

## **The Goa Administration of Evacuee Property Act, 1964 and Rules**



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<p><b>1) The Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (Act 6 of 1964) [24-12-1964]</b> published in the Government Gazette, Series I No. 53 dated 31-12-1964.</p>
<p><b>a) The Goa, Daman &amp; Diu Administration of Evacuee Property (Amendment) Act, 1965 (Act 10 of 1965) [29-5-1965]</b> published in the Government Gazette, Series I No. 12 dated 17-6-1965 and deemed to have come into force on 24<sup>th</sup> December, 1964.</p>
<p><b>b) The Goa, Daman &amp; Diu Administration of Evacuee Property (Amendment) Act, 1969 (Act 14 of 1970) [18-11-1970]</b> published in the Government Gazette, Series I No. 36 dated 4-12-1970. Some provisions of the Act came into force w.e.f. 24-12-1964 and some provisions w.e.f. 18-11-1970 as mentioned in the respective places.</p>
<p><b>c) The Goa, Daman &amp; Diu Administration of Evacuee Property (Amendment) Act, 1971 (Act 9 of 1971) [3-7-1971]</b> published in the Official Gazette, Series I No. 21 dated 19-8-1971 and came into force at once.</p>
<p><b>d) The Goa, Daman &amp; Diu Administration of Evacuee Property (Amendment) Act, 1976 (Act 6 of 1976) [15-5-1976]</b> published in the Official Gazette, Series I No. 9 dated 27-5-1976 and came into force at once.</p>
<p><b>e) The Goa Administration of Evacuee Property (Amendment) Act, 1989 (Act 19 of 1989) [7-11-1989]</b> published in the Official Gazette, Series I No. 37 dated 14-12-1989 and came into force at once.</p>
<p><b>f) The Goa Administration of Evacuee Property (Amendment) Act, 1995 (Act 3 of 1995) [31-3-1995]</b> published in the Official Gazette, Series I No. 52 dated 31-3-1995.</p>
<p><b>g) The Goa Administration of Evacuee Property (Amendment) Act, 2001 (Act 39 of 2001) [21-5-2001]</b> published in the Official Gazette, Series I No. 9 dated 31-5-2001 and came into force at once.</p>
<p><b>h) The Goa Administration of Evacuee Property Act, 2001 (Act 42 of 2001) [21-5-2001]</b> published in the Official Gazette, Series I No. 9 dated 4-6-2001 and deemed to have come into force from 31-3-1995.</p>
<p><b>2) The Goa, Daman &amp; Diu Administration of Evacuee Property Rules, 1965</b> published in Government Gazette, Series I No. 9 dated 27-5-65.</p>
<p><b>3) The Goa, Daman and Diu Disposal of Immovable Evacuee Property Rules, 1977</b> published in the Official Gazette, Series I No. 12 dated 22-6-78.</p>
<p><b>4) The Transfer of Evacuee Property (Agriculture Plots and Abadi Sites) Rules, 1977</b> published in the Official Gazette, Series I No. 53, dated 31-3-77.</p>

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**GOVERNMENT OF GOA, DAMAN AND DIU****Law Department**

No. 2445/64

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the assent of the President of India on 24th December, 1964 and is hereby published for general information.

**The Goa, Daman and Diu Administration of  
Evacuee Property Act, 1964**

(No. 6 of 1964) [24th December, 1964]

*An Act to provide for the administration of evacuee property in the Union territory of Goa, Daman and Diu and for certain matters connected therewith.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Fifteenth Year of the Republic of India as follows:—

**CHAPTER I****Preliminary**

**1. Short title, extent and commencement.**— (1) This Act may be called the Goa, Daman and Diu Administration of Evacuee Property Act, 1964.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

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

<sup>1</sup>[(a) “agriculture” includes horticulture and raising of food crops, grass and garden produce but does not include allied pursuits.

(aa) “allied pursuits” means rearing or maintaining plough bulls, breeding of livestock, dairy farming, poultry farming, grazing on grounds reserved for the purpose and such other pursuits connected with agriculture, as may be prescribed;]

<sup>2</sup>(“aaa) “Custodian” means the Custodian appointed or deemed to be appointed under section 4, and includes any Deputy or Assistant Custodian of evacuee property;

(b) “evacuee” means any person <sup>3</sup>[...]

(i) who, on account of liberation of Goa, Daman and Diu, leaves or has, on or after the relevant date, left Goa, Daman and Diu for any place outside India; or

(ii) who has after the relevant date transferred to any place outside India, without the previous approval of the Custodian, his assets or any part of his assets situated in Goa, Daman and Diu; or

<sup>1</sup> Clauses (a) and (aa) inserted vide (Amendment) Act No. 19 of 1989.

<sup>2</sup> Clause (a) renumbered as clause (aaa) vide (Amendment) Act No. 19 of 1989.

<sup>3</sup> The words “who is not an Indian Citizen and” in clause (b) omitted vide (Amendment) Act No. 14 of 1970, this omission is deemed to have come into force with effect from 24-12-1964.

(iii) who, during any time before or after the relevant date, has been residing in any place outside India, and who for that reason was or is unable to occupy, supervise or manage in person his property in Goa, Daman and Diu, or whose property has ceased to be occupied, supervised or managed by any person, or is being occupied, supervised or managed by an unauthorised person:

Provided that, unless the Government, for good and sufficient reasons, directs otherwise, no person, of Goa, Daman and Diu origin, shall become an evacuee by virtue of sub-clause (iii), if he had, before the relevant date, migrated to any country outside India and by reason of such migration became a national or domicile of that country.

<sup>4</sup>[Provided further that no person shall be deemed to be an evacuee if he holds an Indian passport.]

**Explanation I** :— For the purposes of this Act, a person shall be deemed to be of Goa, Daman and Diu origin if he or either of his parents or grand parents was born anywhere in India including Goa, Daman and Diu.

**Explanation II** :— “migration” means the departure out of India of any person for the purpose of any employment or with the intention of engaging in any <sup>5</sup>[gainful] occupation.

<sup>6</sup>(c) “evacuee property” means any property <sup>7</sup>[of an evacuee (whether held by him as owner, or as a trustee or as a beneficiary, or as a tenant or in any other capacity),] and includes any property—

(i) which has been obtained by any person from an evacuee after the relevant date, by any mode of transfer unless such transfer has been confirmed by the Custodian; or

(ii) which belongs to an intending evacuee and in respect of which a declaration is made under section 21.

(d) “Goa, Daman and Diu” means the Union territory of Goa, Daman and Diu;

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

(f) “intending evacuee” means any Portuguese national in Goa, Daman and Diu against whom any intention to settle in any place outside India is established from his conduct or from documentary evidence and who is declared as an intending evacuee under section 18;

<sup>8</sup>[(ff) “lease” means a transfer of a right to enjoy land, made orally or in writing, by the evacuee for a specified, or unspecified period, and in consideration of rent;]

<sup>4</sup> Proviso inserted vide (Amendment) Act No. 9 of 1971.

<sup>5</sup> Word ‘gainful’ is substituted by word ‘gainful’ vide Amendment Act No. 14 of 1970 this deemed to have come into force with effect from 24-12-1964.

<sup>6</sup> Re-numbered by the Amendment Act 10 of 1965.

<sup>7</sup> These words have been substituted for the words “in which an evacuee has any right or interest whether personally or as a trustee or as a beneficiary or in any other capacity” by (Amendment) Act No. 10 of 1965.

(g) “member of the family” of any person means any member of that family who is wholly dependent upon the earning of such person for the provision of the ordinary necessities of life or who shares with such person in the ordinary expenses of the household to which they jointly belong or who owns property or carries on business jointly with such person;

<sup>9</sup>[(gg) “mundkar” means a mundkar as defined under the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976);]

(h) “Official Gazette” means the Goa, Daman and Diu Government Gazette;

<sup>10</sup>[(hh) “person” includes-

- (i) an individual,
- (ii) a Hindu undivided family,
- (iii) a company,
- (iv) a firm,
- (v) an association of persons or a body of individuals, whether incorporated or not,
- (vi) a local authority, and
- (vii) every artificial juridical person, not falling within any of the preceding sub-clauses;]

(i) “prescribed” means prescribed by rules made under this Act;

(j) “property” means property of any kind and includes any right or interest in such property;

(k) “relevant date” means the sixth day of December, 1961;

Provided that Government by notification in the Official Gazette fix the 15th day of August, 1954, as the relevant date for any particular class or category of cases;

<sup>11</sup>[(kk) “rent” means any consideration in money or kind or both, paid or payable by a tenant on account of the use or occupation of the land held by him but shall not include the rendering of any personal service or labour;

(kkk) “tenancy” means the relationship existing between the tenant and the Custodian;

(kkkk) “tenant” means a person who on or after the date of commencement of the Goa Administration of Evacuee Property (Amendment) Act, 1989, hold land and cultivates it personally <sup>12</sup>but does not include a successful bidder for the purpose of plucking the fruits only;]

<sup>8</sup> Inserted vide (Amendment) Act No. 19 of 1989.

