules may be called the Bonded Labour System (Abolition) Rules, 1976.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definition.* — In these rules, unless the context otherwise requires, —

(a) "Act" means the Bonded Labour System (Abolition) Act, 1976 (19 of 1976);

(b) "District Vigilance Committee" means a Vigilance Committee constituted for a district under sub-section (1) of section 13;

(c) "section" means a section of the Act;

(d) "Sub-Divisional Vigilance Committee" means a Vigilance Committee constituted for a sub-division under sub-section (1) of section 13.

3. *Term of Office, and vacation of seat, of members of District Vigilance Committee.* — (1) Every member, of a District Vigilance Committee, nominated under clauses (b), (c), (d) and (e) of sub-section (2) of section 13 shall hold office for a period of one year from date on which his nomination is notified in the Official Gazette and shall, on the expiry of the said period, continue to hold office until his successor is nominated and shall also be eligible for re-nomination.

(2) Every member referred to in sub-rule (1) —

(a) may, by giving notice in writing to the authority which nominated him, resign his office and, on such resignation being accepted, shall be deemed to have vacated his office;

(b) shall be deemed to have vacated his office —

(i) if he fails to attend three consecutive meetings of the District Vigilance Committee without obtaining leave of the Chairman of such absence:

Provided that the authority, which nominated him may, if it is satisfied that such member was prevented by sufficient cause from attending the three consecutive meetings of the Committee, restore him to membership;

(ii) if he becomes subject to any of the following disqualifications, namely: —

(1) is adjudged insolvent;

(2) is declared to be of unsound mind by a competent court;

(3) is convicted of an offence which, in the opinion of the authority, which nominated him, involves moral turpitude;

(c) may be removed from office, if the authority, which nominated such members, is of the opinion that such member has ceased to represent the interest to represent which he was nominated:

Provided that a member shall not be removed from office under this Clause unless a reasonable opportunity is given to him for showing cause against such removal.

(3) A member, nominated to fill a casual vacancy shall hold office for the unexpired portion of the term of his predecessor.

4. *Term of office, and vacation of seat, of members of Sub-Divisional Vigilance Committees.* — (1) Every member, of a Sub-Divisional Vigilance Committee, nominated under clauses (b), (c), (d) and (e) of sub-section (3) of section 13 shall hold office for a period of one year from the date on which his nomination is notified in the Official Gazette and shall, on the expiry of the said period, continue to hold office until his successor is nominated and shall also be eligible for re-nomination.

(2) Every member referred to in sub-rule (1) —

(a) may, by giving notice in writing to the authority, which nominated him, resign his office and, on such resignation being accepted, shall be deemed to have vacated his office;

(b) shall be deemed to have vacated his office —

(i) if he fails to attend three consecutive meetings of the Sub-Divisional Vigilance Committee without obtaining leave of the Chairman of such Committee for such absence:

Provided that the authority which nominaetd him may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings of the Committee restore him to membership;

(ii) if he becomes subject to any of the following disqualifications, namely: —

(1) is adjudged insolvent;

(2) is declared to be of unsound mind by a competent court;

(3) is convicted of an offence which, in the opinion of the authority, which nominated him, involves moral turpitude;

(c) may be removed from office, if the authority which nominated such member, is of the opinion that such member has ceased to represent the interest to represent which he was nominated:

Provided that a member shall not be removed from office under this clause unless a reason-

able opportunity is given to him for showing cause against such removal.

(3) A member nominated to fill a casual vacancy shall hold office for the unexpired portion of the term of his predecessor.

5. *Prescribed authority under sub-section (6) of section 6.* — An application under sub-section (6) of section 6 for restoration of possession of any property referred to in sub-section (4) or sub-section (5) of that section shall be made to the Executive Magistrate, on whom the powers of a Judicial Magistrate of the first class or of the second class have been conferred under sub-section (1) of section 21, and within the local limits of whose jurisdiction the said property is, or the applicant has reason to believe is, situated at the time of making the application:

Provided that where there are two Executive Magistrates, on one of whom the powers of a Judicial Magistrate of the first class and on the other the powers of a Judicial Magistrate of the second class have been conferred under sub-section (1), of section 21 having jurisdiction to entertain the application for restoration of possession of property referred to in sub-rule (1), the application shall be made to the Executive Magistrate on whom the powers of a Judicial Magistrate of the second class have been conferred.

6. *Time within which an application under sub-section (6) of section 6 is to be made.* — An application under sub-section (6) of section 6 for restoration of possession of any property referred to in sub-section (4) or sub-section (5) of that section shall be made within a period of ninety days from the date on which these rules come into force.

7. *Records to be maintained by District Vigilance Committee to ensure the implementation of the provisions of the Act and Rules.* — In order to ensure the implementation of the Act and the Rules, every District Vigilance Committee shall maintain the following registers in respect of freed bonded labour within the local limits of its jurisdiction, namely: —

(a) a register containing the names and addresses of freed bonded labour;

(b) a register containing statistics relating to the vocation, occupation and income of every freed bonded labour;

(c) a register containing details of the benefits which the freed bonded labour are receiving, including benefits in the form of land, inputs for agriculture, training in handicrafts and allied occupations, loans at differential rates of interest or employment in urban or non-urban areas;

(d) a register containing details of cases under sub-section (6) of section 6, sub-section (2) of section 8, sub-section (2) of section 9, section 16, section 17, section 18, section 19 and section 20.

