

Devasthan Regulation

(English translation of the "Regulamento das Mazanias" as approved by Diploma Legislative No. 615 dated 30-3-1933 and amended by Diploma Legislative No. 1898 dated 29 -5-1959) along with Amendments carried out by the Government post Liberation of Goa.

1. **The Goa, Daman and Diu Legislative Diploma No. 645 dated 30-3-1933(First Amendment) Act, 1980**; published in the Official Gazette Series I No. 9 dated 29-5-1980 and shall come into force at once.
2. **The Goa, Daman and Diu Legislative Diploma No. 645 dated 30-3-1933(Second Amendment) Act, 1983**; published in the Official Gazette Series I No. 22 dated 1-9-1983 and shall come into force at once.
3. **The Government Order No. 16/14/87-RD dated 23-10-1987**; published in the Official Gazette Series-I No.31 (Extraordinary) dated 29-10-1987.
4. **The Goa, Daman and Diu Legislative Diploma No. 645 dated 30-3-1933 (Amendment) Act, 2013**; published in the Official Gazette Series I No. 7 (Extraordinary-4) dated 22-5-2013 and shall come into force at once.

And

Government Order No. 7729 (Dated 14th January, 1960)

Regulations Governing Hindu Temples (Devasthans) of Goa, Daman and Diu.

TITLE I

Relating to the constitution and management of the bodies of members (mazanias) of Hindu Temples (Devasthan).

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Government order No. 7729 dated 14-1-1960.
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ENGLISH TRANSLATION OF THE ORIGINAL IN PORTUGUESE

Act of Legislature No. 645 dated 30th March, 1933 (As amended by Act of Legislature No. 1898 dated 29th May, 1959)

The Regulation governing Hindu Temples in force, approved by Government Order No. 584, dated 30th October, 1886, contains many provisions that need to be brought up-to-date in view of the requirements of service and convenience of public interest, it being equally necessary, to enact on new services of a great importance for these associations, by adapting to them the legislation by which congenerous institutions of Goa, Daman and Diu are governed.

Thus:

It being imperative the promulgation of a new Regulation Governing Hindu Temples;

Under approval of Government Council, the ~~Governor General~~¹ [Government] of Goa, Daman & Diu (Estado da India) in exercise of the competence conferred on him by article 76 of Organic Charter in force, determines and orders to be published as follows:

Regulation Governing Hindu Temples (Devasthans) of Goa, Daman & Diu

TITLE I

Relating to the constitution & management of the bodies of members (mazanias) of Hindu Temples (Devasthans)

CHAPTER I

General provisions

Art. 1— The Hindu religious associations, known as bodies of the members (mazanias) of Devasthans, shall be subject to the provisions under this Regulation and under the respective bye-laws legally approved.

Art. 2— A body of members (mazania) shall be the association of components of a Hindu temple, constituted according to the rite of their religion, for the exercise of cult.

Para 1— Members (mazanes) shall be those who, according to the respective bye-laws, enjoy this quality, in which their male descendants in direct line and those adopted according to the respective Code of usages and customs shall succeed.

¹ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

Para 2— The quality of member (mazane) by hereditary right and birth-right shall be intransmissible.

Art. 3— From the date of coming into force of this Regulation, all the provisions previously promulgated that may be relative to the subject matters comprised in it, shall stand repealed.

Para 1— In the omissive cases always the general law shall be followed.

Para 2— All the modifications that in future may be made in the subject -matter contained in this Regulation, shall be considered to form its part and inserted in the proper place.

Art. 4—The taluka (concelho) administrators shall be the administrators of the bodies of members (mazanias) and as such legitimate authorities to control their administrative matters.

Art. 5— The bodies of members (mazanias) shall be represented at the Courts and public offices by their ordinary or special attorneys; and in Civil Acts and agreements, by the respective managing committee.

Art. 6— The bodies of members (mazanias) shall enjoy the right of availing themselves of the procedure of coercive recovery against their debtors, the latter's sureties and against those who by any way constituted themselves depositaries or trustees of their funds, it being observed the provisions under this Regulation.

Art. 7— The institution of law suits, the transaction, confession or desistence from the request, before the courts of justice shall require the authorization of the Administrative, Fiscal & Audit Tribunal.

Para 1— The bringing up of any other action shall be preceded only by the authorization of taluka (concelho) administrator.

Para 2— Any kind of transaction that, in modification of the respective agreements, may suit the interests of the association, shall require the authorization of Governor General, preceded by consultive vote or pronouncement of the Administrative, Fiscal and Audit Tribunal.

Art. 8— In all law suits in which the bodies of members (mazanias) may be interested parties, there shall be consultation with and intervention of the Public Prosecutor, as a protecting Magistrate.

Para — The non-intervention of the Public Prosecutor shall not constitute an unsuppliable nullity.

Art. 9— The personal citation of the, body of members (mazania) for the commencement of action and execution shall be made in the person of respective ordinary attorney.

Art. 10— The seizure or distraint for debts of the bodies of members (mazanias) can never fall on the buildings of temples, images, jewels, articles of cult and any religious implements and movables meant for cult and the deposit should be made always in the hands of the treasurer of the respective managing committee, who shall intimate it to the Administrator within the time limit of forty-eight hours, under pain of being dismissed.

Para — The attorney shall intimate the seizure to the administrator within 48 hours, under pain of being dismissed, when the seizure may be relative to immovables.

Art. 11— The bodies of members (mazanias) may carry out the remission of liabilities weighing legally upon them, it being the value of remission equivalent to twenty annual instalments in addition to the respective dues (fines).

Para 1 — It shall be equally remissive the annual rents (foros) or any instalments in cash or kind belonging to the bodies of members (mazanias), it being the value of remission equivalent to 20 annual instalments, in addition to the respective dues (fines).

Para 2 — A bond shall be drawn up of the remission, wherein it shall be declared the designation, area and boundaries of the onerous property, amount and payment of the price of remission.

Para 3 — The proceeds of the remission shall only be spent on payment of book-debts that may yield interest, purchase of shares of “comunidade” or lending at interest.

Art. 12 — The rural and urban properties belonging to the bodies of members (mazanias) that hitherto may not have been registered at the office of the Land Registrar of the respective judicial district (Comarca), shall be so within the time limit of one year from promulgation of this Regulation in Government Gazette of Goa, Daman & Diu.

Art. 14 — The bodies of members (mazanias) cannot require immovable properties by onerous title, without prior authorisation of Governor General.

Para — However, they may acquire the following without this authorisation:

1) The annual rents (foros), quit-rents, encumbrances and shares or any rights inherent in rural or urban properties, only for the purpose of constituting full ownership of immovable property;

2) The rural or urban properties in public auction at any executions or inventories in which they may be executors or creditors, at values equivalent to the limits of their credit.

Art. 16 — The writings whose translation into Marathi language is prescribed under this Regulation, should be translated in Gujarati in the districts of Daman & Diu.

CHAPTER II

SECTION I

Relating to the bye-laws of the bodies of members (mazanias)

Art. 17— The bodies of members (mazanias) in order to have a legal constitution, shall be required to have bye-laws approved by Government, wherein, it should be mentioned the designation of the Devasthanans and their dependent temples, of the groups or family groups of which the bodies of members (mazanias) are composed, tribe, “gotra” (progeny comprising various families), when the associates are brahmins, class and surnames (mazanias) rights and obligations, honours and responsibilities of each family group, and of families within the family groups, cult, obligatory religious acts and festivities, fund receipts and expenditure, servants and their obligations and pay, rates of cultural and festive acts, and any other provisions that may not be in opposition to this Regulation and to the general law.

Art. 18— The drafts of the bye-laws shall be prepared by special committees appointed by Governor General, and they should be written in an ordinary paper, in duplicate, with their Marathi or Gujarati or Urdu translation, and accompanied by the respective lists of members (mazanias).

Para 1 — These drafts shall be subsequently submitted to the discussion and approval of the body (mazanias) or assembly of the members (mazanias) and the latter may introduce therein the alterations that it may deem just and convenient.

Para 2— The body of members (mazanias) shall be convoked by means of a notice with Marathi translation published in Government Gazette, in three successive issues, thirty days in advance and with observance of other formalities mentioned under para 4 of article 38.

Para 3 — These drafts shall be approved by deliberation taken by an absolute majority of the members (mazanias) enrolled in the catalogues concerned, however, it shall be enough the deliberation of a simple majority when the members (mazanias) do not meet in two successive sessions or, after meeting, they cannot complete it.

Para 4 — The Managing Committee shall forward to the office of taluka (concelho) administrator these drafts, modified or not by the deliberations of bodies of members (mazanias) and accompanied by the respective records of proceedings of the assemblies of members (mazanes).

Para 5— The taluka (concelho) administrators shall authenticate the said documents and shall submit them to the approval of Government, together with their remarks.

Para 6 — The translation referred to under the body of article shall be vised by the official translator of the Indian languages, prevailing, in case of doubt, the meaning comprised in Portuguese text.

Art. 19 — The bodies of members (mazanias) shall be allowed to deliberate on any alterations or reform of their bye-laws already approved by Government and come into effect, provided that such alterations do not contradict essentially the basic organization and the acquired rights, and these alterations should be submitted to the approval of Government, accompanied by a copy of the record of proceedings of the deliberation of body of members (mazanias) by a copy of the catalogue of members and by a nominal list of deliberating members (mazanes).

Para — It shall apply to the reform of bye-laws in force the provisions relating to their original preparation, discussion and approval of their drafts.

Art. 20— The bye-laws approved by Government shall be published at the cost of the bodies of members (mazanias) concerned in Government Gazette and they shall be registered by the clerk concerned in the appropriate book together with the Marathi, Gujarati or Urdu translation, as the case may be.

Para — The provisions under this article shall apply to the reform or modification of the bye-laws.

SECTION II

Relating to the Management of bodies of Members (Mazanias)

Art. 21 — There shall be two junior clerks (amanuenses) and a peon in the section in charge of bodies of members (mazanias) at the office of taluka (concelho) Administrator of Ponda, and a junior clerk (amanuense) in those of Bicholim, Sanguem, Pernem & Canacona Talukas (concelhos) and they shall be paid by the associations concerned.

Para — Until the Offices of other taluka (concelho) administrators have exclusive junior clerks (amanuenses) for the service relating to the bodies of members (mazanias) the respective administrator should entrust with this service to any of the fit employees of other sections.

Art. 22 — The appointment to the post of junior clerks (amanuenses), the fixation of their salaries, the transfer and retirement as well as the fixation of special pay for the employees entrusted with the service relating to the bodies of members (mazanias) referred to under the para of article 21, shall be regulated in Government order.

(Transitory article) — The employees who at present perform the service relating to the bodies of members (mazanias) at the offices of taluka (concelho) Administrators of Ponda, Bicholim, Pernem, Sanguem and Canacona, and have at least two years' good and effective service, are hereby designated as junior clerks (amanuenses) and peons, and they are maintained in their posts, independently of competitive tests or any other formalities.

CHAPTER III

SECTION I

Relating to the body of members (mazania) and the members (mazanes) their enrolment, rights and obligations

Art. 23 — The bodies of members (mazanias) shall have a catalogue of their components written down in the book concerned, prepared according to model No. 24, annexed to this Regulation, which shall be revised every year by the Managing Committee till 31st December, by making therein the enrolments in harmony with the bye- laws, the necessary eliminations and the endorsements to the enrolments of those who may become incapable.

Art. 24 — It shall be permitted the enrolment of members (mazanes) residing abroad, provided they satisfy the legal requirements.

Art. 25 — In view of the catalogue, the clerk of the committee shall draw up, till the 15th January, a list, in duplicate, of the capable members (mazanes) or associates, it being displayed one copy for the inspection of interested persons, at the respective temple, with a prior notice published in the periodicals of the taluka (concelho), there being any, or in Government Gazette and the other forwarded to the Office of Taluka (Concelho) Administrator till the 20th of the said month.

Art. 26 — The interested persons who may intend to be enrolled in the catalogue or in the list of capable members, or to object to the last revision or the list prepared, shall present, till 31st January, against receipt, to the Managing Committee, their petitions or objections in an ordinary paper, with the supporting documents, which petitions or objections shall be decided by the committee till 10th February.

Para 1 — The clerk of the Committee shall facilitate at the records room the inspection of the catalogue and other concerned information, demanded by the attorney of the Committee members (mazanes) and associates, when they are applicants, from 20th to 31st January, and he shall issue independently of order, the certificates that may be asked of him for the purposes of this article.

Para 2 — An appeal may be lodged against the decision of the Committee, granting or rejecting the request, in the first case, by the attorney and in the second, by the interested person, to the body of members (mazanias) or against the latter's deliberation, taken in its session of the month of March, to the Administrative, Fiscal

and Audit Tribunal, within the time limits prescribed under the respective Regulation.

Para 3 — The file being returned with a definitive decision, this shall be fulfilled by the clerk of the Committee within five days from its receipt.

Art. 27 — No person shall be considered to be a member (mazane) or associate without his prior enrolment in the catalogue concerned.

Art. 28 — For the purposes of this Regulation, capable members (mazanes) shall be deemed those who may be of age or those considered legally as such, and those not comprised under articles 32, 33 and 34.

Art. 29 — One and the same person can be a member (mazane) or associate in more than one body of members (mazania).

Art. 30 — It shall be of the competence of a body of members (mazanias):

- 1) To decide the appeals lodged against the deliberations or orders of the Committee;
- 2) To vote, after the formalities under articles 19 and 38 are observed, the temporary suspension or expulsion of a member (mazane) from the community of corporation, according to the seriousness of his fault after the accused is heard beforehand;
- 3) To emit its founded opinion on the preparation of ordinary and supplementary budgets, extraordinary expenditure, annual statement of account, grant of long-term leases (aforamentos) legalization of possessions, withdrawal of loans, alienation of estate, bringing up of actions, acceptance of onerous grants, bonds of recognition of emphyteusis and on any matters in which it may be directed to reply;
- 4) To deliberate on other extraordinary acts whose initiative is not conferred on others by this regulation;
- 5) To elect every three years the members of the Managing Committee, in the terms prescribed under this Regulation and respective bye-laws;
- 6) To appoint special attorneys for the purpose of articles 5 & 7;
- 7) To inflict pecuniary penalties upon the members (mazanias) or associates in the terms provided for under this Regulation.

Para — Against the irregularities and nullities of the election, appeal may be filed to the Administrative, Fiscal and Audit Tribunal within the time limit of 10 days from the act of election.

Art. 31 — It shall be incumbent on the members (mazanes) or associates:

- 1) To discuss and vote in all their meetings;

2) To examine the statements of receipts and expenditure, the estimates for auction and its conditions, the statements of accounts and ordinary and extraordinary budgets, in the periods and in the manner laid down under this Regulation;

3) To vote and be voted for the offices of members of the Managing Committee and their substitutes;

4) To make up for deficit where there may be this obligation, according to the respective rules or bye-laws;

5) To request the Chairman of the Managing Committee to convoke the body of members (mazania) or Association as laid down under Para 6 of article 38;

6) To present all and any denunciations or complaints and promote all that may be necessary in benefit of the interests of the association.

Para — In the event of the denunciation not being proved, the denunciator shall be bound to pay fine, and condemned to the respective costs and stamp. The fine shall range from Rupees 5 to 50, according to the degree of culpability and it shall be fixed by the authority giving the respective decision; this fine should be credited to the coffers of the body of members (mazania) and the denunciator shall be condemned to it only in the event of bad faith.

7) To indicate and propose all the means for the increase of funds and properties of the association.

Para 1 — The capable members (mazanes) can exercise all the acts of their competence, mentioned under No.1, through an attorney legally constituted with special powers, who cannot represent more than one constituent.

Para 2 — In the event of it being the question of vote, the respective subject shall be recorded in the power of attorney, and this may be substituted by an express declaration of vote, singularly given, and with the signature witnessed by the notary public, towards which it shall be due the stamps mentioned under No. 15 of the Schedule annexed to the Stamp Regulation approved by Govt. Order No. 539 dated 29th August, 1927.

8) To appeal against the deliberation of the body of members (mazanias) or association and of the Managing Committee;

9) To consult the Managing Committee in writing on all that they think to be of the interest of association;

10) To clarify the Committee concerned on all the matters in which they may be consulted;

11) To serve the administrative posts to which they may be appointed and to discharge any service commissions with which they may be charged; they shall not be bound to serve for more than three years the posts of Managing Committee, and others for more than a two-year period.

Art. 32 — The following persons shall be forbidden to take part in the deliberations of the body of members (mazania) as they are incapable:

- 1) The minors not emancipated;
- 2) The interdicted, debtors of the body of members (mazania) or/of associations, after being judged as such by an administrative or judicial verdict;
- 3) Those who may have lawsuits or disputes with the body in the matter relating to the same lawsuits;
- 4) Those who may be judged by a verdict made definitive, as usurpers of the fields or lands of the temples;

Art. 33 — The following persons cannot be voted nor appointed to the posts of the body of members (mazania):

- 1) The minors not emancipated;
- 2) The interdicted and those indicated definitively;
- 3) The debtors, their sureties and the latter's heirs and those who may be in current account with the association;
- 4) Those who do not know to read, write and count in Portuguese or Marathi or Gujarati.

Art. 34 — The usurpers of the lands of an association shall be incapable to take part in its deliberations, to occupy any posts of associations, to bid at the auctions by themselves or by an intermediate person.

Art. 35 — It shall be incumbent on the Chairman of the Committee to take measures so that the incapable do not take part in the deliberations and on the clerk-cum-secretary of the assembly, not to receive the signatures of the said incapable persons on the book of records of proceedings.

Para — However, it shall be permitted to those who may think themselves injured with the refusal of the clerk to have recorded their protest at the end of the record of proceedings, to be taken in due consideration by the competent authority.

SECTION II

Relating to the meetings of the bodies of Members (mazanias)

Art. 36 — The meetings of sessions of the bodies of members (mazanias) shall be public and they shall be presided over by the Chairman of the Managing Committee.

Para 1 — In the impediment of the Chairman, his substitute shall replace him, and in the simultaneous impediment of both, the eldest member of the Committee shall preside over the sessions. In the event of impediment of all of them, the body

of members (mazania) or assembly shall be allowed to choose for the act one of their present associates to act as Chairman, and the other as Secretary, in the justified impediment of the clerk of the Committee.

Para 2 — The taluka (concelho) administrator may attend at the sessions of the body of members (mazania) when he may think it convenient.

Art. 37 — The deliberations of the body of members (mazania) shall be taken at the plurality of votes of the present members (mazanes) and the clerk of the Committee, who shall be the Secretary of the Assembly, shall draw up their record of proceedings.

Para 1 — When the total number of members (mazanes) or associates of a temple is over 25 and below 50, at least ten capable members (mazanes) should be present; when this number is 50 or over 50 and below 100, the oncourse of at least 20 capable members (mazanes) shall be indispensable; and when finally the number on catalogue is 100 or over 100, thirty capable members (mazanes) should be present.

Para 2 — If the total number of members (mazanes) is over 5 and up to 25, it shall be necessary the presence of one third of capable members (mazanes) and when the body does not have but five members, the Managing Committee shall represent the former.

Art. 38 — The bodies of members (mazanias) shall have every year three ordinary sessions, besides those mentioned in the bye laws concerned, and the extraordinary ones that may be ordered or authorised by the administrator.

Para 1 — The ordinary sessions shall take place on the last Sunday of the months of January, July and October, meant respectively for the examination and approval of the accounts of management of the preceding year, for obtention of the instructions necessary for the preparation of the draft of ordinary budget of the next year, and for discussion and approval of the draft of the same budget; any other matters may be dealt with in these sessions, provided that the competent advertisement with an express mention of these matters is published in Govt. Gazette.

Para 2 — Besides 4 ordinary sessions every year, there shall be one more every three years, in the month of November, for the election of members of the Managing Committee.

Para 3 — In the bodies (mazanias) that do not have 20 capable members (mazanes) the election may fall on persons extraneous to the association, who do not have any of the impediments, mentioned under article 33.

Para 4 — The sessions, both ordinary and extraordinary, shall be proceeded by public proclamation through the village, day before the meeting and notices displayed on the door of the temple. For the meetings of an extraordinary session,

besides the above formalities, the convocation shall be done, by means of a notice published 10 days in advance, in Government Gazette and displayed on the door of the temple; the day, time and place of the meeting and the matter to be dealt with shall always be mentioned in the said notices.

Para 5 — Only matters expressly fixed shall be dealt with in these meetings, under pain of being considered null the deliberation in the part concerned.

Para 6 — There shall also be extraordinary sessions when they are applied for through the Chairman by members (mazanes) or associates not less than ten by signing the respective statement (bond) before the Managing Committee, wherein it shall be declared the purpose of the meeting; they shall also undertake to appear at the sessions.

The meetings applied for in this manner shall be dependent on the authorisation of the Administrator.

Para 7 — Against the refusal of the Administrator, appeal can be filed to the Administrative, Fiscal and Audit Tribunal by the majority of the applicants (mazanes) members within the time limit of ten days.

Para 8 — Records of proceedings shall be drawn up of all the meetings wherein it shall be mentioned the decisions taken, the incidents occurred and the founded votes of the minority or of the discordant members (mazanes).

Art. 39 — When the bodies of members (mazanes) or associations duly convoked, either do not meet or do not manage to conclude any matter submitted to their deliberation, the powers under Nos. 3, 4, 5 and 6 of Article 30 shall pass to the Managing Committees and those under Nos. 1,2 and 7 to the Administrator, in consultation with the Managing Committees.

Art. 39 A — Every five years, there shall be in Panaji town, at the place mentioned for this purpose, on the second Sunday of January at 3 p.m. a meeting of all the delegates of the bodies of members (mazanes) of Goa, to deal with matters of general interest of these bodies, to take measure on the moral and material progress and to propose to the ~~Governor General~~² [Government] any steps in this direction.

Para 1 — For the purposes of this article, in the first fortnight of the month of November, the ~~Governor General~~³ [Government] shall appoint by order a Committee, composed of five members, from among those of the Managing Committees of the Devasthans, which Committee shall promote all that may be required for the realization of the said meeting.

Para 2 — In the first fortnight of December, the bodies of members (mazanes) and in their default the respective Managing Committees, shall choose the delegates who should represent them at the said meetings, and shall approve the necessary

² Substituted vide Order No. 16/14/87-RD dated 23-10-1987

³ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

expenses for this representations, within the available funds of the respective budgets.

SECTION III

Relating to the Managing Committees and their Appointment and Dissolution

~~Art. 40 — The Managing Committee shall be composed of a chairman, a treasurer, an attorney and a clerk, it being the treasurer, the attorney and the clerk elected by secret ballot by the body of members (mazania) every three years in the terms prescribed under this Regulation, on the second Sunday of the month of November for the period of the next three calendar years and the Chairman appointed by the Governor General for the tenure during an equal period.~~⁴ { **A mesa administrativa sera composta de um presedent, um tesoureiro, um procurador e um escrivao, sendo todos eles eleitos por escrutinio secreto pela mazania de 3 em 3 anos nos termos prescritos neste regulamento, no 2 Domingo do mes de Fevereiro para o trienio dos seguintes anos economicos.** } [The Managing Committee shall be composed of a President, a Treasurer, an Attorney and a Clerk, all of them being elected by secret ballot by the body of members (mazania) every three years in terms prescribed under this Regulation on second Sunday of the month of February for the period of next three financial years:

Provided that the election of the aforesaid administrative committee for the period of 3 final years, beginning on the 1st April 1962 shall be made within 20 days from the publication of order in the Government Gazette or within such time as the Government may by an order determine for that purpose.]

~~Para 2 — The Chairman shall have a substitute appointed in the same way by the Governor General~~⁵ [Government] and the other members of the Committee shall have substitutes elected simultaneously with the effective ones.

~~Para 3 — The duties of all the members of Committee shall continue until they are legally replaced.~~

~~Para 4 — No member of the Committee, when re -appointed or re-elected, shall be bound to serve, unless a period equal to that for which he had been appointed or elected, has passed.~~

~~Para 5 —~~⁶ [No member of the Committee ,effective or substitute can be re-elected or re-appointed for the period of three years immediately to that of his tenure

⁴Art.40 was amended by the Lieutenant Governor vide Order No. GAD/74/62/12364 dated 27-8-1962 published in the Official Gazette Sereis-I No. 29 dated 30-8-1962 by replacing existing provisions which shown as strikethrough. In the Amendment Order Original Art. 40 which is shown in { } by bold letters is in Portuguese language and Proviso in English language . Literal translation of Portuguese expression is as under : “*The administrative bureau shall be composed of a presbyter, a treasurer, a procurator and a clerk, all of whom shall be elected by secret ballot by mazania every 3 years under the terms prescribed in this regulation, on 2 Sunday of the month of February for the triennium of the following years.*” However translation mentioned in Art. 40 as published by the Government in its Government Publications of the year 2000.

⁵ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

⁶ Substituted in place of provisions strikethrough vide 1st Amendment Act 1980

~~and at the end of this period his election or appointment shall only be permitted when he is free from his responsibility of tenure.~~ Every member of the Committee, effective or substitute, shall hold office for a period for which he had been duly elected or appointed and shall on expiry of the said term be eligible for re-election or re-appointment:

Provided that notwithstanding the expiry of the term of Office, the member of the Committee shall continue in the office until his successor has been duly elected and has assumed office.]

Art. 41— The outgoing Committee shall hand over the management and funds to its successor till the end of January, with the prior declaration of honour which shall be tendered before the taluka (concelho) Administrator, who shall fix before hand the day for this purpose.

Art. 42 — If for an unforeseen circumstances or for any justified impediment this cannot take place within the time limit fixed under the preceding article the Administrator may appoint any other convenient day the formalities prescribed earlier being always complied with in advance.

Art. 43 — When the handing over of management does not take place within the legal period or on the day that may be fixed in terms of the preceding articles, the Administrator shall realise it by default of the outgoing Committee, on drawing up to competent record of proceedings and making subsequently the necessary notifications and taking measures on the handing over of funds.

Para — Similar procedure shall take place, it being the case of the handing over to the Managing Committee, when the day appointed in the respective order is put off.

Art. 44 — The elective part of the Committee may be dissolved by the ~~Governor General~~⁷[Government] with a prior consultation, in any of the following cases:

- 1) To have cognizance by inquiry or inquest in which they may be heard, that their management is harmful to the interests of the association that they manage;
- 2) Any disobedience to legitimate warnings or orders of authority, without prejudice of criminal proceedings when they may be admissible;
- 3) Non-presentation of the budgets in legal time limits and terms;
- 4) Non-rendering of accounts in conformity with the law.

Art. 45 — It shall be incumbent on the ~~Governor General~~⁸[Government] to appoint, under proposal of the Administrator concerned, Managing Committees that may replace the dissolved Committees till the election, in terms mentioned under this Regulation.

⁷ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

⁸ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

Para — The Administrator should propose whenever it may be possible, Managing Committees composed of capable members (mazanes) taken from the respective list, and he may choose for their constitutions extraneous to the body of members (mazania) in cases of necessity which he shall justify.

Art. 46 — The duties of members or Managing Committee shall be as a rule, gratuitous.

Para 1 — However, the bodies of members (mazanias) whose financial resources may permit so, shall be allowed to fix in their annual budgets special pay for the members of the Committee, not exceeding 2 per cent. of the net collected income.

Para 2 — At the bodies of members (mazanias) whose annual receipts may be less than Rs. 250/- it shall not be allowed any special pay to the members of their Committees.

Art. 47 — All the resolutions of the Managing Committee shall be taken by absolute majority of votes.

Art. 48 — Managing Committee shall have two ordinary sessions in each month, on the 1st and 3rd Sunday, besides extraordinary sessions authorized or ordered by higher authorities

Art. 49 — The sessions of the Managing Committees shall be public and shall take place in the building meant for this purpose.