<sup>9</sup> After clause (g) of section 2 the clause (gg) is inserted vide (Amendment) Act No. 3 of 1995 published in Official Gazette, Extraordinary No. 4 dated 31-3-1995.

<sup>10</sup> Clause (hh) is inserted vide (Amendment) Act No. 14 of 1970 this is deemed to have come into force with effect from 24-12-1964.

<sup>11</sup> Clauses (kk), (kkk) and (kkkk) are inserted vide (Amendment) Act No. 19 of 1989.

<sup>12</sup> For the words “but does not include a person who holds land on lease” the words “but does not include a successful bidder” substituted vide Amendment Act 42 of 2001.

(l) “unauthorised person” means any person (whether duly empowered in this behalf by the evacuee or otherwise) who, after the relevant date, has been occupying, supervising or managing the property of an evacuee without the approval of the Custodian<sup>13</sup>“but does not include a Mundkar or tenant or deemed purchaser.”

<sup>11</sup>[(“m) The words, terms and definitions not defined under the Act shall have the same meaning assigned to them under the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act of 1976).”]

<sup>14</sup>**[3. Act to override other laws.— [1]-** On and from the date of coming into force of the Goa Administration of Evacuee Property (Amendment) Act, 1989, the provisions of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), for the time being in force, shall apply in respect of agricultural land and tenancies created by the Custodian.

Notwithstanding anything contained in sub-section (1), the provisions of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976), for the time being in force, shall apply to evacuee properties vested in the Custodian under section 6 of the Act.

The provisions of this section shall, save as otherwise expressly provided, have effect notwithstanding anything to the contrary contained in any instrument having effect by virtue of any such law.]

“**[2]-** Notwithstanding anything to the contrary contained in any Act, custom or usage, contract, order or decree of any Tribunal or Court or of the Custodian under the principal Act or any other authority.—

(i) every person who is in occupation, as on the 30<sup>th</sup> day of June, 2000, of any dwelling house situated on the evacuee property vested in the Custodian under the principal Act.—

(a) shall be deemed to be a Mundkar of his dwelling house;

(b) shall be entitled for certificates of purchase in respect of the dwelling house on payment of the price determined in accordance with the provision of the Goa, Daman and Diu Mundkars (Protection of Rights) Act, 1975 (Act No.1 of 1976); and

(c) shall also be deemed as purchaser of the purposes of the Act; and

(ii) every person evicted from his dwelling house situated on the evacuee property vested in the Custodian under the principal Act on and from the date of coming into force of this Act and up to the 30<sup>th</sup> day of June, 2000, shall be entitled to restoration of his dwelling house if he makes an application to the Mamlatdar within one year from the date of coming into force of this Act:

Provided that the Mamlatdar shall dispose of the application so filed within 3 months of such filing.”

<sup>13</sup> Inserted by the Amendment Act 42 Of 2001.

<sup>14</sup> Section 3 is substituted vide (Amendment) Act No. 19 of 1989, thereafter by the amendment Act 3 of 1995 sub-section “1-A” was inserted. Further by the Amendment Act 42 of 2001 existing section i.e. sub-section 1,1-A and 2 were re-numbered as sub-section [1] and new sub-section [2] inserted..



## CHAPTER II

**Evacuee Property and vesting thereof in the Custodian**

**4. Appointment of Custodian, etc.**— (1) The Government may, by notification in the Official Gazette, appoint a Custodian and as many Deputy or Assistant Custodians of evacuee property as may be necessary for the purpose of discharging the duties imposed on the Custodian by or under this Act and may, by general or special order, provide for the distribution of work among them:

<sup>15</sup>[...]

(2) Notwithstanding anything contained in sub-section (1) any person who was exercising the powers of or functioning as a Custodian of property left behind by Portuguese nationals in Goa, Daman and Diu, by virtue of Proclamation No. XII dated 22nd January, 1962, issued by the Military Governor thereof, shall be deemed to be a Custodian appointed under this Act until a Custodian is appointed under this Act.

**5. Declaration as evacuee property.**— (1) Where the Custodian is of opinion that any property is evacuee property within the meaning of this Act, he may, after causing notice thereof to be given, in such manner as may be prescribed, to the persons interested, and after holding such inquiry into the matter as the circumstances of the case may permit, pass an order declaring any such property to be evacuee property.

(2) Where, during the pendency of any proceeding under sub-section (1) for declaring any property to be evacuee property, any person interested in the property dies, the proceeding shall, unless the Custodian otherwise directs, be continued and disposed of as if such person were alive.

(3) Where a notice has been issued under sub-section (1) in respect of any property, such property shall, pending the determination of the question whether it is evacuee property or otherwise, be incapable of being transferred or charged in any way except with the leave of the Custodian, and no person shall be capable of taking any benefit from such transfer or charge except with such leave.

(4) The Custodian shall, notify by publication in the Official Gazette and in such other manner as may be prescribed, all properties declared by him to be evacuee properties under sub-section (1), within a period of thirty days from the date of the declaration.

**6. Vesting of evacuee property in the Custodian.**— (1) Any property declared to be evacuee property under section 5 shall be deemed to have vested in the Custodian—

(a) in the case of property of an evacuee as defined in sub-clause (i) of <sup>16</sup>[clause (b)] of section 2, from the date on which he leaves or has left any place in Goa, Daman and Diu for any place outside India;

<sup>15</sup> Proviso to sub-section (1) of section 4 omitted vide (Amendment) Act No. 6 of 1976.

<sup>16</sup> The expression “clause (c)” in sub-section (1) (a) and sub-section (1) (b) of section 6 is substituted by “clause (b)” by (Amendment) Act No. 10 of 1965.

<sup>17</sup>[(b) in the case of property of an evacuee as defined in sub-clause (ii) of <sup>15</sup>[clause (b)] of section 2, from the date of such transfer]; and

(c) in the case of <sup>18</sup>[property of an evacuee] as defined in sub-clause (iii) of <sup>19</sup>[clause (b)] of section 2, from the relevant date.

(2) Where immediately before the commencement of this Act any property in Goa, Daman and Diu had vested as evacuee property in any person exercising the powers of Custodian under any law or order repealed hereby, the property shall, on the commencement of this Act be deemed to be evacuee property declared as such within the meaning of this Act and shall be deemed to have vested in the Custodian appointed under this Act and shall continue to so vest.

(3) Where after any evacuee property has vested in the Custodian any person, including an officer of Government, is in possession thereof, he shall be deemed to be holding on behalf of the Custodian and shall on demand surrender possession of it to the Custodian or to any other person duly authorised by him in this behalf.

**7. Power of Custodian to take possession of evacuee property vested in him.—** (1) If any person in possession of any evacuee property refuses or fails on demand to surrender possession thereof to the Custodian or to any person duly authorised by him in this behalf, the Custodian may use or cause to be used such force as may be necessary for taking possession of such property and may for this purpose, after giving reasonable warning (and reasonable facility to any woman who by custom or usage will not appear in public, to withdraw), remove or break open any lock bolt or any door or do any other act necessary for the said purpose.

(2) Where it becomes necessary to use force, the Custodian may, with the approval of Government requisition the aid of the Police and in such cases, every officer of the Police shall be bound to render such assistance as may be required by the Custodian.

<sup>20</sup>[(3) No such force as is referred to in sub-section (2) shall be used against any person who, as on the 30<sup>th</sup> day of June 2000, is in occupation of a dwelling house situated on evacuee property vested in the Custodian under the principal Act.”]

