-------1--------

Legislative Diploma No. 2070 dated 15-4-1961

1. **The Goa, Daman and Diu Legislative Diploma No. 2070 dated 15-4-1961** 42 dated 17-1-1985; and it come into force at once.
2. **The Goa, Daman and Diu Legislative Diploma No. 2070 dated 15-4-1961** 6 dated 9-5-1985; and it come into force at once.
3. **The Goa, Daman and Diu Legislative Diploma No. 2070 dated 15-4-1961** 31 dated 30-10-1986; and it come into force at once.
4. **The Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order,** deemed to come into force w.e.f. 30-5-1987;
5. **The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1988.** come into force at once.
6. The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1990; and it come into force at once.
7. **The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1993** and it come into force at once.
8. The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1994. (Act No. 11 of 1994), published in the Official Gazette Series-I No. 8 (Extraordinary-2) dated 27-5-1988; and it come into force at once w.e.f 1-1-1982.
9. The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1995 (Goa Act No. 3 of 1996) , published in the Official Gazette Series-I No. 44 dated 1-2-1996; and it come into force at once
10. The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1996 (Goa Act No. 3 of 1997), published in the Official Gazette Series-I No. 50 (Extraordinary-2) dated 19-3-1997; and it come into force at once.
11.The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1997 (Goa Act 3 of 1998) , published in the Official Gazette Series-I No. 42(Extraordinary-2) dated 21-1-1998;It shall be deemed to have come into force on the 1st day of December,1997.
12. The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2001 (Goa Act 24 of 2001) , published in the Official Gazette Series-I No. 2 dated16-4-2001;The amendment of Article 49 shall be deemd to have come itto force w.e.f. 30-11-2000 and amended provicion of Article 334-A shall come into force at once.
13. The Goa Legislative Diploma No. 2070 dated 15-4-1961. (Second Amendment) Act, 2001 (Goa Act 46 of 2001) , published in the Official Gazette Series-I No. 13(Extraordinary-2) dated 4-7-2001; and it come into force at once.
14.The Goa Legislative Diploma No. 2070 dated 15-4-1961. (Amendment) Act, 2002 (Goa Act 5 of 2002), published in the Official Gazette Series-I No. 43(Extraordinary-5) dated 29-1-2002; It shall be deemed to haqve come into force on the 28th September, 2001.
15. The Goa Legislative Diploma No. 2070 dated 15-4-1961. (Amendment) Act, 2016 (Goa Act 5 of 2016), published in the Official Gazette Series-I No. 50 (Extraordinary) dated 14-3-2016; It shall be deemed to have come into force on the 30-11-2015.
16. The Goa Legislative Diploma No. 2070 dated 15-4-1961. (Amendment) Act, 2016 (Goa Act 10 of 2016), published in the Official Gazette Series-I No. 5 (Extraordinary) dated 5-5-2016; It shall come into force at once.

-------2--------

17. The Goa Legislative Diploma No. 2070 dated 15-4-1961. (Amendment) Act, 2023 (Goa Act 22 of 2023), published in the Official Gazette Series-I No. 12 (Extraordinary) dated 22-6-2023; It shall come into force at once
18. The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2024 (Goa Act No.11 of 2024) [06-03-2024] Published in the Official Gazette Series-I No.49 (Extraordinary) dated 12-3-2024 ,and came into force at once.

19. The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2024. (Goa Act 22 of 2024) [10-10-2024] ***Published in the Official Gazette Series I No.28 [Extraordinary No.04] dated 16-10-2024 and came into force w.e.f. 18-10-2024***
20. The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2025, (Goa Act 4 of 2025) [27/02/2025] published in the Official Gazette Series I No. 49[Extraordinary No.01] dated 06-03-2025 and come into force at once.

DECLARATION

It is hereby declared for all legal purposes that in the publication of the statutory enactment No. 2070 dated 15/04/1951 by which the Code of Comunidade was enacted in the supplement of Official Gazette No.15, Series I of the same date, there are some inaccuracies which are hereby rectified.

1)In Article 533, para 3 where it is read ―in a manner which may be established‖, it has to be read as ―in a manner which is already established‖;

2)In Article 660, where it is read ―1294, 1306‖, it is to be read as ―1294, 1301 and 1306‖; and

3)Where it is read ―of 30th July, 1949, of 22nd September, 1949‖, it is to be read as ―dated 30th July, 1949, dated 18th August, 1949, dated 22nd September, 1949.

4)In the map No. 1 of Comunidade of Taluka of Goa where it is read ―Passo de Ambarim Talaulim de Santana‖, it is to be read as ―Passo de Ambarim Renovadim Talaulim de Santana‖;

5)In the recapulation of map No.1 where it is read ―Taluka Goa .....31‖, it is to be read ―Taluka Goa ..... 32‖.

6)Directorate of Services of Administration of Goa dated 17th August, 1961– Directorate of Services of Ad-hoc, Sripada Ananta Sinai Narcornim, Official Gazette No.33, Series I dated 17/08/1961.

Note:

In the body of the translated text, corrections of the mistakes pointed out in the above declaration have been embodied at the appropriate place as they will be integral part of the Code and effective from the date of the promulgation of the Code on 15/04/1961.

-------3--------

Title I - Constitution of ―comunidades	
Chapter I - General Provisions - Art. 1-19	
Chapter II - ―Comunidades‖	
Section I - Members of the ―comunidades‖ - Art. 20-29	
Section II - Powers of the ―comunidades‖ - Art. 30-32	
Section III - Meetings of the ―comunidades‖ - Art. 33-38	
Section IV - Managing committee - Art. 39-72	
Section V - Attorneys - Art. 73-83	
Section VI - Clerks of the comunidades - Art. 84-98	
Section VII - Treasurer - Art. 99-101	
Section VIII - Safe and the key-holders - Art. 102-115	
Chapter III - Administration of the comunidades	
Section I - General provisions - Art. 116 & 117	
Section II - Administrators - Art. 118-126	
Section III - Office of secretary and its personnel - Art. 127-152	
Chapter IV - Governor-General - Art. 153	
Chapter V - Administrative Tribunal - Art. 154	
Chapter VI - Pensioners‘ Bank - Art. 155 -172	
Chapter VII - ―Comunidades‖ in default - Art. 173-181	
Title II - Operations of the ―comunidades‖ and their procedure	
Chapter I - Qualification of the members	
Section I - Of primary enrolment of the _zonnkars‘ - Art. 182-192	

Section II - Annual enrolment of _zonnkar‘- Art. 193-198	
Section III - Inscription of shareholders - Art. 199-201	
Section IV - Inscription of pensioners and participants - Art. 202-207	
Chapter II - Registers	
Section I - Register No. 1 (Tombo 1) - Art. 208-221	
Section II - Register No. 2 (Tombo 2) - Art. 222-229	
Section III - Division of property and proportionate division of _Foro‘- Art. 230-237	
Section IV - Redemption of _foro‘ - Art. 238-242	
Chapter III - Ordinary auctions	
Section I - Estimates or evaluation of items of revenue and items of expenditure in general- Art. 243-256	
Section II - Licitation - Art. 257-272	
Section III - Security - Art. 273-287	
Section IV - Transfer of contract - Art. 288	
Section VII - Lease of paddy fields - Art. 291-307	
Chapter IV - Development of agricultural and extraordinary expenses - Art. 308-316	
Chapter V - Long term leases - Art. 317-323	
Chapter VI - Aforamentos or Emphyteusis	
Section I - Grant - Art. 324-339	
Section II - Objections against applications for the grants - Art. 340	
Section III - Reversion of lands granted on emphyteusis - Art. 341-346	
Chapter VII - Sale of pledges and of produce of properties - Art. 347-348	
Chapter VIII - Permission for filing of suit - Art. 349-353	
Chapter IX - Redemption of charges and contributions due to the—comunidades‖ - Art. 354-355	
Chapter X - Rebate on rent of the fields- Art. 356-367	
Chapter XI - Introduction of waters in the fields - Art. 368-370	
ChapterXII - Encroachment of lands and remedies for their recovery	
Section I - Encroachment discovered with or without complaint - Art. 371-384	
Section II - Encroachment discovered while making the survey- Art. 385-389	

Chapter XIII - Procedure in general - Art. 390-396	
Chapter XIV - Appeals or complaints in general - Art. 397-399	
Title III - Shares of —comunidades‖	
Chapter I - Issue of shares certificate - Art. 400-409	
Chapter II - Transfer of shares - Art. 410-420	
Chapter III - Creation of charges - Art. 421-428	
Chapter IV - Common provisions dealing with the transfer of shares and creation of charges - Art. 429-435	
Chapter V - Reconstruction of share certificates - Art. 436 & 437	
ChapterVI - Prescription of shares in favour of —comunidades‖ - Art. 438 &439	
Title IV - Book-keeping and accounts	
Chapter I - Book-keeping and accounting of the administration of comunidades - Art. 440-444	
Chapter II - Book-keeping and accounting of the comunidades	
Section I - General Provisions - Art. 445-461	
Section II - Minute-book - Art. 462	
Section III - Cash-Book - Art. 463-469	
Section IV - Income and expenditure book - Art. 470-479	
Section V - Books of current account - Art. 480-515	
Section VI - Book of transfer of credits - Art. 516-525	
Section VII - Book of charges - Art. 526-531	
Section VIII - Contract book - Art. 532-537	
Section IX - Sundry declarations and reports book - Art. 538-540	
Section X - Book of record of orders from higher authorities- Art. 541 & 542	
Section XI - Book of record of encroachments - Art. 543	
Section XII - Book of the registration of claims in the matter of survey- Art. 544	
Section XIII - Book of primary enrolment of zonnkars‘ - Art. 545	
Section XIV - Book of primary enrolment of the shareholders- Art. 546 &547	