Art. 50 — The Members of the Committee who, for a justified reason, may be unable to appear at the session, shall communicate it to the clerk of the Committee, in advance as necessary, so that the respective substitute may be convoked.

Para — The member who does not appear and does not justify his absence, shall be liable to the fine of Rupees two for each session.

Art. 51 — When the Managing Committee does not meet in session on the appointed day or does not conclude the matter submitted to its deliberation, the proceedings shall continue further, independently of its vote or hearing.

Para — However, the Administrator may, when he thinks it necessary, order new convocation, directing that the necessary summons be served beforehand, on pain of qualified disobedience, which shall be punished instituting the competent proceedings of suits, which shall be remitted to the Public Prosecutor of the respective judicial district (comarca or juzgado).

Art. 52 — It shall be incumbent on the Committee:

1) To convoke extraordinarily the body of members (mazanias) by its Chairman in the cases under para 6 of article 38;

2) To deliberate on the foundedness or unfoundedness of the complaints or denunciations referred to it by the attorney, or any member (mazane) or associate, before they are submitted to the vote of the body of Members (mazania) or assembly and to the decision of the Administrator.

3) To propose to the body of members (mazania) or to the Administrator all the means leading to the increase of funds in its charge, improvements of the properties, long-term leases (aforamentos) and alienations of lands with all the required data, so that the deliberation of the body of members (mazania) or association and resolution of the competent authorities may fall on them;

4) To order the execution of ordinary works that may be necessary and to deliberate on the extraordinary ones that may be thought urgent;

5) To inflict upon the servants disciplinary penalties that may be within its competence;

6) To prepare the estimates and the conditions of auction;

7) To carry out the lease of the properties of temple for one, two or three periods of three years each, with a prior authorization, in the last two cases, of the Administrator and the Governor, respectively;

8) To conduct annually auctions of all the agreements of expenditure in terms of the respective budget;

9) To control the guarantee of the successful bidders of properties, of any services of works, of their sureties, and to be answerable jointly and subsidiarily in the event of insolvency, except the members who may have disagreed;

10) To take measures in the events of rupture of bunds of khazan lands, inundation of fields, loss of dammed water by the rupture of bunds and damming of reservoirs, danger of collapse of buildings and other events of a similar nature.

Para 1 — The incidents referred to under this number shall be soon communicated by the Committee to the Administrator, who shall carry out ex-officio the immediate inspection with a technical expert, if possible, recording in a statement all the details, the competent estimate of expenses shall be worked out immediately afterwards.

Para 2 — The Committee should undertake the immediate auction and inform the Administrator of the result.

Para 3 — When the auction does not take place, the Committee shall endeavour to release it even with an increase of one fifth in the estimate and, at last, shall carry out the works by job work or by direct administration (by journey-work or task); however, in no case the expenses should exceed the amount of estimates.

Para 4 — In case of necessity, the Administrator shall authorise the withdrawal of the respective amount from the fund coffers.

11) To represent as a contracting party in the name of the body of members (mazania) at all the auctions and agreements made through bond in the book of the temple concerned;

12) To perform all the acts of administrative and economic management of the temple;

13) To be answerable for the collection made.

Art. 53 — Against the decision of the Committee there shall be appeal to the administrator concerned and against the latter's decision to the Administrative, Fiscal and Audit Tribunal with observance of the formalities prescribed under the respective Regulation.

Art. 54 — It shall be the duty of the Committee:

- 1) To tender declaration of honour before the administrator concerned;
- 2) To inform in writing, the Administrator of having taken charge of the administration of temple, on the same day when it may take place.
- 3) To retain, under joint responsibility of the members, the funds, jewels, ornaments, vessels, implements, clothes, the book of funds, important documents and, in general, any other things belonging to the temple;
- 4) To prepare annually, in the month of March, the budget of receipts and expenditure of the temple and to present it at the Office of Taluka (concelho) Administrator till 10th April, for its submission by the latter to the approval of Government;
- 5) To spend the funds of the temple with required safety, in conformity with and in the terms prescribed under Chapter IV of Title II of this Regulation;
- 6) To collect at the treasury counter the rents, the book-credits as well as those judged through the attorney of the Committee;
- 7) To pay the book-debts, legally verified with the prior authorization of this Administrator, the taxes or impositions that may be allotted to the body of members (mazania) for the expenditure of the Office of Taluka (concelho) Administrator, the salaries of the employees and servants, as well as all the expenses sanctioned or ordered by higher authorities;
- 8) ⁹[~~To pay 3 per cent. of the receipts to State (Government) for the fund of beneficence and education, in terms of the law;~~]
- 9) To have the records and book-keeping up-to-date and to render account of annual management, as laid down under this Regulation;

⁹ Expression strikethrough omitted vide Amendment Act 2013

10) To reply within 10 days in the files that may be forwarded for its remarks or reply;

11) To carry into effect, in the part concerned, the decisions of the constituted authorities, to remark upon and satisfy their requisitions immediately;

12) To have under its inspection the books and the coffers of the temple, being answerable for any fault;

13) To send to the Office of Taluka (concelho) Administrator, quarterly the specified note or balance of the financial position of the coffer.

Para — The properties of the manager shall become legally mortgaged for the guarantee of deficits settled in balance at the audit proceedings, of any defalcation or losses arising from omissions in which they may be found.

Art. 55 — The expenses incurred on the repair of bunds in cases of ruptures and of buildings threatening downfall, shall require the sanction of Government when they exceed Escudos 1,500.

Para 1 — For this purpose, the clerk of the Committee shall send the bill of expenses effected or paid, with the visa of the Chairman, to the Administrator who shall transfer it with his remarks to the Directorate of Civil Administration or shall approve it according to the provisions under this article.

Para 2 — When the amount of expenses exceeds Rupees 75, the Administrator when he thinks it necessary, may carry out the inspection of the works effected before it is remarked upon the file that he may submit to the approval of Government.

Para 3 — The Managing Committee shall be responsible according to civil law for the payment of compensation for losses that it may cause to the association, in the exercise of power conferred under No. 10 of article 52.

Art. 56 — The Managing Committee should offer its opinion in all the deliberations that the body of members (mazania) may take on matters of its competence.

Art. 57 — It shall be expressly forbidden for the members of the Committee who may be in tenure of office:

1) To bid at any auction of the body of members (mazania) they themselves or through their representatives, it being meant by representative, the spouse of the interdicted person, the person whose he may be a supposed heir, his near relative upto the third degree by civil law, who may live in common household economy, and the third party who may bid in agreement with the interdicted person, with the purpose of transferring the auction thing;

2) To withdraw, they themselves or through their representatives, the capitals borrowed under the guarantee of immovables or pledge of the share of “comunidades” without the knowledge of the Administrator;

3) To contract loans with the body of members (mazania) they themselves or through a person of family;

4) To collect the income of the body of members (mazania) out of the respective coffers.

Para — The income amounting to less than rupees five may be collected out of the respective coffer, wherein it should enter within the time limit of three days.

Art. 58 — When any matter submitted to the Committee relates to any of its member, the latter shall be replaced at the deliberation by the respective substitute, which practice shall also be observed when it may be the case of his relatives by blood or by affinity up to fourth degree by civil law.

Art. 59 — When the Committee does not meet on the days appointed for the sessions for two consecutive times, it shall be incumbent on the Administrator to make up by his order for the deliberations to be taken and propose the dissolution of the Committee, if he thinks it convenient.

Art. 60 — It shall be incumbent on the Chairman of the committee:

1) To conduct the respective work and maintain the order at the meetings of the Committee or body of members (mazania);

2) To correspond solely in official matters with the Administrator concerned;

3) To watch over all the matter of administration and economy of the temple;

4) To supervise the service and works of the interest of the body of members (mazania);

5) To comply with and have complied with the orders of higher authorities and the legal deliberations of the body of members (mazania) or of the Committee;

6) To present at the end of financial year and till 10th July next, a detailed report on the past management and financial position, mentioning the means leading to produce and increase the prosperity of funds and income of the coffers of the body of members (mazania);

7) To maintain discipline and order at the precinct of temples belonging to the bodies of members (mazanias);

8) To protest before the Administrator against any deliberation Committee or of the body of members (mazania) that may be executory without the approval of higher authorities; the former authority may order its suspension till its decision, if he thinks it convenient;

Art. 61 — The treasurer should be chosen and proposed from among the members (mazanes) or associates more commendable and of an acknowledged probity, and it shall be incumbent on him:

- 1) To have in his custody and responsibility the articles of ordinary use of the temple and others that may be taken out of the coffer on the occasion of festivities;
- 2) To pay at the competent times the taxes, interest of book-debts and any liabilities of the association, he being held responsible for the increase and loss due to delay to pay the share of the expenses of the Office of Administrator till the end of June of each year, advances, judicial costs in the legal time limits, he being also held entirely responsible for the omission, and at last, to effect the expenses that cannot be so at the counter of coffer.

Art. 62 — The attorney of the Committee shall be its controller and of the body of members (mazania) and representative of both at all the courts and public offices, and he should know to read and write Marathi.

Art. 63 — It shall be incumbent on the attorney:

- 1) To promote by all the means the property of the association, and the execution of bye-laws and provisions in force;
- 2) To watch over the observance of obligations and responsibilities of employees and servants of the Devasthan;
- 3) To control the annual accounts, works and other services of the Devasthan;
- 4) To carry into effect the deliberations of the Committee, relating to the cultivation and improvements of the properties that have not been leased;
- 5) To warn the debtors, tenants of the properties and members (mazanes) who have not paid the taxes and contributions, to pay their debts and to promote the possible means to avoid litigations and lawsuits;
- 6) To inform the Committee who are tardy debtors, to enable it to take convenient measures;
- 7) To request the Committee and the body of members (mazania) all the he may think leading to good administration of the Devasthan;
- 8) To denounce before the Committee, the body of members (mazania) and the Administrator the malversations of the employees or members (mazanes) and the usurpation of fields of the Devasthan, and to avenge in terms of articles 486 and 2354 of Civil Code;
- 9) To promote at Courts the recovery of book-credits and of the fines imposed;
- 10) To help the Public Prosecutor by furnishing him the elements to enable him to follow the progress of the causes instituted by the bodies of members (mazanias) or against the latters;

11) To inform the Committee or body of members (mazania) in all their sessions of the progress made by the actions proposed at Courts, as well as the Administrator, every 6 months.

12) To present, within 15 days, at the offices of land registrar, the bonds of the auctions of properties and works, as well as those of their sureties and the deeds of loan, for the purposes of competent registration, it being responsible his properties for the omissions;

13) To appeal against the deliberations or decisions that may be hurtful to the interests of the Devasthan.

Para — When the attorney attends at the sessions of the Committee or body of members (mazania) wherein any deliberation may be taken, it shall not be necessary the notification for the purpose of filing the appeal.

Art. 64 — The clerk of the Committee shall issue to the attorney, independently of order, the copies or certificates of his election, agreements, and those in support of the facts that he may have to prove at the Courts or Public Offices.

Para — The copies of the records of proceedings of the election shall be tantamount to legal power of attorney of the body of members (mazania) or of the Committee.

Art. 65 — The clerk of the Committee and his substitute should know to read and write and count in Portuguese and Marathi.

Art. 66 — At the Devasthans where the office of clerk is a property or gratuity of certain families or tribes, it shall be carried out, within the time limit of one year from the execution of this Act, the remission of the said gratuities the same procedure that may be followed for the remission of gratuities of the offices of clerks of the “Comunidades” shall apply to this remission.

Art. 67 — It shall be incumbent on the clerks:

1) To write down the books and accounts in the manner prescribed under this Regulation;

2) To have in his custody and responsibility the records, books and other documents of the Devasthan, being responsible for their shortage;

3) To clarify the body of members (mazania) Committee or any of the members (mazanes) on the matters of the interest of Devasthan, about which he may be consulted;

4) To issue gratuitously copies of the records of proceedings of the election and appointment of the employees and servants of the Devasthan;

5) To notify, within 3 days, of the election of Managing Committee, the members (mazanes) who not being present at that act, may have been elected to form the said Committes;

6) To issue notices for the convocation of the body of members (mazania);

7) To notify the attorney of the deliberation of the body of members (mazania) or Managing Committee, when the same attorney has not appeared at the respective sessions.

Art. 68 — The clerk shall be competent to serve the summons of the interest of Devasthans in the village itself and outside it, those that the Administrator may order him.

Art. 69 — The clerk shall have public faith in all the acts of his competence.

TITLE II

Relating to the control and superintendence

CHAPTER I

Relating to the Administrator

Art. 70 — It shall be incumbent on the Administrator of Talukas (concelho) as Administrator of the bodies of members (mazanias):

1) To watch over the execution of this Regulation and of the bye-laws, and over the strict discharge of the duties that belong to their subordinates;

2) To maintain or have maintained the order and regularity at the sessions of the bodies of members (mazanias) or of the Managing Committee, and at any acts, helped by military force, duly requisitioned, when they think indispensable its intervention and under their responsibility;

3) To attend at the referred to sessions whenever they may think it convenient;

4) To appoint temporarily the junior clerks (amanuenses) of the office of Administrator -section in charge of the bodies of members (mazanias) -in the event of impediment of those effective, informing the ~~Governor-General~~¹⁰[Government] when the impediment exceeds 30 days, for the purposes of the said temporary appointment being confirmed or altered;

5) To authorize the bringing up of actions in terms of para 1 of article 7, the lease of properties till 6 years, contingent expenses upto Rupees 75, during the year at each body of members (mazania);

¹⁰ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

- 6) To approve the estimates and the conditions of ordinary or extraordinary auctions and confirm the suspensions imposed upon the servants in terms of No. (5) of Article 52;
- 7) To decide in the scope of their powers all the pretensions depending upon their resolution, and any contestations that may arise among the Committee and associations or any individuals, concerning the agreements existing among them;
- 8) To tender detailed information on the budgets, need of raising loans by the bodies of members (mazanias) or similar associations of cult, and on the resources to meet the liabilities resulting therefrom and on all the matters pertaining to the bodies of members (mazanias) of the Devasthanans under their jurisdiction;
- 9) To preside over the auctions and inspections in terms of this Regulation;
- 10) To hand over and grant possession of the lands leased on a long term (aforados) and those claimed as well as of those leased, when applied for by the interested persons;
- 11) To request the competent authorities to retain the valuables belonging to the debtors of the bodies of members (mazanias) kept in the coffers, or in charge of any institutions, offices or corporations, and to order the retention of those that may exist in the coffers under their jurisdiction;
- 12) To balance the coffers every three years and whenever they may deem it necessary, or on application of any interested person, under bond of responsibility, and to take measures within 24 hours, in terms of this Regulation, when they notice any embezzlement or misappropriation;
- 13) To audit till 31st December the accounts of annual management, in the presence of the Committee members concerned, the latter being summoned in advance or by their default, when they do not obey the summons, and to make effective the responsibilities for negligence in the collection of receipts and for the expenses not sanctioned;
- 14) To call to account those responsible of the bodies of members (mazanias);
- 15) To vise the auctions brought about and the powers of attorney for collection of credits of shares or "jonos" belonging to the bodies of members (mazanias);
- 16) To examine the documents and book-keeping, to inspect the records, services and works, to initial the books of the bodies of members (mazanias) it being allowed to empower any employee of their confidence to perform this act;
- 17) To transit Government decisions to the Managing Committees;
- 18) To discharge the duties of judge at the proceedings of administrative executions, as laid down under this Regulation;

19) To announce competitive tests for filling up the posts of junior clerks (amanuenses) of the Office of Administrator-Section in charge of the bodies of members (mazanias);

20) To inflict upon the servants of the bodies of members (mazanias) disciplinary punishments of their competence.

Art. 71 — Against the decisions and orders of the Administrator appeals can be filed to the Administrative, Fiscal and Audit Tribunal.

Art. 72 — The provisions under Nos. 1 and 3 of article 57 shall apply to the Administrators.

Art. 73 — The Administrators shall receive the fees prescribed under the schedule annexed to this Regulation, besides half the amount of common fees, after the deduction of expenses mentioned in the respective schedule for the service of administrative executions.

Para — The common fees shall be divided quarterly and those towards audit of accounts shall be withdrawn after the same accounts are audited by the office of Administrator concerned.

CHAPTER II

Relating to the Budget

Art. 74 — The collection and the application of income of the bodies of members (mazanias) shall be made according to the budgets competently approved.

Para — The budgets shall be ordinary or supplementary.

The latter shall be meant to satisfy urgent expenses not contemplated nor foreseen at the time of presentation of ordinary budgets, and they should mention equivalent receipts, or alter the application of receipts voted in the annual budget; the former shall be meant to authorise the collection and the application of income according to financial years.

Art. 75 — The ordinary budget, prepared by the Committee according to model No.7, shall be thrown open at the meeting halls of the body of members (mazania) ten days before the ordinary sessions of the body of members (mazania) meant for the approval of the same budget and shall be sent to the Office of the Administrator, till 5th November, along with the following documents:

1) Records of the proceedings of the Managing Committee and of the body of members (mazania) in which it may have been discussed and accepted, and of the singular objections of the members (mazanes);

2) A note mentioning the source of the items of receipts and expenditure;

3) A list of book-credits and book-debts of the respective year, with the mention of debtors and creditors, amount, source and their due date;

- 4) A statement showing receipts and expenditure of the last three years;
- 5) A certificate of the clerk, verified by the Chairman, that the certificates of current accounts against the debtors were issued in time and that the book-debts of the association were settled.

Para — The Administrator shall submit till the 30th May to the approval of District Council these budgets and shall send at the same time a list of the omissive Committees.

Art. 76 — In the budgets, the items shall be distributed by chapters, these divided into articles, all with the greatest possible detail and specification.

Art. 77 — In the Chapters of receipts, the items shall be distributed by articles in the following manner:

- 1) Rent of rural and urban properties;
- 2) Income of the shares of “Comunidades” or any companies;
- 3) Interest of lent capitals with mention of the date of the loan document, name of the notary public and judicial district (comarca or juzgado);
- 4) Annual rents (foros), encumbrances or instalments, with mention of their source and taxes of the members (mazanes);
- 5) Contingent receipt.

Art. 78 — In those of the expenditure, in the manner as follows:

- 1) Control and superintendent;
- 2) Salaries and special pay of the employees of the body of members (mazania) of the similar association of cult;
- 3) Obligatory festivities;
- 4) Interest of book-debts, taxes and fixed impositions;
- 5) Beneficence and education;
- 6) Repairs of buildings and expedition of business of the body of members (mazania);
- 7) Miscellaneous expenditure.

Para — The item of beneficence, amounting to three per cent of gross receipts, shall be included in all the budgets of the bodies of members (mazanias) to be disposed of as laid down under Government Order No. 669 dated 20th August, 1896 (Government Gazette No. 93) and this inclusion shall not be necessary solely when the referred to receipt is below Rupees 200 per annum.

Art. 79 — The ordinary receipts mentioned under Nos. 1 to 4 of article 77 and any others that can be demanded coercively, shall be calculated in view of the

respective bonds and binding documents, and in their absence by the average of last 3 years; and the contingent ones by the referred to average. The obligatory expenditure, specified under Nos. 1 to 6 of the preceding article and any other sanctioned by higher authorities, shall be based on the laws and regulations in force he approved bye-laws, the documents of book-debts and any other legal sanction.

Para 1 — The receipts or the expenditure in kind shall be calculated on the basis of municipal tables of rates relating to the last year.

Para 2 — The chapter of expenditure should not contain increase or introduction of new items, unless their unavoidable necessity is proved with positive date.

Art. 80 — When it is presented a budget showing deficit, it shall be the duty of the Administrator to mention in his remarks the reduction of other items, beginning with those optional, in order to equilibrate the receipts with the expenditure.

Art. 81 — The supplementary budgets shall be prepared and submitted to approval with the same formalities as those of the ordinary, in the applicable part.

Para — The expenditure on extraordinary works shall be auctioned and justified in partial budgets, with the discrimination of the expenditure on materials and on labour.

Art. 82 — When the ordinary budget is not approved before the beginning of the financial year to which it may relate, the budget approved previously shall be followed.

Para — The provision under this article shall cease after the publication of the respective sentence in Government Gazette.

Art. 83 — The items of expenditure mentioned in the budgets both ordinary and supplementary, cannot have application other than that sanctioned, but by means of a new supplementary budget, and the transfer should be effected, if possible, among the articles of the same chapter.

Art. 84 — The budget and the respective documents shall be written in Portuguese and translated into Marathi by the clerk of the body of members (mazania) who shall authenticate the translation.

CHAPTER - III

Relating to the Coffers

Art. 85 — Every body of members (mazania) shall have two distinct coffers; the first known as that of the fund or reserve, and the second of the annual receipts, each with three keys which shall be in the possession of the Chairman, the treasurer and the clerk.

Art. 86 — The first of these coffers shall be meant to keep the fund in cash, jewels of gold and silver, both of the ornament of images and those pledged, as well as the book of the fund, the deeds and other important documents of the respective association, and for this purpose the said coffer shall have the necessary capacity and divisions.

Art. 87 — The second coffer shall be used for collecting therein the amount of annual receipts.

Art. 88 — Whatever may be kept in the above mentioned coffers and whatever may be drawn there from, shall be registered in the book concerned, with the specification of its quality, quantity, weight and value, duly verified.

Art. 89 — The opening of the coffers shall take place only when all the three key keepers are present.

Art. 90 — The absence or impediment of any of the key -keepers may be made up, only for this purpose, by a person of his confidence, and under his responsibility.

Art. 91 — The key-keepers shall be answerable, under pain of imprisonment for all that may have been kept in the coffers.

Art 92 — After the annual accounts are closed, the surplus of the receipts shall pass to the coffer of the fund, with express mention in the book of the fund.

CHAPTER IV

Relating to the investment of capitals in cash

Art. 95 — The funds in cash of the bodies of members (mazanias) shall be placed at interest through the following guarantees;

- 1) Pledges of gold or silver, shares of the “Comunidades”, or of any companies legally established with the authorization of higher authorities, in this last case;
- 2) Mortgage of immovable properties.

Para 1 — The loans of the bodies of members (mazanias) to the sodalities, legally constituted, municipalities or municipal committees and to the

“comunidades”, when duly authorized to contract loans, may be effected without mortgage of property, if the ~~Governor-General~~¹¹[Government] decides so.

Para 2 — The loans to the municipalities or to the “Comunidades” shall be preferred, when meant for public transport, or for urgent and obligatory expenditure.

Art. 94 — It shall be expressly forbidden to lend capitals on mortgage of uncultivated lands, salt-pans or gardens, properties situated abroad, articles of dress or any movable properties, including precious stones, not mentioned under No.1 of the preceding article, shares of banks or foreign companies.

Art. 95 — The rate of interest in the loans shall be 3.75 per cent per annum, payable in advance in half-yearly installments, the accounts being adjusted so that such payments may be made in the months of June and December of each year.

Art. 96 — The interest shall become due from the realization of loans, in 30 days' full months, it being deemed one month any period exceeding 10 days.

Art. 97 — The payment shall be effected in the hands of the key-keepers at their meeting-halls, during the first 15 days of December and June, or at the time of any other opening of the coffer.

Art. 98 — However, the expenses on the agreement, declaration, registration, cancellation and others shall be borne by the debtors.

Art. 99 — Whenever an amount equal to or exceeding Rupees Five hundred is accumulated in the coffer of the fund, its investment shall be announced in Government Gazette or any periodicals of the taluka (concelho), if any, and by notices displayed on the door of revenue office, or that of the Office of Taluka (Concelho) Administrator-Section in charge of the bodies of members (mazanias) and on that of the temple concerned; and when the amount continues without demand, it shall be deposited at interest in the Branch of “Banco Nacional Ultramarino”, Postal Savings Bank or any establishment of credit with legal existence or invested in the purchase of shares of the “Comunidades”, in all the cases with the authorization of the Administrator.

Art. 100 — When the interest become due is not paid within the legal time limits, the recovery shall take place by the procedure of administrative executive, not only of the interest in debt, but even of the principal.

Para 1 — The lawsuit relating to the principal shall cease, when the debtor intends so and pays the interest within ten days from the citation, if the creditor (association) does not require the principal and the debt is sufficiently guaranteed.

Para 2 — The order of the administrator filing the case or directing to continue the execution shall be given within the time limit of 15 days from the payment of

¹¹ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

interest, and with a prior verification of the adequacy of the guarantee of debt, for which he shall examine the written agreement and order the appraisements when he thinks them necessary, and he shall give a detailed report of his procedure in the said order.

Para 3 — The Administrator shall be jointly and subsidiarily responsible towards the association for the minor difference verified in the future execution, between the amount of sale in public auction of the pledged article and the amount lent.

Para 4 — Against the order of the Administrator appeal can be filed to the Administrative, Fiscal and Audit Tribunal, by the interested persons and the responsibility of that official shall cease in the event of the appeal being allowed.

SECTION I

Relating to the loans on pledges

Art. 101 — The amount to be lent shall not exceed 75% of the value of pledge which shall be appraised by a valuer of the confidence of Committee.

Para — The Committee and the valuer shall always be jointly and subsidiarily responsible for the minus difference that may be found between the amount lent plus one third, and the proceeds of the sale of pledge.

Art. 102 — The appraisal being made, the agreement shall be signed in bond on the book concerned, if the amount lent does not exceed rupees one thousand; if it exceeds this, the agreement shall be made by means of a public deed and in this case the loan shall also be recorded in bond on the book concerned.

Para 1 — The bond shall contain the name, the residence of the debtor, designation and a specified description of characteristic features of the pledge or pledges offered in guarantee, and it shall be signed by the members of the Managing Committee, by the borrower, the valuer and two fit witnesses (model No. 21).

Para 2 — The borrower shall receive from the Managing Committee a receipt (Model No. 22).

Art. 103 — When the debtor does not know or is unable to sign, which shall be expressly declared in the bonds and deeds, a witness shall sign at his request, besides the persons mentioned in the preceding article.

Art. 104 — When in the event of appraisal made before the Committee there is on the latter's part, contestation over the actual value of the pledge and, consequently, refusal of the loan, the borrower can appeal, in writing, to the superintending administrator of the taluka (concelho) who shall order to be carried out the contested appraisal as in the case laid down under para 1 of article 116 for the loans of amount exceeding rupees one thousand i.e. through experts, who

shall be subject to the special responsibility and to the punishment mentioned under the para of article 101.

Art. 105 — The borrower can put any private mark on the pledge conveyed, which shall be mentioned in the bonds and in the deed.

Art. 106 — The lending Committees shall undertake:

1) To keep with care the pledged article, as if it were their own, and to answer for deterioration or damages that it may suffer on account of their fault or negligence;

2) To return the pledge as soon as the obligation is entirely complied with, it being paid to them all the expenses that they may have effected on preservation of the pledge and also hand over the receipt referred to under para 2 of article 102.

Art. 107 — The creditors, bodies of members (mazanias) shall acquire, through the pledge, the right:

1) To recover their debt by the value of pledge article, being preferred to other creditors of the debtor;

2) To use all conservative or possessive means, even to apply for criminal proceedings against the person who may steal their pledge, even though it may be the owner himself;

3) To demand of the debtor another pledge or the fulfilment of the obligation, even before the time limit agreed to, if the article of the pledge is lost or is decreased without their fault or that of former Managing Committees, or even if it is demanded by the third party to whom it belongs and who has not consented to the pledge.

Art. 108 — The borrower shall be bound to pay the interest of the amount acquired, in half-yearly instalments, and the account shall be adjusted so that such payments are made in the first 15 days of December and June of each year.

Para — The payments shall be effected in the presence of the key-keepers within the above mentioned time limits at the meeting halls from 9.00 a. m. to 1.00 p. m., it being issued on the occasion the respective receipts signed by them according to model No. 26.

Art. 109 — When the interest become due is not paid within the time limits fixed under the preceding article, the debtors shall be warned to effect this payment within five days from the notification, and on the expiry of this time limit, the recovery shall be made through the proceedings of administrative execution, as laid down under articles 285 and those following, for this the clerk of the body of members (mazania) or of the association concerned, should draw up certificates of current accounts till the end of December and June of each year.