**8. Powers and duties of the Custodian generally.—** (1) <sup>21</sup>[Save as otherwise expressly provided and subject to the provision of any rules] that may be made in this behalf, the Custodian may take such measures as he considers necessary or expedient for the purposes of securing, administering, preserving and managing any evacuee property and generally for the purpose of enabling him satisfactorily to discharge any of the duties imposed on him by or under this Act and may, for any such purpose as aforesaid, do all acts and incur all expenses necessary or incidental thereto.

<sup>17</sup> Clause (b) is substituted vide (Amendment) Act No. 14 of 1970 this is deemed to have come into force with effect from 24-12-1964.

<sup>18</sup> Substituted by the Amendment Act 10 of 1965.

<sup>19</sup> These words have been substituted for the words “property” and “clause (c)”, respectively, by Amendment Act No. 10 of 1965, published in the Government Gazette, Series I No. 12 dated 17-6-1965.

<sup>20</sup> Inserted by the Goa Administration of Evacuee Property (Amendment) Act, 2001 (Goa Act 42 of 2001).

<sup>21</sup> These words have been substituted for the words “subject to the provision of any rules” by (Amendment) Act No. 19 of 1989.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Custodian may, for any of the purposes aforesaid,—

(a) appoint a manager for the property of the evacuee or for carrying on any business or under taking of the evacuee and authorise the manager to exercise any of the powers of the Custodian under this section;

(b) enter, or authorise any other person to enter any land or premises to inspect any evacuee property;

(c) take all such measures as may be necessary to keep any evacuee property in good repair;

(d) complete any building which has vested in him and which requires to be completed;

(e) require any person, notwithstanding anything to the contrary contained in any other law for the time being in force relating to the disclosure of any information by a public servant or any other person, to furnish such returns, accounts or other information in relation to any property and to produce such documents in his possession as the Custodian considers necessary for the discharge of his duties under this Act;

(f) require any banking company to furnish such information as the Custodian may require with respect to remittances made after the relevant date to any such area outside India as may be specified by the Custodian, either generally, or with reference to any person or class of persons;

(g) take such action as may be necessary for the recovery of any debt due to the evacuee;

(h) institute, defend or continue any legal proceeding in any civil or revenue court on behalf of the evacuee or refer any dispute between the evacuee and any other person to arbitration or compromise any claims, debts or liabilities on behalf of the evacuee;

(i) incur any expenditure, including expenditure on the payment of taxes, duties, cesses and rates to Government or to any local authority or of any amounts due to any employee of the evacuee or of any debt due by the evacuee to any person;

<sup>22</sup>[Provided that no amount shall be paid to any employee of the evacuee and no debt shall be paid to any person, unless the Custodian is satisfied that such amount or such debt, as the case may be, is due by the evacuee to such employee or such person, as the case may be;]

(j) pay to the evacuee, or to any member of his family or to such other person as in the opinion of the Custodian is entitled thereto, any sum of money out of the funds in his possession;

(k) transfer in any manner whatsoever any evacuee property notwithstanding anything to the contrary contained in any law or agreement relating thereto:

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<sup>22</sup> Proviso is added vide (Amendment) Act No. 14 of 1970, this is deemed to have come into force with effect from 24-12-1964.

Provided that the Custodian shall not so transfer any immovable property or any business or other undertaking of the evacuee except with the previous approval of Government.

Provided further that, unless otherwise directed by the Government, all sales of property shall be by public auction.

(l) acquire any non-evacuee interest in evacuee property, whether by way of purchase or otherwise:—

<sup>23</sup>[(ll) dispose of the claim of co-sharer or partner in any property by purchase of non-evacuee share or by sale of evacuee share, either to the co-sharer or to any other person, or by selling the entire property and distributing the sale proceeds to the claimant according to his share, or by partitioning the property, or take all such measures as he may consider necessary for the purpose of separating the interests of the evacuee from those of the claimants:

Provided that the Custodian shall not pass any order under this clause unless the co-sharer or partner in the property has been given reasonable opportunity of being heard;

(m) delegate, by general or special order, all or any of his functions under this Act to such officers or persons as may be prescribed.

<sup>24</sup>[(n) invest any money held by him in such securities as may be prescribed:]

Provided that the Custodian shall not delegate any of his functions under clause (f) or clause (g) to any officer or person below the rank of an Assistant Custodian.

**9. Power to recover rent or damages in respect of evacuee property vested in the Custodian.**— (1) Where any person is in arrears of rent in respect of any evacuee property vested in the Custodian, the Custodian may, by order, require that person to pay the same within such time and in such instalments, if any, as may be specified in the order.

(2) Where any person is deemed to be holding any evacuee property on behalf of the Custodian, under sub-section (3) of section 6, the Custodian may, having regard to such principles of assessment of rent as may be prescribed, by order, assess the rent payable in respect of such property and that person shall be liable to pay the rent so assessed.

(3) Where any person is, or has at any time been, in unauthorised possession of any evacuee property vested in the Custodian, the Custodian may, having regard to such principles of assessment of damages as may be prescribed assess the damages on account of the use and occupation of such property and may, by order, require that person to pay the damages within such time and in such instalments as may be specified in the order.

(4) Where any person being in possession of any evacuee property vested in the Custodian has caused damage to any such property, the Custodian may assess the

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<sup>23</sup> Inserted vide (Amendment) Act No. 14 of 1970 and came in to force w.e.f. 18<sup>th</sup> November, 1970.

<sup>24</sup> Inserted vide (Amendment) Act No. 19 of 1989.

compensation payable on account of the damage so caused and may, by order, require that person to pay the compensation within such time and in such instalments as may be specified in the order.

(5) No order shall be made under sub-section (2) or sub-section (3) or sub-section (4), until after the issue of a notice in writing to the person concerned calling upon him to show cause within such time as may be specified in the notice why such order should not be made and until his objections, if any, and any evidence he may produce in support of the same have been considered by the Custodian.

**10. Custodian's right in respect of leases, allotments of possession of evacuee property.**— (1) Notwithstanding anything contained in any other law for the time being in force <sup>25</sup>[and save as provided in section 3] or in any agreement or contract, the Custodian may cancel any allotment or terminate any lease or amend the terms of any lease or agreement under which any evacuee property is held or occupied by a person (whether such allotment, lease or agreement was granted or entered into before or after the commencement of this Act):

Provided that in the case of any lease granted before the relevant date the Custodian shall not exercise any of the powers conferred upon him under this sub-section unless he is satisfied that the lessee.—

(a) has sublet, assigned or otherwise parted with the possession of the whole or any part of the property leased to him; or

(b) has used or is using such property for a purpose other than that for which it was leased to him; or

(c) has failed to pay rent in accordance with the terms of the lease.

(2) Where the title or the right to possession of any evacuee property, as a tenant or otherwise, was on the relevant date the subject matter of any dispute, the right to possession shall be deemed to have vested in the Custodian as from the said date, notwithstanding anything contained in any other law for the time being in force or in any agreement or contract; and the person holding possession shall cease to be entitled to possession.

(3) Where by reason of any action taken under sub-section (1) or sub-section (2), any person has ceased to be entitled to possession of any evacuee property, he shall on demand by the Custodian surrender possession of such property to the Custodian or to any person duly authorised by him in this behalf.

(4) If any person fails to surrender possession of any property on demand under sub-section (3), the Custodian may, notwithstanding anything to the contrary contained in any other law for the time being in force, eject such person and take possession of such property in the manner provided in section 7.

**11. Special provisions with respect to transfer of tenancy rights of evacuees.**— (1) Notwithstanding anything to the contrary contained in this Act or in any other law for the

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<sup>25</sup> Inserted by (Amendment) Act No. 19 of 1989.

time being in force, where tenancy rights have vested in the Custodian as evacuee property and the Custodian has granted a lease in respect of such property, the Custodian may, in any case where the lessor under whom the property was held immediately before it vested in the Custodian is not an evacuee, declare, by general or special order, that with effect from such date as may be specified in the order he shall stand absolved of all responsibilities with respect to the property or lease granted by him.

(2) On the making of any such declaration as is referred to in sub-section (1) —

(a) the lease granted by the Custodian shall be deemed to have effect as if granted by the lessor under whom the property was held immediately before the Custodian assumed possession or control thereof and shall continue to have such effect until it is determined by lapse of time or by operation of law;

(b) all sums realised by the Custodian in respect of the said lease before the date of the declaration referred to in sub-section (1) shall, subject to the deduction of fees, if any, payable to the Custodian, become payable to the lessor against whom the lease has no effect.