[No. M-13011/7/75-AL-Part. III]

D. BANDYOPADHYAY,
Joint Secretary.

Notification

LD/2328/76

The following notification received from the Government of India, Ministry of Finance, New Delhi is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 19th June, 1976.

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 30th March, 1976

Notification

The Central Government hereby directs that with effect from the 1st April, 1976, the National Savings Annuity Certificates issued by the Government of India in terms of Ministry of Finance (Department of Economic Affairs) Notification G.S.R. No. 239(E), dated the 18th March, 1976, will be on sale through authorised agents appointed under the Standardised Agency System who will be paid commission of Rs. 1-75% or as may be prescribed by the Government from time to time. The commission will be payable to the agents on the basis of the actual deposit whether monthly, quarterly, a six monthly or a lump sum, received by them and remitted in the Post Offices.

Sd/-

(A. V. SRINIVASAN)
Under Secretary to the Government of India.

No. F.3(19)-NS/75

Notification

LD/4050/XI/76

The following Central Bill The Constitution (Fortieth Amendment) Bill, 1976 which was recently passed by the Parliament and assented to by the President of India on 27-5-1976 and published in the Gazette of India Part II, Section I dated 27-5-1976 is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 1st September, 1976.

The Constitution (Fortieth Amendment) Act, 1976

AN

ACT

further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-seventh year of the Republic of India as follows: —

1. *Short title.* — This Act may be called the Constitution (Fortieth Amendment) Act, 1976.

2. *Substitution of new article for article 297.* — For article 297 of the Constitution, the following article shall be substituted, namely: —

"297. *Things of value within territorial waters or continental shelf and resources of the exclusive economic zone to vest in the Union.* — (1) All lands, minerals and other things of value underlying the ocean within the territorial waters, or the continental shelf, or the exclusive economic zone, of India shall vest in the Union and be held for the purposes of the Union.

(2) All other resources of the exclusive economic zone of India shall also vest in the Union and be held for the purposes of the Union.

(3) The limits of the territorial waters, the continental shelf, the exclusive economic zone, and other maritime zones, of India shall be such as may be specified, from time to time, by or under any law made by Parliament.".

3. *Amendment of the Ninth Schedule.* — In the Ninth Schedule to the Constitution, after entry 124 and before the *Explanation,* the following entries shall be inserted, namely: —

"125. Section 66A and Chapter IVA of the Motor Vehicles Act, 1939 (Central Act 4 of 1939).

126. The Essential Commodities Act, 1955 (Central Act 10 of 1955).

127. The Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (Central Act 13 of 1976).

128. The Bonded Labour System (Abolition) Act, 1976 (Central Act 19 of 1976).

129. The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1976 (Central Act 20 of 1976).

130. The Prevention of Publication of Objectionable Matter Act, 1976 (Central Act 27 of 1976).

131. The Levy Sugar Price Equalisation Fund Act, 1976 (Central Act 31 of 1976).

132. The Urban Land (Ceiling and Regulation) Act, 1976 (Central Act 31 of 1976).

133. The Departmentalisation of Union Accounts (Transfer of Personnel) Act, 1976 (Central Act 59 of 1976).

134. The Assam Fixation of Ceiling on Land Holdings Act, 1956 (Assam Act I of 1957).

135. The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Bombay Act XCIX of 1958).

136. The Gujarat Private Forests (Acquisition) Act, 1972 (Gujarat Act 14 of 1973).

137. The Haryana Ceiling on Land Holdings (Amendment) Act, 1976 (Haryana Act 17 of 1976).

138. The Himachal Pradesh Tenancy and Land Reforms Act, 1972 (Himachal Pradesh Act 8 of 1974).

139. The Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 (Himachal Pradesh Act 18 of 1974).

140. The Karnataka Land Reforms (Second Amendment and Miscellaneous Provisions) Act, 1974 (Karnataka Act 31 of 1974).

141. The Karnataka Land Reforms (Second Amendment) Act, 1976 (Karnataka Act 27 of 1976).

142. The Kerala Prevention of Eviction Act, 1966 (Kerala Act 12 of 1966).

143. The Thiruppuvaram Payment (Abolition) Act, 1969 (Kerala Act 19 of 1969).

144. The Sreepadam Lands Enfranchisement Act, 1969 (Kerala Act 20 of 1969).

145. The Sree Pandaravaka Lands Vesting and Enfranchisement) Act, 1971 (Kerala Act 20 of 1971).

146. The Kerala Private Forests (Vesting and Assignment) Act, 1971 (Kerala Act 26 of 1971).

147. The Kerala Agricultural Workers Act, 1974 (Kerala Act 18 of 1974).

148. The Kerala Cashew Factories (Acquisition) Act, 1974 (Kerala Act 29 of 1974).

149. The Kerala Chitties Act, 1975 (Kerala Act 23 of 1975).

150. The Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975 (Kerala Act 31 of 1975).

151. The Kerala Land Reforms (Amendment) Act, 1976 (Kerala Act 15 of 1976).

152. The Kanam Tenancy Abolition Act, 1976 (Kerala Act 16 of 1976).

153. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1974 (Madhya Pradesh Act 20 of 1974).