Art. 110 — If the article of pledge decreases in value, without the fault of the creditor (association), or if it is thought depreciated, the creditor may demand of the

debtor another pledge, it being observed, in the applicable part, the provisions under Art. 524 and its paras of the Code of Civil Procedure.

Art. 111 — The redemption of pledge and the cancellation of obligation shall be made in the same manner as it may be contracted, i. e. by a public deed or by a bond in the book concerned.

Art. 112 — On the occasion of handing over of management, it shall not be obligatory a new appraisalment of the pledges, since the responsibility of the Committee that made the agreement and that of the valuer shall subsist, and it shall cease only when a new Committee may renew the agreement.

Art. 113 — The debtor shall not have right to demand the handing over the pledge, wholly or partly, unless he has paid the debt fully.

SECTION II

Relating to the loans on the shares of the “Comunidades” or of any companies

Art. 114 — These loans shall be granted with the formalities prescribed in the respective regulations or bye-laws and the provisions under the preceding section shall be extended to them in the applicable part.

Para 1 — The share certificates shall be handed over to the lending Committees and kept in the coffer of the fund as any pledge.

Para 2 — The value of the shares of the “Comunidades” shall be regulated by the average of their income in the last 20 years , published in Government Gazette, multiplied by 20; however it cannot be lent more than 15 per cent. of the value of the share.

Para 3 — The borrower shall be bound to pay the expenses on endorsement of the guarantee or onus.

Art. 115 — In the bond or deed of loan it may be stipulated the clause of consignment of the income of pledge shares; in this case, it shall be the duty of the attorney of Committee to promote the necessary proceedings for the regular collection of profits, and that of the borrower to pay the minus difference within the time limit of 8 days from the last day of the announced payment of dividends, on pain of his being sued for the interest in debt, by proceedings of administrative execution and the principal being considered due, except the provision under para 1 of article 100.

SECTION III

Relating to the loans on mortgage of properties

Art. 116 — The loans on mortgage of immovable properties shall be granted upto the amount equivalent to 50 per cent. of the value according to the appraisalment, when they are rural properties and 25 per cent. when they are urban.

Para 1 — The appraisal shall be made through experts appointed by the applicant of the loan, by the attorney of the Committee, and the casting vote by the administrator.

Para 2 — In the appraisal and appointment of experts, the provisions under articles 2094 and 2096 of Civil Code and 236 and 237 of the Code of Civil Procedure, shall be observed.

Art. 117 — Undivided properties cannot be admitted to a mortgage, except when the coproprietors agree to it, nor the properties whose usufruct is separated from the ownership, without the undertaking both of the usufructuary and the proprietor.

Art. 118 — The loans ranging from Escudos 1,500 to Esc. 6,500 applied for by one or more persons, under guarantee of mortgage of properties shall require the sanction of the administrator; those of the amount exceeding Esc. 6,000 can only be made with the sanction of the Governor General, with a prior opinion of fiscal authority.

Para 1 — The bonds or deeds of the loans shall mention the aforesaid sanction.

Para 2 — However, the committee cannot make to the same persons loans whose total exceeds the amounts referred to above, without prior sanctions of the competent authorities.

Para 3 — All the loans shall be made under joint and subsidiary responsibility of all the members of the Committee who may intervene therein.

Art. 119 — The applicant of the loan should attach to his petition the following documents:

1) A certificate of the clerk of the “Comunidade” giving details of the property in his name of acquittance of payments of annual rents (foros), when annual rent (foro) is paid for it to the “Comunidade”;

2) A certificate of value of the property according to fiscal register and that it is free from debts to Govt. Treasury.

3) A certificate of provisional registration at the office of land register, of the mortgage pledged and that on the properties conveyed as guarantee no mortgage or real onus weight at all or that there being any, it is only of the amount which added to the loan that is intended to acquire does not exceed the limit prescribed under article 116;

4) A title deed in support of the ownership in favour of the applicant with its registration at the office of land registrar concerned.

Art. 120 — No loan shall be permitted for a period below one year, nor over 5 years.

CHAPTER V

Relating to the loans contracted by the bodies of members (mazanias)

Art. 121 — The need of loan being decided by the Committee, the chairman shall send the respective record of proceedings to the administrator who, in consultation with the body of members (mazania) and on obtaining the necessary information and clarifications, shall submit the file with his remarks to the decision of ~~Governor General~~¹²[Government] in District Council.

Art. 122 — In all the ordinary budgets subsequent to the withdrawal of loan, it shall be necessarily included amount for the payment of interest, and for the authorisation of book-debt, without which they cannot be approved.

Art. 123 — Whatever may be the ground invoked, it shall be forbidden to apply the amount acquired, to the purposes other than that for which it had been meant.

Para — The breach of this provision shall render the management jointly responsible towards the body of members (mazania) for the embezzlement of the respective amount.

CHAPTER VI

Relating to the administration of estate and leases of properties

Art. 124 — The real estate shall be leased before the Managing Committee, in public auction, under the conditions mentioned in the estimates approved beforehand by the administrator.

Art. 125 — The lease of deteriorated properties, for more than 3 and till 6 years, shall require the authorization of the administrator and those exceeding this period, that of Governor General.

Art. 126 — The tenant shall guarantee the fulfilment of agreement through the deposit of an amount equivalent to the rent of one year, which shall be deducted from the last one to be due, or by giving a suitable security which shall be verified and accepted by the committee before the adjudication of the bid.

Para — In this last assumption, the members of the Committee shall be jointly and subsidiarily answerable for the rent amount and any losses due to inadequacy of the security given and accepted by them.

Art. 127 — Besides the guarantee, the fruits of the leased property or properties shall be held specially and firstly as security for the rent, and they shall constitute a privilege of credit in favour of the body of members (mazania) or association.

¹² Substituted vide Order No. 16/14/87-RD dated 23-10-1987

Art. 128 — The guarantee can be given by means of mortgage, pledge or security, according to the nature of the adjudicated bid, with prior remarks of the clerk.

Para 1 — The interested party can appeal in last instance to the administrator against the rejection for inadequacy of the guarantee given.

Para 2 — All the auctions shall require vise of the administrator, for which the books and other documents shall be forwarded to him by the clerk of the Committee within the time limit of fifteen days from the end of the act. The Administrator shall vise within the time limit of thirty days from the date of presentation of the books.

Para 3 — The auction cannot be altered nor amended on any ground, after its being closed with the vise.

Para 4 — Against the vise, there shall be appeal to the administrative Fiscal and Audit Tribunal.

Para 5 — The stamp duty on the lease shall be borne by the tenant or successful bidder, and it shall be settled and paid in terms of the stamp act in force.

Art. 128 — The agreements of ordinary expenditure mentioned in the annual budget of receipts and expenditure shall be offered every year in public auction by means of the competent estimates and conditions prepared beforehand, and the basis of bidding shall be the amount mentioned in the budget.

CHAPTER VII

Relating to other auctions

Art. 129 — In the auctions of supplies or works of an amount below rupees 300, the guarantee may be personal, it being the given security, verified and accepted by the Managing Committee, before the adjudication is effected.

Para — The guarantee being inadequate, the members of Committee, who may have verified and accepted the security, shall be subsidiarily responsible for it.

Art. 130 — The auctions of supplies, services or works of a value exceeding rupees 300, shall be guaranteed by means of mortgage, pledge or deposit in cash, it being its amount fixed in advance by the administrator, in the respective file in consultation with the Committee.

Art. 131 — Besides special conditions that may be prescribed in the respective budgets, the following shall be general conditions at the auctions of supplies or extra-ordinary works:

1) The applicant to be admintted to bid, should deposit 5 per cent. of the value of budgets, which shall be returned immediately to him, in case he does not undertake by auction the work or the supply;

2) The works shall begin within the time limit of 15 days from the notification of approval of agreement by Governor General, and the supplies shall be effected within the same time limit; and they shall be concluded inextensibly in terms of the special conditions of the agreement;

3) The building materials shall be in the respective site before the beginning of works, and they shall be inspected by the administrator before their use, by means of experts of his confidence;

4) If the agreement is rescinded for lack of fulfilment of any of general or special conditions, the successful bidder shall lose the deposit of 5 per cent. and the amount of guarantee, and he shall be sued for the rest of amount in terms of the regulation;

5) The prices of the works shall be paid in three instalments with a prior order of the administrator in the file, it being the first after the inspection and handing over of the materials; the second after two-thirds of the work are concluded; and the third after their conclusion and provision handing over;

6) The definitive handing over shall take place, in case of masonry works, after one year from the provisional handing over; and after six months, it being of timber work; and in all others, after they are concluded;

7) It shall be deducted from each instalment of the price of auction, an amount equivalent to the tenth part, which shall be withdrawn wholly by the successful bidder, along with the deposit of 5 per cent., after the definitive handing over, preceded by a new inspection, in which it may be recognised that the works are in good conditions of preservation and they were carried out according to the agreement;

8) The successful bidder shall be subjected, in the applicable part, to general clauses and conditions of the contract works in force in Goa, Daman and Diu.

Art. 132 — The auctions of supplies, services and works of the value upto Rupees 300, shall take place before the Managing Committee of the body of members (mazania) and those of a higher value, at the office of taluka (concelho) Administrator.

Para — It shall be accepted the auctions of expenditure of annual festivities and of supply of articles mentioned in the approved budgets, whatever may be their value, which auctions shall always take place before the Committee and in the meeting hall of the body of members (mazania).

CHAPTER VIII

Relating to the transfer and removal

Art. 133 — Every person to whom it may be adjudicated any agreement of receipt or expenditure, may transfer it to other person or to the surety himself.

Para 1 — The transfers should be made by means of a bond in the competent book, drawn up by the clerk of the body of members (mazania) with the consent of the committee, and with commendable sureties, when those of the auction do not want to guarantee the transfers or when the transfers are made to the sureties themselves.

Para 2 — It shall be capable of obtaining transfers solely those who are so of bidding; however, those who transfer shall be responsible towards the body of members (mazania) for the obligations of the respective agreement, subsidiarily with those in whose favour the transfers are made.

Para 3 — No transfer shall be made, neither by dividing the bid, nor during the course of the auction, nor in the bonds of adjudication themselves.

Art. 134 — The profit of sub-leases that the successful bidders may grant to the farmers or cultivators, either by a written document or by an oral agreement, can never exceed 15 per cent. of the price of auction.

Para 1 — The successful bidder who may infringe the provision under this article shall be liable to the punishment of correctional imprisonment ranging from 5 to 15 days, which shall be imposed in summary proceedings, and any person enjoying civil and political rights and domiciled in the respective judicial district (Comarca) shall be competent to report or denounce to the court to this effect.

Para 2 — In the condemnatory judgement, the judge shall always fix a compensation in favour of the cultivator sub-lessee of the plot or plots in question.

Art. 135 — The successful bidders of the fields of the bodies of members (mazanias) shall be bound to sow and to have in good state of cultivation the lands that they may take on lease in auction, and not doing so, they shall be liable to the following punishments:

a) The successful bidder who does not sow within the time limit prescribed in the estimates, shall pay a fine ranging from rupees 25 to 50/-, for each bid or plot, imposed by the Administrator, by means of a prior inspection made officiously by the committee or in consequence of denunciation.

b) The successful bidder who, without any reason beyond control, duly confirmed, does not cultivate wholly the plot leased to him, under any of the crops for which the same bid may be meant, shall pay for each time, a fine equivalent to double the annual rent of the respective bid, which fine shall be imposed by the administrator in the manner prescribed under the preceding sub-clause.

Art. 136 — The tenant who without permission taken out of the bid leased to him, shall be liable to the penalty ranging from rupees 50 to rupees 500, imposed by the Administrator in inspection, in the manner prescribed under sub-clause (a) of article 135, and if the damage caused to the body of member (mazania) is above

rupees 100, the attorney shall report the fact also to the Public Prosecutor for the purposes of criminal proceedings against the transgressor, attaching to the complaint the elements of evidence.

Art. 137 — The successful bidders of fields cannot reap, thresh or remove the harvest without the prior payment of rent due to the body of members (mazania) and when they do so, they shall be liable to imprisonment.

Para 1 — In the event provided for under this article, the administrator shall be competent to issue the warrant of arrest and to ask the local authorities to imprison the transgressor.

Para 2 — The successful bidder who may be arrested in the conditions provided for under article, shall be put immediately, at the disposal of the taluka (concelho) Administrator, and he cannot be sent unless he has paid his debt with all the additional.

Art. 138 — The tenants of fields, salt-pans, groves of coconut-trees, kitchen gardens and other properties and the successful bidders of services, works and other agreements, may be removed by the administrator, under proposal of the Committee, for lack of fulfilment of their agreements, and they shall be bound in such case, to pay the body of members (mazania) the minus difference that may arise in the rent of the plus difference in the price, according to the result of a new auction of the respective bid, which shall be carried out by means of formalities prescribed for the auctions in general.

CHAPTER IX

Relating to the collection of the income of the body of members (mazania)

Art. 139 — The collection of income of the body of members (mazania) shall be made in the following time-limits:

1) Of annual (foros) rents or any fixed instalments due by private individuals or associations, in terms of the respective agreements; that of the profits of shares or of interest of the “Comunidades” in the periods fixed in the respective regulations; that of the impositions or consignations paid by private individuals or “Comunidades”, eight days prior to solemnization of the festivities for which they are meant.

Para — The powers of attorney issued by the Committees for collection of profits of the “Comunidades” require to be revised by the Administrator, without which they shall not be valid.

2) Of the rent of rural properties, in annual or quarterly instalments, but always before the harvest.

3) Of house-rent and of the rent of toddy-tapping in the three days following the month in question.

Para — It shall be the duty of the Committee to see for the purposes of Art. 32 of the regulation of land tax, whether the toddy-tappers tender in due terms the competent declarations at the Revenue Offices.

4) Of the taxes of members (mazanes) that are not consigned in “jonos” of any nature, in the periods prescribed in the respective bye-laws, or 8 days prior to the main festivity of the temple;

5) The hires of lent articles, in the act of loan;

6) The interest of lent capitals and any other receipts for which there is no fixed time-limit, in the first 15 days of December and June of each year;

7) That of the produce of properties administered by the Committee, for lack of competition in the lease, in the 15 days following the harvest, by means of sale in public auction; its price shall be collected within 3 days from the sale by auction and the produce shall remain as guarantee.

Para — When the price is not paid in 3 days, the successful bidder shall be liable to the penalties prescribed under article 859 of the Code of Civil Procedure, and a new sale by auction shall take place, in terms of the cited provision.

Art. 140 — When any of the debtors of the body of members (mazania) in the cases specified under Nos. 1 to 4, 6 and 7 of the preceding articles, does not pay in the competent periods, he shall be sued in the proceedings of administrative execution.

Art. 141 — The fines collected shall be credited to the association concerned.

Art. 142 — The amounts in excess that may result, after the authorised liabilities are satisfied, shall form, at the end of financial year, the fund of the association and they shall be applied according as it is laid down under Chapter IV of this title, and in extraordinary expenses, when it is absolutely impossible to obtain receipts for this purpose, and the optional expenses shall be eliminated.

CHAPTER X

Relating to extraordinary expenditure

Art. 143 — The Managing Committee shall deliberate which works, services and supplies it intends to carry out, justifying their necessity and utility, what is their probable cost and the manner of providing for expenses, and the clerk shall certify the financial position of the coffer.

Art. 144 — When the works, services and supplies are of the value upto rupees 500, the Managing Committee shall order their estimates to be worked out by any expert who may be a surveyor, an officer in charge of maintenance of roads or a contractor even though he is not registered.

Para — After the budget is approved by the body of members (mazania) it shall be submitted to the approval of the Administrator.

Art. 145 — When the works, services and supplies are of the value exceeding rupees 500, the deliberation of the Committee, taken in terms of article 143, shall be submitted to the body of members (mazania) for the latter's decision whether their execution is convenient or not.

Para 1 — The clerk shall draw up a copy of the deliberation and shall hand it over to the attorney who, by attaching this copy shall apply to the ~~Governor General~~¹³ [Government] for the competent authorization and the application shall be presented at the Office of the Administrator.

Para 2 — The attorney shall have attached to the petition the budget worked out technically, with the justificative and descriptive report, statement of measurements and the series of current prices. The expenses necessary for the preparation of budget shall be advanced to the attorney by the Committee, independently of the order of the Administrator, when they are below rupees 50 and with the authorization of the Administrator when they exceed this amount.

Para 3 — The application being accepted, the Administrator shall order in the file the convocation of the body of members (mazania) to say on the matter.

Para 4 — If the vote of the body of members (mazania) is favourable, the Secretary of the Office of the Administrator shall have soon published the advertisement in Government Gazette and in the newspaper of the taluka (Concelho) headquarters, there being any, besides displaying it on the door of the Office of the Administrator, and he shall send a copy to the clerk of the body of members (mazania) to be displayed by the latter on the door of the meeting hall, with an anticipation of 10 days from the auction, in the advertisement the interested persons shall be invited to appear at the said Office of the Administrator on the day and time that may be fixed by the Administrator.

Para 5 — If the body of members (mazania) does not agree to the execution of works, services or supplies planned, or there being objection on the part of any member (mazane) the Administrator, after examining the grounds of opposition or of objections, and with a prior inspection when he may deem it necessary, shall pronounce his decision; and the amount of expenditure being above Rs. 500/- he shall submit the file to the decision of ~~Governor General~~¹⁴ [Government] with his remarks carrying out a prior inspection, when he thinks it necessary.

Para 6 — If the Administrator, or the Governor General, as the case may be, orders the continuation of proceedings, the auction shall be fixed in the manner prescribed under para 4.

¹³ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

¹⁴ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

Para 7 — Prior to the auction, it shall be fixed in the budget the value of the guarantee, and prescribed other conditions that may be necessary.

Para 8 — On the day fixed for the auction, the services, supplies or works shall be adjudicated to the person who may be prepared to do them for the least price, it being the guarantee verified and accepted by the Managing Committee; it shall be drawn up of everything the competent bond signed by the successful bidder, surety, witnesses, committee and secretary of the Office of the Administrator.

Para 9 — When the work is not auctioned at the first time, it shall come to the second time with the increase of 5 per cent. at the most, and it is not being so at this time, it shall go to auction for the third time with the maximum increase of 15 per cent.; the fixation of these increases shall be of the competence of ~~Governor General~~¹⁵[Government] according as it is the question of a work of the value exceeding rupees 500, and of the Administrator in the works of a lower value.

Para 10 — The responsibility of the successful bidder and of the surety shall be defined in the conditions mentioned in the file and there being any omissions, it shall be regulated by the provisions of the Civil Code.

Para 11 — The time limit of security can never be less than six months, for the works of levelling of soil, provided that the rainy season is comprised therein, and less than one year, for the works of art and any other works.

Para 12 — The work may be auctioned in lots, when this suits the interests of the body of members (mazania); however, in no case the supply of materials can be adjudicated to a person other than that may bid successfully the execution of the works.

Para 13 — The Administrator, by attaching a note of the financial position of the coffer, prepared by the clerk of the body of members (mazania) shall give his remarks in the file and shall send it to the Directorate of Civil Administration for further proceedings.

Para 14 — On receipt of the file from the Directorate of Civil Administration the Administrator shall order the successful bidder to be notified of the decision of the Governor General.

Art. 146 — No file of extraordinary works and of those of art, of a value exceeding rupees 500, both main and supplementary, shall be submitted to the appreciation of Government, in order to obtain sanction for the respective execution unless it is previously remarked upon by the Directorate of Public Works.

Para — In all other files of works, the referred to Directorate shall equally be consulted, whenever the Directorate of Civil Administration thinks this consultation convenient.

¹⁵ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

Art. 147 — The inspection and control of the works, services and supplies shall be incumbent on:

1) The attorney of the Committee, who should, when possible, attend at the works, giving account of the result, every week to the administrator.

2) The administrator, who shall inspect the works whenever it is indispensable and necessarily once in the course of the work, and another time at its end, in the presence of the technician or expert, in both the cases.

Para 1 — If the works are of masonry, carpentry and other arts and their value exceeds rupees 500, an overseer, paid by the body of members (mazania) may be appointed by the Administrator, with the authorization of ~~Governor-General~~¹⁶[Government] to attend at the execution of the works.

Para 2 — In the remarks referred to under para 13 of the preceding article, the Administrator shall ask authorization for the appointment of overseer, when there is his necessity.

Para 3 — The special pay to be paid to the overseer can never exceed rupees one for each working day.

Para 4 — The overseer shall have a note book, initialled by the Chairman of the Committee, wherein he shall note down every day the quality of service executed, the number of workers who executed it and any facts worthy of mention, which book may be examined at any time, by the agents and members of the body (mazania), and the overseer cannot, under any pretext, refuse to show it.

Para 5 — The special pay of the overseer shall be paid in the first week of each month in relation to the preceding month.

Para 6 — The overseer who does not have up-to-date his note book, shall be suspended by the Chairman of the Committee and dismissed by the Administrator, and he shall loss in favour of the temple the special pay due and not paid and when he registers inaccuracies, he shall be punished for the criminal act of falsity, in terms of common law.

Art. 148 — The provisional acceptance of works whose value does not exceed rupees 250, shall be made by the Committee, with an examination effected by an expert or technician, appointed by the Chairman, as soon as the contractor notifies that they are concluded; and the definitive, in the same manner, after the expiry of the time limit of security.

Para 1 — The provisional and the definitive acceptance of works whose value is above escudos 1,500 \$ and below escudos 6,000 \$, shall be effected by an inspection

¹⁶ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

presided over by the administrator and with the examination carried out by a technical expert, recognised by Government.

Para 2 — The definitive acceptance of the works of the value exceeding escudos 6,000\$ shall be effected also by means of an inspection carried out by the Administrator and examination effected by the technician of the Directorate of Public Works, of a rank not less than that of the Engineer Grade I.

Para 3 — The contractor shall be present at the examination of the works, referred to under the preceding para, both for the provisional and the definitive acceptance, and he shall be summoned in advance to this effect, when he is not present, this circumstance shall be mentioned in the record of proceedings of the inspection, it being stated that the competent summons was served and the reason why he did not appear, if it is known.

Para 4 — The examination shall be carried out in the presence of the Administrator, of the attorney of the Committee, of the overseer, there being any, and of the secretary of the office of the Administrator, who shall draw up in the file of the works the respective record of proceedings signed by all intervenient persons.

Para 5 — In the record of proceedings it shall be described circumstantially all the works carried out, either in excess, or in defect, with all the measurements and remarks, so that in future all necessary clarification may be found and as a final result it may be verified whether the works are in conditions of being accepted and the rights or the responsibilities of the contractor.

Para 6 — For the purpose of the preceding para, the Administrator shall show to the expert or engineer the bond of auction, the conditions that served as basis for bidding and the project, budget and plans of the work.

Para 7 — The record of proceedings referred to under para 4 shall form a part of the respective file, and after the examination is effected for the definitive acceptance of works, the file shall be forwarded by the Administrator to the Directorate of Civil Administration, with his remarks, when he may think these necessary.

Para 8 — The acceptance of the works shall only be considered definitive after the ~~Governor-General~~¹⁷[Government].

Para 9 — The Administrator, on pain of a fine of rupees 50, shall submit the file to the confirmation of ~~Governor-General~~¹⁸[Government] within 15 days from the date of definitive handing over.

¹⁷ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

¹⁸ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

CHAPTER XI

Relating to the leases of a long term

Art. 149 — The bodies of members (mazanias) may grant on lease of a long term their lands under paddy crop or frutiferous trees, that may be notably deteriorated when the expenses necessary for their improvement are not within their economic possibilities.

Para 1 — The period of lease shall be of more than 9 till 25 years for paddy fields and till 30 years for groves of coconut trees or orchards.

Para 2 — It cannot be granted on lease of a long term more than 6 hectares of land, it being of paddy field and more than 12 it being for groves of coconut trees or orchards.

Art. 150 — The applications for lease of a long term shall be addressed to the ~~Governor General~~¹⁹ [Government] and filed at the Office of the Administrator of the respective taluka (concelho) and they should contain:

- a) The name of the land, the nature of crop for which it is meant, and the number of its inclusion in the estimates of the last ordinary auction;
- b) In case of a field, the quantity of seed and the production ascribed to it in the estimates;
- c) The situation and the boundaries;
- d) The area, when it is known or the probable area;
- e) The number of years for which the lease is intended.

Para — The provisions relating to the proceedings of long term leases (aforamentos) shall apply to these proceedings.

Art. 151 — The application shall be accompanied by a budget or report, mentioning the plan of improvements that the applicant is prepared to carry out with discrimination of the services or works to be executed in each year and their probable cost; the time limit for conclusion of all the improvements cannot exceed 5 years.

Art. 152 — For the verification of economic possibilities referred to under article 149, the clerk of the body of members (mazania) shall prepare a statement of net receipts of the latter during the last nine years, which statement shall be requisitioned officiously and had attached to the file by the Secretary of the Office of the Administrator.

¹⁹ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

Art. 153 — Subsequently, the inspection shall be fixed with three experts, it being one appointed by the applicant, the second by the attorney of the Committee and the third, the Director of Agriculture or his delegate.

Art. 154 — The experts shall verify in the inspection whether the improvements can or cannot be made applying every year, during 5 to 10 years, the amount of 10 per cent of net receipts of the body of members (mazania) and also whether the latter can execute the referred to improvements by means of a loan having the referred to 10 per cent as basis.

Art. 155 — In the record of proceedings of the inspection it shall be expressly mentioned the conditions in which the land is found, whether the experts approve the plan or the project of improvements, presented by the applicant or the alterations that should be made therein and the probable receipts resulting from the improvements, working out at last the budget of the works to be executed every year their quantity and expenditure.

Art. 156 — After the inspection takes place, in the terms mentioned above, the body of members (mazania) shall be convoked in order to have their say on the file.

Para — When the improvements cannot be executed within the amount of 10 per cent or of the loan referred to under the preceding article, the body of members (mazania) willing to execute them on its account, shall vote, in the same act, the amount necessary for the compliment of expenses; or it shall be presumed that the body voted the amount, seeing that it declares its willingness to execute on its account the same improvements.

Art. 157 — When the experts declare that the improvements are within the economic possibility of the body of members (mazania) estimated in terms of article 152, or the latter declares that it prefers to execute the improvements on its accounts, the lease cannot be granted; and the ~~Governor-General~~²⁰ [Government] in accordance with the opinion of the experts, shall fix the time limit for the body of members (mazania) executing the same improvements.

Art. 158 — If the improvements are not within the economic possibility of the body of members (mazania) and the latter declares that it does not wish to vote the amount necessary for the complement of expenses, the land shall be granted in public auction.

Para 1 — The basis of auction shall be the maximum rent obtained in the immediately preceding nine years increased by 15 per cent.

Para 2 — The concessionaire, through the signing of auction, shall be bound to execute integrally the repairs and improvements mentioned in the record of proceedings of inspection, within the time limits prescribed in the same record.

²⁰ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

Para 3 — The concessionaire who may abstain from complying with any of the conditions of the agreement shall be subject to the payment of fine equivalent to double the expenditure that he would have to incur on the works or services that he abstained from carrying out in due time, and, for the second infringement, he may be removed.

Para 4 — The concessionaire who does not carry out the complete plan of improvements, within the time limit in which he should do it, or gives up latter the land leaving it to deteriorate, shall lose the lease and the land shall revert immediately to the body of members (mazania) with all the improvements and the concessionaire shall not have right to the latter nor to any compensation.

Para 5 — The reversion referred to under the preceding para, shall be made by means of an inspection made by the administrator, with intervention of an expert, who shall be the Director of Agriculture or his delegate and subject to the confirmation of Governor General, without which it shall not become executable.