(3) Nothing contained in this section shall—

(a) be deemed to empower the Custodian to grant, without the consent in writing of the original lessor or his successor in interest—

(i) where the original lease is for a specified period, any lease for a period extending beyond the date on which the original lease would have expired; or

(ii) where the original lease is from year to year or month to month or on any other similar tenure, any lease on a tenure different from that of the original lease.

(b) render the Custodian liable to any person for any sum in excess of the sum payable to the lessor under clause (b) of sub-section (2); or

(c) prejudice any rights of the lessor or the lessee, to which he may be entitled under any other law for the time being in force, consistently with the terms and conditions, if any, of the lease granted by the Custodian.

**12. Payments to Custodian to be valid discharge.**— (1) Any amount due to any evacuee in respect of any property which has vested in the Custodian or in respect of any transaction entered into by the evacuee, shall be paid to the Custodian by the person liable to pay the same.

(2) Any payment made otherwise than in accordance with sub-section (1) shall not discharge the person paying it from his obligation to pay the amount due, and shall not affect the right of the Custodian to enforce such obligation against any such person.

**13. Recouping of expenditure by Custodian.**— Any expenditure incurred by the Custodian in the exercise of any power conferred by or under this Act shall, in relation to any evacuee property in respect of which it has been incurred, be a charge on such property and shall, subject to the provision of section 42, have priority over all other

charges on the property, and such expenditure may be met or recouped by the Custodian out of the income accruing from such property or the sale proceeds thereof.

**14. Maintenance of accounts by Custodian.**— (1) The Custodian shall maintain a separate account of the property of each evacuee possession whereof has been taken by him, and shall cause to be made therein entries of all receipts and expenditure in respect thereof.

(2) The accounts shall be maintained in such form and in such manner as may be prescribed.

(3) The Government shall cause the accounts maintained under this section to be inspected and audited at such intervals and by such person as may be prescribed.

**15. Restoration of evacuee property.**— (1) <sup>26</sup>[Save as provided under section (3) and subject to such rules] as may be made in this behalf, any evacuee or any person claiming to be an heir of an evacuee may apply to Government or to any person authorised by it in this behalf (hereinafter in this section referred to as the authorized person) that any evacuee property which has vested in the Custodian and to which the applicant would have been entitled if this Act were not in force, may be restored to him.

(2) On receipt of an application under sub-section (1) Government or the authorized person, as the case may be, shall cause public notice thereof to be given in the prescribed manner, and after causing an inquiry into the claim to be held in such manner as may be prescribed, shall —

(a) if satisfied —

- (i) that the conditions prescribed by rules made in this behalf have been satisfied,
- (ii) that the evacuee property is the property of the applicant, and
- (iii) that it is just or proper that the evacuee property should be restored to him, make an order restoring the property to the applicant, or

(b) if not so satisfied, reject the application:

Provided that where the application is rejected on the ground that the evacuee property is not the property of the applicant, the rejection of the application shall not prejudice the right of the applicant to establish his title to the property in a Civil Court, or

(c) if there is any doubt with respect to the title of the applicant to the property, refer him to a Civil Court for the determination of his title:

Provided that no order for the restoration of any evacuee property shall be made under this sub-section unless provision has been made in the prescribed manner for the recovery of any amount due to the Custodian in respect of the property or the management thereof.

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<sup>26</sup> These words have been substituted for the words "Subject to such rules" by (Amendment) Act No. 19 of 1989.

(3) Upon the restoration of the property to the evacuee or to the heir, as the case may be, the Custodian shall stand absolved of all responsibilities in respect of the property, so restored, but such restoration shall not prejudice the rights, if any, in respect of the property which any other person may be entitled to enforce against the person to whom the property has been so restored:

Provided that every lease granted in respect of the property by or on behalf of the Custodian shall have effect against the person to whom restoration is made until such lease is determined by lapse of time or by operation of law.

(4) The Custodian shall, on demand furnish to the evacuee or to the heir, as the case may be, a statement containing an abstract of the account of the income received and expenditure incurred in respect of the property, and such other particulars as may be required by him and as the circumstances may permit.

(5) Where the property had been sold by the Custodian or acquired by Government under any law, the provisions in the foregoing sub-sections shall apply to the net sale proceeds or, as the case may be, the net compensation hereof.

### CHAPTER III

#### **Certain Consequences of Property Vesting in Custodian**

**16. Exemption of evacuee property from process of Court, etc.**— Save as otherwise expressly provided in this Act, no evacuee property which has vested or is deemed to have vested in the Custodian under the provisions of this Act shall, so long as it remains so vested, be liable to be proceeded against in any manner whatsoever in execution of any decree or order of any Court or authority, and any attachment or injunction or order for the appointment of a receiver in respect of any such property subsisting on the commencement of this Act, shall cease to have effect on such commencement and shall be deemed to be void.

**17. Occupancy or tenancy rights not to be extinguished.**— (1) Where the rights of an evacuee in any land or in any house or other building consist or consisted of occupancy or tenancy rights, nothing contained in any law for the time being in force or in any contract or in any instrument having the force of law or in any decree or order of any Court, shall extinguish or be deemed to have extinguished any such rights, either on the tenant becoming an evacuee within the meaning of this Act or at any time thereafter, so as to prevent such rights from vesting in the Custodian under the provision of this Act or to prevent the Custodian from exercising all or any of the powers conferred on him by this Act in respect of any such rights, and notwithstanding anything contained in any such law, contract, instrument, decree or order, neither the evacuee nor the Custodian, whether as an occupancy tenant or as a tenant for a certain time, monthly or otherwise, of any land, or house or other building shall be liable to be ejected or to be deemed to have become so liable on any ground whatsoever for any default of —

(a) the evacuee committed after he became an evacuee or within a period of one year immediately preceding the date of his becoming an evacuee; or

(b) the Custodian.



## CHAPTER IV

**Property of intending evacuees**

**18. Declaration of a person as intending evacuee.** — (1) Where the Custodian has reason to believe that a person is an intending evacuee, he may, by notice served in the prescribed manner, call upon such person to show cause why he should not be declared an intending evacuee, and shall, after holding such inquiry into the matter as the circumstances thereof permit, and after taking such evidence as may be produced by or on behalf of the person showing cause, pass an order (stating the reasons therefor) either declaring such person to be an intending evacuee or closing the case.

(2) Any declaration made under sub-section (1) shall be published in the Official Gazette.

(3) The Custodian may, pending determination of the question whether any person is an intending evacuee or otherwise, attach in the prescribed manner any property in Goa, Daman and Diu in which such person has a right or interest, and during the pendency of such attachment, the property shall be incapable of being transferred or charged in any way, except with the leave of the Custodian, and no person shall be capable of taking any benefit from such transfer or charge except with such leave.

**19. Consequences of declaration that a person is an intending evacuee.**— No person, in respect of whom a declaration has been made under section 18 that he is an intending evacuee, shall transfer in any manner whatsoever any property in which he has any right or interest, situated in any part of Goa, Daman and Diu, except with the previous approval of the Custodian, and any transfer made in contravention of the provisions of this section shall be void and of no effect.

**20. Powers of Custodian generally in respect of property of intending evacuees.**— For the purpose of preserving any property in which any person, in respect of whom a declaration has been made under section 18 that he is an intending evacuee, has any right or interest, the Custodian may,—

(a) by order in writing, require any such person to furnish such returns, accounts or other information in relation to any such property and to produce such documents in his possession as the Custodian may require;

(b) inspect the books of account or other documents maintained by or in the possession of such person;

(c) pass such orders or direct such action to be taken in relation to any such property as may be considered by him to be necessary;

(d) by order in writing, prohibit the transfer of any sum of money belonging to any such person or permit such transfer subject to such conditions and restrictions as the Custodian may think fit to impose.

**21. Declaration of property of intending evacuee as evacuee property in certain cases.**— If the Custodian is satisfied that any person in respect of whom a declaration has been made under section 18 that he is an intending evacuee, has made a transfer of any property in contravention of section 19, or has failed to comply with any order made under clause (c) or clause (d) of section 20, the Custodian may by notification in the Official Gazette declare the property in which such person has any right or interest to be evacuee property, and on the issue of such notification any property specified in the notification shall be deemed to be evacuee property which has vested in the Custodian within the meaning of this Act.