Section XV - Book of primary enrolment of the pensioners and participants - Art. 548	
Section XVI - Register (Tombo 1) - Art. 549 & 550	
Section XVII - Register (Tombo 2) - Art. 551 & 552	
Section XVIII - Book for the general inventory - Art. 553	
Section XIX - Book of outgoing correspondence - Art. 554	
Title V - Coercive recovery of the debts.	
Chapter I - General provisions - Art. 555-557	
Section V - Books of current account - Art. 480-515	
Section VI - Book of transfer of credits - Art. 516-525	
Section XVIII - Book for the general inventory - Art. 553	
Section XIX - Book of outgoing correspondence - Art. 554	
Title V - Coercive recovery of the debts.	
Chapter I - General provisions - Art. 555-557	
Chapter II - Current accounts	
Section I - Debtors subject to coercive recovery - Art. 558	
Section II - Issuance of the certified copies of the current accounts- Art. 559-567	
Section III - The effects of issuance of certified copies of the current accounts - Art. 568	
Section IV - Opposition of the judgement debtor - Art. 569 - 573	
Section V - Production of the evidence and arguments - Art. 574-577	
Section VI - The judgement and appeal - Art. 578-583	
Section VII - Adjucation by way of embargo - Art. 584 - 589	
Chapter III - Attachments - Art. 590-597	
Chapter IV - Third party objections - Art. 598	
Chapter V - Auctions and awards - Art. 599 - 605	

-------5--------

Chapter VI - Creditor‘s claims - Art. 606-611	
Chapter VII - Payment - Art. 612- 624	
Chapter VIII - Forgery of documents - Art. 625 & 626	
Chapter IX - Costs - Art. 627 - 631	
Chapter X - Unrecoverable debts - Art. 632 - 640	
Title VI - General and transitory provisions - Art. 641 - 660	
Maps, Models and Tables	
Appendix & concluding note	

Abreviature:

Escudos - $

Amendments carried out in the Code of Comunidades of 1961 post liberation

The Code of Comunidade has been amended from time to time .As against each provision of the translated text, note has been made below indicating the amendment to the old article.

-------6--------

GENERAL - GOVERNMENT

Legislative Enactment No. 2070

I– From a very long time the need was being felt for a publication of new Code of Comunidades.

The 1933 Code had undergone profound changes, as a result of the successive and frequent alterations introduced in it.

It is true that many of those alterations have been made by amending the articles of the Code it is none the less true that many others have resulted from the framing of rules which renewed, modified or added the provisions of the Code, without making any reference to those articles.

This has created chaos in the enforcement of different concepts which govern the comunidades of Goa, spreading varied legislative enactments, based many a times in divergent views.

Indeed, the many legislative enactments that have altered the provisions of the Code have adhered to the basic principles, compound in provisions settled in it, for in many cases, the

solutions adopted amounted to the application of new and different principles, if not actually contradictory, to those that had guided the framing of the Code of 1933. This situation has given rise, alongside the repealed provisions of the Code, to difficulties in harmonizing many other provisions contained in new enactments.

In this way the advantages of having one Code of comunidades have lost to a great extent.

Under these circumstances though the time has come for a total revision of the Code, it is felt not advisable to proceed with such a revision, by introducing new changes in the Code that would mean to worsen further to the existing confusion. Instead it was found that it was better to condense the work of revision in a new single publication.

But the publication of the new Code of comunidades, besides the purpose referred to, has another aim, namely to move closer to what public awareness demands: constant improvement in the Comunidades institutions.

For this purpose it was taken into consideration the experience of many years and the lessons which the said experience, could offer and it was also considered the progress made in doctrine, legislation and jurisprudence with regard to legal concepts similar to those prevailing in the comunidades.

It is true that the perfect functioning of these comunidades and of the services, which orient and supervise them does not depend only on the relevant legal structure but also on the ethical standing of the men on whom the comunidades can count.

However, there is a lot that the administrative organization can achieve.

It is hoped that the changes included here may contribute to this and that the comunidades can justify the reasons of its long and relevant existence.

II – Changes in the legislation may or may not have a serious influence on the people, but always leads to a period of uncertainty until the interpretation of the new legislation is well settled.

-------7--------

The law should be at the service of the interests of the collectively, among which it is of fundamental importance the peace or tranquillity of existence backed by the norms by which it is governed.

These laws should not therefore be modified, except after considering all the circumstances and possibilities and when it may be considered that a greater harm could be done to the society by the injustice or other deficiencies in the law in force, than will result from the upset to the security of relations caused by replacement of the law.

If this principle is good in regards to any law, it will all the more be so in the case of a Code, in view of the greater amplitude and stability of its provisions; it attains the highest accuracy as in the case of the Code of Comunidades.

The law should not limit itself to satisfy the complaints formulated in practice or to give effect to the state of legal awareness of the collectively, unless it assumes also the role to guide the life of society and to further society‘s progress.

In fact, a general review of the comunidades laws and its compilation in a new Code, did not appear to be free of danger, when the order of the Government-General of 15th May, 1958 (Boletim Oficial, No. 20, 2nd Series, of 15th May, 1958) was published.

The revision had to be as far as possible, cautious, by avoiding all the changes which were unnecessary. No where else, such changes would have been so harmful, as in the laws governing our comunidades, in which the extraordinary richness and complexity of relations, the multiplicity of aspects worthy of reconsideration and the difficulties of reconciling the different interests are all of the highest degree.

The Code, now published, has not kept distant from such procedure, nor sought to be original, for the sake of originality. It was only altered, in what appears essential, by attempting to do so by furthering positive law without upsetting the life in a reasonable combination of

forces - progress which demands full justice and more perfect organization of institutions and a tradition that demand stability and security of norms.

III– Without touching the formed charges made, which were numerous and covered almost all the articles of the old Code, we shall give, briefly, a short indication of the modifications of major impact introduced in the new Code.

The foro which the comunidades were paying to the National Exchequer have been abolished. By doing so, the historical truth was restored, which was stressed by Cunha Rivara – by acknowledging that the property of the comunidades belong to them, as of their full ownership and that the foro do not correspond to their bifurcation in dominium utile and dominium directum the latter being of the State and the former of the comunidades.

The lease of the paddy fields – a matter which was covered by various and scattered legislation – was given special attention in order to have a perfect reconciliations of interests of the tenants and the comunidades and change of the system of sanctions for non-compliance of the terms of agreement by those leaseholders by making it softer to the indispensable extent, the anomaly of imprisonment for failure to pay the rents has also been made softer, but without compromising with the safeguards of the income of comunidades.

The improvement of agriculture was one of the concern which was present in mind, while passing the new statute.

-------8--------

To this effect steps were taken, which, it is hoped, will produce beneficial result to the agricultural economy of Goa, through the plans of work of permanent character to be prepared annually giving priority to irrigation works in the fields and of reinforcement of embankments and sluice gates.

The rebate on the rent of fields of comunidades has been regulated so that the malpractice could be prevented, as far as possible, which was as harmful to the comunidades as it is to all those who take share in their profits, which often constitute the main source of income for their livelihood.

If on one hand the grounds for applying for rebate have been restricted, on the other hand, legal provisions have been introduced whereby the grounds invoked are to be proved with greater strictness. The dissolution of property of comunidade has been prohibited on grounds which do not require any explanations.

When the Code provides for the reconstitution of the extinct comunidades and the formation of new ones, it would be illogical to allow the dissolution of the comunidades already existing.

The creation of association of tenants shall depend on the proposal of the comunidades or an act of the Government, if the same is found necessary, and the elimination of the posts of the collectors of rents and watchmen was the result of ineffectiveness of functions, as revealed by experience.

Finally, regarding some rights and other privileges that the employees of the comunidades were enjoying, these rights have been restricted and new obligations were imposed and great strictness has been applied regarding incompatibility and prohibition to which they are subject.

IV– In this way, the reasons in brief are given as to why modifications of some of the main provisions in force have been introduced in this Code.

It would be impossible to enumerate and justify in this preamble all of them.

The idea behind it, was to contribute for the improvement and amelioration of working of the comunidades and it was inspired by the desire to attend to the most pressing needs.

Everything, however, would not come up to the expectation without the dedicated co-operation of many people.

It is sincerely hoped that such a co-operation will be forthcoming at all times and lead to valuable and enduring benefits.

In the exercise of the powers granted by article 151 of the Constitution, in accordance with the vote of the Legislative Council, the Governor-General of the State of India hereby determines the following:

CODE OF COMUNIDADES

Title I

Constitution of Comunidades

Chapter I

General Provisions

Art. 1–The 1[comunidades] or 2[gauncarias‘](association of gaucares) existing in the District of Goa shall be governed by the provisions of the present 3[Code], and in particular, by the specific statutes governing each of them and in matters where the code is silent, the general law shall apply.

§ 1. A group of two or more comunidades under one single administrator or the group of several villages

forming one single Comunidade is called [4][Torofo]– (group of comunidades) and the provisions by which the comunidades are governed shall be applicable to them.

§ 2. By statute it implies any written instrument or regulation by which a Comunidade had been governed, and in absence of these, by the practice invariably observed at least for 50 years prior to 1904.

§3. The statute of the comunidades of Goa, Salsete, Bardez, Mormugao are, as mentioned in map 8 which forms an integral part of this code and that of to the other comunidades, shall be formulated within a period of six months from the date of publication of this code by the respective administrative boards and submitted for the approval of the Government which also, after the approval, shall

form integral part of the same Map.

Art. 2 – The comunidade and the group of comunidades – Torofos, existing at present, are indicated in map No. 1.

Art. 3 – Each comunidade comprises of: a) members by birth –5[joneiros] zonnkars ; b) shareholders; c) members by birth and shareholders and d) participants.

§ 1. The shares of the annual income belonging to comunidade members by birth (zonnkars) is called the zonn (profit), and that of the shareholders is called the dividend.