Para 6 — The order of reversion shall be published in Government Gazette and, from this publication, the body of members (mazania) shall repossess the land, without any administrative impugment or judicial action on the part of the concessionaire or of a third party, opposing to it.

CHAPTER XII

Relating to the long-term leases (aforamentos)

Art. 159 — It shall be permitted to the bodies of members (mazanias) to grant, on long-term lease (aforamento) their uncultivated and waste lands and also under legumes, when applied for paddy crop or for construction of houses.

Art. 160 — The following cannot be granted on a long-term lease (aforamento);

- 1) The common lands;
- 2) Those indispensable and those already meant for pasturage;
- 3) Those used for servitude of the neighbours;
- 4) Those meant for threshing-floors and other indispensable services for the cultivation and defence of fields;
- 5) The water reservoirs meant for irrigation of fields and fish breeding;
- 6) The lands adjoining the temples and their dependence and those of places necessary for celebration of acts of cult as well as the bazaars, crematoria or cemeteries upto 100 metres of either side;
- 7) The lands meant for permanent services of the body of members (mazania);
- 8) The lands enclosed in the fields of the body of members (mazania) and the rivulets of the khazan lands.

Para 1 — The lands mentioned under Nos. 1 to 8 and those marginal to public ways and to the fields within a radius of 50 metres, meant exclusively for long-term leases (aforamentos) for construction of dwelling-houses and those that may be useful for cultivation on account of the body of members (mazania) shall be found out, described and demarcated within the time limit of 180 days, from the execution of this Regulation and the competent record of proceedings shall be drawn up and registered in the cadastral book of the body of members (mazania).

Para 2 — This finding out shall be made by the Managing Committee with the help of a surveyor.

Para 3 — Whenever it may be necessary, the Administrator shall inspect the works deciding in loco the doubts that may arise.

Para 4 — The demarcation being made, it shall be observed the provision under article 206 and those following.

Para 5 — Until the verification of the lands referred to under para 1 is made, no long-term leases (aforamento) can be applied for.

Para 6 — The long-term leases (aforamentos) granted in contravention of the preceding paras shall be void of right, and the agents who may contribute to this grant shall be answerable for losses and damages that may result therefrom.

Art. 161 — It shall not be granted on long-term lease (aforamento) for cultivation more than three hectares, and for construction of houses, more than one thousand square metres; however, in this last case, a greater area can be granted, when the applicant de-sires so and presents the plan of the building.

Art. 162 — The lands adjacent and close to dwelling houses and those marginal to roads, public ways, village or inter-village ways and the fields, cannot be granted on long term leases (aforamento) for cultivation, within a radius of 50 metres; however, it can be so for servitude of dwelling houses in a maximum width of five square metres.

Art. 163 — It shall be expressly forbidden to include in the same application the request for more than one land, or for the land for cultivation and house at the same time, or that of more than one applicant for the same or different lands.

Art. 164 — The applications for long-term leases (aforamentos) shall be addressed to the Governor General, and shall be handed over at the office of Taluka (Concelho) Administrator, and they should contain:

- a) The name of the land;
- b) The situation;
- c) The boundaries;
- d) The probable area;
- e) The purpose for which it is meant;

f) The declaration whether it is uncultivated or cultivated.

Para 1 — The attendant (porteiro) of the office of the Administrator shall give to the interested party a receipt of the entry of application, with the mention of the respective number.

Para 2 — No pretension shall be entered unless an advance of the probable expenses is made in the hands of the Secretary of the Office of the Administrator, who shall issue a receipt to the interested party, mentioning therein the day and the time when the advance was paid.

Para 3 — No pretension shall be taken further, when the initial application is not in the conditions prescribed under this article.

Art. 165 — The application being accepted, the Secretary of the Office of the Administrator shall advertise the pretension in two successive issues of Government Gazette, describing the land, with all the conditions mentioned in the preceding article so that it may be possible to object to it within the time limit of 30 days, from the second publication of the advertisement, and on the expiry of this time limit, attaching the objections received or certifying that there was none, he shall send soon the file to the clerk of the body of members (mazania) for the reply of the latter and of its Committee, who within the inextensible time limit of 30 days, shall give their opinion on the pretension.

Para 1 — Extraordinary sessions of the body of the members (mazania) and of the Committee are hereby authorized for the purposes of this article.

Para 2 — The pages of Government Gazette, in which the advertisements may be published, shall be attached to the file.

Art. 166 — The time limit of the reply being expired, the clerk of the body of members (mazania) shall return the file to the office of the Administrator, with or without reply of the body of members (mazania) and of the Committee.

Para 1 — If the applicant desists from the pretension, the Administrator shall order the case to be filed and to be returned to the applicant the advance paid, with deduction of the costs of the case.

Para 2 — The assumption provided for under the preceding para not being verified, the Administrator shall order the applicant and the attorney of the Committee to be summoned to appear for appointing arbitrators for the inspection, mentioning the day and the time for this purpose.

Para 3 — The summons being served and the parties appearing, or by default of one of them, the appointment of one or three arbitrators shall take place at their pleasure.

Para 4 — In the absence of agreement, each party shall appoint an arbitrator and the Administrator, the third one.

Para 5 — When the Administrator has to appoint an arbitrator, he never shall choose him from among those proposed by the parties, nor from among his subordinate employees.

Para 6 — When any of the parties, who may be the applicant or may have been summoned, abstains from appearing, the Administrator shall appoint an arbitrator for that who may be absent.

Para 7 — The parties can appoint arbitrators residing outside the respective taluka (concelho), and they shall be responsible for their appearance at the inspection independently of the summons.

Para 8 — Whenever there is interest of the body of members (mazania) in the arbitration, the third arbitrator shall be appointed by the Administrator.

Art. 167 — The Administrator shall preside over the inspection, and he shall appear with the Secretary of his Office; and the applicant, the attorney and the clerk of the body of members (mazania) shall be summoned to attend at it, besides the arbitrators.

Para 1 — The arbitrators after tendering the declaration of honour, shall give their opinion, declaring whether the land is leasable for long-term or not; whether from the agreement it results any loss for the body of members (mazania) or not for which also the reply of the body and that of the Committee shall be taken into consideration; what is the annual rent (foro) to be fixed, and all other circumstances that may influence the final decision.

Para 2 — If in the inspection the land is thought leasable for long-term, it shall be measured and demarcated, and provisional boundary marks shall be placed at all its corners.

Para 3 — If in the inspection the land is not thought leasable for long-term, the applicant may ask the Administrator, within the time limit of eight days for a new inspection and it shall be granted to him with five arbitrators, it being two appointed by the applicant, two by the attorney of the Committee and the fifth by the Administrator.

Para 4 — The same procedure shall be observed when the attorney of the Committee, not being in accord with the decision of the land being leasable for long-term, may apply for it.

Para 5 — The annual rent (foro) shall not be below Esc. 40\$ for every 100 square metres, except the new Conquests, where it may be lowered upto Esc. 20\$. However, the land asked on long-term lease (aforamento) being cultivated, the annual rent (foro) shall never be below the maximum income obtained in the last nine years plus 5 per cent.

Para 6 — A record of proceedings shall be drawn up of the inspection and it shall be signed by all the present persons and registered in the book of the body of members (mazania) within the time limit of eight days.

Art. 168 — All the lands asked on long-term lease (aforamento) shall be adjudicated in public auction.

Para 1 — The auction shall be advertised in Government Gazette, at least 15 days in advance.

Para 2 — On the day appointed for the auction, the Administrator shall order the opening of the auction to be proclaimed by the bailiff, and, at the end of bidding, the land shall be adjudicated to be successful bidder in terms of the following paras, and a record of proceedings shall be drawn up of everything.

Para 3 — In the event of the land being adjudicated to a person other than the applicant, the latter shall be indemnified by the former with double the amount of the costs of the process.

Para 4 — The bidder who may offer the highest annual rent (foro) shall deposit the amount corresponding to the rent (foro) of one year plus double the advance, and only than the auction shall be considered ended.

Para 5 — After the order of the concession, double the amount of costs shall be handed over to the first applicant and that of the annual rent (foro) received in the coffer of the body of members (mazania) and it shall be returned to the party in the first year of the period of validity of the agreement.

Para 6 — In the absence of bidders, the land shall be adjudicated to the applicant for the annual rent (foro) decided in the inspection.

Art. 169 — The auction being over, the Secretary of the office of the Administrator shall submit the file to the Administrator, who, with his remarks, shall forward it to the Directorate of Civil Administration.

Para 1 — The ~~Governor General~~²¹[Government] shall decide the pretension in view of the file.

Para 2 — The file, as soon as it is remitted to the Office of the Administrator, shall be forwarded to the clerk of the body of members (mazania) concerned, who shall register in the competent book within the time limit of 3 days from the receipt, the order of the Governor General.

Para 3 — If the order is for concession, the clerk of the body of members (mazania) subsequent to the registration shall issue a chalan for the payment by the concessionaire within 8 days of the registration tax, that may be due in accordance with the laws in force, and after attaching the receipt of payment to the file, he shall

²¹ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

effect the provisional handing over the land to the concessionaire, in the presence of the attorney of the Committee within the time limit of 20 days, after verifying the exactness of the measurement and that there was no alteration of the provisional boundary marks; it shall be drawn up the competent record of proceedings of everything, which shall also be registered in the book.

Para 4 — Subsequently, the clerk shall make a provisional report of the land leased for a long-term, which shall be converted into definitive, after the definitive possession is conferred on the concessionaire.

Art. 170 — The concessionaire shall be bound to apply to the Administrator for the definitive possession of the land leased for a long-term, within 3 days, after the expiry of the time limit fixed under article 174, or extended in terms of article 175.

Para — The possession being applied for, the Administrator shall confer it on the day and time that he may fix, and the concessionaire, the attorney and the clerk of the body of the members (mazania) and the Secretary of the office of the Administrator should be present at the act; the latter shall draw up the respective record of proceedings, which shall be afterwards registered by the clerk of the body of members (mazania) in the competent book.

Art. 171 — The provisional handing over the land leased for a long-term cannot be considered in juridical relations between the body of members (mazania) and the concessionaire as it is an optional act or of a mere tolerance, and only the definitive possession shall confer on the concessionaire the rights that the civil law recognises and assures to the holder of a long-term lease; however, the concessionaire can make use of possessory acts and other conservative means against third parties.

Art. 172 — The following persons shall have preference in the concession of a long-term lease (aforamento):

- 1) The member (mazane) residing in the respective village and having common boundaries with the land to be granted;
- 2) The member (mazane) having common boundaries with the land to be granted;
- 3) The member (mazane) residing in the village;
- 4) The landowner having common boundaries with the land to be granted.
- 5) Any inhabitant of the respective village.

Para 1 — The preferers shall allege their right in the act of auction, after the bidding is over and before the adjudication, for which it shall be announced at the auction that the bidding is over; it shall apply to the preferers the provision under para 4 of article 168, except to those comprised under No. 4 of this article, who shall not be bound to pay double the amount of costs.

Para 2 — There being more than one preferrer in equality of circumstances, bidding shall be carried out among them in the same act, and the land shall be adjudicated to the person who may offer the highest annual rent (foro).

Art. 173 — Any impugment of a long-term lease (aforamento) can only be deduced within the time limit of 30 days referred to under Article 165.

Para 1 — The impugment being presented and the body of members (mazania) consulted, the Administrator shall suspend further proceedings with respect to the impugned part of the land; however, he shall continue the proceedings relating to the part to which there is no objection, when the applicant wishes so.

Para 2 — The impugment shall be deduced in writing and signed by the impugnor, the signature being witnessed by the Notary Public and therein the Administrator shall give his order deciding the pendency, or shall remit the parties to ordinary means, if the dispute turns on the right of possession or of ownership.

Para 3 — If the applicant insists on the concession of long-term lease (aforamento) despite the opposition of a third party, which may have to be decided by the Courts of Law, the proceedings shall be continued and the concession made with all legal formalities, but under the condition that the body of members (mazania) shall not be responsible for the eviction, nor shall it hinder any opposition to the handing over of the land, and that the applicant or the concessionaire shall become subrogated in all the rights of the body of the members (mazania).

Para 4 — In the event of declaration referred to under the preceding para, which shall be reduced to a bond, the provisions under paras 7 and 8 of this article shall not be complied with; the claimant may have prescribed the rights against the concessionaire at any time it being observed the provisions under the general law.

Para 5 — In the case provided for under para 4, the applicant shall be bound to pay the respective annual rents (foros) to the body of members (mazania) till the date on which it is made definitive the judicial sentence ordering the land to revert to the claimant, or to his legal representative.

Para 6 — In the defence of the action brought by the claimant, the applicant in the case under para 4, shall be deemed a legitimate representative of the body of members (mazania) for all legal purposes.

Para 7 — The impugners, whose opposition may have to be decided at the courts of law, shall present within the time limit of 30 days, from the notification of the order referred to under para 2 of this article, a certificate that the competent action was distributed at the court, under pain of their impugnments being decided as void, and further proceedings of the long-term lease (aforamento) being continued.

Para 8 — The impugners shall be equally bound to present at the office of the Administrator, quarterly, a certificate that the case is in course, under the penalty imposed under the proceeding para.

Para 9 — The objection brought being decided in favour of the body of members (mazania), by a sentence made definitive, the pretension shall follow in its proceedings.

Art. 174 — The land leased for a long- term, which is not put to good use within the time limit of three years from the date of provisional handing over, shall revert to the body of members (mazania):

Para — The following shall be deemed to be put to good use:

1) The lands which being granted for cultivation of paddy may be within the prescribed time limit, brought under this crop, wholly or in their greater part;

2) The lands granted for cultivation of trees of any other kind, which may be brought under this crop, within the same time limit, wholly or in their greater part;

3) The lands granted for building houses, when these have been started and concluded within the time limit of 3 years, the construction comprising, at least, the forth part of the area leased for long term;

4) The lands granted for building houses or for cultivation, which may have been utilised for either purpose.

Art. 175 — The concessionaires who, for any reason, cannot put to good use the lands leased for a long-term, within the time limit of three years, may, before its expiry, apply for its extension by alleging the reasons that led to non- compliance of the agreement within the stipulated time limit, and the Governor General, in consultation with the body of members (mazania) and the Administrator concerned, shall decide justly the request, and he may grant the extension for one more year.

Art. 176 — A Committee, composed of the Chairman of the Managing Committee or of one of its members chosen by it and of the attorney and the clerk of the body of members (mazania) shall examine annually, during the month of December, the lands leased for a long-term, verifying whether they are put to good use or not, in terms of the preceding articles and it being otherwise, the Committee shall prepare the competent record of proceedings wherein it shall be mentioned the conditions in which they were found.

Para 1 — The necessary information for this purpose shall be furnished to the Committee by the clerk, in view of the registers.

Para 2 — A copy of the record of proceedings of the examination shall be forwarded till 15th January of each year to the Office of Taluka (Concelho) Administrator.

Para 3 — The members of the Committee, who may abstain from complying with the provision under this article, shall be liable each to the fine ranging from rupees 25 to rupees 50 which shall be imposed by the Administrator, who may also propose disciplinary punishment of these agents of the body of members (mazania) according to the seriousness of the case.

Art. 177 — When it is verified that the concessionaire did not put to good use the land leased for a long term, within the legal time limit, in terms of article 174, it shall be imposed upon him the fine of rupees 20, for the first year, and of rupees 10, for each of the subsequent years, without prejudice of reversion.

Art. 178 — On receipt of the copy referred to under para 2 of article 176, the Administrator shall order the concessionaires to be notified, under pain of default, to say, within the time limit of 8 days, by means of application, the reason why they abstained from putting the land to good use.

Para 1 — If the notified person confesses the omission noted by the inspection or does not appear, the Administrator shall bring it to the knowledge of the Governor General, proposing to be cancelled the order of the concession and to revert the land to the body of members (mazania)

Para 2 — If the notified person contests the exactness of the examination, the Administrator shall grant a survey through appointed experts, in terms of para 3 of the article 166, the proceedings being prepared by the concessionaire, and it being verified that the contestation is unfounded, the Administrator shall act in terms of the preceding para.

Art. 179 — The order of reversion shall be published in Government Gazette, and the due registration shall be made in the book concerned.

Para 1 — The copy of the order shall be considered a sufficient title for the cancellation of registration of the long-term lease (aforamento), made at the office of Land Registrar and the cancellation shall be asked for by the attorney of the Committee, within the time limit of 10 days, under pain of a fine equivalent to ten times the annual rent (foro).

Para 2 — The land shall be deemed reverted to the body of members (mazania) from the publication of the order in Government Gazette, without any administrative impugment or judicial action on the part of the concessionaire being admissible to oppose it.

CHAPTER XIII

Relating to the sale of pledges and produce of properties

Art. 180 — The pledges that may be deposited in guarantee in the manner permitted under articles, 128 and 130, shall be sold in the following manner, when the amount secured by them is not paid in competent time.

Para 1 — The clerk of the body of members (mazania) shall announce the sale in public auction, inviting the interested persons to appear at the office of the Administrator, on the day and time appointed by the Administrator.

Para 2 — In the advertisement it shall be mentioned the quality of the pledges, their metal and value, or the number corresponding to the share certificates and the issuing “Comunidade”

Para 3 — On the day appointed for the sale, in the presence of the Administrator and the Committee, it shall be adjudicated each of the articles separately, or all of them in the lump, to the person offering the highest price and the clerk of the body of members (mazania) shall draw up in the book of miscellaneous bonds a record of proceedings, signed by the buyer and two witnesses, besides the said persons.

Para 4 — The auctioned pledges cannot be handed over to the buyers without prior payment of the respective price, and this not being made within 3 days, a new auction shall take place, the initial buyer being responsible for payment of the remaining amount and other expenses; for the rest, the provision under article 904 of the Code of Civil Procedure shall be observed.

Para 5 — The remaining amount of the proceeds of auction after deduction of the amount of guarantee, the interest and the fees due, shall be returned to the debtor.

Art. 181 — For the sale of fruits and produce of properties, referred to under article 127, when seized for the solvency of obligation guaranteed by them, it shall be observed, in the applicable part, the formalities mentioned under this Chapter.

CHAPTER XIV

Relating to the authorization for legal actions

Art. 182 — When the body of members (mazania) deliberates to institute before a court any legal proceedings, its attorney should state the grounds of its right, in a petition with valid reasons, supported by documents and addressed to the Administrative, Fiscal Audit Tribunal, through and with remarks of the Administrator.

Para — The Administrative, Fiscal and Audit Tribunal in the event of granting the permission asked for the institution of cause, shall sanction the expenses necessary for the same purpose.

Art. 183 — Equally, action shall be taken in terms of the preceding article when the body of members (mazania) asks permission for confession or transaction of the actions.

Art. 184 — The permission for conservative actions shall be obtained through the application with grounds, addressed by the attorney of the body of members (mazania) to the Administrator.

Art. 185 — The sanction referred to under articles 182 and 184, shall, be attached to the initial petition of the action and that referred to under article 183, shall be presented before the court prior to the final sentence.

Art. 186 — The causes brought up in virtue of current accounts issued in terms of this Regulation, as well as the actions against the debtors of annual receipt of the body of members (mazania) and against those of the capitals lent, shall not be subject to the formalities prescribed under this Chapter.

CHAPTER XV

Relating to the release from the rent of fields

Art. 187 — The tenant of a field of the body of members (mazania) shall have right, independently of a prior stipulation to request that it may be deducted from his rent the value proportional to the privation of use of the leased thing, that may result on account of a fortuitous event or that beyond control, and of which he does not have any fault or responsibility.

Art. 188 — The tenant cannot ask for reduction in rent on the ground of sterility, except when the plot produces less than a half of that ascribed in the estimates, on account of drought.

Art. 189 — It shall be, for the purpose of request for release, fortuitous causes or those beyond control, the inundations of sweet or salt water, by action of the nature or by an occasional event, the fire and extraordinary invasion of insects, and the lack of water in the reservoirs of irrigation of fields for rabi crop.

Para — In the event of inundation, the tenant can only ask for reduction in the rent, if the leased plot has produced less than a half of what was ascribed to it in the estimates.

Art. 190 — The tenants, as soon as any of the events mentioned under the preceding article takes place, should report it, in writing on an ordinary paper, to the taluka (Concelho) Administrator and to the clerk of the body of members (mazania) who shall bring it to the knowledge of the higher authorities and of the agents of the same body of members (mazania).

Para — When the tenant recognises that there is no water for the irrigation of the field in the reservoir that feeds it, shall report the fact in the manner mentioned under this article, till the end of the month of November, for the verification of the fact and for limitation of the area of the fields that can be irrigated.

Art. 191 — The Taluka (Concelho) Administrator, the attorney and the tenant of the bund and sluice-gate, shall take immediate measures to remedy the wrong or to attenuat it to the possible extent.

Art. 192 — The Administrator, on receipt of the report, shall carry out ex-officio the immediate inspection of the field or of the reservoir by a technical expert,

or, in his absence by a fit person, and shall record in a statement of proceedings everything found by him for a just appreciation of the damage caused of its causes and of the fault or responsibility, and of the plots attained, the release may be granted when it is verified an event beyond control.

Art. 193 — There shall not be room for the grant of release, if any tenant did not report any fortuitous case, in the precise terms under article 190 or its para.

Para 1 — The communication shall be deemed made in due time if it is so within 3 days from the event, although it is not possible to discover the person answerable for it.

Para 2 — The inspection shall become useful to all the tenants.

Art. 194 — The Administrator who abstains from carrying out, within the maximum period of 48 hours, the inspection ordered under article 192, occasioning the non-verification of the cause of the event and of the answerable person, due to delay, shall be responsible towards the body of members (mazania) for the losses what he may cause to it in the case of the rent of the tenant being discharged or reduced.

Para — These losses shall be recovered by ordinary means, with the recoupment of 1/3 of salary soon after the request for release made by the tenant.

Art. 195 — The Administrator, the attorney and the tenant who may abstain from taking measures or may not execute them to avoid the aggravation of the wrong of event, shall be answerable towards the body of members (mazania) for the losses that it may undergo.

Para 1 — The responsibility of each of the persons referred to above shall be settled by ordinary means and the amount for which he may be considered responsible shall be recovered with the recoupment of respective salaries, soon after the request for release made by the tenant.

Para 2 — Any member (mazane) shall be a legitimate party for requesting the settlement of loss in favour of the body of members (mazania).

Art. 196 — The applications for release, addressed to the ~~Governor General~~²²[Government] shall be handed over at the Office of the Administrator, specifying therein the name or names of the bids, their situation, the probable quantity of the losses of fruits and their causes, or the impossibility of the bids being sown and all other grounds of the request.

Para 1 — The release for each bid shall be applied for by the respective tenant, except when the bids are continuous or not distant one from another by 500 metres,

²² Substituted vide Order No. 16/14/87-RD dated 23-10-1987

or, it being the release from the rent of rabi crop, when the bids are irrigated with the waters of sele reservoir.

Para 2 — The application being accepted, the Administrator shall order the party and the attorney of the Committees to be summoned to appear at his office, in order to carry out the appointment of one or three arbitrators.

Para 3 — The appointment of the arbitrators shall be made in terms of article 166 and its paras, the third arbitrator being appointed by the Administrator. If the interested parties agree that there may be only one arbitrator, the latter shall be appointed by the Administrator.

Para 4 — In the act of appointment of arbitrators, the Administrator shall fix the inspection, ordering the arbitrators, the parties and the attorney of the Committee to be summoned to appear at the place of the respective bids, on the appointed day and time.

Para 5 — At the inspection it shall be verified the alleged loss of fruits, the sterility of the field or impossibility of sowing, their causes and the rest that may contribute to the clarification of the matter, and a detailed record of proceedings shall be drawn up of everything.

Para 6 — The parties may put questions and the Administrator may order any inquiries or proceedings that he may deem indispensable to clarify the matter.

Para 7 — The inquiry being over, the Administrator shall order the body of members (mazania) and the Committee to be consulted, and he shall forward the file to the Directorate of Civil Administration, with his remarks, for the decision of the Governor General.

Para 8 — The Governor General, in view of what is verified in the file, shall decide whether the applicants deserve the release or not, and, in the first case, he shall fix the reduction that should be given in the rent of each bid.

Art. 197 — When the release is applied for on the ground of scarcity of waters necessary for the cultivation and irrigation of rabi crop, in the reservoirs of the body of members (mazania) in the inspection it should be verified the fact and its cause, as well as whether the bids to which the request refers can be sowed and irrigated with the existing waters of as till ripening of the fields.

Para 1 — If it is verified that the bids of the applicant can be cultivated, the released shall not be granted; and it being otherwise, on the enquiries referred to under para 6 of the preceding article being carried out, the file shall be submitted to final decision, with remarks of the Administrator.

Para 2 — When it is verified that the cause of scarcity of waters was not casual, but due to a person other than the applicant, the latter can use against the former all the actions of the competence of the body of members (mazania).

Art. 198 — The procedure of release shall be the same for all the interested persons and the inspection for its grant, shall be made before the harvest; the request should be expressed till 15th August, as for the kharif crop, and till 15th February, as for the rabi crop, except in the case of fire, when the request should be made within 5 days from the event.

CHAPTER XVI

Relating to the introduction of waters into the fields

Art. 199 — No body of members (mazania) can introduce salt or sweet waters into its fields, without permission of the Governor General.

Para 1 — This permission shall be applied for, through the Administrator, by the attorney of the Committee, by attaching to the application to the following documents:

a) Minutes of the body of members (Mazania) and in its default, of the Committee deliberating the introduction applied for and fixing the time for which it should last;

b) Opinion of two physicians declaring that the introduction of waters shall not harm the health of the population of neighbouring areas, nor the water of the wells situated in the adjacent properties, it being the question of salt waters;

c) Declaration of the properties of adjoining properties, consenting to the request.

Para 2 — The application remarked upon by the Administrator, shall be submitted to the decision of the Governor General.

Art. 200 — The grant shall be subject to the following conditions:

1) The waters to be introduced into any paddy field cannot rise 75 centimetres in the middle part over its surface;

2) They cannot be retained more than 24 hours, in columns exceeding 50 centimetres, in the higher part of the inundated surface; however, the introduction can be repeated, when necessary with the minimum interval also of 24 hours.

Art. 201 — The violation of the provision under the preceding article shall constitute disobedience punishable in terms of the general law, and the Administrator's authority (regedor) of the parish (fregusia) or Village, as soon as he has its knowledge, shall have immediately drained the field, and shall report to the Taluka (Concelho) Administrator the latter shall order the competent proceedings of investigation whose record he shall forward to the Directorate of Civil Administration.

Para — The expense incurred on drainage shall be recovered from the transgressor, by means of administrative execution, when he does not pay them voluntarily.

CHAPTER XVII

Relating to the Cadastre

Art. 202 — The cadastre shall be the collection of records of all the properties of the body of members (mazania).

Art. 203 — It shall be obligatory for all the bodies of members (mazanias) the organization of the Cadastre of properties over which they may have perfect or Imperfect ownership, and the cadastral survey should begin within the time limit of 6 months from the execution of this Regulation.

Art. 204 — In order to carry out the cadastral survey of the fields of such body of members (mazania), a brigade of cadastral survey shall be constituted in the following manner: a surveyor requisitioned by the Administrator to the Directorate of Land Survey, an informer, a measurer chosen by the surveyor and two labourers for carrying the instruments and helping in the measurements.

Para 1 — The service of cadastral survey of each body of members (mazania) cannot be executed by more than one brigade simultaneously.

Para 2 — The appointment of the informers shall be made by the Administrator, under proposal of the managing committee in a list containing names, at least, two times the number deemed sufficient, and it should fall on persons who can satisfy the provision under the following para.

Para 3 — The informers of each brigade shall be substituted in such a way that to each property, or parcel of property, it may correspond informers who may have its complete knowledge and, for this purpose, each of them should be warned by, the clerk of the body of members (mazania) in proportion as his information may be necessary.