## CHAPTER V

### Appeals

<sup>27</sup>**[22. Appeals.**— Any person aggrieved by an order made under section 5, clause (II) of sub-section (2) of section 8, section 18, section 31 or section 39, by the Custodian may prefer an appeal, in such manner, and within such time, as may be prescribed, to the tribunal constituted under section 22A and the decision of the Tribunal shall be final.]

<sup>28</sup>**[22A. Appointment of Tribunal.**— The Government may appoint any person or body of persons as Tribunal under this Act.]

## CHAPTER VI

### Penalties and Procedure

**23. Penalty for failure to surrender possession of evacuee property.**— <sup>29</sup>[Save as provided under section 3, any person who fails to comply with”] a notice of demand by or on behalf of the Custodian under the provisions of this Act to surrender possession of any evacuee property shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

**24. Penalty for wrongfully paying or receiving rents, etc.**— Any person who pays to or receives from any other person any sum of money in respect of any property which he knows or has reason to believe to be, evacuee property shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both:

Provided that nothing contained in this section shall apply to or render punishable any payment made to or received by the Custodian.

<sup>27</sup> Substituted by (Amendment) Act No. 14 of 1970, published in the Government Gazette, Series I No. 36, and came into force w.e.f. 18-11-1970. original section read as follow :

*“22. Appeals.- Any person aggrieved by an order made under section 5, section 18, section 31 or section 39 by the Custodian may prefer an appeal in such manner and within such time as may be prescribed to Government or to such authority or tribunal as may be prescribed and the decision of the Government or the authority or the tribunal, as the case may be, shall be final.”*

<sup>28</sup> Inserted by (Amendment) Act No. 14 of 1970, published in the Government Gazette, Series I No. 36, and came into force w.e.f. 18-11-1970.

<sup>29</sup> These words and figure have been substituted for the words “Any person who fails to comply with”, by (Amendment) Act No. 19 of 1989, published in the Official Gazette, Series I No. 37 dated 14-12-1989.

**25. Penalty for concealing evacuee property.**—Any person who wilfully conceals any property which he knows or has reason to believe to be evacuee property shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

**26. Penalty for causing damage to evacuee property.**— Any person who wilfully destroys or causes damage to any evacuee property or unlawfully converts it to his own use shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

**27. Penalty for false declaration in certain cases.**— Any person who—

(i) for the purpose of obtaining an allotment or lease of any evacuee property, makes a declaration or statement which is false or which he either knows or has reason to believe to be false, or does not believe to be true, or

(ii) furnishes any return, account or information which is material to any of the purposes of this Act and which is false or which he either knows or has reason to believe to be false or does not believe to be true,

shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

**28. Penalty for offences not expressly provided for.**— Any person who contravenes any provision of this Act or of any rule or order made thereunder, or obstructs the lawful exercise of any power conferred by or under this Act or makes default in complying with any requirement of this Act or of any rule or order made thereunder, shall, if no express provision is made by this Act for punishment of such contravention, obstruction or default, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

**29. Penalty for offences committed by companies.**— If the person charged with an offence under this Act is a company or other body corporate, the director, manager, secretary or other officer of the company or other body corporate directly concerned in the management thereof shall, unless he proves that the offence took place without his knowledge or that he exercised due diligence to prevent such contravention, be deemed to be guilty of such contravention.

**30. Penalty for abetment.**— Any person who abets any of the offences punishable under this Act shall be punishable with the punishment provided for the offence.

## CHAPTER VII

### Miscellaneous

**31. Validity of transfers respecting property subsequently declared to be evacuee property.**—(1) No transfer made after the relevant date by or on behalf of any person in any manner whatsoever of any property belonging to him shall be effective so as to confer any rights or remedies in respect of the transfer on the parties thereto or any person

claiming under them or either of them if, at any time after the transfer, the transferor becomes an evacuee within the meaning of section 2 or the property of the transferor is declared or notified to be evacuee property within the meaning of this Act, unless the transfer is confirmed by the Custodian in accordance with the provisions of this Act.

(2) An application under sub-section (1) for the confirmation of any transfer may be made by the transferor or the transferee or any person claiming under, or lawfully authorised by, either of them to the Custodian within two months from the date of the transfer or within, two months from the date of the declaration or notification referred to in sub-section (1) whichever is later.

(3) Where an application under sub-section (1) has been made to the Custodian for confirmation, he shall hold an inquiry thereof in the prescribed manner and may reject the application if he is of opinion that—

- (a) the transaction has not been entered into in good faith or for valuable consideration; or
- (b) the transaction is prohibited under any law for the time being in force; or
- (c) the transaction ought not to be confirmed for any other reason.

**32. Transactions relating to evacuee property void in certain circumstances.—** (1) As from the commencement of this Act, no transfer of or transaction in respect of any property belonging to a Portuguese national shall be valid unless it is made with the previous approval of the Custodian.

(2) Subject to the other provisions contained in this Act, every transaction entered into by any person in respect of property declared or deemed to be declared to be evacuee property within the meaning of this Act shall be void unless entered into by or with the previous approval of the Custodian.

**33. Submission of information to Custodian in respect of evacuee property.—** As soon as may be but not later than sixty days from the commencement of this Act every person who is occupying, supervising or managing any property without the approval of the Custodian which he knows or has reason to believe to be evacuee property, shall submit to the Custodian or to any person authorised by him in this behalf, full information relating to such property, including the date from which or the period during which he has been occupying, supervising or managing it, and a detailed account of the rents, profits, income or other benefits received from the said property from the date from which or for the period during which he has been occupying, supervising or managing it.

**34. Vesting of property in Custodian not affected by the death of evacuee, etc.—** Where in pursuance of the provisions of this Act any property has vested in the Custodian, neither the death of the evacuee at any time thereafter nor the fact that the evacuee who had a right or, interest in that property had ceased to be an evacuee at any material time shall affect the vesting or render invalid anything done in consequence thereof.

**35. Certain officers to be public servants.—** The Custodian and every other person duly appointed to discharge any duties imposed on them by this Act or the rules or orders

made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

**36. Powers of the Custodian while holding enquiry.**— For the purpose of holding any enquiry under this Act, the Custodian shall have the same powers as are vested in a Civil Court under the law for the time being in force, when trying a suit, in respect of the following matters, namely:—

a) enforcing the attendance of any person and examining him on oath;

b) compelling the discovery and production of document;

c) any prescribed matter; and the enquiry by the Custodian shall be deemed to be a Judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Custodian shall be deemed to be a Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

**37. Jurisdiction of Civil Courts barred in certain cases.**— <sup>30</sup>[(1)] Save as otherwise expressly provided in this Act no Civil or Revenue Court shall have jurisdiction—

(a) to entertain or adjudicate upon any question whether any property or any right to or interest in any property is or is not evacuee property; or

(b) to question the legality of any action taken by Government <sup>31</sup>[or the tribunal] or the Custodian under this Act; or

(c) in respect of any matter which Government <sup>28</sup>[or the tribunal] or the Custodian is empowered by or under this Act to determine.

<sup>32</sup>[(2)] Save as otherwise expressly provided in this Act, every order made by the Government, or the tribunal or the Custodian under this Act shall be final and shall not be called in question in any court by way of appeal or revision or in any original suit or application or execution proceedings.]

**38. Protection of action taken in good faith.**— (1) No suit, prosecution or other legal proceeding shall lie against the Custodian or any person action under the direction of the Custodian in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

(2) No suit or other legal proceeding shall lie against the Central Government, Government or the Custodian or any other person in respect of any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

**39. Recovery of certain sums due.**— (1) Any sum payable to Government or to the Custodian in respect of any evacuee property, under any agreement, express or implied,

<sup>30</sup> Section 37 re-numbered as sub-section (1) by Amendment Act No. 14 of 1970 and came into force w.e.f. 18-11-1970.

<sup>31</sup> The words “or the Tribunal” inserted by Amendment Act No. 14 of 1970 and came into force w.e.f. 18-11-1970.

<sup>32</sup> Sub-section (2) inserted by Amendment Act No. 14 of 1970 and came into force w.e.f. 18-11-1970.

lease or other document or otherwise, howsoever, may be recovered in the same manner as any other sum due to Government.