§ 2. In case of dissolution – of the comunidades by means of distribution of its properties or of its values among members by birth (zonnkars) or shareholders, the holders of these properties substitute in all respect such members by birth (zonnkars) or shareholders subject to all the burden lying over the respective comunidades.

Art. 4 – Only the comunidade members by birth – (zonnkars) and shareholders are entitled to the profits or losses of the comunidades and only they have the rights and duties that are guaranteed and imposed by this Code to the members of the comunidade.

Sole § For the purpose of this article, the orphan sons of the members by birth (zonnkars) and their widows and unmarried daughters, who are entitled to receive the proceeds of zonn, annuity for service or life-long pension as per the statues of the comunidade, shall be considered as members by birth (zonnkars).

Art. 5 – The comunidades shall be under the administrative tutelage of the State, in terms established in this Code, and its immovable properties may be granted on emphyteusis and alienated in the manner provided in this Code.

Sole § With effect from the year 1962 the comunidades shall cease to pay the (foro) to the National Treasury.

-------10--------

Art. 6 – The canons (foros) payable on emphyteusis, by the comunidades and any other instalments or periodical pensions that they may receive from the emphyteutas, owners, servants or individuals are redeemable, in terms of the general law that regulates the redemption of pension (foro), in all the respects not provided in this Code.

Sole § The amount received from the redemption shall be utilized for the purposes prescribed in articles 8, 14 and 64 , No. 4 and for the agricultural development.

Art. 7 – The comunidade do not enjoy, in regards to the immovable properties, granted on emphyteusis, the right conferred to the grantors, under article 1662 of the Civil Code and its paragraphs, and the said immovable properties may be alienated and divided, however the comunidades shall have the right to increase the pension (foro) at the time of its division, in terms prescribed in this Code.

Art. 8 – The comunidades may request, in terms of law, acquisition of land for public purpose that may be required for irrigation and protection purposes.

Art. 9 – The comunidades are not entitled to file any civil suits without permission of the Administrative Tribunal, save in cases where civil suit is merely of preventive relief or of executive nature or the delay in its filing may result in extinction of the right or any guarantee, in which case the sanction of the administrator be enough.

Art. 10- The communidades will be represented in Civil Courts or any other tribunal, Government office, by its regular attorney on duty, or substitute with full powers or by special attorney.

§ 1. The minutes of the meeting of the election or the order of appointment of the regular attorney, effective or substitute, shall have the effect as that of a power of attorney, but in the event of choice of the special attorney, the power of attorney shall be recorded in the minutes of meeting, in the respective book, specifying the respective power.

§2. The lawyer shall be chosen by the regular or special attorney.

§ 3. For the purposes of supervision, the attorney shall communicate to the administrator the choice made. However the administrator may change it by a speaking order and in consultation with the managing committee, when it is found to be against the interests of the respective comunidade, save in case of an appeal or claim against the decision of the comunidade or of the managing committee or of the administrator.

Art. 11 – The comunidades shall be served with summon in the person of the respective administrator or one who substitutes him.

Art. 12 – For the debts of the comunidades, the attachment may be made on its credits, on the net income, as mentioned in the balance sheet of income or expenditure and on any other profits, but never on immovable properties.

§ 1. The attachment shall always be carried out through the treasurer of the comunidade, in presence of the respective clerk, who is liable to inform, within 24 hours, the administrator for necessary action; the clerk-in-charge, dealing with the case, shall mention in the declaration of the attachment, the amount under execution proceedings and the accessories.

§2. As long as the attachment subsists, no extraordinary expenditure shall be voted or approved, except in cases provided in the article 64, No. 3, or when the debt under execution proceedings is guaranteed by the balance in the safe.

-------11--------

Art. 13 – The proceeds of income (zonn), of the members of the comunidades and the rights to the future profits can be seized or attached for the debts of the same member to the respective comunidades or to their subrogatories.

§1. Barring this case, only the portion of the amount that has matured, from the same proceeds to which the member may be entitled to, at the time of attachment, may be seized.

§2. The clerk of the comunidade, in view of the authentic copy of the declaration of attachment, which shall be given to him by the clerk who carries out the seizure or attachment, shall inform the administrator and shall make the necessary annotations and entries in the competent books and shall not effect payment of proceeds from the properties seized or attached.

Art. 14 – As soon as there is sufficient fund in the safe, the comunidades can redeem the charges in favour of individual or collective persons, by paying the amount of twenty annual instalments, save the religious charges, which cannot be redeemed.

Art. 15 – The comunidades that have liabilities to clear or charges which may desire to redeem, in terms of preceding article, shall be bound to set apart, an amount not less than one tenth of its net incomes, in their annual income and expenditure sheet for payment of loans or remission charges. It shall be duty of the administrator to carefully verify the compliance of this disposition, failing which he shall be liable to civil and disciplinary proceedings.

§ 1. Amount less than required for the purpose mentioned in this article can be kept separately, when the obligations does not exceed one-tenth of the net income.

§ 2. For the purpose of this article it is necessary that the debts are supported by a legal and valid document.

Art. 16 – All the services that are rendered hereditarily by certain families and paid by usufruct of some specific properties, stand abolished.

Art. 17 – The properties, at present enjoyed by way of usufruct, referred to in preceding article, shall continue to belong to its possessors and the services rendered by them shall be valued and the same shall be converted, as per the assessment, in a pension (foro) in favour of the comunidade, which pension shall be remain as a charge on the said land.

Sole § The valuation shall be done in accordance with the respective terms of the Code of Civil Procedure (Codigo de Processo Civil) in presence of the administrator. The latter‘s decision is subject to appeal to the Administrative Tribunal.

Art. 18 – The comunidades can create medical posts, in consultation with the Directorate of Health Services, and the selection procedure to fill up those posts shall be conducted in the Directorate of Civil Administration, in terms of general law in force.

§ 1. The medical posts, referred to in the present article, shall be filled on contract basis, in accordance with the articles 45 to 47 of the Overseas Civil Services Statutes – (Estatuto do Funcionalismo Ultramarino). However the same shall depend on the favorable vote of the concerned comunidades, in respect of the concession of privileges that imply financial burden to them.

§2. The provision in the preceding paragraph shall be applicable to the medical posts existing as on the date of publication of this Code.

-------12--------

Art. 19 – All the fines laid down in this Code and those that may be fixed in the clauses of contracts or of the auction, shall be recovered in terms of title V, when they are not paid voluntarily, and the same shall be reverted in favour of the Pensioners Bank – (Caixa de Aposentações).

Sole § No fine shall be imposed nor any necessary charge made, without the prior hearing of the interested party, who shall be notified, about the same, within the period of five days of the respective decision. The defaulter being free to pay the same voluntarily within same period, from the date of the notification or he may file an appeal to the higher instance, within the time limit prescribed by law.

CHAPTER II
Comunidades
SECTION I
Members of the Comunidades

Art. 20 – Following are the members of the comunidades in terms of article 3.

(1) Those who are entitled to receive zonn, either per head or per lineage – (per capita or per stirpes) - and their male descendents by male lineage, legitimate, legitimized, acknowledged as legitimate and adopted, whatever may be their number;

(2) Those who possess comunidade shares certificates annotated and registered in their own name;

(3) Those who have a share in the net income of the comunidade, whichever may be the nature and denomination of such participations, provided they obtain their registration in their favor in the respective books of the comunidade, by way of an application addressed to the administrator, supported by the document of transmission.

Art. 21 – The right to zonn, of the members to which the clause No.1 of the preceding article refers, is personal, inalienable and imprescriptible and it shall only commence from the date of the primary enrolment, save in case when the registration is effected through an appeal, in which case, the right shall be effective from the retrospective date of refusal by the clerk of comunidade.

§ 1. For receiving the proceeds of zonn, it is necessary, besides the primary enrolment, the annual enrolment of members by birth – zonnkars.

§ 2. The right to the proceeds of zonn, stands suspended or lost in the case mentioned in clause (b) of article 379 and stands extinguished on the death of the zonnkar but only after the expiry of the year for which he has been registered.

§ 3. The proceeds of zonns, the allowances or periodical pensions, prior to the last ten years, stand prescribed in favour of the comunidade, from the 1st March immediately following the period fixed for its payment.

Art. 22 – The rights laid down in the clause No. 2 of article 20 shall commence from the date of the primary enrolment of the respective shares, and those laid down in No. 3 of the same article from the primary enrolment of the respective participants.

-------13--------

§1. For receiving the dividends of the shares and in order to exercise the rights of the member, it is necessary that registration must be in the administration office and the primary enrolment in the respective comunidade.

§ 2. The provisional registration of shares certificates does not confer upon the shareholder the membership right, but only the right of alienation of shares certificates, in the status in which he possesses them; however, the provisional primary enrolment,
confers the rights referred to in the preceding paragraph, and these rights are liable for extinction.

§ 3. The provision of the first part of paragraph 2 and in the paragraph 3 of the preceding article shall be applicable to the dividends from the shares and to the shares of the participants.

§ 4. When there is impossibility or difficulty for the appearance of the absentee members to collect the proceeds of zonns, dividends of shares certificates, share of participants, allowances and pensions, the 6[~~Governor-General~~ Government] may authorize the payment to be effected in favour of the one who produces a declaration issued by the concerned party, with the signature duly recognized by the clerk of the comunidade, and with the undertaking to refund, in case of any complaint being received.

§ 5. In cases of constitution of fideicomissumor reservation of usufruct7, the registration (averbamento) shall be made in the name fideicomissionare or of the owner and the registration in the name of fiduciary or of usufructuary.

Art. 23 – It is not lawful to make transfer of proceeds of zonn to be accrued in future.

Art. 24 – The shares certificates of the comunidades are transmissible and alienable in terms prescribed in this Code.