Para 4 — The surveyer shall be bound to report, in writing, to the Administrator, the incompetence, inaptitude or little zeal that he may notice in any of the informers, who may accompany him in the service of cadastral survey. He shall forward copies of these report to the Directorate of Land Survey.

Para 5 — All the works of cadastral survey shall be controlled by the Director of Land Survey and by the Administrator, it being incumbent exclusively, on the former or on his delegates the technical control of these works.

Art. 205 — The staff mentioned under the preceding article shall be accompanied in the service of cadastral survey, by the attorney, or by a commissary specially appointed for this purpose and by the clerk of the body of members (mazania) concerned.

Art. 206 — The cadastral survey shall be announced beforehand in Government Gazette and in any newspaper or newspapers of the locality, there being any, in order that the proprietors of the lands adjoining those of the body of members (mazania), as well as the interested persons of the body of members (mazania), may attend at it and present objections that they may have to offer, which objections shall be duly recorded by the clerk in a special book, and decided administratively, when they can be so.

Para 1 — This book shall contain the number of leaves that may be necessary, which shall be initialled in advance by the Administrator or his commissary; and there shall be in each of them, besides the space reserved for the text of objections, two blank space:— one to the left, which shall be used to write down the number of order of each objection; the other, to the right, for the registration of the administrative order containing the final decision.

Para 2 — All the objections shall be recorded in declaration, possibly brief and concise, which shall be signed by the respective objectors, by the clerk and by the surveyor.

Para 3 — No objection can be attended to administratively, unless the respective objector asserts to produce before the Office of the Administrator, within 30 days from the date of the declaration, and produces them in fact, all the documents that can justify his allegations.

Para 4 — As soon as these documents are presented to him in due time, the administrator shall examine the evidences that there may be in favour of and against the respective objection, and shall decide, ordering to be rectified the mistake that he may recognize on the part of the staff of cadastral survey, or directing that the objector may use ordinary means, when he thinks that such allegations are not sustainable.

Art. 207 — The service of cadastral survey shall consist in field work and office work, the former taking place in 7 months, from 1st November to 31st May, and the latter in the remaining five months.

Para 1 — The direction of the service of cadastral survey shall belong to the surveyor, who shall be mainly responsible for its execution.

Para 2 — During the period of field work, the surveyor shall have to carry out the following services:

1) In agreement with the attorney, or the commissary, and with the informer, and in the presence of the clerk of the body of members (mazania) he shall show by means of provisional stakes the places wherein the boundary marks of the parameter and those of the division of plots shall have to be set up, which setting up should precede any topographic work of drawing up of the plan or the measurement;

2) To draw up the plans relating to the parameter, mentioning therein the plots into which each property may be divided.

3) To collect in the field the information and clarification necessary for enabling him to fill in the register of the surveyor, during the time when he does not work there;

4) To carry out, during the time when he does not work in the field, the graphic construction of plans, and the estimate of the area of plots and of the usurpations measured.

Para 3 — The time of field work shall be six hours per day, and it shall be affected during all the days other than holidays.

Para 4 — The surveyor should have his residence near the place of work, and the administrator should order to be allowed to him monthly the amounts necessary for obtaining accommodation in good hygienic conditions and the supply of indispensable furniture for his office work.

Art. 208 — It shall be incumbent on the surveyor, in the first days of field work, to carry out the classification of the lands included in the first eight exceptions under article 160, and which as such should be excluded from the sale or long-term lease (aforamentos) and he shall send the result of this classification to the Administrator, who may order any alteration to it, that he may think convenient.

Art. 209 — As soon as the services in the field may be concluded, it shall be carried out the organisation and writing down of the cadastral work which should contain the designation of the name and number of the plots of the properties; the number of order and measurement of the parameter of each; the boundaries; the kind of land; the nature of the cultivation and special crop that there may be in each; the irrigation, natural or artificial -that it may have; its value; its rent, annual rent (foro) and other liabilities to which it may be subject, and all other details that it may be possible to obtain, including the improvements of which the various plots may be susceptible, isolated or in groups; in this last event, the plots whose grouping is required for such purpose, should be mentioned.

Art. 210 — The cadastre shall contain also, separately, the lands excepted from the redemption from entail, which shall be equally, measured, and boundary marks set up, and it should be specified the purpose for which they are meant.

Art. 211 — The plot or the plots that may form part of the lands leased for long term, shall be registered in the cadastre in the same manner as the others; however, it should be mentioned the period when, for each of them, the lease ends.

Art. 212 — The surveyors, attorneys or commissaries, clerks, informers and mea-surers, shall be paid according to the rates in force.

Para 1 — The surveyors on duty of cadastral survey shall be paid for holidays, as if they were working days.

Para 2 — The bodies of members (mazanias) shall pay to the Director of Land Survey, or to the officials of these services, for the days in which they may carry out the inspection to the works of cadastral survey, daily allowances equal to those paid to them by Government for the field work, and the respective travelling allowances.

Para 3 — The Informers shall only, be entitled to special pay for the days in which they may have to appear in the field.

Para 4 — On completion of the Service, of cadastral survey of a body of members (mazania), the surveyor who was in its charge should prepare a report, in which he shall give in an abridged form account of the time of duration of this service, of the manner how it was executed, of the number of plans drawn up, of the number of plats into which the land of the body of members (marania) was divided, of the total area of this land, of the number, total area and value of the usurpations, and of any other details of the cadastral survey; in this report he shall present also a general description of the lands surveyed, classified according to the crop that are grown therein, the nature and situation, so that it may be possible to have an exact and complete idea of the extension and nature of the territorial ownership of each body of members (mazania).

Para 5 — A copy of each report shall be sent to the Administrator, and the other to the Directorate of Land Survey.

Art. 213 — An authentic copy of the cadastre shall be put at the disposal of the Director of Revenue (Fazenda), to serve as basis for the general cadastre of the property and for the services of the fiscal registers (matrizer).

Para — As soon as the said copy is received at the Directorate of Revenue (Fazenda), the latter shall carry out, without loss of time, the revision of the taxes of the respective fiscal register of properties, and shall have laid upon each of the properties registered in the cadastre the tax that should correspond to it, after classifying these properties in view of the elements furnished by the referred to cadastre, and of any others that the said Directorate may think convenient to obtain.

CHAPTER XVIII

Relating to the usurped lands and the means of their reversion

SECTION I

Relating to the usurpations discovered with or without denunciation

Art. 214 — The actions that the bodies of members (mazanias) may have to bring before courts against the usurpers of their lands, shall be preceded by administrative proceedings, in terms of the following article, which shall serve as basis for the respective judicial action being authorised.

Para — It shall be excepted the possessory actions.

Art. 215 — It shall be competent to denounce the usurpations all components of the body of members (mazania) and also those extraneous to it; however they shall be liable to the fine under para 2 of the following article, when their bad faith is proved and the denunciation is decided as unsustainable.

Art. 216 — The following persons shall be bound to denounce the usurpations.

1— The attorney of the Committee;

2 — The tenants of its fields, both in relation to the leased land and to bunds, drains and lands included therein or those bordering upon, that are not leased to other person.

Para 1— The attorney who does not denounce the usurpation, as soon as he has its knowledge, shall be dismissed, and he shall loose in favour of the body of members (mazania) the special pay to which he may be entitled for the service rendered till the date on which the existence of the usurpation may be verified.

Para 2 — The tenants who may abstain from denouncing the usurpations, shall be liable to a fine equivalent to half the value of the usurped land.

Art. 217 — The denunciation shall be addressed to the Administrator and it shall contain: —

- (a) The name, status and domicile of the denouncer and of the denounced;
- (b) The name of the usurped land, its boundaries, probable area, period of usurpation and value; of
- (c) The bid of lease to which it belongs, and the name of the tenant;
- (d) And other clarifications that may contribute to discover and circumscribe the usurpation.

Art. 218 — The denunciation may also be made before the Committee, the respective petition being handed over to the clerk of the body of members (mazania) who shall summon the committee to meet; within 24 hours, independently of the authorisation of the Administrator, and with its founded remarks, recognizing the existence of the denounced usurpation or not, he shall forward the denunciation to the Office of the Administrator.

Para — The members of the Committee who may be absent at the session without a just reason, and those who being present may abstain from giving their vote, shall be liable to the fine of three times the special pay to which they may be entitled, in conformity with para 1 of article 46.

Art. 219 — The petition of denunciation being accepted, the Administrator shall consult the Committee on it, in terms of the preceding article, in case the denunciation is not made before the latter, and he shall order the denounced to be notified to declare, within the time limit of 10 days, in a statement in the file, whether he confesses the usurpation or not, producing, in this last event, his defence.

Para 1 — A time limit till 20 days maybe given to the denounced, when he applies for it as necessary for obtaining documents for the said defence.

Para 2 — When the denounced does not confess the usurpation, action shall be taken in conformity with the following articles.

Art. 220 — On the expiry of ten days, the Administrator shall appoint the day and order the denouncer and the denounced to be notified, for the appointment of arbitrators, in order to inspect the land on which the denunciation may turn, it being one of the arbitrators appointed by the denouncer, the second by the denounced and the third by the Administrator.

Para 1 — The appointment of the arbitrators cannot fall on persons who may be components of the body of members (Mazania) concerned.

Para 2 — In the record of appointment of the arbitrators, the Administrator shall fix soon the inspection ordering, besides the arbitrators, the members of the Committee to be summoned to attend at it, as well as the tenant of the usurped land.

Para 3 — It shall not be necessary the intervention of the denouncer and of the denounced, though any of them may not have appeared at the appointment of arbitrators.

Para 4 — The denouncer, the denounced and the attorney may put the questions that may think fit, and attach any documents, and the Administrator may order the inquiries and proceedings that he may think indispensable to clarify the question.

Para 5 — A record of the result of the inspection shall be drawn up by the secretary of the office of the Administrator, and the usurped land shall be valued, measured and demarcated.

Para 6 — The members of the Committee and the tenant of the usurped land shall be consulted in the Act, and they shall give their opinion, which shall be maintained in the record.

Art. 221 — The Inspection being over, the parties may produce all kind of legal evidences.

Art. 222 — If the existence of the usurpation results as proved from the inspection, the Administrator shall order the issue of a copy of the respective record of proceedings and of other pieces of the file, which shall be handed over to the attorney of the Committee, in order to request the permission of the Administrative, Fiscal and Audit Tribunal for the institution of competent action before the court,

and he shall impose upon the denounced, by order in the file, the following punishments:-

(a) Inhibition for a period of 5 years, from holding any office under the bodies of members (mazanias) of the respective taluka (Concelho), and from bidding and becoming surety at ordinary or extraordinary auctions of the same bodies of members (mazanias), by himself or through his representatives;

(b) Fine ranging from Rupees 100 to Rupees 500, when the denounced is a component of the body of members (mazania); the fine can never exceed double the value of the usurped land.

Para 1 — The penalties prescribed under this article shall be accomplished only after the action is decided as founded by a sentence made definitive.

Para 2 — If by the result of the inspection it is verified that the denunciation is groundless, the Administrator shall order the case to be filed, and impose upon the denouncer, when it is proved his bad faith, a fine equivalent to half the value of the land to which the denunciation refers.

Art. 223 — The denounced can sign a bond, at any stage of administrative proceedings, undertaking to desist from the land or to pay its value, when this does not exceed Rupees 300; However, in no case it can be permitted to pay the value when the usurpation is subsequent to the cadastral survey of the field of the body of members (masania) or for the person who may have previously committed another usurpation.

Para 1 — If the denounced confesses the usurpation, undertaking to desist from the land, the Administrator shall order that the attorney of the Committee, along with the clerk, take possession of the same land, it being drawn up the competent record of proceedings, which shall be incorporated in the file.

Para 2 — The bond in which the denounced may undertake to pay the value of the land shall not produce legal effects, without the approval of the Administrative, Fiscal and Audit Tribunal, with prior remarks of the Administrator, in consultation with the managing committee and the body of members (mazania), who should opine whether it is convenient to have reverted the land to the body of members (mazania) or to receive its value.

Para 3 — If the Administrative, Fiscal and Audit Tribunal does not approve the bond referred to under the preceding para, the competent judicial action shall be brought against usurper, independently of the authorization referred to under articles 182 and following.

Para 4 — In the event of the restitution of the land or the payment of its price, the denounced shall not be liable to the punishments under article 222, but shall pay only the costs and stamps of the case.

Para 5 — When the usurpation is prior to the cadastral survey and its value does not exceed Rupees 150, the Administrative, Fiscal and Audit Tribunal may authorise or direct the body of members (mazania) concerned the cession of the land to the denounced at the price that may have been verified in the survey.

Art. 224 — Of the denouncers extraneous to the association, or of the components who may not have free their “jono” or shares, guarantee can be demanded towards the costs, stamps and fines, to which they may be liable, and this guarantee should be adjudged by the Administrator

Art. 225 — Within 30 days, from the date on which it may be made definitive, in favour of the body of members (mazania) the sentence pronounced in the action that the body may have brought against the denounced, the attorney of the Committee concerned shall produce before the office of the Administrator, under pain of a fine of rupees ten, a certificate of the judicial decision, in order that the Administrator may make effective, by a prior hearing of the interested parties, the penalties prescribed, both under article 222 and article 216, paras 1 and 2, with the exception of penalty of discharge upon the attorney, which shall be imposed upon as soon as the existence of usurpation is verified by inspection referred to under article 220.

Art. 226 — The Administrator, as soon as he has knowledge of any usurpation, shall act officiously, without depending upon denunciation, in conformity with the provisions under the preceding articles, it being, in this case, the respective body of members (mazania) considered to be denouncer.

Art. 227 — The proceedings of denunciations, either these are made by any of the persons mentioned under articles 215 and 216, or instituted officiously, shall be recorded in unstamped paper, but of legal pattern, and their stamp and costs shall be calculated at the end and paid by the denouncer or by the denounced, as the case may be.

Para 1 — The attorney of the Committee cannot be condemned to costs and stamps, when his denunciation is recognized by the Managing Committee in the remarks referred to under articles 218 and 219; in this case, the respective body of members (mazania) should be considered denouncer, except when the denunciation is admittedly unfounded, in which case the costs shall be paid conjointly by the attorney and by other members of the committee who may have recognized the usurpation.

Para 2 — However, the expenses on the transport of the Administrator, of the Secretary of the Office of Administrator and of the arbitrators appointed by the Administrator shall be advanced by the body of members (mazania).

Art. 228 — Half the amount of the special pay and of the fine referred to under paras 1 and 2 of article 216, shall be allowed to be denouncer who may have

attended, until the end, at the proceedings of denunciation, and the other half shall be credited to the coffer of the body of members (mazania).

SECTION II

Relating to the usurpations discovered at the cadastral survey

Art. 229 — The staff of the cadastral survey, referred to under articles 204 and 205, shall measure, mark the boundaries and appraise, together with the lands that may be in possession of the bodies of members (mazanias), any lands that they may think usurped from the same associations, having, for this purpose, in view of the measurement of their field, when there is any, and of Government emphyteuses, long-term leases (aforamentos) granted by the body of members (mazania) itself and adjoining private properties.

Para 1 — The certificates of those measurements, obtained in advance from the competent offices by the Managing Committees, shall be put at the disposal of the staff of the cadastral survey, soon in the beginning of the respective works, by attaching to them any other documents that may clarify the matter which may be requisitioned or not by the same staff.

Para 2 — Prior to the measurement, the presumed usurpers shall be summoned to appear at the place of usurpations, on a certain day and time, in order to attend at the act of measurement and appraisalment of the respective lands, under pain of the works being carried out by default.

Para 3 — It shall be incumbent on the Committee to order these summons, which shall be served by the office of the Administrative authority of parish (freguesia) (regedoria) in whose area the said persons may reside, and in terms of the Code of Civil Procedure.

Para 4 — When the usurper does not agree to the value fixed for the land, or to the extent of the area estimated, he may apply to the Administrator that the same area be verified, and estimated again, at his cost, by means of arbitrators, one of whom shall be appointed by the Applicant the second by the body of members (mazania) and the third by the Administrator.

Para 5 — However, the grant referred to under the preceding para shall not be made, unless the applicant signs before the Committee a bond in which he undertakes the remission of the usurpation, in any of the manners prescribed under article 231, and through the rectification applied for.

Art. 230 — There shall be, at each body of members (mazania), a special book for the registration of the usurpations that may be found, which shall contain the measurement, the boundaries and the appraisalment of the asurped lands, the name of the usurper and all the clarifications that may be necessary, not only for the

recognition and individualization of these lands, as also for their reverdication or remission.

Para 1 — The appraisalment shall comprise the value of the land at the time of usurpation.

Para 2 — When the competent action is brought against the usurper, this circumstances shall be pointed out, and mentioned the name of the attorney entrusted with the cause and the date of its institution.

Art. 231 — As soon as the registration of the usurpations is concluded, which shall be done in preference to the writing down of general cadastre, the Committee shall order to be notified, in the manner prescribed under para 3 of article 229, all the usurpers who may not have signed the record of proceedings of recognition, during the cadastral survey, to come, within the time limit of 30 days from the notification, to declare before it, and by means of a bond, that they undertake, to pay, in full or in yearly instalments not exceeding nine, the price of the lands usurped by them, under pain of being sued.

Para 1 — The price to be paid shall be the value of the land, fixed according to para 1 of the article 230, plus 25 per cent of this value.

Para 2 — The interest of 4 per cent. shall always be added to the instalments.

Para 3 — The time limit that the Committee may grant for the payment of the integral price or of the first instalment, shall not exceed 90 days.

Art. 232 — If, on the expiry of the time limit prescribed under the preceding article, the usurper does not sign the respective bond, the Committee shall have drawn up a certificate of the usurpation not redeemed by him, and shall send it to the Administrator, alongwith all the documents on which it may have been based its recognition, and any others that may serve as basis for its revendication, so that the Administrator may sanction the expenses necessary for the institution of competent proceedings, against, the usurper, forwarding to the latter on the same occasion the certificate and all the documents that may have been sent to him by the Committee.

Art. 233 — When any proprietor confesses voluntarily the usurpation that he may have done, and this cannot be possible to be proved by any documents, only two thirds of the value of usurpation shall be accepted of him, if this confession is made during the cadastral survey or within 15 days immediate to its conclusion, except if the competent action is already instituted against the usurper.

CHAPTER XIX

Relating to the servants of the temples

Art. 234 — The rights belonging to some families of rendering certain and determined services in the temples, receiving remuneration for them or not, are hereby maintained, being, however, the subject to the following provision.

Art. 235 — The servants, who may usufruct the properties of the temples in remuneration for the services that they render to them cannot, under any title, mortgage them or make their use for any transaction from which losses may derive for the owner, it being *ipso facto* null such agreements.

Art. 236 — Only the servants who may have opened their title can receive their pay in cash, articles or properties, as they may have enjoyed till the present time.

Art. 237 — The servants who are entitled to pay in cash and all articles, shall receive it in monthly instalments.

Art. 238 — The services and gratuity in the possession hereditarily of certain families can be redeemed when for their remuneration immovable properties are consigned to the possession of servants.

Art. 239 — The remission shall be done by imposing the onus of annual rent (foro) upon the consigned properties.

Art. 240 — The fixation of the annual rent (foro) shall be made before the Administrator by means of arbitration according to general proceedings prescribed under this regulation which annual rent (foro) should not exceed one third of the net income.

Para — In view of the opinion of the experts and of other evidence, the Administrator shall fix the annual rent (foro) appeal being allowed to ordinary means against his decision.

Art. 241— The disputes that may start among the possessors or interested in properties, as for their sharing or division, shall be debated at law-courts.

Art. 242— The body of members (mazania) may equally effect forced remission, in terms of the preceding articles, as for the properties in the possession of third parties, who may not continue to render the services which were inherent in, whenever through the competent judicial cause it is ensured the right of the temple to the services to be redeemed.

Art. 243— The division of the properties referred to under article 241 cannot be less than 500 square metres when the respective land is meant for building house, and of one hectare when it is of a grove of coconut trees or a field.

Para — When this land is indivisible, it shall be allotted to one of the co-proprietors.

Art. 244— All the services that may not be in the possession or gratuities of certain families or individuals shall be adjudicated in public auction open to the individuals of the competent caste, class or tribe.

Para — In identity of circumstances, it shall be reason of preference the circumstance of the service being hereditary of the family to which the competitor belongs.

Art. 244 A — It shall be incumbent on the Managing Committee to appoint the servants, which shall be subject to the approval of the body of members (mazania) and confirmation of the Administrator of the bodies of members (mazanias).

Art. 244—B— The disciplinary punishments to be imposed upon the servants of the Devasthan shall be: 1st, warning; 2nd, reprehension; 3rd, fine equivalent to the pay of fifteen days; 4th, suspension of the pay until thirty days; 5th suspension of duties and pay during one hundred and eighty days; and 6th, dismissal, the imposition of the first four being of the competence of the Managing Committee, that of the 5th, of the body of members (mazania), and that of the 6th, of the Administrator, with a prior hearing of the accused in each case.

CHAPTER XX

Relating to the form of procedure in general

Art. 245 — Every pretension that should be dealt with before the taluka (concelho) Administrator Section in charge of the bodies of members (mazanias) - and decided by the latter or by the Governor General, shall be organized in the following manner, when by its nature it is not subject to special provisions:

1) The Secretary of the office of the Administrator shall accept the application with the documents that may support it, with a prior order of the Administrator and an advance which should be paid within the time limit of 10 days from the order, under pain of the petition being filed; on the title page of the file it shall be mentioned the number of order that belongs to it during the year, name of the interested parties and in short the nature of the pretension. The provisions under Provincial Decree No. 117, dated 7th September, 1896, with respect to unstamped paper, and under article 1 of Decree No. 12321, dated 28th September, 1926, shall be observed;

2) The papers being accepted, they shall be soon submitted to the Administrator who shall order the warrant of summons to be issued, in terms of the Code of Civil Procedure to the opposite party, there being any, in order to allege within the time limit of 10 days. Subsequently, the file shall be given for consultation to the pleader of the opposite party, if he is constituted within the said time limit; but the file cannot be in the possession of the pleader after the expiry of 10 days from the said summons, under responsibility of the secretary who shall recover it with or without reply. As for the collection and restitution of the files, the provisions under articles 39 and 40 of Decree No. 13518, dated 25th April, 1927, shall be observed, it being the duty of the District (Comarca) Judge to impose the

penalty of suspension and fine, under report of the Administrator and hearing of the transgressor;

3) When the Managing Committee or the association has to be consulted the Secretary, shall draw up the record of handing over to the clerk concerned if the latter is found in the office of the Administrator, or a record of dispatch, officially, by post;

4) The clerk of the body of members (mazania), after drawing up the records of receipt of the file and of its submission to the Managing Committee, shall hand it over to the Chairman against receipt;

5) The Chairman, after examining the papers in the same act in which they may be presented to him, and seeing that the remarks of the clerk are necessary, shall direct that the latter offer them in the file within 5 days, and transcribe after the remarks any deliberations of the body of members (mazania) or of the Committee and other detached documents or those mentioned in the books in his charge, that may be pertaining to the matter dealt with, or of which a mention should be made;

6) The session of the Committee or of the body of members (mazania) shall take place on the day that the chairman may appoint, within the time limit of 10 days, in the former case, and of 20 days in the latter, from the receipt of the file by the clerk;

7) At the session of the Committee or of the body of members (mazania) the Chairman, by relating, the question, consulting on it the attorney of the association, and collecting subsequently the votes of the members of the Committee or body being present, shall have drawn up by the clerk, according to the conclusion, record of the reply in the respective book, which shall be transcribed in the file;

8) With the reply of the Committee or of the association the Secretary, on drawing up the record of the receipt, shall soon submit the file to the Administrator, who shall pronounce on it, within 10 days, his decision, with his signature in full, and order its publication in the entry-book;

9) When any inquiries or proceedings are applied for or the Administrator thinks them necessary, he shall order them, and after hearing in writing, on their result, each of the parties within the time limit of 10 days, he shall pronounce in the file, within an equal time limit, his decision, which shall be notified to the parties.

Art. 246 — When the decision of question belongs directly to the ~~Governor General~~²³[Government] or to the Administrative, Fiscal and Audit Tribunal, the same form of procedure shall be followed in the preliminaries, and the Administrator should offer his remarks in the file of proceedings and have it remitted to the Administrative office concerned, instead of pronouncing decision.

²³ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

Para — After the remarks are offered by the Administrator, none of the parties can consult the file; however, they shall be allowed to produce new documents which shall be attached by string.

Art. 247 — All the closed files shall be kept in the Office of the administrator, in charge of the respective Secretary, who may issue their certificates, independently of the order of the Administrator.

CHAPTER XXI

Relating to the appeals

Art. 248 — Against all the deliberations of the Managing Committee it shall be allowed to appeal to the body of members (mazania); against the latter's resolution, to the Administrator; and against the latter's orders, to the Administrative, Fiscal and Audit Tribunal, except the special cases prescribed under this regulation.

Art. 249 — The appeals granted under this regulation and filed to the body of members (mazania) or taluka (concelho) Administrator shall be organized in terms declared under this chapter.

Art. 250 — The appeal being to the body of members (mazania) or association, the filing shall take place within 10 days from the Notification of the respective deliberation, it being the petition, duly supported, handed over to the Administrator who, by order, shall summon the body of members (mazania) to meet in an extraordinary session, if required.

Para — The copies of the documents of the records-room, required by the appellant, shall be issued by the Secretary of the Office of the Administrator or clerk of the Managing Committee within 5 days from the referred to notification, without depending upon the order, and gratuitously, when they are not of private interest.

Art. 251 — The appeal being to the Administrator, the following shall be observed:

1)The appeal shall be filed by means of a documented petition within 10 days from the deliberation of the body of members (mazania), and handed over to the Secretary of the office of the Administrator, who shall write in its margin the day and time of the presentation; and, after its registration by extract in the entry-book, he shall accept it, recording the submission, within 24 hours, to the Administrator;

2)The Administrator shall order the file to continue for consultation, for another 10 days, of the attorney, of the interested association, or of the latter, when he is the appellant, so that they may present if willing, within the same time limit their impugment which shall be received and attached to the file in the manner prescribed under the preceding numbers;

3) On the expiry of the time limit for impugment, the Secretary shall submit within 24 hours, with or without it, the file to the Administrator who shall

pronounce, within 10 days, his founded decision, written by him and signed in full, which shall be published in the entry-book for due effects.

Art. 252 — If the appeal is to the Governor General, action in the following terms shall be taken:

1) The appeal shall be filed within 10 days from the publication of the decision, by a record drawn up by the Secretary of the Office of Administrator, without depending upon the order; and signed by the appellant, who, on the same occasion, should attach the power of attorney given to the pleader;

2) The appeal being filed, the Secretary shall accept the papers on which the decision may have fallen, if he did not effect it earlier and shall keep the file of proceeding for consultation of the appellant, for 10 days, to minute it, and at the same time he shall issue a warrant notifying the appellee to attach, in this internal, power of attorney given to the pleader, which shall be kept for consultation, to counterminute it. Subsequently, within an equal time limit, the Administrator shall have his say in the case.

Para — If the appellee attaches documents, the appellant shall be summoned to examine the file within the time limit of 5 days, and if the latter, in his turn, attaches others, the opposite party shall be notified with an equal time limit and so successively; latter, the further proceedings mentioned under the final part of this number shall be followed.

3) On the expiry of the time limits under the preceding number, the Secretary shall recover the file with or without reply of the Administrator, and drawing up the record of dispatch shall send it to the Administrative office concerned;

4) The file of the appeal, after being returned to the office of the Administrator, shall be kept, after the decision is complied with.

Art. 253 — The appeals filed to the Administrative, Fiscal and Audit Tribunal shall be so in conformity with the Regulation of this Tribunal.

Art. 254 — The petitions of appeal and allegations shall always be dated and signed in full by the pleader appointed attorney.

Para — The provision under the last part of No. 2 of article 245, shall be extended to the appeals.