(2) If any question arises whether a sum is payable to Government or to the Custodian within the meaning of sub-section (1), the Custodian shall, after making such inquiry as he may deem fit, and giving to the person by whom the sum is alleged to be payable an opportunity of being heard, decide the question; and the decision of the Custodian shall, subject to any appeal under this Act, be final and shall not be called in question by any Court or other authority.

(3) For the purposes of this section, a sum shall be deemed to be payable to the Custodian, notwithstanding that its recovery is barred by any law for the time being in force relating to limitation of actions.

**40. Record to be public documents.**— All records prepared or registers maintained under this Act shall be deemed to be public documents within the meaning of the Indian Evidence Act, 1872, and shall be presumed to be genuine until the contrary is proved.

**41. Notice of suits to the Custodian.**— If in any suit it appears to the Civil or Revenue Court that a question relating to the property of an evacuee or an intending evacuee is involved, the Court shall not proceed to determine that question until after notice has been given to the Custodian.

(2) A Court may, at any stage of a suit or proceeding, either on its own motion or on application made in this behalf by the Custodian, make an order that the Custodian shall be added as a party to the suit or proceeding, if the court is satisfied that such addition is necessary or proper for the satisfactory determination of the suit or proceeding.

**42. Fees payable to the Custodian.**— (1) The Government may fix the fees payable to the Custodian for the management or disposal of any property vested in him.

(2) Such fees shall be payable out of the income or sale proceeds of such property, shall be a first charge on the property and shall be credited and accounted for in such manner as may be prescribed.

<sup>33</sup>**43. Procedure for prosecution.**— No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Government or of any officer authorised by it in this behalf, by general or special order.]

**44. Power of Government to take action with regard to evacuee property.**—<sup>34</sup>["Save as provided under section 3, the Government may] for the purpose of regulating or improving the administration of any property which has vested in the Custodian under the provisions of this Act, pass such order or direct such action to be taken in relation thereto, as in <sup>35</sup>[its opinion] the circumstances of the case require and as is not inconsistent with any of the provisions contained in this Act.

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<sup>33</sup> "Substituted by (Amendment) Act No. 10 of 1965.

<sup>34</sup> These words and figure have been substituted for the words "Government may" by (Amendment) Act No. 19 of 1989.

<sup>35</sup> The words "his opinion" have been substituted for the words "its opinion" by (Amendment) Act No. 10 of 1965.

**45. Power to exempt.**— (i) Notwithstanding anything contained in this Act, the Government may, if satisfied as to the genuineness of a case for exemption in respect of any person or class of persons, order that the provisions of this Act shall not apply to him or to such class of persons, as the case may be, or to the property concerned, or shall apply with such modifications as may be specified in the order.

(ii) Every such order shall be published in the Official Gazette.

**46. Power to make rules.**— (1) Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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

(a) the manner in which inquiries under this Act may be held;

(b) the manner in which evacuee properties which have vested in the Custodian may be notified;

(c) the manner in which possession of any evacuee property may be taken by the Custodian;

(d) the manner in which any person claiming any right to, or interest in, any property which has been notified as evacuee property may have his claim registered and disposed of;

(e) the manner in which, any attachment may be made by the Custodian;

(f) the circumstances in which, and the conditions subject to which, the Custodian may sell any immovable property vested in him, and the procedure governing the grant of leases and the period for which leases may be granted;

(g) the circumstances in which leases and allotments may be cancelled or terminated or the terms of any lease or agreement varied;

(h) the manner in which rent of any property or damage for unauthorised possession of any property may be assessed, and the principles which may be taken into account in assessing such rent or damages;

(i) the manner in which any moneys due to the Custodian may be recovered;

(j) the form and manner in which books of accounts and other records shall be maintained by the Custodian;

(k) the form in which any notice under this Act may be issued, the manner of its service and publication and the form in which any demand may be made by the Custodian;

(l) the nature of cases and the circumstances in which and the conditions subject to which property may be restored under section <sup>36</sup>["15"].

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<sup>36</sup> These figures have been substituted for the figures "16" by (Amendment) Act No. 10 of 1965, published in Government Gazette, Series I No. 12, dated 17-6-1965.

(m) the powers vested in a Civil Court which may be exercised by the Custodian while holding any inquiry under this Act;

(n) the manner in which applications for the previous approval of the Custodian may be made under section 31 and the matter which he shall take into account in granting such approval, and the nature of cases and the circumstances in which the Custodian may confirm or refuse to confirm a transfer under that section;

(o) the form and manner in which and the time within which appeals may be preferred and the fees payable in respect thereof;

<sup>34</sup>[(p) the furnishing of security by the Custodian and other officers appointed under the Act ];

(q) the fees payable to the Custodian for the management and disposal of any property vested in him and the manner in which such fees shall be paid, credited or accounted for;

(r) the person by whom and the time at which books of accounts maintained under this Act may be inspected and audited;

<sup>35</sup>[(rr) the securities in which the Custodian may invest any moneys held by him;]

(s) any other matter which has to be or may be prescribed under this Act.

**47. Repeal and Savings.**— (1) The Proclamation No. XII dated 22nd January, 1962 issued by the Military Governor of Goa, Daman and Diu is hereby repealed.

(2) The repeal by this Act of the aforesaid Proclamation shall not affect the previous operation of that Proclamation and anything done or any action taken in the exercise of any power conferred by or under that Proclamation shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

<sup>36</sup>“**47A. Power to remove difficulties.**— If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it be necessary or expedient for removing the difficulty.”

Secretariat,  
Panjim.  
December 31, 1964.

S. BALAKRISHNAN,  
Secretary to the Government  
of Goa, Daman and Diu.

<sup>34</sup> Substituted by (Amendment) Act No. 10 of 1965.

<sup>35</sup> Inserted by (Amendment) Act No. 19 of 1989.

<sup>36</sup> Inserted by the Goa Administration of Evacuee Property (Amendment) Act, 2001 (Goa Act 39 of 2001).



**GOVERNMENT OF GOA, DAMAN AND DIU****Home Department****Notification**

HD/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.

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

**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.

<sup>1</sup>[ ... ]

**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.

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<sup>1</sup>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.”

(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.

<sup>2</sup>[(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.]

<sup>3</sup>[**6. Notice of surrender possession under sub-section (3) of section 6 (1).**— (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,

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<sup>2</sup>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.”

<sup>3</sup>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”

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.

<sup>4</sup>[...]

**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.

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<sup>4</sup>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.”

(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. <sup>5</sup>[The rent for the property so leased shall be determined by the Custodian by following the C.P.W.D. Code.]

<sup>6</sup>[**20A. Assessment of damages in cases of unauthorised possession.**— 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 out-station 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.**<sup>7</sup>[**Management] and other charges.**— (1) A fee equivalent to <sup>8</sup>[20] per cent of gross realisation made from evacuee property shall be charged as <sup>7</sup>[Management] 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.

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<sup>5</sup> These words have been added vide Amendment Rules, 1977, published in Official Gazette, Series I No. 53 dated 31-3-1977.

<sup>6</sup> Rule 20 A is inserted *Ibid.*

<sup>7</sup> 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.

<sup>8</sup> 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.

**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) <sup>9</sup>[Rupees fifty] 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.

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<sup>9</sup>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.

**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.**— <sup>10</sup>[(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.

(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 30x30 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]

<sup>10</sup> 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 <sup>11</sup>[Rs. 5/-]. 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.

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<sup>11</sup>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.

## (b) Unidentifiable Property:

- (i) Sale-proceeds.
- (ii) Other receipts.

## (C) Miscellaneous

- (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.

<sup>12</sup>[(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

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<sup>12</sup> 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.”

account in Fixed Deposit Receipts with <sup>13</sup>[any nationalised bank or invest in National Savings Organisation]. 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].

**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.

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<sup>13</sup> 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.

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 Custodian  
Assistant

—  
**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, by ....failing 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 Sec. 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 Custodian  
Assistant

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  
[See Rule 21(2)]

**Custodian of Evacuees'  
Property**

Dated ....196 ....

Book No. Receipt No....

Rs..... Rupees

On account of ....

Signature of cashier/official  
granting receipt.

FORM No. 9  
[See Rule 21(2)]

**Custodian of Evacuee  
Property  
Receipt for payment  
to Government**

Dated ... 196 ...