Art. 25 – The proceeds of zonns, and interests of any nature of a deceased member and the dividends of the shares registered and inscribed in the name of the deceased member of an inheritance can be received by the head of family, upon production of an order issued by the administrator, based on the certified copy of a pending inventory.

§1. When the proceeds of zonn, amount of interests, or dividends do not exceed 7[Rs.500/-], the interested parties in the inheritance can receive the same, by producing a certificate, issued by the clerk of the comunidade, to the effect that he had issued notices of claim, within a time limit of 30 days, at the door of a temple of any religion existing in the village, at the door of meeting hall of the comunidades and at that of the respective office of the administrator and published in the Official Gazette, being one of the copy presented to the managing committee, when in meeting, and passed without objection from any of the members, in the respective meeting.

9[Explanation:- In the Code of Comunidades, wherever any amount is indicated in escudos, the same shall be calculated at the rate of six escudos per rupee.]

§ 2. The authorization granted by the administrator, for the purposes of provision in this article, shall be valid for the subsequent years and shall subsist until the inheritance, in the inventory proceedings, has been finally partitioned.

§3. If the objections are disputed or when there is litigation pending about the

-------14--------

legitimacy of heirs, the proceeds, the interests and the dividends shall be retained on deposit in the safe of the comunidade and the objection shall be attached to the file of proceedings. In this

case, the prescription provided in paragraph 3 of articles 21and 22 of this Code shall not be applicable.

§ 4. The provision of this article and its paragraphs shall be applicable to the pensions dealt with in the article 202.

Art. 26 – The following are the powers of the members of the comunidade:

(1)To intervene, discuss and vote in the meetings of the comunidade, and record any protests in the minutes of the meeting;

(2)To be elected or appointed for the posts of the comunidade;

(3)To make up for the deficit;

(4)To request the president of the managing committee to convene a meeting of the comunidade by a petition duly supported, mentioning clearly the reasons for it and signed by more than five components, or by three in the comunidades where the number of members is less than fifty. The petition may be made on ordinary paper;

(5)To call for, by a letter addressed to the president, an extraordinary meeting the managing committee, by indicating the matter to be discussed. In case the president does not convene the meeting, they can appeal also by a letter addressed to the administrator, who shall decide as deems proper;

(6)To consult, orally or in writing, the managing committee, in session, about any matters that they feel to be of the interest of the comunidades, and to submit proposals, which shall be recorded in the minutes of the meeting;

(7)To examine the income and expenditure sheets, the calculations for the auctions and its conditions, the final accounts, the record books and the account books of the comunidade and the extraordinary budget heads, at periods and the forms stipulated in this Code;

(8)To appeal against the resolutions of the comunidade and of the managing committee and the orders or decisions of the administrator and of the authorities and higher courts and, in general, to submit complaints on the matters which are of the interest of the comunidade;

(9)To report the defalcation of funds of the _comunidade‘, the encroachment of its lands and other unlawful acts, as well as any misconduct or error of the employees and agents of the comunidades.

10 **[Art. 27** — The powers referred to in clauses 1 and 4 to 9 of the preceding article may be exercised through the attorney, legally constituted. However, for the purpose of paragraph 1of article 48 specific powers are required to be given.

§ 1.It is also permissible for each specific case to use, by way of declaration in writing, in a paper of any quality and format, with the signature attested by the notary or by the clerk of the respective comunidade, for the acts referred to in the body of this article.

§ 2.When a member does not know to sign, his declaration shall be made by the notary, drawn in the presence of two witnesses]

-------15--------

Art. 28 The following persons are not permitted to participate in the deliberations of the comunidade:

(1)The non-emancipated minors and the interdicts, 11[however may be allowed through their legal guardians;]

(2)The debtors to the comunidade or the subrogatories13 of the latter, held as such, on whom notice for payment of debt on current account has been served;

(3)Those who may have filed suits or have disputes with the comunidade, in the matter relating or connected with the same suits or disputes;

(4)Those who have been barred from voting by a judgment that has become definite in cases provided for in this Code;

(5)Those who are directly interested in the subject matter of the

deliberation, or when any of their ascendant or descendant, spouse or relative, in the transversal line up to the 2nd grade, is interested in it.

(6)The foreigners.

§ 1. [12~~1. For the purposes of No. 1, the clerk of the comunidade shall make a note on the margin of the respective registration or inscription, mentioning the name of the legal representative or the minor or incapable person. This note may be made on verbal request of the interested party on presentation of a document proving the said representation, which may be cancelled based on the respective document submitted. And in either cases, the documents which have been presented shall be filed~~.]

§ 2. The provision of the No. 6 is not applicable in case of the descendents of the Portuguese subjects.

Art. 29 – The following cannot be either voted for or appointed for the posts in the comunidade:

(1) The shareholders, whose income in the comunidade, when the same is composed also of members by birth (zonnkars), is not, at least, equivalent to the minimum quota belonging to any of the zonnkars and, in the comunidades, exclusively comprised of shareholders, when the number of shares is greater than 500, those who do not possess, at least, five shares;

(2) The non-emancipated minors and the interdicted;

(3) Those who are indicted on the final judgment that has become definitive and those who have been sentenced for the crimes referred to in paragraph 4 of article 12, of Overseas Civil Services Statute (Estatuto do Funcionalismo Ultramarino);

(4) The debtors to the comunidade or to subrogees, of the later, held as such, against whom a suit or execution is pending or even against whom a note of payment of debt in current account has been served;

(5) The employees of the cadre of the civil administration, the members and employees of the Administrative Tribunal and the subordinate officials to the administrator;

(6) The relatives of the administrator up to the 3rd degree;

(7) The members of comunidade of either sex who may not know to read or write

-------16--------

and count in Portuguese;

(8) The foreigners.

§1. The condition referred to in No.7 may be waived in the talukas of Ponda, Bicholim, Quepem, Pernem, Sanguem and Canacona, where voting or appointment shall be made of persons who have knowledge of Marathi, excepting, in regard to the post of president of managing committee, whose incumbent should have at least passed 4th standard of primary education in Portuguese language.

§ 2. The relaxation referred to in paragraph 2 of preceding article is applicable to the clause 8 of this article.

SECTION II

Powers of the comunidades

Art. 30 – The comunidade shall:

(1) Elect every three years the ordinary attorneys and its substitute, in the form

provided in this Code;

(2) Appoint a special attorneys, when necessary, or have their services dispensed with according to circumstances and the interests of the comunidade;

(3) Opine on the statement of income and expenditure, the estimates for the

(4) To deliberate on:

a. The works and the extraordinary expenses to be incurred;
b. The loans to be borrowed;
c. Creation or abolition of medical posts, extension of the period of its duration and maintenance of the same, as well as the creation or abolition of any services or charges of permanent nature;
d. Introduction of the non-saline and saline water in the khasanas – ‗casanas;
e. Acquisition of lands;
. Emphyteusis, sale or exchange of land;
f. ~~Institution, admissions, withdrawal and compromise of civil suit;~~[13][Institution of civil suit or other legal proceedings;]
[14][(gg) admissions, withdrawal or compromise of any civil suit or other legal proceedings;]
[15][(ggg) granting no objection certificate for access to any plot of land or license to use any land belonging to the Comunidade for any commercial event.].
h. Extension of time granted for utilization of land granted on emphyteusis;
i. About the grant of rebate (quita) to the leaseholders;
statement of income and expenditure or in the provisions of this code, as well as relating to any matters about which the opinion is called for.

(5) To appoint and dismiss peons or criers, determining their rights and obligations.

Art. 31 – The deliberations referred to in Nos. 1 and 2 of the preceding article are

executable immediately;

Sole § The deliberations referred to in clauses (a) to (f) and ~~(h) to (j)~~ [16][gg]to (j) of No. 4 of preceding article shall be devoid of any enforce ability without the approval of the [16][Government]., without prejudice to the consultation with the Directorate of Health Services regarding creation of medical posts.

[17]**[Article 31-A.—** (1) Notwithstanding anything contained in this Code, the Goa Town and Country Planning Act, 1974 (Goa Act 21 of 1975), the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Goa Act 6 of 2008), the Goa Land Development and Building Construction Regulations, 2010, the Goa Municipalities Act, 1968 (Goa Act 7 of 1969), the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the City of Panaji Corporation Act, 2002 (Goa Act 1 of 2003) or any other relevant law for the time being in force, any land belonging to the Comunidade if granted for certain purpose either by way of sale or lease or emphyteusis or leave and license, shall not be used for any other purpose except for the purpose for which the land was so granted.

(2)If any such land granted by the Comunidade for certain purpose/use is put to any use other than for which it was granted, such land shall be reverted back to the concerned Comunidade in the manner hereinafter specified.

(3)The Administrator of Comunidade after ascertaining the position thereof issue a show cause notice, to the grantee/allottee and/or any other person found to be in possession of such land. The Administrator of Comunidade shall after considering the reply filed by the grantee/ allottee and such person to the show cause notice and after hearing oral arguments,

if any, pass an order of reversion of such land in favour of the Comunidade with approval of the Government.

(4)The Administrator of Comunidade, during the pendency of the proceedings before it shall pass an order restraining the change of use of such land for any purpose other than the purpose for which the land was so granted. On passing such order by the Administrator of Comunidade, no authority including Town and Country Planning Department, Planning and Development Authority, Municipal Council, Village Panchayat or City of Panaji Corporation shall issue any permission/clearance/approval/No Objection Certificate for such land.].

Art. 32 – The creation of expenditure of permanent nature or of any extraordinary expenditure for the purposes, other than relating to the comunidade, may only be voted by two-thirds of the share capital.

§ 1. When the comunidade, duly convened, for two successive times, does not meet so as to meet the requirement of two-thirds of its share capital, the expenditure can be voted for the third time, as per ordinary procedure prescribed in this Code, and with consent of the twenty majors shareholders of the comunidade, when such members exist.