Art. 255 — It shall not be taken cognizance of any appeal filed or followed beyond the time limit, and the appealed decision shall be considered definitive.

Art. 256 — The costs of the proceedings, except in the appeals to the Administrative, Fiscal and Audit Tribunal, shall be settled by the Office of the Administrator and recovered from the cast party.

TITLE III

Relating to the accounts of the management

CHAPTER I

Relating to the rendering of accounts and audit

Art. 257 — ~~It shall be incumbent on the Administrative Tribunal the audit of Accounts of management of the bodies of members (Mazanias) of Devasthan.~~²⁴ [The Management of bodies of members (Mazanias) of every Devasthan whose annual income exceeds rupees five thousand shall get the annual accounts audited by a qualified Chartered Accountant to be appointed for the purpose by majority decision of the Managing Committee of the Devasthan:

Provided that the Accounts already submitted for audit to the Administrative Tribunal shall be called back by the Managing Committee of each Devasthan and the provision of this Article shall apply to such accounts].

Art. 258 — The Accounts of the management shall be prepared by calendar years.

Art. 259 — The management shall comprise the complex of all the acts relating to the collection and application of the resources of the association, verified within the 12 months elapsed from July to June of each year.

Art. 260 — The accounts of the management, prepared by the Managing Committees, shall be thrown open from 10th to 20th July, for the examination by the members (mazanes), who shall have right to offer their remarks in writing, which shall be appended to the file.

Article 257 substituted by (Second Amendment) Act, 1983 (Act 7 of 1983) published in the Official Gazette, Series I, No. 22 dated 1-9-1983. The original article 257 reads as follows:

Para — The clerk of the association shall certify, the exact fulfilment of this provision.

Art. 261 — The Managing Committee and the clerks concerned shall send to ~~the administrative office of the Administrative Tribunal,~~²⁵ [the Chartered Accountant concerned] without fail, till the 15th February of each year, the files of accounts of management, supported with all the respective documents²⁶ ~~[and with a certificate of conformity issued by the office of the taluka (cocelho) Administrator].~~

i) for the expression “the administrative Office of the Administrative Tribunal” the expression “the Chartered Accountant concerned” shall be substituted.

²⁴ Substituted in place of provisions strikethrough vide 2nd Amendment Act 1983

²⁵ Substituted in place of expression strikethrough vide 2nd Amendment Act 1983

²⁶ Strikethrough expression omitted vide 2nd Amendment Act 1983

ii) the expression “and with a Certificate of conformity issued by the Office of the taluka (Concelho) Administrator” appearing after the expression “all the respective documents” shall be deleted.

Art. 262 — The dispatch of the accounts to the Administrator shall be made by the clerk and management who may be in office at that time, although they may relate to the previous managements.

Art. 264 — When it happens there to be in the same financial year different managements, the accounts should be organized with the elements that may exist in the records room of the association, and the previous committees should keep, to this effect, written down the receipts and expenditure of the time of their management, in order that, by this book-keeping, the future Committees may prepare and render the accounts during the periods prescribed under the law.

Art. 267 — The expenses incurred by any body of members (mazania) or association, without sanction in an approved budget, or without orders of higher authorities, shall be illegal, and the members of the Committee shall be personally answerable for them.

Art. 268 — The deficits settled in the files of accounts shall be liable to interest, except in special provisions under this regulation, at the rate of 6 per cent.

Art. 269 — The bodies of members (mazanias) cannot decline to render on the ground that their bye-laws exempt them from this obligation.

CHAPTER II

Relating to the files of accounts at the Administrative, Fiscal & Audit Tribunal

Art. 273 — The file being returned to the Office of the Administrator along with the sentence, this shall be ordered to be registered in the book concerned and notified immediately to the interested persons.

CHAPTER III

Relating to the balances

Art. 274 — The balances shall be annual and triennial. The former shall take place at the closing of accounts, at the end of each financial year, and the latter, at the end of the period of the office of management of the Managing Committees, or when the service may permit it.

Art. 275 — The annual balances shall be determined by the Managing Committees, in view of the respective books, after the accounts of the financial year are closed on the 30th June.

Art. 276 — In the records of proceedings that the Committee should draw up this balance, it shall be mentioned the reasons why some income was not collected, what

are the efforts made for the collection, as well as the reasons why any liability of the sodality is not fulfilled.

Art. 277 — After determining the balance of the coffer, the Committees shall prepare the inventory of the amount in cash, and of that invested in pledges and mortgages.

Art. 278 — When, during the financial year, any payments are left to be effected, after the inventory it should be prepared a list of all the book-debts, stating their origin and amount, as well as the names of creditors, which debts may be paid, during the subsequent two financial years, with the authorization of the Administrator.

Art. 279 — The triennial balances shall be determined by the Administrator who may as well carry out extraordinary balances whenever the convenience of the service may demand so.

Art. 280 — Through the balance dealt with under the preceding article, the Administrator shall verify the existence of permanent and contingent funds, and promote on this occasion their preservation, as well as that of the jewels and ornaments of the cult, giving the instructions that he may think convenient to the managements concerned; also he shall investigate new sources of receipts, trying by all means to increase the receipts and reduce the expenditure.

Art. 281 — The responsibility of the management shall become effective, whenever it is proved, through the balance, any negligence in the collection of income, misappropriation, bad faith or less zeal in other affairs relating to the management of the association.

Art. 282 — The result of the balance shall be recorded in the book of general inventory and written down by the Secretary of the office of Administrator (model No. 13).

Art. 283 — The Administrator can force open the coffer, in the event when the key-keepers or their heirs do not want to present the keys when demanded, and he should draw up a record of the occurrence with legal formalities.

CHAPTER IV

Relating to the files of accounts

Art. 284 — The file of accounts shall organize in the form of a current account, mentioning therein all the items of receipts and expenditure included during the year, and there being a column for the movement of the fund and the other, for that of the income; at last it shall be recorded the balance that is brought forward to the next year, all according to model No. 13.

Para 1 — This statement shall be signed by the Managing Committee, who shall certify its perfect conformity with the book-keeping and the movement of the coffer during the year, and the existence of the balance in coffer.

Para 2 — The clerk of the body of members (mazania) should present to the Committee the statement and the documents that should accompany it, till 5th July, and for the rest provisions under Chapter I of this title shall be complied with.

Para 3 — The following documents shall accompany the statement:

- 1) A certificate confirming the balance existing on the first day of management or a copy of the sentence that audited the accounts relating to the preceding year;
- 2) The ordinary budget or supplementary, there being any, and the orders or sanctions of expenditure;
- 3) A certificate or documents in support of the receipts collected, both ordinary and extraordinary or those arising from the collection of debts relating to previous years;
- 4) The orders, statements, receipts and other certificates justifying the expenses effected, according to the order of the budget items or of the dates of separate sanctions, it being allowed to replace the receipts issued on the books by certificates;
- 5) A confirmative and comparative statement of the expenses sanctioned and effected;
- 6) A certificate of the balance, and stating that it was verified by means of counting the exactness of the cash and of the valuables existing in coffer on the last day of management;
- 7) A list of the cash-debts of the body of members (mazania), relating to the period of management, and the other of those closing of the accounts with designation of their source and existing on the day of/the years to which they pertain;
- 8) Another list of book-debts in the same form;
- 9) A certificate issued by the clerk and vised by the attorney, mentioning that current accounts were issued for the cash-debts, and the reasons why the book-debts were not satisfied in the competent periods.

Para 4 — In the preparation of the file of accounts, the clerks shall observe the order followed in the designation of items in the budget of the financial year to which they relate.

TITLE IV

CHAPTER I

Procedure of the recovery of cash-debts

Art. 285 — The coercive recovery of the debts to the bodies of members (mazanias) arising from the deficits settled in the proceedings of audit, of annual management, competently approved; from the lack of payment of the income mentioned under Nos. 1 to 4, 6 and 7 of article 139; from the reduction that may result to the association from a new lease, in the event of revision of the proceeding one; from the surplus due to the increase verified in the new auction of works, services of supplies in the event of removal of the tenants; from any income for non-payment of the latter as prescribed under the agreement; and, in general those arising from all the entities who by any Act or agreement may become debtors, in terms of the Civil Law, shall be incumbent on the Administrator of the temples, who shall be judges in the respective processes of administrative execution in terms of this regulation.

Art. 286 — The Secretary and the Junior clerks (amanuenses) of the office of the taluka (concelho) Administrator shall be clerks at the proceedings of administrative executions, and among them, preferably, the special junior clerks in charge of the bodies of members (mazanias) when there may be any.

Para 1 — The files shall be distributed, by drawing of lots, and they shall be divided, to this effect, into three classes: 1st class, when the amount claimed exceeds Rupees 50; 2nd class, ranging from Rupees 25 to Rupees 50; 3rd class, up to Rupees 25.

Para 2 — The clerks, employees of the Offices of the Administrator, shall receive the fees, referred to under the annexed schedule, besides the salaries to which they may be entitled, inherent in their posts.

Para 3 — The clerks shall perform the duties with which they are entrusted, so that there are no delays and consequent losses to the associations or debtors, and one of them should be in the office, by turns, for the expedition of business.

Para 4 — The certificates of the current accounts, joined by villages, shall be distributed by the Administrators by drawing of lots, half-yearly, among the clerks.

Para 5 — The clerks shall serve the citations and summons on the debtors residing in the taluka (concelho) headquarters, and the remaining ones shall belong to the bailiffs, except otherwise is determined by the Administrator, for convenience of service.

Art. 287 — The Secretaries of the Offices of the Administrator shall be the accountants in the proceedings of execution.

CHAPTER II

Transfer to the judicial power and process of the debts

Art. 288 — On the expiry of the time limits for voluntary recovery, the clerks of the Committees, within 10 days, shall issue certified copies of the respective current accounts, according to model No. 27, which shall be initialled and distributed by the Administrator and accepted by the clerks concerned, to whom they may be allotted in distribution.

Para 1 — These current accounts shall have the strength of a sentence made definitive and they shall serve as basis to the process of execution.

Para 2 — The Administrator may demand the book of current accounts to, verify the exactness of the dispatch made to him.

Art. 289 — Within the time limit of 3 days from the distribution, the files shall be submitted for orders regarding citation which shall be immediately complied with observing the formalities prescribed under the code of Civil Procedure and under the subsequent amendments.

Para 1 — The debtors and their sureties shall be cited to pay within 10 days at the coffer of the creditor association the amounts that they may owe.

Para 2 — If any debtor does not reside in the respective taluka (concelho) at the time of citation, a letter reptory shall be issued to the competent Administrator of the taluka (concelho) -Section in charge of the bodies of members (mazanias) -where the debtor may reside, in order to have him cited to pay the claimed amount, stamps and costs at the coffer of the creditor body of members (mazania). At the taluka (concelho) where the letter reptory is sent a chalan shall be issued to him in order to satisfy the debt at the taluka (concelho) where from that letter is sent, and to return the chalan with the amount for payment to the clerk of proceedings within the time limit of 3 days from his being present at the Office of the Administrator sending the letter raptory.

Para 3 — The Administrator of the taluka (concelho) to which the letter raptory is sent -Section in charge of the bodies of members (mazanias) -shall fix for him in the chalan a time limit to present himself, according to the distance to go through.

Para 4 — If the debtor is deceased, the citation shall be served on the person of head of family, and in case the division is made, on that of the responsible heirs, in the proportion of the hereditary share, without depending upon the qualification.

Para 5 — The personal citation to any member of a Hindu family, shall be served on the person of the head or Administrator, or on that of the member supplying his place, according to the usages and customs ordered by the laws in force to be observed.

CHAPTER III

SECTION I

Relating to the payment within ten days and impugment

Art. 290 — If, within ten days after the citation, the debtor pays the debt, interest, stamps and costs, the case shall be ordered to be filed as closed.

Para 1 — The articles 333 and following shall apply to the form of payment.

Para 2 — When the payment is made by a third person, the right recorded under para 2 of article 332 shall belong to him.

Art. 291 — When an impugment is presented, the clerk shall always receive it, append it to the file and issue a receipt to the presenter with a declaration that the impugment is appended to the file of proceedings, and he shall submit soon the papers for orders.

Para — If the clerk declines to accept the impugment, or to issue receipt in terms mentioned under this article, the impugner shall complain to the Administrator who, after hearing the accused, shall decide justly; the Administrator may suspend the clerk until 15 days, if the complaint is founded.

Art. 292 — The impugment can have only the following circumstances as grounds:—

- 1) The mistake in the account;
- 2) The disagreement of the account of the book with the current account issued;
- 3) The payment;
- 4) The compensation.

Art. 293 — The impugment shall be disregarded in limine:

1) When it is not preferred within 10 days from the date of the respective citation, and does not have as ground any of those fixed under the preceding article;

2) When it is not signed by the impugner and the pleader, or only by the latter when he has power of attorney;

3) When it is not framed with specification in separate articles, of each impugned item of the account, and of the manner how it should be reformed, deducing in concession the balance;

4) When, it being deduced the balance in debit against the impugner, the impugment is not accompanied by the certificate of deposit of this balance and

interest, if due, at the Office of the Administrator or at the coffer of the body of members (mazania) concerned;

5) When it is not accompanied by the documents mentioned in the impugment, except if such documents are filed in the Office of the Administrator or in that of the body of members (mazania) concerned, and this is stated in the impugment;

6) When it has as ground the mistake of the account, and the latter is audited in a special process, or in terms of articles 263 and 268, except there being disagreement between the respective sentence and the current account.

Art. 294 — The impugment shall suspend the execution in terms subsequent to the seizure.

Para — The seizure, however, shall not be effected:

1) When the debt arises from obligation guaranteed by pledge of shares of the "comunidades" or of articles of gold and silver or by mortgage.

2) When the impugner has given guarantee, according to the provisions under the Code of Civil Procedure, within the time limit of 10 days from the notification of the order of the Administrator in which the latter may adjudge it including the probable amount of stamps, costs and interest for delay at the stipulated rate, plus 12 per cent over the total of the latter and the amount claimed.

Art. 295 — On receipt of the impugment, it may be contested by the creditor or his representative, within the time limit of 10 days from the expiry of ten days granted for the impugment to the cited person, when the responsible person is one and only, or granted to the last among the cited persons, when there are more than one responsible person.

Para 1 — The contestation should be framed in articles.

Para 2 — The clerk who issued the current account, may be heard on the subject of the impugment.

SECTION II

Relating to the evidences and allegations

Art. 296 — The evidences shall be produced within 10 days following the time limit granted for the contestation.

Para 1 — To the debtors for debts prior to 30th June, 1899, time limit may be granted for obtaining documents that they may intend to attach to the file.

Para 2 — The time limit in the case of para 1 shall be prescribed by the Administrator, and it cannot be less than 20 days, nor more than 30 days.

Art. 297 — The evidence should be documental and witnesses shall not be admitted.

Para 1 — The payment may only be proved by a certificate or receipt relating to the book of receipts and expenditure, issued by the clerk, wherein it is mentioned the entry, into the coffer of the body of members (mazania) concerned, of the amount that is to be proved to be paid.

Para 2 — The attorney or the clerk may oppose articles of falsity of the document produced, and in this case the file shall be forwarded to the Court for decision of this incident.

Art. 298 — Within the time limit for evidences, the Administrator shall order, on application of the parties, or officiously, is/he thinks it necessary, the verification of the current account and the examination of the books and documents that may prove the source of the amounts recorded in the credit and debit of account, and the examination being made, he shall order the result to be reduced to a record of proceedings in the file.

Para 1 — For the examination it shall be summoned the debtor, the creditor and the clerk who issued the current account, who should present himself with the required books and documents.

Para 2 — The examination and verification shall be made by the Administrator or by the employees of his office whom the Administrator may direct except when the parties may have requested in the application that it be done by experts.

Para 3 — Whoever applies for examination by experts, shall pay within the time limit of 24 hours the due advance, under pain of the examination being made without their intervention.

Art. 299 — The parties may allege in writing, within 5 days from the time limit of the evidences, except in the event when the examination cannot be concluded within the same time limit because then it shall be reckoned from its termination.

Para — The file shall not continue for their inspection, but they may examine it at the Office of the Administrator.

SECTION III

Relating to the judgment and appeal

Art. 300 — The Administrator shall pronounce, within 10 days following the time limit of the allegations, his founded decision, declaring unsustainable or sustainable, wholly or partly, the impugment, and in this case, he shall annual the account or order it to be reformed.

Para — The decision shall be notified to the parties, when they are not considered to be absent.

Art. 301 — The costs of the impugment until its decision, shall be paid by the cost party, in the proportion as it may be so.

Para 1 — If the account is annulled or ordered to be reformed as a result of the payment proved in terms of paras 1 to 3 of article 298, he who issued the document through which the payment was proved shall be condemned to pay the costs due, and to a fine in favour of the impugner, equivalent to twice the amount of costs.

Para 2 — In any case, the costs and stamps that the creditors body of members (mazania) may be liable to pay, according to the judgement, shall be charged upon the clerk who issued the current accounts, if their reformation was caused by fault, negligence or mistake of book-keeping committed by him.

Art. 302 — If the decision orders the account to be reformed, the reformation shall be made in the same file, by a record which shall be registered in the book of the body of members (mazania) concerned, after the decision on the impugment is made definitive.

Art. 303 — The sentence against the body of members (mazania), deciding as sustainable, the impugment cannot be made definitive without being confirmed by the Administrative, Fiscal and Audit Tribunal, to which the file shall be forwarded officiously and the present party notified of the dispatch.

Art. 304 — Against all the orders and sentences of the Administrator in the Administrative executions, appeals can be filed to the Administrative, Fiscal Tribunal.

Para — However, it shall be excepted the interlocutory orders pronounced in the incidents that should be submitted to the resolution of the judge, in which case it shall be valid the appeal of petition which shall be filed in the file of proceedings itself and judged when the file is forwarded to the court in terms of this Regulation for further proceedings of the incident.

Art. 305 — The appeal against the final decision on the impugment, judging it as unsustainable, shall have suspensive effect and shall be submitted in the main file.

SECTION IV

Relating to the caveats of the executed party

Art. 306 — Beside the impugment of the current account before the Administrator, the executed party can put in a caveat to the execution only on the following ground:

- 1) Illegitimacy of the executor or of the executed party;
- 2) Illegality of the items recorded in the current account;
- 3) Falsity of the current account that serves as a basis for the execution;

- 4) Prescription;
- 5) Payments;
- 6) Compensation.

Para 1 — It shall not be admitted caveats based on the payment or compensation, when for the same reason the current account has been impugned, in terms of Nos. 3 and 4 of article 292.

Para 2 — The simple mistake of account and settlement, or its disagreement with the current account of the book, shall not constitute a falsity for the purpose of this article.

Art. 307 — The caveats shall be put in within the ten days of the citation.

Art. 308 — The caveats shall be only suspend the execution in terms subsequent to the seizure.

Para — The seizure, however, shall not be effected in the cases under Nos. 1 and 2 of the para of article 294.

Art. 309 — The caveats shall be presented to the clerk, who shall issue their receipt to the presenter, shall draw up separately their records acceptance, and append them to the file of execution or its copy made at the cost of the party entering the caveat, when the latters has at the same time impugned the current account, and, after the execution being guaranteed, the caveats shall be submitted to the Administrator, who by order shall direct that they be forwarded to the court within the time limit of 3 days with a prior notification to the party entering the caveat.

Art. 310 — If the clerk declines to accept the caveats, or to issue receipt stating that they were already accepted, the party entering caveats may act in terms of the para of article 291.

Art. 311 — On receipt of the file of caveats, the judge shall have it soon distributed, and the clerk to whom it may be assigned, after the advance is paid or its time limit expires, shall submit it to the judge who shall receive it, if it is in the conditions of being received, or shall reject it if it is otherwise.

Para — The caveat shall be judged as withdrawn when the party entering it does not pay the advance at the court within the time limit of 3 days from the date of distribution.

Art. 312 — In the further proceedings of the caveats, the provisions under the Code of Civil Procedure shall be observed; however, the provisions under article 297 and its paras shall apply to the evidence of the caveats.

Para 1 — If the debt arises from annual rents (foros), the caveats for illegality shall not be sustainable, when entered by a person who is enrolled on the lists of the body of members (mazania), on his application, as a proprietor, usufructuary, or

head of family in relation to the property from which the annual rents (foros) proceed.

Para 2 — If the debt arises from the rent of the properties of the body of members (mazania) and accessory impositions thereof, the caveats for illegality not be sustainable when entered by a person who has taken on lease the properties directly or by transfer, or has guaranteed the rent from which the claimed debt proceeds, when the respective auction is vised by the Administrator.

Art. 313 — If the caveats are entered by those subsidiarily responsible, they shall have the same proceedings, but only after the properties of main debtors are executed.

CHAPTER IV

Relating to the seizures

Art. 314 — On the expiry of ten days without the payment of the claimed debt having been made, the clerk shall carry out the seizure within 5 days.

Para — In the case of the debt arising from a loan on pledge, no seizure shall take place, unless after the articles conveyed as pledge are sold.

Art. 315 — The seizure shall begin with the properties specially conveyed as security of the obligation from which the debt resulted, and it shall continue with the shares of the "comunidades"; with the amounts to which the executed person may be entitled in judicial, administrative or fiscal processes; with the movable or chattels with the cash--debts of the executed persons; with the rents, annual rents (foros), interest, quit-rents or any other instalments; with the fruits of immovable properties, and lastly with the latter; and it shall be made of as many properties as may be deemed sufficient for the payment of the debt, interest, stamps, coast and percentage.

Para 1 — When the debt is of annual rents (foros), the income or fruits of the property from which the annual rents (foros) proceed, shall be seized in the first place.

Para 2 — If the executed person dies, it may be seized any properties out of those mentioned in this article that may be found in the possessions of his representatives.

Para 3 — The properties exempted from the seizure under articles 815 and 816 of the Code of Civil Procedure cannot be seized, except in the cases mentioned therein.

Para 4 — If the executed person appoints for the seizure properties situated in the taluka (concelho), presenting documents in support of his ownership, with registration at the office of Land Registrar and certificate of the fiscal register, wherein it is known that their value is sufficient for the guarantee of the debt

claimed, no further properties of his shall be seized. The debtor may also appoint for the seizure shares of the adequate value, the appointment being made, in both cases, by a simple application.

Para 5 — In the event of caveats of a third party, the seizure should pass to other properties of the debtor.

Art. 316 — The seizure shall be made with an effective apprehension of the properties which shall be committed to a depositary, with a security corresponding to their probable value, when movables, or to their income relating to one year, when immovables; the provisions under article 819, paras 2 and 5, article 824, article 825 and its paras and article 830 of the Code of Civil Procedure as well as what is laid down under paras 2 and 3 of article 597 of the same Code, shall apply to this seizure.

Para — The provision under the cited articles 825 and its paras of the Code of Civil Procedure shall also apply to the depositary who may be judged as a debtor in the rendering of respective accounts.

Art. 317 — Of the seizure it shall be drawn up record of proceedings, in which the apprehended estate shall be described, with all the specifications necessary for the verification of its identity.

Para 1 — The record of proceedings, except for the provisions under para 5 and following, shall be signed by the clerk, depositary bailiff and two witnesses, who should attend at the apprehension, and the clerk shall hand over, subsequently, a copy of this record to the depositary, if he asks for it.

Para 2 — If the seizure falls on rents, annual rents (foros), interest, quite-rents and any instalments that the executed person should receive, or on capitals of which he is a creditor, action shall be taken in terms of article 820 and its paras of the Code of Civil Procedure.

Para 3 — The seizures of the rents annual rents (foros), interest, quit-rents and instalment referred to under the preceding para, shall be dealt with successively for as many years as may be necessary for the recovery of the debt, interest, stamps, coats and percentage. If any tenants leaves at the end of his lease, the property of its part that may be vacant shall be leased at a public auction, in the process of execution, for the highest bid offered, and the period of lease cannot exceed one year; but always it shall be extended for another period and so successively when the rents are paid on their due dates. The provision under the para of article 328 shall apply to the lease in public auction.

Para 4 — The articles 1618 to 1624 of the Civil Code shall apply to these leases, until the execution is integrally paid.

Para 5 — The seizure of the shares of the “Comunidades” shall be made, according to the provisions under article 376 and its paras of the Code of the “Comunidades” in force.

Para 6 — When the seizure is to be made of any amount of money to which the executed person is entitled in a judicial, Administrative or fiscal process, pending in the court or in other office, a letter rogatory shall be issued to the authority concerned.

Para 7 — The clerk shall return the letter rogatory to the office of the Administrator, on its being compiled with, and shall keep a copy of the record proceedings of the seizure, so that the seized money can never be paid nor withdrawn without the latter rogatory of the requesting office of the Administrator.

Para 8 — The execution being paid, the seizure shall be void of right.

Art. 318 — If the clerk is not allowed to carry out the proceeding of the seizure, and he finds the door closed or any opposition to enter the property, he shall act in terms of article 831 of the Code of Civil Procedure.

Art. 319 — If the seizure falls on immovable properties, and the executed person is married, his wife shall be soon cited.

Art. 320 — When the seizure falls on immovable properties, the respective record of proceedings with its authentic copy shall be soon presented by the clerk of proceedings to the Land Registrar; the Registrar shall return to the clerk the original record, writing down the note of presentation on both of them.

Para 1 — The note of presentation shall be sufficient to assure the rights of the creditor and shall be worth the certificate of registration for proceeding with the execution.

Para 2 — The note of presentation and the certificate of enrolled creditors being appended to the file, action shall be taken as prescribed under article 834 of the Code of Civil Procedure, its Nos. and paras and the citations shall be made by the Office of the Administrator concerned.

Para 3 — The Land Registrar shall register the seizure in view of the copy of the record of proceedings which was kept in his office; the respective certificate, with declaration of the liabilities that weigh upon the seized property, should be handed over to the presenter.

Para 4 — The clerk shall attach to the file the record of proceedings of the seizure and the certificate of citation of the wife of executed person, and shall submit it to the administrator.

Para 5 — The administrator shall order the dispatch of the file to the respective court where it should be distributed.

Para 6 — The executor shall have attached to the file a certificate showing the assessable income of the properties seized.

Art. 321 — If the debtor does not possess any estate, the record of proceedings shall be drawn up and signed by two fit witnesses affirming the fact; one of them should be the Administrative Authority (regidor) of the parish (freguesia), whenever possible.

Art. 322 — When more than one seizure falls upon the same properties, the deposit shall be committed to the first depositary and, if it is committed to any other person, the former may apply for the change of the deposit, justifying his request.

Art. 323 — The accounts of the depositary shall be rendered at the court of execution, according to the formalities prescribed under the Code of Civil Procedure, when the seizure falls on immovable properties, in which case they shall be rendered at the law-court in terms of general law; if the file is remitted to the Office of the Administrator it shall be forwarded to the Court concerned when the account rendered is impugned; otherwise, the latter shall be audited by the Administrator.

Art. 324 — In the process of Administrative execution there shall not be an appraisal for the auction. However, if the seizure is of immovable properties, all the provisions relating to common executions shall be observed.

CHAPTER V

Relating to the auctions and adjudications

Art. 325 — After the seizure is effected, or in the case of a debt on pledge, the Administrator shall appoint the day for auction.

Para 1 — The provisions under articles 841 to 845, 847, 848, 849 and para 851 and paras 2 to 4, 853, 854, 859 and paras 861, paras 1 and 6 and 862 and para of the Code of Civil Procedure, as well as article 5 of Decree dated 4th August, 1881, shall apply to the auction.

Art. 326 — The price of the auction, both of movables and immovables, shall be deposited, when it should be so, in the coffers of the respective body of members (mazania) it being observed the provisions under articles 333 and 334, in the applicable part, this deposit shall be to the order of the respective judge, and it shall be withdrawn or credited to the coffer in view of the competent letter rogatory.