154. The Madhya Pradesh Ceiling on Agricultural Holdings (Amendment) Act, 1975 (Madhya Pradesh Act 2 of 1976).

155. The West Khandesh Mehwassi Estates (Proprietary Rights Abolition, etc.) Regulation, 1961 (Maharashtra Regulation I of 1962).

156. The Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Maharashtra Act XIV of 1975).

157. The Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Act, 1972 (Maharashtra Act XXI of 1975).

158. The Maharashtra Private Forests (Acquisition) Act, 1975 (Maharashtra Act XXIX of 1975).

159. The Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Amendment Act, 1975 (Maharashtra Act XLVII of 1975).

160. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1975 (Maharashtra Act II of 1976).

161. The Orissa Estates Abolition Act, 1951 (Orissa Act I of 1952).

162. The Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954).

163. The Rajasthan Land Reforms and Acquisition of Landowners' Estates Act, 1963 (Rajasthan Act 11 of 1964).

164. The Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Act, 1976 (Rajasthan Act 8 of 1976).

165. The Rajasthan Tenancy (Amendment) Act, 1976 (Rajasthan Act 12 of 1976).

166. The Tamil Nadu Land Reforms (Reduction of Ceiling on Land) Act, 1970 (Tamil Nadu Act 17 of 1970).

167. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1971 (Tamil Nadu Act 41 of 1971).

168. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1972 (Tamil Nadu Act 10 of 1972).

169. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1972 (Tamil Nadu Act 20 of 1972).

170. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Third Amendment Act, 1972 (Tamil Nadu Act 37 of 1972).

171. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Fourth Amendment Act, 1972 (Tamil Nadu Act 39 of 1972).

172. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Sixth Amendment Act, 1972 (Tamil Nadu Act 7 of 1974).

173. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Fifth Amendment Act, 1972 (Tamil Nadu Act 10 of 1974).

174. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1974 (Tamil Nadu Act 15 of 1974).

175. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Third Amendment Act, 1974 (Tamil Nadu Act 30 of 1974).

176. The Tamil Nadu Land Reforms (Fixation of Ceilng on Land) Second Amendment Act, 1974 (Tamil Nadu Act 32 of 1974).

177. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Amendment Act, 1975 (Tamil Nadu Act 11 of 1975).

178. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Second Amendment Act, 1975 (Tamil Nadu Act 21 of 1975).

179. Amendment made to the Uttar Pradesh Zamindari Abolition and Land Reforms Act 1950 (Uttar Pradesh Act I of 1951) by the Uttar Pradesh Land Laws (Amendment) Act, 1971 (Uttar Pradesh Act 21 of 1971) and the Uttar Pradesh Land Laws (Amendment) Act, 1974 (Uttar Pradesh Act 34 of 1974).

180. The Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1976 (Uttar Pradesh Act 20 of 1976).

181. The West Bengal Land Reforms (Second Amendment) Act, 1972 (West Bengal Act XXVIII of 1972).

182. The West Bengal Restoration of Alienated Land Act, 1973 (West Bengal Act XXIII of 1973).

183. The West Bengal Land Reforms (Amendment) Act, 1974 (West Bengal Act XXXIII of 1974).

184. The West Bengal Land Reforms (Amendment) Act, 1975 (West Bengal Act XXIII of 1975).

185. The West Bengal Land Reforms (Amenment) Act, 1976 (West Bengal Act XII of 1976).

186. The Delhi Land Holdings (Ceiling) Amendment Act, 1976 (Central Act 15 of 1976).

187. The Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Goa, Daman and Diu Act 1 of 1976).

188. The Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973 (Pondicherry Act 9 of 1974).".

Notification

LD/4555/II/76

The following Order which was issued by the Government of India on 2-9-1976 is hereby republished for general information of the public.

B. S. Subbanna, Draftsman.

Panaji, 27th September, 1976.

MINISTRY OF HOME AFFAIRS

Order

New Delhi, the 2nd September 1976

S. O. 580(E). — In exercise of the powers conferred by sub-rule (1) of rule 48 of the Defence and Internal Security of India Rules, 1971, the Central Government hereby makes the following further amendments in the Order No. S. O. 275(E), dated the 26th June, 1975, namely: —

AMENDMENTS

In clause (1) of the said Order —

(i) in sub-clause (i), the word "or" shall be inserted at the end;

(ii) after sub-clause (i), the following sub-clause shall be inserted, namely: —

"(j) the Family Planning Programme,"

(File No. II/16011/62/76-D.II/S&P)

By order and in the name of the President

R. L. MISRA, Jt. Secy.

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