§ 2. The members of the comunidades, who contribute for the construction, reconstruction or repair of the cemeteries shall pay, not more than two-thirds of the ordinary burial charges.

SECTION III

-------18--------

Meetings of the comunidades

§ 1. The ordinary meetings shall be held in the first fortnights of March, April, May and December; each of them shall be preceded by an announcement by beat of drums, through different wards of the village, and by notices affixed on the doors of the meetings hall and of the temples of any religion existing in the village.

§ 2. The extraordinary meetings shall be convened by order of the president of the managing committee, with beat of drums and announcements in the same form as per the preceding paragraph, by making known in these notices, express and clearly the matter or matters to be dealt with.

§ 3. Whenever the subject referred to is the one of clauses of No. 4 of article 30 and article 77, the notice of meeting shall be published in the Official Gazette and, at least, in one newspaper, if any, existing in the respective taluka, no less than fifteen days in advance, in addition to the announcement by way of beating of drums and public notices, as prescribed in the preceding paragraph, though the subject ought to have been to be discussed and voted in an ordinary meeting.

§4. All the meetings of the comunidade shall be held in the respective villages, in the building designated for this purpose, the same however may be held in the headquarters of the administration office or in any other place, when the Governor-General, for special reasons, so determine.

§5. In the extraordinary meetings, only the subject or matters that may have been expressly announced, may be dealt with.

§ 6. The deliberations taken in contravention of the preceding paragraphs are null and void.

Art. 34 – The comunidade may deliberate when 25 of its members, with the right to vote, are present personally 18[~~or by their proxy~~] in the comunidades having more than 100 members; 15, in which there are more than 50 and less than 100; 9, those having more than 25 and less than 50; and 5 having less than 25.

§ 1. However, the comunidade may be considered as constituted and may deliberate with the number of members less than indicated in this article, when the members present are more than one-third of its share capital.

§2. Save in the cases referred to in paragraph 1 of article 32, the president of the managing committee shall not consider the comunidade as duly constituted, if there may not be represented in it, at least two-thirds of its share capital, in cases provided in this Code. In this case of irregular meeting, those present shall be responsible for the loss and damage that the comunidade may suffer and the deliberation or deliberations taken shall be null and void.

Art. 35 – The deliberations of the comunidade are to be taken by absolute majority of the votes by the members present, personally [19][~~or by their proxy,or even ,by the declaration of~~

-------19--------

~~vote.~~] .

Sole § In cases where the voting is done by representation of the share capital, the deliberations shall be taken by absolute majority of such representation.

Art. 36 – In cases foreseen in clauses (a), (b), (c), (g), (i) and in the first part of clause (j) of clause 4 of article 30 and, in general in all the matters that may relate to extraordinary incomes and expenditures and to the sale or exchange of the land of the comunidade, the voting on the respective deliberations shall be done by the system of the representation of share capital.

Art. 37 – The sessions of the comunidade are public and are chaired by the president of the managing committee or his substitute and, in the impediment of both, by the eldest member, the minutes being drawn by the respective clerk.

§ 1. When more than one comunidade or of its respective managing committee meet, in a joint session, to deal with the matters of common interests, the president of managing committee, designated by the administrator, shall preside, and in this case, the clerk of the same comunidade shall act as the clerk who shall write the minutes in the book in his charge and immediately forward one copy of it to the clerks of other comunidades taking part in the meeting, to be written in the respective minutes book.

§ 2. In order to have a combined meeting held or to take deliberation, it is necessary that there must be present, as many members as would have been required for each of the individual comunidade to hold separately a meeting.

And in this case, the disposition of previous articles, relating to the convocation of the meeting and voting, is to be made applicable.

Art. 38 – When the comunidade duly convened does not meet, or when no majority could be achieved on any subject submitted to its deliberation, the respective powers for its approval, shall be passed to the managing committee, with the exception to the event referred to in the article 32, in which there is no room for any relaxations.

SECTION IV

Managing Committee

Art. 39 – The affairs of each comunidade shall be managed by an managing committee [~~chosen every three years~~ elected every three years] in the manner ~~prescribed in this Code~~ [20][prescribed in this Code and rules framed thereunder].

Art. 40 – The managing committee is comprised of three members: president and two members, one of whom shall be the attorney and the other the treasurer.

[21]**[Art. 41**.— The board shall be elected by the Comunidade from amongst the able components, including share holders, preferably those residing in the village.

When the Comunidade is not constituted for election of any of the members of the board, the same shall be appointed by the Government from amongst the able components, including share holders, preferably those residing in the village.]

[22]**[Art. 41-A—** In case,—

(a)any component has filed or files a legal proceeding to claim any right in land of, or

-------20--------

ownership of which is claimed by, the Comunidade; or

(b)a Comunidade has filed a legal proceeding against any component for encroachment done, or illegal construction carried out, by him on the land of Comunidade or for right of title to land claimed by the Comunidade and such component has been declared by an order of any legal forum to have encroached upon land of a Comunidade or carried out any illegal construction on Comunidade land,—

(i)a component referred at (a) above shall not be eligible to contest election to any post in the managing committee of such Comunidade and in case he is holding any post in the managing committee, he shall cease to be member and from the date of filing of such legal proceeding he shall be deemed to have vacated his office.

(ii)a component referred at (b) above shall be permanently barred from contesting election to, or holding, any post in the managing committee of any Comunidade. If such component is holding any post in the managing committee, from the date of such order he shall, cease to be a member and, deemed to have vacated his office.

Any stay order or interim relief in pending appeal or revision or writ petition, in respect of the issue of ownership of land or encroachment or illegal construction, as the case may be, as referred above that may be obtained by the component, shall not entitle him to contest the election to the managing committee of any Comunidade.].

Art 42– For the purpose of constituting the managing committee, two lists shall be prepared every three years, by 31st August, by the clerk and the attorney of the comunidade, based on the accounts of the last three years and of the registers of members by birth – (zonnkars) and shareholders, in accordance with the terms of this Code. 23[~~One of the two lists shall be of all the qualified members and the other of twenty major shareholders who are qualified members.~~ A list of all the able components.]

§ 1. 24[~~Each of the list~~ The list] shall contain:

a. The serial number;

b. Name of the member;

c. His status as shareholder or members by birth – (zonnkar);

d. Residence;

e. Age, when available;

f. Family relationship, if any, up to the 3rd degree which exists among different members;

g. Number of shares held, in case of shareholder or the social interest that each member by birth – zonnkar has in relation to the share;

h. Educational qualifications of the member.

§ 2. When, for the preparation of the list of twenty major shareholders, there are two or more members with the same social interest and all of them cannot be included in the same

-------21--------

list, then the member who is senior in age shall be included, till the number make up the total of twenty.

§3. The documents submitted by the parties for the purposes of clause (h) shall be returned to them, once the list referred to in the preceding paragraph has been approved.

Art. 43 – After the lists have been publicly displayed for a period of eight days, from the 2nd September and the copies of the same affixed on the door of the committee meeting's hall and any of the temples of any religion, existing in the village, an appeal may be filed to the administrator, on a plain paper, within the same period.

Art. 44 – The administrator shall give his decision, within the fixed period of five days, without fail, and the said decision shall be made public in the entry book of the administration office, against which an appeal may be filed, also on plain paper, to the Administrative Tribunal, within the period of eight days. This appeal shall also be decided within eight days.

1.The appeal is exempted from the payment of cost and stamp fees.

2.Once the decision is given, the secretary of the Administrative Tribunal shall immediately send a copy of the judgement to the respective administrator of comunidade, for compliance.

Art. 45 – The clerk of the comunidade, after making the rectification, as required by the higher authorities, shall affix again, in the presence of two witnesses, the rectified lists, by the 15th November, after being countersigned by the president of the committee, who shall verify, under his responsibility, if the said decision has been duly complied with.

Sole § Two copies of the finalized list of members shall be forwarded by the clerk to the administration office by the 20th November.

Art. 46 – The clerk who fails to affix the lists or to forward them to the administrative office, within the prescribed time limit, shall be penalized by the administrator with the fine of 120 $ to 300 $.

Art. 47 – The elections of the members of the managing committee shall be held 25[on any Sunday in the month of December or January prior to the three yearly period in which they should start functioning].

§1. For the purposes of the provisions of this article, the comunidade 26[***] shall be convened by the administrator, by notices published in the Official Gazette and public notices affixed on the door of the hall of the committee meeting and of the temples of any religion existing in the village, in not less than twenty days in advance.

§2. The fixation of the days of elections, referred to in the present article and the preceding paragraph shall be set by a single notice for all the comunidades of the taluka.

§ 3. The possibility of holding elections on the same day for two neighbouring comunidades should be avoided.

Art. 48 – The election committee 27[of the board shall be composed of the president of the board, the attorney and the registrar, the president of the board being the president of the committee].

one1n. ame forAll the elections shall be held by open ballot and each list should have the effective member and another one for his substitute. The voting shall be conducted by the listing of the electors present personally.

-------22--------

2. The election proceedings shall be presided over and conducted by the officer to be appointed by the District Collector, for the purpose;

3. After the conclusion of the election proceedings, the Officer appointed by the District Collector shall declare the results. Thereafter, the minutes of the election meeting shall be written and signed by the registrar in the minutes book of the Comunidade specifying therein all the facts occurred, registering protests, if any, and recording the announcement of the results. The minutes shall be countersigned by the Officer appointed by the District Collector.

Art. 49 – In the case of any irregularity in the election, any member of the comunidade, with voting right, may appeal to the Administrative Tribunal, within five days and the proceedings of the appeal shall be drawn up on plain paper.

Sole § The Administrative Tribunal shall decide the appeal, within eight days and, if the election is annulled, the comunidade members, shall be convened again, following the formalities prescribed in the article 47, in order to hold a fresh election in accordance with the decision of the Tribunal.