Art. 327 — When the fruits of properties not auctioned are to be sold in auction, the auction shall be restricted to those of one year only, and when the price obtained is not sufficient for the integral payment of the debt, interest, stamps, costs and percentage, or there is no buyer, the Administrator may order the seizure to be passed to any other properties of the debtor, or he shall carry out the seizure of properties themselves, it being observed the rest provided for under article 320.

Art. 328 — The successful bidder shall pay the expenses on the auction, stamps and registration tax, when they are due.

Para — The bidder who is not known should be excluded from bidding, except when he proves himself capable of paying, in cash and in the act, the price of the auction, the expenses on the auction, the stamps and the registration tax, when they are due, or if a third known person guarantees him and undertake the payment, submitting also to the punishment of imprisonment.

Art. 329 — When the proceeds of the auctioned properties is not sufficient for the payment of the debt, the execution shall continue as for other properties of the debtor.

Art. 330 — The execution being annulled, either on its conclusion, or in the pendency after the auction, auction shall be taken in terms of article 898 of the Code of Civil Procedure.

Art. 331 — The executor can ask for the adjudication of the properties in terms of article 867 of the Code of Civil Procedure.

Para — When these properties have been put for auction without a declared value, their adjudication shall be asked at any price that the applicant may offer.

CHAPTER VI

Relating to the payment

Art. 332 — At any stage of process, the debtor or other person can pay the claimed debt, interest, stamps, costs and additional.

Para 1 — A third person who may pay the execution, shall become subrogated in the rights of the creditor to recover from the debtor, his sureties and responsible persons, in terms of this Regulation, what may have been paid by him, and for the purpose he may continue the process of Administrative execution.

Para 2 — The co-responsible persons who may be so by an agreement or by law, and the sureties, shall have an appeal against the main debtor for the payment that they may make and in terms of the preceding para, and the co-responsible person shall have it against the sureties in the proportional part, in terms of general law.

Art. 333 — As soon as the payment is offered, the clerk shall obtain from the accountant the immediate settlement of stamps and costs incurred, and shall issue subsequently a chalan, with the vise of the Administrator, for the payment of stamps due to Government Treasury, and shall hand it over to the person who may have offered the payment, with a duplicate without seal for records of the Revenue Office.

Para — The chalan issued shall be presented at the competent Revenue Office, and its amount being paid there at and obtained on it the receipt of payment, it shall be handed over, within 24 hours, to the clerk who issued it.

Art. 334 — The chalan with receipt being appended to the file, the said clerk shall issue another chalan, vised by the Administrator, for the payment of debt and interest, and he shall hand it over to the person offering the payment, with a duplicate without seal for records of the body of members (mazania).

Para 1 — This chalan shall be issued with reference to the number of the file, shall contain specifically the source and the amount of debt of each current account under process, and the rest that should be paid at the coffer of the body of members (mazania) declaring at the end that, besides these amounts, there is also to be satisfied the stipulated interest and that of delay, to be settled in the act payment, according to the provision under No. 2 of article 294, interest whose due date he shall mention.

Para 2 — The provisons under article 542 of the Civil Code shall apply to the conventional interest.

Para 3 — The auction shall not be suspended, if the chalan is not attached till the time fixed for it.

Para 4 — The costs that may be settled shall be paid by way of chalan, in duplicate, issued by the clerk of proceedings at the coffer of the court of administrative executions of the bodies of members (mazania) of the Devasthans, and they shall be distributed among the persons to whom they may belong, with the latter's signatures in the said account in terms of article 346.

Art. 335 — The chalan referred to under the preceding article, shall be presented to the clerk who issued the current account, within the time limit of 3 days, and the latter, on receipt of its amount and of the interest that he may calculate, shall write down the amounts received on the book of receipt and expenditure and with reference to the latter shall issue receipt on the chalan, handing it over to the presenter.

Para 1 — The clerk of the body of members (mazania) who may receive the amount of chalan, shall convoke the key-keepers of the coffer within 24 hours if the total amount received is Rupees 50 or more, and after keeping the said amount in the coffer, he shall have authenticated the amounts entered in the cash-book, with the signatures of other two key-keepers.

Para 2 — If the amount received is less than Rupees 50, it should be kept in the coffer in the same manner and with the same formalities, at the first ordinary opening of the coffer.

Para 3 — In the case of the two preceding paras, the clerk who received the money, shall report immediately to the administrator the fact that the amounts entered in the book of receipts and expenditure were already authenticated with signatures of the key-keepers, and the money was kept in the coffer.

Para 4 — The chalan received by the person who made the payment, shall be returned by him to the clerk who issued it, within the time limit of 5 days from the date of the same chalan.

Art. 336 — The debtor shall be allowed to pay the debt and its interest at the coffer of the body of members (mazania) independently of chalan, at any stage of proceedings.

Para — The clerk of the body of members (mazania) who had the amount paid kept in the coffer, shall issue a receipt referred to the book of receipts and expenditure, which should be presented to the clerk of proceedings, who, attaching it to the file, shall act in terms of article 333.

Art. 337 — On receipt of the chalan referred to under para 4 of article 335 or referred to under the para of article 333, in the case of the payment of debt having been made at the coffer of the body of members (mazania) and interprally paid up with its interest, the clerk shall attach it to the file and, when the costs are paid, he shall submit the file to the Administrator for the latter deciding as extinct the execution, and ordering to file the case.

Para 1 — There shall be no notification of the sentence deciding the execution as extinct.

Para 2 — The certificate of payment of the execution, issued by the clerk of proceedings and vided by the Administrator, shall be a legal document for the cancellation of the seizure and handing over of the deposited properties.

Art. 338 — If the chalans with the receipts of payment, dealt with under articles 334 and 335 are not returned in the due time limit to the clerk, the execution shall continue in further proceedings.

Art. 339 — When by virtue of the seizure and auction amounts that are not sufficient for discharge of the claimed debt, interest, stamps, costs and additional, are collected, in the first place the stamps and costs shall be paid, and the rest shall be kept in the coffer of the creditor association, on account of the claimed debt, and the execution shall go on for the rest.

Art. 340 — If the executed person presents money in the Act of the auction for payment of the debt, its interest, stamps, costs and percentage, the auction shall be suspended for the period of time that the Administrator may think absolutely indispensable for effecting payment of all the amount at the office of the

Administrator, and on expiry of this time limit without the payment being effected, the auction shall be continued further.

Para 1 — The amount that may be received, shall be disposed of as prescribed under articles 333 and 334.

Para 2 — In this and other cases in which the interpral payment of the debt, interest, stamps, costs and percentage may be received at the Office of the Administrator, the chalan for the payment of stamps shall be handed over to the bailiff concerned, with the amount necessary for the payment being made at the Revenue Office, and that for the payment of debt and interest, to the clerk who issued the current account; the latter shall be called to the Office of the Administrator for such purpose, with the book of receipts and expenditure for entering therein the respective amounts received.

Art. 341 — It shall not be declined the payment of any part of the debt, that the debtor may desire to satisfy, and in such case a receipt of the amount handed over shall be given to him; the proceedings shall go on for the amount that may be left unpaid.

Art. 342 — If, after the issue of current accounts and their handing over to the Secretary of the Administrator, the debtor pays the debt, or credits part of it to the coffer, but before his being cited, the clerk of the body of members (mazania) shall issue to him a receipt referred to the book of receipts and expenditure, which the debtor shall present at the Office of the Administrator, so that further proceedings of current account may not be taken up; however, the debtor shall be responsible for the stamps and costs incurred before the Office of the Administrator receiving the said receipt.

CHAPTER VII

Relating to the costs

Art. 343 — The fees and pays shall be calculated according to the schedule annexed to this regulation.

Para 1 — In the execution for an amount below Rupees 25, the fees and pay shall be reduced to the forty and pay shall be reduced to the fourth part, and for that below Rupees 50, to a half, both at the Office of the Administrator and at the Court.

Para 2 — The provisions in force with respect to the calculation of unstamped paper shall apply to the processes of administrative executions.

Art. 344 — It shall be performed gratuitously all the acts and proceedings, for which no fees, pay and transport allowances are expressly prescribed under the respective schedule.

Para — There shall be no costs to be received, nor stamps to be paid, when the debt is decided as failed.

Art. 345 — The accountant shall close the account with the declaration of total amount in full, shall not allow more than once the travelling allowance for all the proceedings that may be effected on the same day and in the same process, to each of the employees who may perform them, and in this case, when the proceedings of the same nature are performed by more than one employee in the same manner he shall allow only once the travelling allowance which he shall share among all of them; this shall not be considered as for the proceedings that should be performed by more than one employee.

Para 1 — The amount of the costs cannot exceed three fourths of the claimed amount in each process, except when there is an impugment or a caveat.

Para 2 — In no case negative certificates shall be counted in processes, and the travelling allowances in the seizures shall only be allowed in the same cases as they are so in the citations.

Para 3 — In the account of fees and costs the accountant shall settle also obligatorily the industrial tax, receipt stamp, income tax or any other legal deductions due according to the law on the fees of each official, for the clerk effecting the payment to Government Treasury after the collection of costs.

Art. 346 — It shall be incumbent on the clerk of proceedings the distribution of the costs among the officials in whose favour they may be calculated, obtaining their receipts in the files themselves.

CHAPTER VIII

Relating to the caveats entered by a third party

Art. 347 — Whoever has possession over seized properties may lodge a caveat of a third party in terms of articles 922 and following of the Code of Civil Procedure.

Art. 348 — When a caveat is presented to the clerk of proceedings, the latter shall give a receipt to the party; he shall accept the caveat attaching to it a copy of the record of proceedings of the seizure under caveat, made at the cost of the party entering the caveat, shall submit them to the Administrator, who by his order shall have them forwarded to the respective court.

Para 1 — In the case of the receipt declined, the party entering a caveat may act in terms of the para of article 291.

Para 2 — The party lodging a caveat shall be notified of the dispatch of the file.

Art. 349 — It shall be rejected in limine by the respective judge the caveats lodged by a third party, which, turning on the shares of the "Comunidades", may not be accompanied by a document attesting that the seized shares are registered in the name of the party entering the caveat, or in the name of the person whose the latter is a representative, and also, in this case, they shall not be admitted if the

execution is in course for debtor a deceased person in whose name the shares are registered.

Art. 350 — The caveats entered by a third party shall not be received when the claimed debt results from annual rents (foros) and impositions on the seized properties, due to the body of members (mazania).

Art. 351 — A married woman may lodge a caveat as a third party only in terms of article 924 of the Code of Civil Procedure.

Art. 352 — The caveats being lodged by a third party and forwarded to the Court, the execution may continue as for the properties not under caveat, and the seizure may pass to other properties.

Art. 353 — The caveats entered by a third party shall suspend the auction only when it is proved by a competent document that they were received at the Court.

CHAPTER IX

Relating to the competition among creditors

Art. 354 — The competition among creditors can be instituted in any process where from the auction is effected.

Art. 355 — It being effected the seizure of money, the executrix, body of members (mazania) or its subrogated persons, cannot receive it unless the creditors who may intend to deduce preference are cited, by an advertisement of 10 days.

Art. 356 — The articles being deduced in the manner and within the time limit under article 932 of the Code of Civil Procedure, they shall be soon forwarded to the Court, in order to follow in further proceedings in terms of law, until the final decision of the competition is given.

Art. 357 — If anyone impugns the articles in the terms allowed by article 935 of the Code of Civil Procedure, action shall be taken in the manner prescribed under this regulation for the case of caveats lodged by the executed party, except the guarantee, which shall not be necessary.

CHAPTER X

Relating to the incident of falsity

Art. 358 — The articles of falsity being deduced, the Administrator shall order that they be immediately sent to the Court concerned, after being accepted and appended to the file of execution with a string.

Art. 359 — If the alleged falsity is of any citation, summons or other act of process, the Administrator may order that the act argued to be false be repeated with the others that may depend upon it, and that the execution follow in further proceedings at the Office of the Administrator.

Para — In this case, the articles of falsity, detached from the file, shall be sent to the Court only for the purpose of being punished any criminal act that may be proved to be committed.

CHAPTER XI

Relating to the decision for failure

Art. 360 — It should be decided to be failed the debts, acknowledgedly irrecoverable for absolute want of properties of the debtor, sureties and co-responsible persons, and the judgement shall be made in the same process.

Art. 361 — For the decision for failure, the Administrator shall consult in writing the Administrative authority of the parish (freguesia) (regedor) and the Managing Committee of the body of members (mazania), and collect any other information that he may think convenient.

Art. 362 — If all the information collected is consistent with the insolvency of the debtor, his sureties and co-responsible persons, the judgement shall be pronounced deciding the debt to be failed, as irrecoverable.

Art. 363 — In the decision for failure, it shall always remain safeguarded the right of the creditor to be able to recover the debt, in 30 years, by any estate that the debtor, his sureties and co-responsible persons may acquire, and the Administrator shall declare so in his judgement.

Art. 364 — The decision for failure should also take place when the debt mentioned in the current account arises from annual rents (foros), rents, interest, quit-rent and any periodical instalments, and a period of 5 years elapses after its being due without the responsible person being cited for its payment, or without the prescription being interrupted by any legal means.

Art. 365 — The irrecoverable debts may be decided to be failed in view of a list prepared by the clerks of proceedings separately for each body of members (mazania) in which it is specified the names of the debtors, sureties and co-responsible persons, the nature of the debts, the year to which they relate, their amount and the numbers of the respective files.

Para 1 — The information dealt with under article 361 should be attached to the lists.

Para 2 — If all the collected information is consistent with the insolvency of the responsible persons, the debts shall be decided to be failed by judgement drawn up in the list accepted, and a certificate of the judgement shall be attached to each file.

Art. 366 — The decision for failure shall be valid only after the confirmation of the Administrative, Fiscal and Audit Tribunal.

Para — When the decision for failure is given on the list dealt with under article 365, this list shall be forwarded for confirmation, accompanied by the respective files.

Art. 367 — The decision for failure and the annulment of the debt being confirmed, the Administrator shall have sent to the clerk of the body of members

(mazania) a certificate of the judgement with mention of all the necessary circumstances, in order that the competent registrations be made on the books, for the creditors not being included more in credit in the annual balance-sheet, except in the case under article 368.

Art. 368 — The decision for failure shall be annulled when, within 30 years from the last record of the file of recovery, in which the debtor may be cited, or from the due date of the debt in the absence of citation, properties are discovered in the possession of debtor, which properties can be seized.

Para 1 — In this case, the judgement being annulled by order of the Administrator, the seizure shall be carried out and the proceedings shall continue, as if the said judgement might not have taken place.

Para 2 — The clerk of the proceedings and that of the body of members (mazania), shall inform the Administrator and promote the annulment of the decision for failure, as soon as they discover the existence of properties of the debtor, sureties and co-responsible persons, through which the debt can be recovered.

TITLE V

CHAPTER I

Relating to the writing down and book-keeping

SECTION I

Relating to the writing down concerning the bodies of members (mazanias)

Art. 369 — The bodies of members (mazanias) shall have the following books for writing down and book-keeping.

1. A book of bye-laws and catalogue;
2. A book of cadastre of the properties;
3. A book of the fund or inventory;
4. A book of the receipts and expenditure;
5. A book of the records of proceedings or deliberations of the body of members (mazania);
6. A book of the records of proceedings or deliberations of the committee;
7. A book of the bonds, statements and agreements;
8. A book of current account;
9. A book of registration of the orders from higher authorities, of a permanent execution;
10. A book of registration of institution of festivities acts and cult as well as works of beneficence, education and others, referred to under article 406-A and corresponding deposits and consignment;

11. A book of registration of entry and issue of the correspondence.

Art. 370 — All these books shall be permanent and shall be written down clearly and distinctly, so that they can be easily examined; they should not contain interlineation or correction that is not endorsed at the end of the statement, record of proceedings, bond or amount where in it is made; the said books shall be made of ledger (almasso) paper of a good quality at the cost of the respective associations, and they should be numbered and initialled by the Administrator, and bear the opening and closing statements drawn up with the declaration of the number of leaves that they may contain and the purpose for which they are meant.

Para 1 — All these books shall be written down in Portuguese.

Para 2 — The amount shall be entered in full and in figures, in the competent places.

Para 3 — From one to another item, or from one to another act written down only the indispensable blank space shall be kept.

Para 4 — No writing shall be signed, unless it is read out to those who may have to sign it and unless the mistakes made are corrected and endorsed.

Para 5 — All the books should be initialled at least one month before the current ones are exhausted.....

Art. 373 —The copies of the documents or acts put down in writing on the books, shall be issued by transcribing them literally.

Para — When an act put down in writing contains different subjects not connected, and the copy of one or more subjects is applied for, the certificate shall contain the literal copy of the beginning of the Act, of the subject, applied for, of the closing and of the signatures, and the disconnected subject not transcribed shall be replaced by continuous lines or dots.

Art. 374 — The narrative certificates shall only be issued when expressly asked for in application, and they should always be referred to the book and leaves where from they are drawn up.

Art. 375 — Every certificate shall be issued by the clerk concerned within 3 days, when referred to the current books, and in five days when it is the question of closed ones.

Art. 376 — No book or paper shall be taken out of the respective record room without order of the Administrator.

Para — In criminal or any other cases in which the judicial authority may like to examine them, he may do so either requisitioning them for this purpose or making for the place of the records-room, with a prior intimation of the day and time, which shall be made to the respective Administrator, so that the latter may take measures.

Art. 378 — The special writing down of each book shall be made according to the rules and models prescribed under the following sections.

SECTION II

Relating to the book of bye-laws and catalogue

Art. 379 — This book shall be written according to model No. 24, and conveniently, annotated according to the rules under this regulation; in the beginning of the book, some blank pages shall be reserved for the registration of the respective bye-laws.

SECTION III

Relating to the cadastral book

Art. 380 — The cadastral book shall be written down according to model No. 28, and each entry should be written by the clerk of the body of members (mazania) and vided by the Administrator.

Para — Any notes to the entries shall be made and signed by the Administrator with the necessary indications.

Art. 381 — The cadastral book shall have 4 volumes designated with the letters A, B, C and D.

1.— The volume A should serve for registration of all the rural, urban properties (shops, houses, courtyards, buildings of the Devasthan and agrashalas), waste lands, salt pans and uncultivated lands or those where legumes are grown, with their boundaries, configuration and measurement.

2.— The volume B shall be meant for registration of the shares which the body of members (mazania) or the interested temple may possess under their title at any “Comunidades” of Goa, with their official value.

3.— The value C shall serve for the registration or enumeration of private properties, paying annual rents (foros) to the body of members (mazania) or to the interested temple, with their boundaries, area and annual rent (foros), as well as the amounts of any encumbrances or other additional to which the said properties may be bound, and the names of the possessors of the same properties. The subsequent alterations due to the legitimate succession or to legally operated alienation shall be authorised by order of the Administrator, on application of the interested persons who, to this effect, shall attach the documents necessary for their registration.

4.— The volume D shall serve for the registration of all the lands granted on long-term lease (aforamento) with express mention of the names of concessionaires, area, boundaries and annual rent (foro), it being stated also the crop of which they are susceptible, or that they are meant for building houses. The Subsequent alterations of these lands shall be equally authorised by order of the Administrator.

SECTION IV

Relating to the book of the fund or inventory

Art. 382 — The book of the fund shall be divided into 5 parts: in the 1st, the general inventory of all the immovables and movables belonging to the body of members (mazania) shall be written in continuous numbering; in the 2nd, the statements of annual balance of the Committees and the records of transfer of charge of the management to the other; in the third, the fund in cash, as well as annual surpluses, the loans, the proceeds of sale of pledges, the collected capitals; in the 4th, the list of book-debt, stating its source, amount and the reason of not being paid; and in the 5th, the records of balance taken by the Administrator.

Art. 383 — The alterations that may take place in any valuables mentioned in the inventory, shall be annotated in the margin, and the general inventory may be renovated when there is necessity of its reformation.

SECTION V

Relating to the book of receipts expenditures

Art. 384 — The book of receipts shall be written down mentioning the receipts by continuous numbering, referred to the financial years (model No. 19).

Art. 385 — On the occasion of balances, it shall be the duty of the Administrator to declare null and void the receipts of expenditure that are not in the conditions under the preceding article; he shall fix the real amount of balance that should exist in the coffers, in credit to render effective the responsibility of key-keepers and attorney.

SECTION VI

Relating to the book of records of proceedings or deliberations of the body of members (mazania)

Art. 386 — This book shall be meant for writing down the records of proceedings or deliberations of the body of members (mazania).

Para 1 — The records of proceedings shall be numbered by financial years.

Para 2 — The book shall have in each page two marginal columns, that of the right side being meant for any remarks and references and that of the left, for the summary of the respective record of proceedings.

SECTION VII

Relating to the book of records of proceedings or deliberations of the Committee

Art. 387 — This book shall be meant for writing down the records of proceedings or deliberations of the managing committee.

Para 1 — The records of proceedings shall be numbered by financial years.

Para 2 — The book shall have in each page two marginal columns, that of the right side being meant for any remarks and reference and that of the left, for the summary of the respective record of proceedings.

SECTION VIII

Relating to the book of bonds, statements and agreements

Art. 388 — This book shall serve for writing down the agreements in general and the remissions.

Para — It shall be divided into 3 parts: the 1st shall be meant for the bonds of loans; the 2nd, for the remissions; and the 3rd, for all other agreements and statements.

Art. 389 — The bonds of agreements shall be written down by the clerk, stating therein the day, month and year, the object and conditions of the agreement, and the name and residence of the contracting party, and it shall be signed by all the intervening parties.

Para 1 — In the auctions of properties, the clerk shall open every day a record of proceedings of auction and therein it shall be incorporated, under continuous numbering, the bonds of the properties that may be adjudicated, with signature of the successful bidder and his surety, and the said record shall be closed at the end of the day, and signed by the managing committee.

Para 2 — When the successful bidders and their sureties do not know to sign, other persons shall sign at their request in this case two witnesses should intervene and sign, which shall be declared in the record of proceedings.

Art. 390 — The book of agreements shall serve also for registration of any agreements which the managing committee or the association may effect by a public instrument or by a special record.

Art. 391 — The leaves of this book shall have a column at the right margin for entering in figures the amount of loan or of auction, and the other at the left for writing down the number of current account to which the respective amount is carried.

SECTION IX

Relating to the book of current accounts

Art. 392 — This book shall be meant for organizing not only the current account of the tenants of properties of the association and of the borrowers, as also that of all those who may become debtors of the body of members (mazania) by any agreement, deficit, etc.

Art. 393 — This book shall be written down according to model No. 23, and as soon as the committees effects any agreement, or by any document it is shown that some one become a debtor, the clerk should open immediately an account, stating, at the top of the leaf, his name and residence; the clerk shall settle afterwards the said accounts as the rents, interest, etc. may be paid, stating in each page the number of the item and the corresponding leaf of the competent books wherein the amounts may have been credited.

Art. 394 — In the last days of the months of June and December the clerk of the Committee shall close these current accounts, and settle the debit until these dates, signing at the end.

Para — When the agreement to which the current account refers does not end with the respective half-year, the current accounts relating to the next half year may continue under the same title until the integral payment of the debts is made. In case the leaf of the book of current account is not enough for writing down all the items, a new current account shall be opened by carrying forward and references to the old one shall be made.

Art. 395 — It shall be opened as many titles of current accounts as the bonds of pledge or lease may be, even though the debtor is only one.

SECTION X

Relating to the book of registration of orders from higher authorities

Art. 396 — This book shall have, at the left hand margin, a column for writing down the extract of the document registered.

Art. 397 — Every registration that may be made shall be written in full, avoiding figures and any abbreviation.

Art. 398 — At the end of each registration, the clerk shall declare it being according to the original, and mention the day, month and year in which the registration was made, and he shall sign it.

CHAPTER II

Miscellaneous provisions

Art. 399 — In all the cases in which the debts cannot be recovered from the original debtors or their heirs, due to absolute want of estate, and there are persons jointly and subsidiarily responsible, the executions shall rebound upon these persons.

Art. 400 — For the purposes of the preceding article, the clerk of proceedings shall inform who are the responsible persons and the amounts for which they are so, and he shall submit the files to the administrator, who shall order these responsible persons to be cited, and to continue against them the further proceedings of the execution. In these cases, if the responsible persons pay within the time limit of citation no cost shall be demanded from them nor the stamps of the processes, and the citation shall have the consequence of only a notice; but, if they do not satisfy within the said time limit, or contest the payment and are cast, they shall pay all the stamps of the processes, as well as not only the costs to which they gave rise, but also those of all the acts and proceedings against the original debtors.

Art. 401 — For the fulfilment of the preceding article, in the event of there being more than one person responsible for the debt, or when this is to be recovered from the heirs of the debtor, because the division of inheritance has already been made, the administrator should settle the respective part to be paid by each interested party responsible for his share in the debt, costs and stamps.

Art. 402 — When there is excess of the proceeds of auctioned properties or of the rents seized, its amount, as soon as it is settled, shall be paid, as deposit, at the respective coffer, through the competent chalans, to be handed over to the executive party, in whose favour or in that of one who represents him legitimately the order for withdrawal shall be issued, as soon as it is applied for.

Art. 403 — No debtor can be granted moratorium, under any form, in his payments, or suspension of executive proceedings for the recovery of his debts.

Art. 404 — All the processes shall have at each taluka (concelho) a continuous numbering.

Para — Every six months the administrators shall send to the ~~Governor General~~²⁷[Government] a list drawn up from the respective register with all its indications, comprising the processes that may be pending, with the mention of their last statement recorded and with the declaration of reasons for which the debts are not paid nor decided to be failed.

²⁷ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

Art. 405 — At the Offices of taluka (Concelho) Administrators there shall be in charge of the accountants concerned, a register of the costs received by virtue of administrative executions.

This register shall be made according to uses, and the amount that each may receive shall be mentioned therein every month, with the indication of the numbers of processes from which they arise.

Art. 406 — The processes of the debts decided to be failed shall be filed separately, after being discharged in the general register. With the respective notes, wherein the date of verdict of the decisions for failure shall be mentioned, it shall be prepared a special index which the clerks of proceedings shall have always ready.

Para — The clerks of the bodies of members (Mazantias) shall give to the clerks of proceedings a copy of the index dealt with under this article, in proportion as it is prepared, so that the former may make the convenient inquiries and offer any clarifications to which they are bound.

Art. 406 — A — It shall be permitted to the Devasthans the institution of any festivities and acts of cult, as well as of any works of beneficence and education, such as doles and arms to indigents, medical assistances to the members (Mazantias) servants and pilgrims, subsidies to poor students, scholarships to students, prizes to distinguished students, schools, reading-rooms, lectures and exhibitions and others of this nature.

Para — The objectives mentioned under the body of this article can be effected through any of the following modalities:

- 1) By means of payment to the coffer of the Devasthan of an amount whose interest, at the rate of 2 per cent per annum, may over the expenses necessary for carrying out the act or work in question;
- 2) By means of endorsement in favour of the body of members (Mazania) of the Devasthan of shares of the "Comunidade" or any credit papers whose income may cover such expenses;
- 3) By means of consignations of income of rural or urban properties, equivalent to double the expenses in question;
- 4) By means of grant of gratuitous cession of rural and urban properties in favour of the Devasthan in the same proportion.

Art. 405 — The Managing Committee shall be allowed to withdraw from the fund of the Devasthan independently of the authorisation of higher authorities, and only under pretext of advance, the amounts necessary to defray the expenses mentioned in the items included in the ordinary budget, when it is verified the assumption of lack of entry of receipts in the periods in which the said expenses should be incurred in terms of law.

Para — The advance referred to under this article shall comprise only the expenses of one month, and the funds should be reconstituted by the first receipts entered into the coffer.

Art. 406 —C—No permission shall be required for raising sheds (pandals) for any acts of cult or theatrical representations inherent in it.