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

Rs..... Rupees

On account of ....

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, bath-room, 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 Head of family)	Authority of occupation, if any (allotment or confirmation letter 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 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 Sl. 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 Labels**

Name 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
Reference to
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 ... Evacuee**

Immovable property Register No.	Agricultural Property Register No.	Page No.	Movably property Register No.	Page No.	Debts or claims due to Evacuee Register No.	No. Page
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 No. Page	Amount	Progressive Total	Balance	Initials	Remarks
8	9	10	11	12	13









**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. HIGHEST BIDDER	11	
No. and date of receipt issued		
Remarks	13	



**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 of Shop No.	Name parentage and address of Owner	Name and other particulars of tenants	Particulars of property	Date of occupation	Authority	Monthly rent	Arrears upto 6-12-61	Initials of Rent Officer or any Govt. servant authorized by the Custodian	APRIL
1	2	3	4	5	6	7	8	9	10	11
										a. Rent assessed b. No. and date of receipt c. Amount realized d. Balance

MAY				JUNE				JULY				AUGUST			
12				13				14				15			
a. Rent assessed	b. No. and date of receipt	c. Amount realized	d. Balance	a. Rent assessed	b. No. and date of receipt	c. Amount realized	d. Balance	a. Rent assessed	b. No. and date of receipt	c. Amount realized	d. Balance	a. Rent assessed	b. No. and date of receipt	c. Amount realized	d. Balance

SEPTEMBER				October				November				December			
16				17				18				19			
a. Amount assessed	b. Amount realized	c. No. and date of receipt	d. Balance	a. Amount assessed	b. No. and date of receipt	c. Amount realized	d. Balance	a. Amount assessed	b. No. and date of receipt	c. Amount realized	d. Balance	a. Amount assessed	b. No. and date of receipt	c. Amount realized	d. Balance

January				February				March				Amount written off		Balance [(column 22 (d) minus 23 (b))]		Remarks	
20				21				22				23		24		25	
a. Amount assessed	b. No. and date of receipt	c. Amount realized	d. Balance	a. Amount assessed	b. No. and date of receipt	c. Amount realized	d. Balance	a. Amount assessed	b. No. and date of receipt	c. Amount realized	d. Balance	a. Rent to Order	b. Amount				

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



**FORM No. 24**

[See Rule 32 (viii)]

**Receipts and Payments Account of Evacuee's Interest in Business, Companies, etc.**

1	2	3	4			
Sl. No.	Name and parentage of evacuee	Name of business, company, etc., with office in which evacuee has interest	Particulars and extent of interest of the evacuee in the business			

  

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

**FORM No. 25**

[See Rule 32 (ix)]

**Demand and Collection Register for Agricultural Property**

Sl. No.	Sl. 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		INITIAL		Realisations Sl. 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	Sl. 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	Sl. 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. 27**

**Details 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/Custodian's fees	(2) Net receipts	Remarks
1	2	3	4	5	6



**FORM No. 28**  
(See Rule 83)

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

Sl. 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.

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

*M. C. Sharma*  
Chief Secretary

Panjim, 19th April, 1966.

## Home Department (Passports)

### Notification

HD/33/3588/71-C

In exercise of the powers conferred by Section 46 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (6 of 1964) and in supersession of the Government Notification No. HD/33/8019/67 dated 25-9-1967 published in the Government Gazette, No. 27, Series I dated 6-10-1967, the Government of Goa, Daman and Diu hereby makes the following Rules, namely:—

**1. Short title and commencement.**— (1) These rules may be called the Goa, Daman and Diu Disposal of Immovable Evacuee Property Rules, 1977.

(2) They shall come into force at once.

**2. Procedure for sale of immovable evacuee property by public auction.**— (1) Where any immovable property is to be sold by auction, it shall be sold through an Officer appointed or auctioneer approved by the Government.

(2) The terms and conditions on which auctioneers may be appointed shall, from time to time, be determined by the Government.

(3) The Custodian or any Officer authorised by him in his behalf shall cause a proclamation of the intended sale to be made in English or Marathi or Konkani in the District of Goa and English Gujrati in the District of Daman and Diu.

(4) Notice of the intended sale shall be given 30 days before the proposed sale and every such notice shall set the date, time and place of proposed sale, the description of the immovable property to be sold, its locations and boundaries where possible the terms and conditions of sale any other particulars which the Custodian or any other Officer considers material.

(5) One copy of the notice shall be affixed on conspicuous part of the immovable property to be sold. It shall be in the discretion of the Custodian to advertise the sale in newspapers or in such other manner as he may deem fit.

(6) Every auction of the immovable property under these rules shall be subject to a reserve price fixed in respect of the immovable property and such reserve price may not be disclosed.

(7) The Officer conducting the auction may, in his discretion with-hold the sale of any immovable property without assigning any reasons therefor.

(8) The officer conducting the auction may, at his discretion, for reasons to be recorded in writing, adjourn the sale to a specified date and hours and an announcement to that effect shall be made at the time of the adjournment for the sale provided that when the sale is adjourned for a period extending fourteen days, a fresh notice shall be published.

(9) No Officer or other persons having any duty to perform in connection with the valuation or sale of any immovable property shall either directly or indirectly bid for or otherwise acquire any interest in such immovable property.

(10) The person declared as the highest bidder for the immovable property, at the auction shall pay in cash or Bank Draft or in any such other form as may be required by the Custodian or the Officer conducting the sale, immediately on the fall of hammer, a deposit not exceeding twenty per cent of the amount of his bid to the Officer conducting the sale and in default of such deposit the property may be re-sold.

(11) The bid in respect of which the initial deposit has been accepted shall be subject to the approval of the Custodian or an Officer, appointed by him for the purpose:

Provided that no bid of immovable property shall be approved until after the expiry of a period of 7 days from the date of auction.

(12) Intimation of the approval of the bid or its rejection shall be given to the highest bidder (hereinafter referred to as “auction purchaser”) by registered post acknowledgment due and the auction purchaser shall, where the bid has been accepted, be required within 15 days of the receipt of such intimation to deposit the balance of the purchase money:

Provided that the Custodian or other officer appointed by him may, for reasons to be recorded in writing extend the aforesaid period of 15 days by such period as the Custodian may think fit.

(13) If the auction purchaser does not deposit the balance of the purchase money within the period specified in sub-rule (12), the initial deposit made by the auction purchaser under sub-rule (10) shall be liable to forfeiture and the Custodian shall be entitled to re-sell the immovable property at the risk and cost of the defaulting auction purchaser.

(14) Where the purchase price has been realised in full from the auction purchaser, the Custodian shall issue to him, a Sale Certificate which shall be stamped and registered at the cost of the auction purchaser.

**3. Procedure for setting aside sale.**— (1) Where a person desires that the sale of any immovable property made under the aforesaid rules should be set aside because of any alleged irregularities or fraud, in the conduct of sale, he may make an application to that effect to the Custodian or any other Officer authorised by him in this behalf.

(2) Every application for setting aside the sale under these rules shall be made within seven days from the acceptance of the bid when the sale is made by public auction.

(3) If after consideration of the facts alleged, the Officer to whom the application is made under these rules shall be satisfied that any material irregularity or fraud has been committed in the publication or conduct of the sale, he may make an order that the property may be re-auctioned:

Provided that no sale can be set aside under these rules unless upon the fact proved, such Officer is satisfied that the applicant has sustained substantial injury by reason of irregularity or fraud, as the case may be.

(4) Notwithstanding anything contained in these rules, the Custodian may, on his own motion or on a reference made in this behalf by the Government, at any time, set aside sale under these rules if he is satisfied that any material irregularity or fraud, which has

resulted in a substantial injury to any person, has been committed in the conduct of the sale:

Provided that no such sale shall be set aside after the expiry of one year from the date of the completion of sale unless the opportunity has been given to the purchaser to appear and be heard.

**4. Rules applicable for disposal of composite immovable property.**— The above rules shall apply as far as may be possible for the disposal of composite immovable property which is jointly owned by an evacuee and a non-evacuee.

**5. Reserve price.**— The reserve price shall be fixed by the Custodian with the help of the Mamlatdar or Collector of the Revenue Department and/or Director of Agriculture, in case of sale of land, and with the help of Chief Engineer of Public Works Department or his nominee in other cases.