Provided that in case of allegations of irregularities concerning the voters‘list or any matters relating to the elections, the Government or the Collector or any officer authorised by the Government, in this behalf shall have powers to postpone the elections or appoint temporary managing committee or direct the Administrator to prepare a fresh voters‘ list or direct the

Administrator or such other officer as may be specified by the Government to conduct the elections:

Provided further that any action by the Government or the Collector or any officer authorised by the Government, taken on or after 30-11-2000 shall be deemed to have been taken in accordance with the above proviso.

Art. 50 – 31Person who has served as a member of the managing committee after or one term may contest election for immediate next term of three years. An outgoing member of the managing committee of the comunidade shall be eligible for re-election.

Art. 51 – In the comunidades where it is not possible to select three qualified members, the managing committee shall be appointed by the Governor-General, based on the proposal of the administrator and in the manner he considers most convenient.

Art. 52 – The managing committee shall assume office within the first three days of the month of March of the first year of their management and the president shall inform the Administrator about the installation and in case, when there had been any misappropriation of funds in the accounts, whether the same has been repaid.

Sole § The members of the managing committee, appointed or elected, shall continue until they are legally substituted.

Art. 53 – The managing committee may deliberate, when in addition to the president or his substitute, one of its members, with right to vote, is present. In event of a tie the president shall have the casting vote.

§ 1. In case of a simultaneous impediment of the president and his substitute, the oldest effective member shall preside.

§2. The relatives up to the 3rd degree under civil law, are barred from acting as committee members.

-------23--------

Art. 54 – The clerk of comunidade is an ex officio member of the managing committee, but he can give only advisory opinion which can be recorded in the minutes of the proceedings.

Art. 55 – The managing committee shall hold twelve ordinary meetings in a year, – the first shall be in the first three days of March and the others on the first Sundays of the months of April to February.

§ 1. The first meeting of the year is meant for dealing expeditiously with the affairs of the month and for the scrutiny of the accounts of the management of the previous year, giving its opinion on the same, checking the balance in the safe and handing it over to the new committee.

§ 2. When so requested by the respective committee, in special cases, or when the clerk of the comunidade is common to more than one comunidade, the administrator may designate any other day for the ordinary meetings. In this case the clerk of the comunidades shall publish this change in the Official Gazette or in any other periodical of the taluka, if any, and by way of notices affixed, at least ten days in advance, in places indicated in article 43.

§ 3. The meetings shall be open to public, and held in the building meant for that purpose, unless the committee may have to conduct any inspection in the properties of the comunidades and shall start at 9.30 hours, except when other time may have been fixed by the administrator, for reasons mentioned in the preceding paragraph. In that case the comunidades clerk shall make public the time fixed, by means of notices published in any newspaper of the taluka and affixed in places indicated in article 43, with an anticipation of ten days.

Art. 56 – The president of the committee corresponds officially with authorities and government departments of the taluka.

Art. 57– In the comunidades, where the revenue obtained from the average of last three trienniums is 28[inferior to Rupees 5000/-, the allowance per meeting shall be of Rupees 50/- to the presidents and Rupees 25/- to every one of the remaining members of the board; with the exception

of the registrar, and when the average income is higher than that amount, the allowance shall be of Rupees 100/- and Rupees 50/-respectively] there being not more than thirty paid meetings per year, unless in cases of triennial auctions, when the allowances may be increased to the total of forty-two meetings.

§ 1. The president of the committee or whoever substitutes him, and the attorney and his substitute shall also be entitled to the allowance due to them when they take part in the meetings of the comunidade. There shall be not more than ten paid meetings a year. They shall not be entitled to this allowance when the meetings of the comunidade and of the committee are held on the same day.

§ 2. When the number of comunidade meetings or of the managing committee, exceeds the fixed number, the value of the allowance corresponding to this total number shall be divided by the number of meetings held.

§3. The allowance shall not be paid, just because the non-holding of meetings of the comunidades and of the committee have been recorded in the respective reports of the meetings of the comunidade.

§ 4. In the cases, due to the fault of the clerk of comunidades, the minutes of the meeting has not been written, the committee members shall be entitled to the remuneration

which shall be paid by the clerk, by order of the administrator.

Art. 58 – The president and the members of the committee shall be entitled to the travel allowance, regulated in accordance with the provisions laid down in the annexed table, this right being restricted to the number of meetings fixed in the body of the preceding article.

§ 1. The travel allowance for the president and the attorney shall not be paid in double when the meetings of the committee and of the comunidades take place on the same day and in the same village.

§ 2. The travel allowance shall be paid from the usual residence of the managing committee.

Art. 59 – When the meetings are held on the application of the parties, the allowances and transportation of the members of the committee shall be borne by them.

Sole § The requesting party shall deposit, in advance, the required sum in the hands of the clerk of the comunidade who shall issue a receipt to the interested party.

Art. 60 – No remuneration or travel allowance shall be paid by the comunidade without order from the administrator.

Art. 61 – In comunidade where there is a deficit, neither remuneration nor travel allowance shall be paid.

Art. 62 – The member of the committee who, for a just cause, is unable to attend a meeting, should intimate the clerk of this fact so that his substitute could be summoned by giving him directly the required notice.

Art. 63 – The members of the committee who are unable to attend, on valid reason, the meeting or for any act where their presence is mandatory, should intimate the clerk so that their substitute should be summoned or given the required notice, shall pay each time, the fine of 60$, which shall be imposed by the administrator, after the hearing of the absentee, to whom the clerk shall mandatory furnish information of such absences, failing which the clerk shall be liable to the same penalty.

Art. 64 – The managing committee shall have the powers to:

1. Lease out property and hold any auction of the properties of the comunidade;

2. Certify the fitness from the bidders of the lands, services and works, as well as all other sureties of others, its committee members being answerable severally in case of insolvency;

3. Take steps in cases of breach of the bunds of casanas[33], flooding of fields, loss of stored water due to the breach of bunds and of the dike of ponds, risk of collapse of the comunidades building and other similar cases, arrange immediately for urgent repairs and those which are, at that particular time, indispensable, conducting an inspection and assessment of losses suffered, with the help of an expert, if possible. Carry out auction, immediately thereafter, preceded by cries in the village, by giving in writing to the crier the required information and keeping immediately the administrator informed of the facts and measures taken by the managing committee.

In the absence of bidders, the managing committee shall execute the work by direct administration (on daily wages basis or job contract) provided that in no case the expenditure

exceeds the amount of the estimate, in which case it will be the responsibility of the administration of the comunidades to proceed with inspection within the period of five days of completion of work for the purposes of their taking over.

4.Invest, with the sanction of the administrator, the capital of the comunidade, not reserved for dividends.

a.In the purchase of shares of the very same comunidade, however the same purchase is prohibited in comunidades which do not have members by birth – zonnkars.

b.In the loan bearing interest not less than 4% on pawning shares of the comunidades, however when the borrower is the member of the comunidade the interest shall be 3%;

c. [30]~~[To make deposit in the Overseas National Bank, (Banco Nacional Ultramarino), in the Bank known as "Caixa Economica de Goa" or in any other banking institution, recognized by the Government, when the interest recovered by the latter is equal to the one fixed by said the Bank — "Caixa Economica de Goa"]~~ To make deposits in such manner as the Government may prescribe.]

5. Lend at the rate of 4 per cent interest, when there is money available in the safe, against pledge of gold and silver or shares of the comunidades, to the tenants of the paddy fields of the comunidade, an amount not exceeding the rent and other contributions of the tenanted field and never for the period beyond six months;

6.Lend in the same way an amount not exceeding 6000$ when there is money available, to any other comunidade of the respective taluka, duly sanctioned by the respective administrator, at the same rate of interest and for a period not more than one year. Higher amount and for the period more than one year, can also be lent, but with the approval of the Governor-General.

The loans shall be given by recording the same in the book of sundry declarations and reports and the acquiring comunidades shall be represented by competent attorney with special powers, to that effect conferred by the board with the observance of all legal formalities;

7.Take over the works of the embankments, its paving, closure of breaches and other similar works which form part of the ordinary plan of the comunidades, informing the administrator of the results, within forty-eight hours and affixing copies of the same on the door of the meeting place.

The bidders, however can request the intervention of an expert of their choice, but in this case there will be three experts, being the other two appointed, one by the attorney of the comunidade and the other by the administrator. The expenditure shall be borne by the respective bidder;

8.Take over all the urgent and extraordinary works value of which does not exceed 1500$, in the manner indicated in the preceding number, except for the provisions in the second part of clause No. 3;

9.Deliberate on :

a) Formation of the core group of agricultural labourers, by granting lands and

other advantages, and on financial aid to the of People‘s House (Casas do Povo);

b) Setting up reserve funds and using these and other capital in the works to improve and encourage agriculture, acquisition of improved machines and latest tools, institution and improvement of agriculture related industries connected with agriculture, in the creation of agricultural and livestock insurance schemes, establishment of welfare institutions and social help to its comunidade members and to the agricultural population of the respective village.

The deliberations of the managing committee, in the matters referred to in the items of this clause, shall be implemented only after they are approved by members representing at least, one-third of the share capital, and sanctioned by the Governor-General, after consulting the Government Council;

10. Authorize the payment to the contractors of the ordinary services after taking delivery referred to in the preceding clause, and the payment shall not be made before fifteen days from the date of taking over.

In case of complaint against the execution of these services, the administrator shall immediately order the suspension of the payment and shall directly and obligatorily inspect the work. The expenses of this inspection shall be borne by the complainant, when it is proved that the complaint was baseless, to which the respective administration office shall obtain an adequate declaration of responsibility from the complainant;

11.Perform all the necessary steps required for the administrative and financial management of the comunidade.