CHAPTER III

Penal provisions

Art. 407 — The member (mazane) who may be absent, without a justified reason, at the session that he may apply for, in terms of para 6 of article 38, shall be liable to a fine of Rupees 4.

Art. 408 — The member (mazane) who may decline to serve any administrative post, or of an extraordinary committee, to which he may be appointed competently, shall be liable to a fine of Escudos 60\$00.

Art. 409 — The member (mazane) who does not pay the tax to which he is bound in terms of No. 4 of Article 31 of this Regulations or that which is fixed under the respective bye-laws, shall be suspended of all the privileges and rights, until he pays the debt, without prejudice of administrative execution.

Art. 410 — The member (mazane) who does not obey the order of the Chairman, relating to the maintenance of order at the meetings of the committee or body of members (mazania) or in the solemnization of religious acts, shall be warned for the 1st time; for 2nd, the convenient annotation shall be made on the record of proceedings with reference to the proceeding warning; and for the 3rd, he shall be fined Rupees 3. In case of relapse or of obstinacy, he shall be fined Rupees 5 besides being deprived of the right of member (mazane) for a period ranging from 1 to 3 months, when he is not a disturber, in which case his exclusion shall be voted and he shall be committed to judicial power.

Art. 411 — The outgoing or dissolved committees who may decline to hand over the charge to the incoming committees, or may postpone it, without a justified reason, 15 days, shall be liable to the penalty prescribed under article 138 of the Penal Code.

Art. 412 — The Committees who do not send within the prescribed time limit the estimates, budgets and accounts of management, shall be liable to a fine ranging from Rupees 30 to Rs. 90, and the clerks concerned, besides this, to the suspension for six months.

Art. 413 — The Managing Committees who do not comply with the provision under article 23 shall be liable to a fine of Rupees 30.

Art. 415 — The attorney of the committee who, within the prescribed time limits, does not comply with the obligation that is imposed upon him under Nos. 9 and 12 of the article 63, shall be liable to a fine ranging from Rupees 20 to Rs. 50.

Art. 416 — The member of the managing committee who without a just cause, acknowledged by the committee, abstains from appearing at three consecutive sessions or at 6 interpolated ones, shall pay, for the first time, a fine of Rupees 1; for the 2nd or each of these following, that of Rupees 3.

Art. 417 — The clerk who does not comply with the provision under the para of No. 4 of article 67, shall be punished with a fine of 20 per cent of the amount of money that he may have collected and kept in the coffer.

Art. 418 — The clerk who does not satisfy the provisions under the para of article 260, and under article 375, shall pay a fine ranging from Rupees 5 to 10, except when he justifies the reason of delay.

Art. 419 — The non-compliance of the provisions under the para of article 250, and under para 2 of article 266 of this Regulation, shall cause the suspension of the clerk for a period of 30 days.

Art. 420 — The transgressions of this regulation, for which a special penalty is not prescribed, shall be subject to a fine ranging from Rupees 2 to Rs. 20.

Art. 421 — The composition of the fines referred to under this chapter shall be of the competence of the taluka (concelho) administrator, in view of the proceedings instituted, in case they are not paid voluntarily, then file shall be forwarded for decision to the law court concerned, in terms of the Code of Penal Procedure.

Art. 422 — The amount of fines prescribed under this regulation shall constitute receipts of the bodies of members (mazanias) concerned.

Art. 423 — The amount of fines collected at the court before or after the judgement, voluntarily or executively, shall be sent by the clerk of proceedings to the Office of taluka (concelho) Administrator Section in-charge of the Bodies of Members (Mazanias) which shall issue a receipt to be appended to the file, and shall dispose of it conveniently.

Para — This service shall be strictly supervised by the Public Prosecutor.

Art. 424 — The clerk of the body of members (mazanias) who abstains from transferring to judicial power or from drawing up certificates of current accounts in the time limits prescribed under this regulation, shall be liable to the payment of a fine equal to 5 per cent of the same debts, which fine, however, cannot exceed Rupees 50, and if by negligence he abstains from promoting the annulment of the decision for failure, when he has ground for it, he shall be responsible for the payment of the respective debt, alone or jointly with the clerk of proceedings,

according to the circumstances, without prejudice of any other action that Government may have to take in his respect.

Art. 425 — The taluka (concelho) administrator who does not consider extinct, due to payment or decision for failure, all the executions, within the time limits prescribed under the para of article 333, and under articles 360 and following, except the cases provided for therein, shall be liable to the payment of a fine equal to 5 per cent of the total amount of respective debts, which fine cannot exceed Rupees 50, without prejudice of any other action that may be thought convenient.

Art. 426 — The fines dealt with under the preceding articles shall be imposed in terms of article 421 and shall be disposed of as laid down under article 422.

Art. 427 — The clerks in charge of processes shall be liable to the punishment of paying the amount of debts that cannot be recovered:

1) When they do not issue the warrant for seizure and do not effect it within the time limit prescribed under article 314 if no properties are found in the possession of the debtor, and if it is proved that he disposed of those that he possessed, after the expiry of the said time limits;

2) When it is proved that they drew up the record of the proceeding dealt with under article 321, after having found properties whose seizure they could effect;

3) When it is proved that they were negligent in promoting the renewal of continuation of the executions due to debts decided to be failed, allowing the debtors or responsible persons to return to the state of insolvency. In this case they shall be jointly responsible with the clerks of the bodies of members (mazanias) if the latter did not promote the annulment of the decision for failure.

Para — The taluka (concelho) administrator shall institute the competent proceedings of these faults and shall forward them to the Public Prosecutor.

CHAPTER IV

Transitory Provisions

Art. 428 — The bodies of members (mazanias) which are since long in the power of being considered to be constituted, even though they do not have bye-laws approved, should ask within an inextensible period of 90 days for the approval of their bye-laws, prepared according to the prescriptions under this regulation.

Para 1 — It shall be the duty of the Administrator to issue necessary instructions and measures for the execution of this article, reporting the matter to the Directorate of Civil Administration, after 90 days, for due purposes.

Para 2 — In the event of non-compliance of the provisions under this article, these associations shall be declared dissolved and their properties shall be applied in

benefit of public welfare, according as it is decided by Governor General, at the Permanent Section of Government Council.

.....
Art. 430 — The attorneys of the committees, within the time limit of thirty days from the definitive registration of properties in the cadastral book, shall apply for the registration of their full, direct or useful possession at the respective office of Land Registrar, showing the certificate drawn up from the said book.

.....
Art. 432 — It shall be guaranteed to the servants of the temple the usufruct of the properties or fixed consignations, granted by the bodies of members (mazanias) in remuneration for the services that they render, under the following conditions:

1) It being the question of properties possessed hereditarily by the servants, in support of which there is any document, the referred to servants, within the time limit of 6 months from the coming into force of this Regulation, shall apply for the remission of liabilities through the annual rent (foro), to the administrator, mentioning in the application the name, boundaries and situation of the usurped property, and the administrator, after examining the documents existing with the body of members (mazania) and those exhibited by the servants, and carrying out the necessary measurements, shall fix the referred to annual rent (foro), in terms of article 240; he shall order the respective bond to be drawn up in the books of the body of members (mazania), which shall be worth a supporting document for the registration of useful possession at the Office of Land Registrar in the name of the servant. In case of omission, the body of members (mazanias) shall do the remission by force within 30 days following the said time limit, in terms of article 242.

2) The same action shall be taken when the concession has been made by the "comunidad", former owner, or by any other entity, with the liability of service or encumbrance, and in this case it should be mentioned in the petition the source of properties.

3) When there are no documents that may prove clear, by that the concession was made by the body of members (mazania) for rendering services, and if doubts arise about the source of title-deeds of possession and ownership, which cannot be decided only in view of the documents, the administrator shall notify the servant to redeem the liability in the manner under article 240 and, in the case of the latter not consenting to, the ~~Governor General~~²⁸ [Government] shall refer the parties to judicial means for defining the points of controversy.

4) The servants who abstained from rendering services, continuing to possess the properties belonging to the temples, shall continue to possess them, and within the

²⁸ Substituted vide Order No. 16/14/87-RD dated 23-10-1987

time limit of 6 months they shall apply, in terms of the preceding numbers, for the fixation of annual rent (foro), under rain of the body of members (mazania) doing the remission by force in terms of article 242; the same action shall be taken as for the properties that may be in the possession of former servants and on which litigations may be pending, or the body of members (mazanias) may have considered them reverted or had them reverted in favour of the temple.

5)The servants may, if willing, redeem the annual rent (foro) fixed, by paying two thirds of the value of properties, according to the manner prescribed under articles 206 and 223 for usurpations.

.....
Art. 434—A—The managing committees should write down within the time limit of forty-five days the Register of Institutions of acts of cult and of different deposits, referred to under No. 10 of article 369, and have recorded therein all the institutions previously accepted, with description of the deposited funds and the obligations assumed by the body of members (mazanias), as well as all the deposits subsisting till that date.

Art. 435 — The provisions under this Regulation shall apply to the mosques until the latter have a Special Regulation, and the reference made to Marathi language under articles 18, 33, No. 4 and 84, shall be deemed made to Mohammedan or Hindi language.

Art. 436 — This Regulation should come into force on the 15th day of April next.

Art. 437 — It is hereby repealed the rules to the contrary, general and special, and namely the Regulation approved by Government Order No. 584 30th October, 1886.

SCHEDULE
Relating to fees and pay
TITLE I

Relating to the Office of Taluka (Concelho) Administrator (Service relating to the bodies of members) (mazanias)

CHAPTER I

Relating to the Administrator

Art. 1 — The following fees shall belong exclusively to the administrator:

1) Towards the examination and audit of annual accounts of management of each body of members (mazanias), the annual receipts ranging from Rupees 25 to Rs. 300.....3:00:00

From Rs. 301 to Rs. 1,0005:00:00

From Rs. 301 to Rs. 1,001 to Rs. 2,0007:00:00

Rs. 2,001 and over10:00:00

2) Towards inspection, survey, possession, handing over, setting of seals to the coffers, supervision and acceptance of works, and extraordinary balance of the coffer.....2:08:00

Outside the capital of the taluka (concelho) it shall be allowed more, as travelling allowance, for each kilometre, but only upto 15 kilometres0:08:00

3) Towards triennial balance of the coffer, the annual income ranging from Rupees 25 to Rs. 300 2:00:00

From Rs. 301 to Rs. 1,000 4:00:00

From Rs. 1,001 to Rs. 2,000 6:00:00

Rs. 2,001 and over 8:00:00

The travelling allowance shall be regulated in terms of the preceding number; however, the respective amount cannot exceed5:00:00

4) Towards presiding over the auctions of extraordinary works, at his office, for each record 2:00:00

Art. 2 — If on the same day he carries out several proceedings, either in different processes, or on application of different persons, on different objects, the travelling allowance shall be paid in the proportion of a half for each proceeding, it being implied that, if these proceedings are relating to only one process, the travelling allowance shall be only once.

Art. 3 — In the proceedings applied for by the bodies of members (mazanias) or directed officially only the travelling allowance shall be granted.

In the administrative executions

Art. 4 — The Administrator shall receive:

1) Towards initials on letters of any nature, warrants, verification of advertisements, chalans, documents, statements and records of the proceedings over which he may preside, on the leaves without any signature 0:01:00

2) Towards signature on letter of any nature, notices, letters rogatory, certificates and vouchers 0:01:00

3) Towards presiding over the checking of current account and the examination or books and documents existing in the records-room of his office or of any body of members (mazania) 1:04:00

4) Towards presiding over the act of auction of shares, fruits, income or any other properties, and for each record of auction in which the price of adjudication does not exceed Rupees 125 1:00:00

Exceeding Rupees 125 and being below Rs. 250 2:00:00

Exceeding Rupees 250 2:02:00

For each record of auction, which comprises all the properties not auctioned on each day, for want of bidders 0:10:00

Para — In case of a lease, the fees shall be calculated taking for basis the value of total rent corresponding to the entire period of lease.

5) For a record of postponement of auction, on application of the interested person..... 0:10:00

6) Towards the judgement deciding the impugment of current account 0:08:00

7) Towards final judgement on the execution 0:12:00

8) Towards travelling allowance, the same as considered under No. 2 of article 1; however, it shall be reduced to a half in the executions for an amount below Rs. 50.

9) For each record of a personal deposition 0:12:00

CHAPTER II

Relating to the secretary and junior clerks (amanuenses) of the Office of the Administrator

Art. 5 — The following fees shall belong exclusively to the secretary or junior clerks (amanuenses) of the office of the Administrator:

1) Towards each record of audit of accounts and each triennial balance of the coffer..... 2:00:00

2) Towards inspection and other services dealt with under No. 2 of article 1, including setting of seals to the coffers of the bodies of members (mazanias), half the fees prescribed for administrator.

3) Towards each citation of summons including its duplicate copy 0:08:00

4) In all the proceedings mentioned under this article, that may take place outside the capital of the taluka (concelho), they shall receive half the travelling allowance prescribed for the administrator; However, the amount of travelling allowance cannot exceed Rupees 3 for the proceeding under No. 3 of article 1.

Para — Towards translations of copy of records of proceedings or any documents and applications of a private interest or on application of the party, not exceeding one page..... 0:06:00

For each exceeding page, more 0: :00

Art. 6 — As clerks of proceedings, they shall receive:

1) For each citation 0:10:00

2) For each summons 0:06:00

a) When the citation or summons cannot be accomplished, for any of the reasons mentioned under article 190, 192 and 194 of the Code of Civil Procedure, the clerk shall receive towards the certificate of proceeding the same pay.

b) For the purpose of settlement, it shall be deemed only one citation or summons those made on the same occasion and for the same object, to a wife and husband or to coheirs of the original debtor, when the former persons and the latter reside in the same house.

c) No pay shall be due for the citation whose certificates do not satisfy the precepts under articles 187 to 189 of the Code of Civil Procedure or do not mention expressly the place, day and approximate time of the citation.

3) Towards authentic copies of summons and citations and other copies, that may be given to the cited or summoned persons, or to the depositaries in the act of seizure, and which shall be issued on an ordinary paper (pattern prescribed by law) supplied by the employee who has to issue them, the latter shall also be entitled to the payment for drawing up.

4) Towards each warrant, letter rogatory, or chalan for payment or deposit, upto 25 lines..... 0:02:00

5) Towards remarks given each time in the file, ordered by the administrator0:04:00

6) For a copy of the record of proceedings of seizure for the registration at the office of land registrar, the clerk who issues it shall receive the payment for drawing it up.

7) Towards initials on any documents or writing, as laid down by law . 0:06:06

8) For each bond of security or deposit of money 0:05:00

9) Towards manuscripts of notices, certificates and advertisements, for each0:01:06

10) Towards each record of proceedings of seizure, carried out in the office itself, besides the payment for drawing it up 0:10:00

11) Towards each record of proceedings of seizure, carried out of fruits, income and any other movable, immovable properties or chattels, besides the pay for drawing up..... 1:04:00

12) Towards the record corresponding to any act over which the administrator may preside, half the fees due to the latter, and also the pay for drawing up; besides, they shall be entitled to travelling allowance, when the Act takes place outside the capital of the taluka (Concelho).

13) For each warrant of auction, upto 25 lines 0:10:00
For each exceeding line, they shall receive the pay for drawing up.

14) Towards cost of ordinary paper that they may supply each sheet

Para — The cost of paper supplied for the authentic copies of citations and summonses and other copies shall be settled in view of the declarations existing in the respective certificate or records, relating to the number of sheets supplied.

15) For each narrative or tenor certificate, referred to any file existing in their possession, and the respective copy, besides the pay for drawing up 0:02:06

16) Towards pay for drawing up documents, for each line of 30 letters, the figures being counted as letters When typed, for each line0:00:01½

17) Towards travelling allowance, in the citations, summonses seizures and any other acts performed outside the capital of the taluka (Concelho) that prescribed under No. 4 of article 5; however, the respective amount shall be reduced to a half in the executions for an amount below Rupees 50.

Para — There shall be no room for more than once the travelling allowance on the same day, nor even with regard to the summonses, citations and notifications, when direct in the same order, although, for affecting them, there was need of going through more than once and even on different days.

Relating to the clerks of administrative executions

Art. 7 — The fees referred to under article 6 and its numbers shall belong to the clerks of executions.

Relating to the accountants

Art. 8 — The accountants shall receive the following pay:

1) For each item of fees, pay and costs that they may count 0:01:00

Para 1 — An item of fees or pay means each of the rates prescribed under this schedule, relating to acts or proceedings, and an item of costs, each article or each bill already paid by the parties or advanced by any of the officials of the executions.

Para 2 — However, the following shall be deemed one item, for this purpose:

- a) All the travelling allowances of each officials;
- b) All the signatures of the same official;
- c) All the initials of the same official;
- d) All the stamps of 8 annas and 7 annas, including therein the stamps of the authentic copies of citations, etc. and other copies that, in terms of the regulation or of this schedule, may be issued on an ordinary paper;
- e) All the stamps of items;
- f) The cost of stamps of ordinary paper supplied by each official.

By a sheet of paper (stamped or ordinary) it shall be meant a leaf of the file.

2) For counting certificates, authentic copies, copies, warrants of judgement of any nature, letters rogatory of any kind and any other writing or single documents, for each page 0:00:06

3) Towards calculation of interest, till one year
0:01:03 For each exceeding year of final fraction thereof0:00:06

Art. 9 — At last, the accountants should work out, by separate additions, the bill of the amount that may belong to them towards their own pay, and when the latter's total exceeds one rupee, they shall mention expressly the numbers and the articles of this schedule in which the rates corresponding to the different additions may be prescribed, without being entitled to a new pay for this purpose.

CHAPTER III

Relating to the Bailiffs

Art. 10 — The following fees shall belong exclusively to the bailiffs:

1) For each citation or summons including its authentic copy, half the fees allowed to the Secretary and junior clerks (amanuenses) of the Office of the

Administrator, however, the travelling allowance, when any, shall be regulated for each kilometre at the rate of..... 0:02:06

2) For proclaiming at the auctions of private interest, for each bid 0:02:06

3) Towards proclamation at the auctions of extraordinary works, for each bid finished 0:01:00

In the administrative executions

Art. 11 — As bailiffs of executions they shall receive:

1) Towards citations and summonses, half the pay and the travelling allowance prescribed for the clerk of proceedings under Nos. 1, 2 and 17 of articles, applying to them the provisions under sub-clauses (a), (b) and (c) of No. 2 of the said article, as well as under No. 3 of the same article, as for the authentic copies of citations, etc. and other copies that may be handed over to the cited or summoned persons.

2) For posting notices, comprising the certificates of posting drawn up on the respective copies:

Towards the first 0:07:06

Towards each additional posted on the same thing 0:03:09

3) For helping at the seizure 0:10:00

4) For the service of proclaiming at any auction for each bid0:04:00

5) For arrests effected under warrant of the administrator for each person 2:08:00

6) For the acts not specified under the proceeding numbers, at which the bailiffs may attend with the administrator and the secretary, or only these, they shall receive half the amount belonging to the secretary.

CHAPTER IV

Relating to the common fees of the Office of the Administrator

Art. 12 — The following fees shall belong to the Offices of the Administrator:

1 — Towards a record of acceptance of application 0:04:00

2 — Towards each warrant 0:04:00

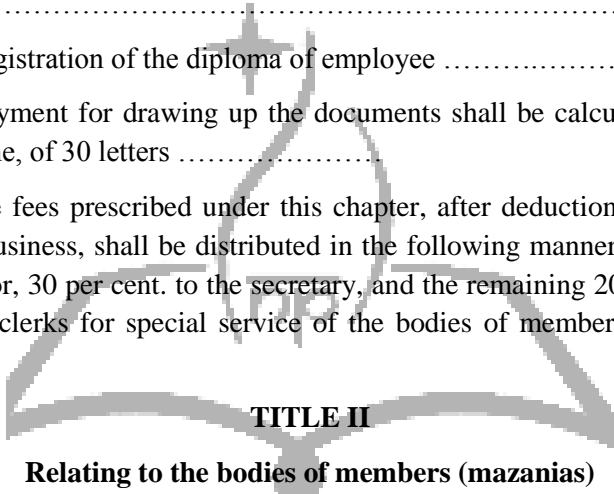
3 — Towards each ordinary statement in file 0:01:00

4 — Towards each statement of deposit of annual rents (foros), rents, deficits and others of this nature0:02:00

5 — Towards each bond of security, appointments of arbitrators, experts, appeals, desistence, acquittance, obligation and other of this nature0:09:00

6 — Towards each record of proceedings of inquiry, investigation, examinations, settlement of accounts, auctions for lease on a long term lease (aforamento) of properties, for supplies, and others of a similar nature	1:00:00
7 — For issuing advertisement	0:02:00
8 — For calculation of costs of a process	0:04:00
9 — For a certificate of posting of notices	0:02:00
10 — For each narrative or tenor certificate, besides the payment for drawing up.....	0:04:00
11 — Towards the search for each year, when it is not the current or mentioned by the party	0:02:00
12 — Towards each chalan for payment of transfer tax, including the duplicate	0:03:00
13 — Registration of the diploma of employee	0:07:06
14 — Payment for drawing up the documents shall be calculated at 1½ pies for each line, of 30 letters	

Para — The fees prescribed under this chapter, after deduction of expenses on expedition of business, shall be distributed in the following manner: 50 per cent. to the administrator, 30 per cent. to the secretary, and the remaining 20 per cent. to the junior clerk or clerks for special service of the bodies of members (mazanias), in equal parts.



TITLE II

Relating to the bodies of members (mazanias)

Art. 13 — The clerk of the body of members (mazanias) shall be entitled to the following fees:

- 1) For helping at the inspection or survey 0:12:00
- 2) For provisional possession to the concessionaries of longterm leases (aforamentos), besides the record of proceedings, for which he shall receive payment for drawing up..... 0:12:00
- 3) Towards record of proceedings of removal or deposit of the produce of properties and of the threshing of cornfield, besides the pay for drawing up0:06:00
- 4) For bonds of transfer or guarantee 0:04:00
- 5) For ordinary statements of receipt, dispatch and vise, for each0:00:04½
- 6) Towards citation or summons, the same as allowed to the bailiff.

- 7) Towards search of books, not being current ones, the same as under No. 11 and article 12.
- 8) Of the payment for drawing up documents, for each line of 30 letters 0:00:01½
- 9) Towards each narrative or tenor certificate, besides the payment for drawing up..... 0:04:00

In the administrative executions

Art. 14 —The clerk of the body of members (mazania) shall receive;

- 1) For each current account, comprising the certificate drawn up therein; besides the pay for drawing it up 0:
- 2) Towards help at examination of the books and documents existing in the records-room of the body of members (mazania) for each day0:12:00
- 3) Towards the citations and summonses, the pay prescribed under No.1 of article 11.

CHAPTER II

Relating to the experts and arbitrators

Art. 15 — The experts and arbitrators shall receive:

Towards examination of books, signatures and papers, towards each survey for recognition of the necessity of works, their supervision and balance, and towards any other inspections besides the travelling allowance regulated in terms of No. 4 of Art. 5 1:08:00

Para — Being a technician, he shall receive the same as the administrator, except when by a special schedule he is entitled to more amount.

(The models to which this regulation refers shall be inserted in off-prints).

The authorities and other persons within whose competence the cognizance and executions of this Act may come, may have realized so and may comply with it.

Government Palace at Panaji (Nova Goa), dated 30th March, 1933.

The Governor General *Joao Carlos Craveiro Lopes*.

GOVERNMENT ORDER No. 7729

(Dated 14th January, 1960)

In execution of the provisions under articles 17 to 20 of the Act of Legislature No. 1828 dated 29th May of the last year;

In consultation with the Government Council:—

In exercise of the competence conferred on him under article 155 of the Constitution, the Governor General of Goa, Daman and Diu (Estado da India) orders:

Article 1 — At the Offices of the Administrators of the taluka (Concelho) of Ponda, Bicholim, Sanguem, Pernem and Canacona there shall be in the respective sections in charge of the bodies of members (mazanias), the staff mentioned in the schedule annexed to this order.

Para 1 — At the offices of the Administrators of other talukas (concelho), where the number of the Devasthanans or Mosques may not be below ten, any officials of the cadre of the said offices may be specially entrusted with the service relating to the bodies of members (mazanias), with right to a special pay of Escudos 150# per month, under prior sanction of the Governor General.

Para 2 — It is hereby maintained the regime now prevailing at the offices of the Administrators of the talukas (Concelhos) of Bicholim and Canacona, of the bodies of members (mazanias) contributing in the prescribed properties, for defraying the pay of a peon common to the sanctions in charge of the bodies of members (mazanias) and of the “Comunidades”; however, the liability of pension shall belong to the Pension fund of the Staff of the “Comunidades”, provided that the due contributions have been satisfied.

Art. 2 — The junior clerks (amanuenses) and the peons of the section in charge of the bodies of members (mazanias) shall be subject to general discipline of Government servants and daily rated (assalariados) employees, and they shall have the same duties and rights as these have.

Para — The rights that may cause financial liabilities shall be dependent on the prior sanction of Government, in consultation with the bodies of members (mazanias) concerned.

Art. 3 — In special, it shall be incumbent on the junior clerks (amanuenses) to write down the books, prepare the expenditure of business, according to the instructions received, to offer remarks to the head of administrative office on the applications and papers entered, to organize the processes that should be instituted, to put in order and preserve the records-room and perform the service of the sections in charge of the bodies of members (mazanias) that may be directed to them by the Administrator.

Art. 4 — The admission to the cadre of junior clerks (amanuenses) of the sections in charge of the bodies of members (mazanias) shall be made through competitions by written tests, opened at the Directorate of Civil Administration, in terms of the provisions under Government Order No. 6937 dated 21st June, 1957.

Para 1 — The minimum qualification to be required shall be 1st cycle of Higher Secondary Schools (Liceus) or equivalent, and the 2nd grade (grau) of primary education in Marathi (subject annexed) to the higher secondary school (liceu).

Para 2 — The tests shall deal with the following syllabus, with the duration of 3 hours:

- 1) Composition of a note, letter or report on a given subject;
- 2) Knowledge of the Organic Law of the Overseas Territories, Statute of Overseas Government Servants, Administrative Reforms of the Overseas Territories and Regulation governing the Bodies of Members (Mazanias);
- 3) Arithmetic.

Para 3 — The candidates shall be subject also to a typing test.

Art. 5 — The selection committee shall be constituted by two members, appointed by Governor General, from among the heads of department of the Directorate of Civil Administration and the taluka (Concelho) Administrators, under the Chairmanship of the Director of Civil Administration, who may have himself substituted by his legal substitute.

Art. 6 — The salaries, pay and provisional retirement pensions of the staff of sections in charge of the bodies of members (mazanias) shall be described under the private budgets of the said sections.

Para — The deductions towards pension, as well as any fees described to the exclusive junior clerks (amanuenses) and peons, shall form receipts of the budget of the sections in charge of the bodies of members (mazanias), and the respective movement shall be registered in a special book.

Art. 7 — The definitive retirement pensions shall be integrally described under the budget of the section in charge of the bodies of members (mazanias) wherein the agents may have been rendering service, and the other sections should consign amount in the part corresponding to the time of service rendered in the respective talukas (Concelho), including its receipts in favour of the former section until 21st March, of each year.

Para — The share of liability of each of the sections shall be considered in the apportionment of general expenditure among the interested associations.

Para 1 (transitory) — The present junior clerks (amanuenses) and peons who are to occupy new posts, may pay the pension liabilities corresponding to the time of service rendered previously, in terms of article 438 of the Statute of Overseas Government Servants.

Para 2 — (transitory) — The provision under this order, as far as the salaries are concerned, shall come into effect on and after 1st January, 1960, and the offices of taluka (Concelho) Administrators should send the competent proposal, for the purposes of publication of the declaration provided for under the body of this article. This should be complied with.

Government Palace, at Panaji (Goa), dated 14th January, 1960

The Governor General *Manuel Antonio Vassalo e Silva*.