**6. Acceptance of bid.**— The Custodian shall not accept the bid below the reserve price. If the bid is less than the reserve price, the immovable property shall be disposed off by re-auction. If at the second auction, the highest offer is less than the reserve price, the Custodian may, at his discretion accept the offer.

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

*K. B. Verekar*, Under Secretary (Home).

Panaji, 12th June, 1978.

## Home Department (Passports)

### Notification

HD. 33/13588/71-P(II)

In exercise of the powers conferred by clause (f) of sub-section (2) of section 46 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (6 of 1964), and in supersession of the Government Notification No. HD. 33/17964/67 dated 6-1-1968 published in the Government Gazette, Series I, No. 41 dated 11-1-1968, the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

**1. Short title and commencement.**— (1) These rules may be called “Transfer of Evacuee Property (Agriculture Plots and Abadi Sites) Rules, 1977.”

(2) They shall come into force at once.

**2. Transfer of Evacuee Property on payment of 20 times annual Rent.**— The Custodian of Evacuee Property may with the previous approval of the Government transfer any agricultural property declared as Evacuee Property under the provisions of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 (hereinafter called the Act), to a tenant who is in continuous and uninterrupted possession and occupation of such property from a date prior to 6-12-1961, on payment of 20 times of the annual rent.

**3. Transfer of Property on payment of 25 times annual Rent.**— The Custodian of Evacuee Property may, with the previous approval of the Government, transfer any agricultural property declared as Evacuee Property under the provisions of the Act to an occupant who has occupied such property after 6-12-1961 but before 6-12-1966 and is in continuous and uninterrupted possession of the said property on the date of transfer, on payment of 25 times of the annual rent.

**4. Disposal of non-agriculture plot contiguous to agricultural property.**— The Custodian of Evacuee Property may, with the previous approval of the Government, offer to sell any non-agricultural plot contiguous to agriculture property on which the tenants have constructed dwelling houses before 6-12-1961 to the occupants of such lands at the upset price fixed by the Custodian. In case they do not wish to purchase the said plot, suitable rent will be fixed and they are liable to pay such rent till the plots are finally disposed off.

**5. Period of notice.**— The Custodian of Evacuee Property shall give notice in writing to the tenant or occupant mentioned in Rule 2 or 3 or 4, as the case may be, requiring such tenant or occupant to intimate within 30 days from the date of service of the said notice whether he is willing to purchase the property or not.

**6. Determination of purchase price.**— If the tenant or occupant intimates his willingness to purchase the land within the period specified in the preceding Rule, the Custodian shall determine the price of the land to be paid by the tenant or occupant in consultation with any other Government Department or officer, if deemed fit.

**7. Mode of payment of purchase price.**— (1) On the determination of purchase price by the Custodian under the preceding rule, the tenant or occupant shall have the option to deposit the purchase price either in lumpsum or in twenty equal annual instalments.

(2) The first instalment of the purchase price shall be paid by the tenant or occupant within thirty days from the date of allotment order and the subsequent instalment shall be paid within a period of one year from the date on which the previous instalment was due.

(3) Where the purchase price is payable in lumpsum under sub-rule (1), the lumpsum shall be paid within a period of six months from the date of allotment order.

(4) The Government may vary the period of payment, laid down under this rule, in cases or class of cases wherever Government feels appropriate.

(5) Where the tenant or occupant fails to intimate his willingness within the period specified in Rule 5 or having intimated his willingness fails to pay lumpsum or first instalment, the tenant or occupant shall be deemed to have relinquished his right to purchase the property and he shall forthwith forfeit all his rights, title and interest in the property and the same shall be offered to any other person as per the rules.

(6) Where the tenant or occupant deposits the first instalment but fails to pay any subsequent instalment within the due date, the Custodian may, at his discretion decide either to grant him extension of time limit as may be considered reasonable with the previous approval of the Government and the amount in default shall carry interest at the rate of six per cent per annum:

Provided that nothing shall prevent the Custodian to recover the defaulted amount together with any interest due as arrears of land revenue.

**8. Determination of rent.**— The amount of rent payable by the tenant or occupant, whichever the case may be, for the purposes of these Rules, shall be determined by the Custodian of Evacuee Property, in the case where it has not already been fixed, and the decision of the Custodian of Evacuee Property thereon shall be final.

**9. Fixation of upset price and mode of payments in respect of non-agricultural land intended for constructing dwelling houses.**— If the tenants of the agricultural property desire to purchase the non-agricultural land contiguous to the agricultural land held by them for the purpose of constructing the dwelling houses, such lands may be offered to them by the Custodian, with the previous approval of the Government at the upset price, in such a case or cases, that may be fixed by the Custodian. The cost of the land shall be paid in the same manner as provided in rule 7.

**10. Disposal of land and trees contiguous to agricultural property.**— (1) The rest of the land and trees contiguous to agricultural property which are not specifically covered under these rules may be disposed of by the Custodian with the previous approval of the Government to the freedom fighters, to the serving members of the Armed Forces and/or ex-Servicemen who are ordinarily resident in the Union territory of Goa, Daman and Diu for not less than fifteen years, to persons who are mundcars and who have been evicted from the site of their dwelling house, and to the Government servants of the Union territory of Goa, Daman and Diu, on receipt of an application in that behalf, without auction in occupancy rights.

(2) Such grant may be made on inalienable tenure on payment of occupancy price as may be determined by the Government, if the Custodian, after necessary enquiries, is satisfied that these persons do not own any building plot or a building either in their own name or in name of any member of their family or dependent anywhere in the Union territory of Goa, Daman and Diu or outside it.

(3) A serving member of the Armed Forces or an ex-Serviceman (or if he is dead or he is unable to write for any reason, then his wife, major son, father, mother or brother in undivided family) may make an application for grant of land for residential use to the Custodian. Such application shall be made through the Chairman, Goa, Daman and Diu Rajya Sainik Board, Panaji, having jurisdiction over the concerned District.

**11. Extent of land which may be granted.**— (1) For the purpose of these Rules, the extent of allocable land which may be granted to any one person shall not exceed an economic holding:

(2) No allocable land shall be granted.—

(a) to any individual—

(i) who (not being a serving member of the Armed Forces or a freedom fighter) does not reside within a radius of eight kilometres of the village in which such land is situated, or—

(ii) who holds land equal to or more than one economic holding.

(b) to a joint farming society or a farming society if —

(i) the majority of its members do not reside within a radius of eight kilometres of the village in which the land is situated, or

(ii) any members thereof hold land equal to or more than one economic holding:

Provided that, this condition may be relaxed in favour of a society if its total holding does not exceed the area determined under sub-rule (4) of this rule by two hectares:

Provided further that, as between persons residing in the village where the allocable land is situated and persons residing outside such village but within a radius of eight kilometers thereof, preference in granting land may be given to the residents of the village.

(3) While granting land, the Custodian shall as far as possible ensure that the total land held by an individual after the grant of land does not exceed one economic holding.

(4) In case of a joint farming society or a farming society the extent of land which may be granted shall be determined by multiplying the number of members of the society by the area corresponding to one economic holding per each member of a society minus the area of the land already held by such members:

Provided that, any such society may, for the purpose of full and efficient use of the land for agriculture and its efficient management and for maintaining the integrity of any area in one or more compact blocks, be granted land in excess of the area so determined

so however that, except the previous sanction of the Government, the total area of the land so granted does not exceed twice the area determined as aforesaid.

**12. Economic holding.**— For the purpose of these rules, the term “Economic holding” means:—

- i) one hectare of paddy land, or
- ii) one hectare of land used for coconut garden, or
- iii) one hectare of land used for arecanut garden, or
- iv) one hectare of land used for cultivation of sugarcane, or
- v) one hectare of land under perenial irrigation, or
- vi) two hectares of any other land.

*Explanation I.*— Where total land held by a person consists of two or more of the aforesaid six clauses of lands, the area of economic holding shall be determined on the basis of one hectare of paddy land being equal to one hectare of land used for coconut garden or one hectare of land used for cultivation of sugarcane or one hectare of land used under perenial irrigation or two hectares of any other land.

*Explanation II.*— “Irrigation” means irrigated by any irrigation work whether constructed or maintained by the Government or not.

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

*G. M. Sardessai*, Under Secretary (Home).

Panaji, 11<sup>th</sup> March, 1977.