Art. 65 – The expenses incurred or already paid, to meet the cases foreseen in clause 3 of preceding article, require the approval of the Governor-General, 31[***] when such an expenditure exceeds the amount of 3000$ for each work and the sanction of the administrator, when it is of lesser amount.

§ 1. For this purpose, the clerk shall send the statement of expenditure incurred, duly countersigned by the president of the committee, with the opinion of the twenty major share-holders of the comunidade, if necessary, to the administrator, who shall send the same, with his own remarks to the Directorate of Civil Administration, or else shall approve himself the same, if it is within his competence, in terms of the body of the article.

§ 2. When the amount of the expenses exceed 3000$, or when the administrator thinks it necessary, he shall proceed to inspect the works, along with the technical expert of the comunidade, before the report is prepared or sanction is accorded or whilst the works are in progress.

§ 3. The Governor-General shall make the committee responsible, after giving prior hearing to it, for any excess committed in the exercise of its powers provided for it in clause 3 of the preceding article.

Art. 66 – The committee shall express its opinion in all the deliberations that the comunidade adopts on the matters of its competence.

-------27--------

Art. 67 – The members of the committee and its substitutes are expressly prohibited to bid or to stand surety in auctions, directly or through dummy party.

Sole § By dummy party means: the spouse of the interdict person, the individual who may be presumed hair, the nearest relative with whom he may live in common domestic economy and any third person who, in collusion with the interdict member, bids or subsequently transfer to him the thing auctioned.

Art. 68 – The members of the committee who violate the provisions of the preceding article shall be liable to pay a fine from 300 $ to 3000 $, which shall be imposed by the administrator, following an enquiry and cannot be reappointed to the post or be re-elected during the period of three to nine years, as set also by the administrator, depending on the seriousness of the case.

Art. 69 – The members of the managing committee, appointed or elected, cannot decline the post, except if they have obtained the exemption from the Governor-General and are liable for payment of a fine of 300$, imposed by the administrator, in case they fail to obtain the said exemption and cannot be appointed or re-elected during the period of nine years.

§ 1. When any of the elected members do not take charge of the office, with or without obtaining the respective exemption, the Governor-General shall appoint one who will substitute him till the end of the triennium.

§ 2. The following shall be grounds for the grant of exemption:–

1. Age more than 67 years;
2. Suffering from diseases that prevents him from discharging the respective functions;
3. Residing beyond 5 kms. from the head office of the comunidades;
4. Holding a public office;
5. Any other ground that the Governor-General deems fit;

Art. 70 – When the committee fails to meet for two consecutive times, on the days fixed for the meetings, it is the duty of the administrator by his order, to adopt the resolution that would have been taken and may propose the dissolution of the elected part of the same committee, in case he deems fit.

§ 1. The elected part of the committee may only be dissolved by the Governor-General after conducting an inquiry in which it is proved that its performance was against the interests of the comunidades. In this inquiry the defendants must be given a hearing.

§ 2. In the cases of dissolution, referred to in this article and preceding paragraph the Governor-General shall appoint, till the end of the triennium, persons who shall substitute the members affected by the dissolution.

§ 3. The members of the managing committee affected by the dissolution shall not be re- elected before completing nine years from the dissolution and shall pay the fine of 300$.

Art. 71 – The president has the right to appeal to the administrator against the deliberations of the managing committee which are enforceable without sanction of the higher authority and the administrator may order the immediate suspension of execution of the deliberations and

take steps that think fit, to avoid any loss to the comunidade, by deciding the matter of the appeal within forty-eight hours.

Art. 72 – The president is specially empowered to:

1. Conduct the works of the meetings of the managing committee and of the comunidade;
2. Maintain order in the meetings hall, ordering the expulsion of any persons who disturb the same;
3. Bring to the notice of the administrator of any irregularities which he notices in the comunidades services;
4. Order the seizure of produce taken away by the leaseholders of the fields without prior payment of the rent;
5. Request the assistance of the authorities and the public force whenever necessary for protection of the rights of the comunidade and maintenance of order in the comunidades and committee meetings;
6. Exercise other rights and fulfill all the obligations imposed on him by this Code;
7. Submit to the administrator, every year, till 31st January, a report of all important facts occurred during the preceding year;

8. Inspect the services of the office of the clerk of the comunidade and the compliance by the said clerk of his duties and obligations informing immediately the administrator of any irregularities observed;

§ 1. For failure to comply with the provisions prescribed in clauses 7 and 8, the president shall be liable to pay a fine of 300$ to 600$, imposed by the respective administrator.

§ 2. Against the acts exercised by the president of the managing committee an appeal lies to the administrator and against decision of the latter appeals, as provided in this Code, may be filed depending on the nature of the matter.

SECTION V

Attorneys

Art. 73 – In each comunidade there shall be one attorney effective and one substitute attorney, elected for a three years term , in accordance with article 41, or appointed by the Governor-General, as laid down in paragraph 2 of the same article.

Art. 74 – The attorney, who has been found to be harmful to the interests of the comunidade, shall be suspended by the administrator and dismissed by the Governor-General, upon the report or proposal of the administrator and hearing of the interested party.

Art. 75 – The attorney of the comunidade shall be its representative and its controller who shall have the following powers:–

1.Look after and defend the interests of the comunidade;

2.Represent the comunidade before any courts and offices or public authorities;

3.Bring to the notice of the authorities or the comunidade the irregularities on the part of employees and agents and the encroachment of land. He may even challenge the encroachment in terms of articles 486 and 2354 of the Civil Code;

4.Attend the comunidades meetings and take part in its deliberations and in the works of enrolment and registration of the zonnkars, in the closing of the enrolment of shareholders, in the auctions and charges, in the preparation of the statement of income and expenditure and the list of qualified members and of the estimate, in final accounts of comunidades and in all inspections made by the managing committee or by the administrator of the fields, services and extraordinary works;

6.Submit, within fifteen days, at the administration office or in the registrars offices Conservatorias the conditions of auctions, security and other required documents to effect the registration of the pledge of shares or to register the mortgage, under penalty of being responsible on subsidiary basis, if he fails to do the same;

7.Appeal against all the deliberations and orders which are against the interests of the comunidade and in those cases where the appeal is compulsory;

8.Take all the steps required for a good administrative and financial management of the comunidade.

Art. 76 – The clerk shall issue to the attorney, as many copies of the minutes of his election, as asked by him, authenticated with his signature and the embossed seal of the comunidade.

Sole § The clerk who refuses to issue to the attorney, within three days, the copies referred to in this article, when its number does not exceed nine, shall be disciplinarily punished.

Art. 77 – The comunidade may, at any time, by holding a meeting following the formalities prescribed in this Code, dismiss the elected attorney effective or substitute, when his action is proved to prejudice the interests of the comunidade and elect another one in his place.

Art. 78 – The attorney is bound to comply with the provisions of article 379, within fifteen days, from the date of notice, which shall be accompanied by the handing over of the papers or

documents which shall serve as basis for the suit and such notice and handing over, should be made by the secretary of the administration office.

§ 1. Within ten days from the filing of the suit, the attorney shall place before the administrator the certificate of having filed the same, failing which he is liable to pay a fine of 180$, imposed by the same administrator.

§ 2. The administrator who fails to impose the penalty referred to in the last part of preceding paragraph shall incur the penalty of suspension for fifteen days.

Art. 79 – The special attorney authorized to take part in a suit representing the comunidade, shall follow the same till the end, even after expiry of the term for which he was appointed, unless the comunidade expressly withdraws the powers conferred.

Sole § If the suit is filed by the regular attorney, the lawyer appointed by him shall follow the

suit, even if the attorney ceases to exercise his functions and until such advocate is legally substituted.

Art. 80 – If, after filing the suit, the attorney allows it to remain pending for more than three months, the administrator of the comunidades, after first hearing the said attorney and granting a period of three days for his defence, shall, by an order, impose the fine of 150 $ to 900 $, besides barring him from holding any post in the comunidade for a period of three to nine years with all civil consequences.

Art. 81 – The attorney is bound to appeal against all the final judgements and orders which put an end to the suit, when they are not favourable to the comunidade.

Art. 82 – The attorney who recovers the active debts of the comunidade, through administrative or judicial means, after effecting the attachment, shall be entitled to 3 percent of the capital collected, paid by the debtors, and when the collection is done prior to the attachment, but after ten days have passed since the summons for execution were served, he will have right to 1 per cent, also paid by the debtors.

Art. 83 – The attorney can officially enter in correspondence with the administrator, president of the managing committee and the clerk of the comunidades in all matters of the interest of the comunidade.

SECTION VI

Clerks of the comunidades

Art. 84 – Each comunidade or group of comunidades shall have one clerk –escrivão - of 1st, 2nd and 3rd class, as per the Map - 2-II annexed.

§ 1. The offices of the 1st class clerks of the comunidades of Carambolim, Chorão-Caraim-Passo de Ambarim, Calapur-Cujira, Jua, Serula, Margão and Curtorim shall have one assistant clerk with the category of 3rd class clerk.

§ 2. The Governor-General shall create posts of assistant clerks in the clerks office of the comunidade where the need of services so justify.

Art. 85 – The clerk (escrivão) shall furnish a security, before the administrator of 12.000$, 6.000$ and 3.000$, according to whether they are of 1st, 2nd or 3rd class comunidades, respectively, of immovable properties situated in this State, shares of the comunidades, pledge or cash, and based only on this document proving the said pledge, the Directorate of Civil Administration Services shall issue the necessary orders for taking charge of the office.

Sole § In the case of transfer of the former from one comunidade to another, the security furnished in the former comunidade shall be considered as valid and subsist for the second, on a declaration to that effect, without prejudice to the liabilities which the clerk might have incurred at the same, reinforcement of the security being required, if necessary.

Art. 86 – The clerks, who fail to recover the accounts of the debtors of the comunidades and the final accounts of the year, within the time limits prescribed in this Code, shall be liable to pay a fine equivalent to one-third of their annual pay, which shall be imposed by the administrator, besides being jointly responsible with the debtors for the amounts outstanding,

-------31--------

without prejudice to the disciplinary action.

Art. 87 –[32][The clerks are subject to the general disciplinary rules for the public servants, enjoying rights and duties of the same, without prejudice to the provisions of this Code.

Sole § The clerks are forbidden to intervene, as expert witnesses, in comunidades proceedings, save in cases in which such intervention is required by this Code or derived from the nature of duties they perform.

Art. 88 – The clerks of comunidades – shall, in particular, be bound to:–

a.Keep the book and accounts;

b.Keep custody and maintain the archives, which they can do at their own residence, with permission of the administrator when the comunidade does not have its own building, for that purpose; [33][All the land dealings and transactions shall be kept open and shall be made available at least for ten years. Copies of such land dealings or any such important matters shall be sent to the Administrator of Comunidades, for maintaining duplicate copies in his office,]

c.Effect the service of summons and notices in the area of the respective comunidade;

d.Provide information which the administrator may require, within the period of five days and the necessary clarifications that may have been requested by any member;

e.Submit accounts, presenting himself for this purpose in the administration office, in terms provided in this Code, being civilly responsible for the same;

f.Effect the service to the attorney to initiate the filing of suits and execution proceedings, by handing over, at the time of service of notice, the necessary documents;

g.Effect the service, within three days, to the attorney of the comunidade, of the notifications, orders and instructions that may have been received from the higher authorities, issuing copies thereof, when demanded;

h.Perform all other duties that is bound to fulfill as per the provisions of this Code or others which may be imposed.

§ 1. The duties referred to in clause (a) may be carried out by the assistants, selected by the clerk and under his own sole responsibility;

§ 2. The clerk‘s assistant shall assist him in the work of maintaining the records, accounts and maintenance of archives, as well as in serving notices, when entrusted by the same clerk.

[34][3. All the documents and records of the Comunidades shall be under the custody of the registrar, who shall be responsible to the Administrator of Comunidades.]

Art. 89 – The clerk of the comunidades and their substitutes shall have their residence obligatory at the seat of the comunidade they serve and shall follow the working hours of the government offices, in which they shall be supervised by the presidents of the managing committee and administrators of the comunidades.

-------32--------

§ 1. In the comunidades, which are grouped together, the clerk shall follow the working hours in all the comunidades which form the group, on the day or days that may be established by the Director of Civil Administration Services, on the basis of recommendation from the administrator and published in the Official Gazette.

§ 2. The weekly rest day for the clerk of the comunidades and their substitutes shall be determined, in accordance with the needs of service, by order of the Governor-General.

Art. 90 – The clerks shall correspond officially with the members of the committee and with the administrator.

Art. 91 – The clerks shall have full faith and credit in the acts performed within their powers, but the certificates issued by them shall be deemed authenticated when they carry the embossed seal of the comunidade.

Art. 92 – In the comunidades, without clerk‘s assistants, the clerks shall be substituted, during their absence or impediment, by a reliable person of their responsibility, proposed by them and appointed by the administrator.

Sole § A substitute appointed, in this manner, shall jointly be responsible with the clerk and, in cases of substitution due to sick leave, bereavement leave or sickness proven by a medical certificate, in accordance with the law, the substitute shall be entitled to a remuneration corresponding to two-third or half of the salary of the clerk substituted, paid by the comunidade, depending on whether the substitute is an unrelated person or a clerk of any other comunidade.

Art. 93 – In comunidades where there are clerk‘s assistants, these assistants shall substitute the clerk during his absence and impediment. The assistant will be entitled to a remuneration corresponding to one third of the salary of the substituted clerk, which shall be the latter‘s liability, in the cases not provided for in the sole paragraph of the preceding article.

Sole § The provisions of the preceding article and its sole paragraph shall be applicable to the absence and impediment of clerk‘s assistants.

Art. 94 – The clerks of comunidade belong to a general cadre and shall be appointed, promoted and transferred by the Governor-General, under the terms prescribed in the present Code.

Sole § The appointment of the clerks of comunidades in the talukas of Quepem and Pernem and their respective salary shall continue to be regulated by their private legislation.

Art. 95 – The filling up of vacant posts of 3rd class clerks shall be done by a competitive practical examinations, held every two years, or earlier, if justified by the needs of the service, at the Directorate of Civil Administration Services, and the minimum qualification required should be the ―2o Ciclo‖ of Lyceum.

§1. The examinations which will have the duration of three consecutive hours will cover the following program:

a.Drafting of a note, report or resolution on a given subject;

-------33--------

b.Knowledge of the Code of Comunidades and about the duties and rights, discipline and workings of services, the Overseas Civil Service Statute;

c.Arithmetic and book keeping of the comunidades;

d.Typing.

§2. The board of examiners shall comprise of two members appointed by the Governor-General, from amongst the heads of offices of the Directorate of Civil Administration Services and the administrators of the comunidades of Goa, Bardez and Salsete, chaired by the Director of Services and one of the heads of section of the 2nd Division being designated as secretary.

Art. 96 – The posts of clerks of 2nd and 1st class shall be filled by competitive promotion procedure and practical test among the clerks of 3rd and 2nd class and auxiliaries of 3rd. and 2nd class, respectively, having the minimum of three years‘ service in their class with good reports.

§1. The competitive procedure referred to in this article shall be held every two years, or earlier, if the exigencies of service so require, at the Directorate of Civil Administration Services and that consist of:

Written test of the duration of 3 hours:

a. Drafting of a note, official letter, report or resolution on a given matter subject;

b. Knowledge of the Code of comunidades, and with reference to duties and rights, discipline and functioning of services, of the Overseas Civil Services Statutes;

c. Arithmetic and book keeping of the comunidades; Oral test of the duration of 15 minutes:

Oral examination on the matters of the clauses (b) and (c).

§ 2. The provisions of paragraph 2 of previous article shall be applicable to these examinations.

Art. 97 – The clerks of the comunidades can be transferred to the offices of other comunidades of the same category, when they so apply, within the period fixed for this purpose in the notice published in the Official Gazette by the Directorate of Civil Administration Services and the following shall be the preferential factors for the graduation:

1. Greater length of service in the place they occupy, without penalty recorded in the respective personal file;

2. Greater length of service in the comunidades.

Sole § Clerks, with more than six years in the same position, shall obligatorily be transferred and shall not return to the same position until a further equal period had passed.

Art. 98 – When any post of clerk (escrivão) is vacant and until the Government makes arrangements to fill the same, the administrator shall make temporary arrangement for the performance of the respective functions in terms of general law. If however the clerk of another comunidade performs the duties, in addition to his own duties, he shall be paid 50

percent of the pay of the post accumulated, besides his own pay.

SECTION VII

Treasurer

Art. 99 – In each comunidade, the member of the managing committee, who is not the attorney, shall serve as treasurer.

Art. 100 – The treasurer shall have the followings powers to:–

1.Collect and deposit- in the safe, in accordance with article 105 all the income of the comunidade as well as the sum of all charges levied as per the provisions of this Code and in terms of the estimates prepared by of the comunidades or the orders of a higher authority;

2.Pay to the administration of comunidades, every month and in the first three days of the month, the respective shares in the ordinary and extraordinary [35][derrama], to the National Treasury, at the appropriate time, property tax and other taxes due; and to zonnkars, shareholders, consignees and other creditors of the comunidade, each year or at the proper seasons of the year, as per the provisions of this code or in the respective contracts, or on the orders of a higher authority, the profits, dividends, interest, salaries or other payments;

3.Pay, by postal order, whenever possible, and in the proper season of the year, the proceeds, dividends, pensions, consignments or any credits due to religious and charitable institutions, deducting the cost of the postal order from the respective amount;

4.Present to the administrator, to be countersigned by him and to the respective clerk, in order to be recorded in the comunidades book, the bills of the payments made to the National Treasury, within three days of the due dates, mentioned in the preceding number failing which he shall be punished, for the first offence, with a fine ranging from 300$ to 600$, and for the second time with suspension from duties. Such penalties shall be imposed by the administrator, after giving due hearing to the person concerned.

Art. 101 – The treasurer, who withdraws cash from the safe of the comunidades and does not put it to the intended use, within the legal time, shall be subject to imprisonment and shall be punished for the crime foreseen in article 313 of the Penal Code.

SECTION VIII

Safe and the key-holders

Art. 102 – In each comunidade there shall be an iron safe with three keys, wherein all the revenue amount, valuables and titles belonging to the comunidades shall be kept.

Sole § The safe shall be kept in the comunidades building or in any other place, offering the necessary conditions of security; in special cases and with express authorization of the Governor-General, it may be kept in the building of the administration office or other building situated in the seat of the taluka.

-------35--------

Art. 103 – The key-holders of the safe are the president of the committee, the treasurer and the clerk of comunidade, who are all jointly responsible for any misappropriation.

Art. 104 – Each of the key-holders has one key of the safe which shall not be opened without the presence of all.

Art. 105 – It is the duty of the key-holders to place in the safe all the income of the comunidades and make payments authorized by law or by order of the higher authorities, and when any of these acts are not performed due to the fault of any of them, on the days designated for this purpose, the person responsible will be liable to pay a fine of 60 $ for each occasion, by order of administrator who can increase it up to five times the said amount, according to the seriousness and consequences of the omission.

§ 1. The key-holders, who make payments, not authorized by law or by order of higher authorities, shall be jointly and severally responsible before the comunidade for the amount of such payments.

§ 2. When any of the key-holder has any doubt about the legality of any payment to be made, he shall suspend the payment and inform the administrator about the doubt, who shall clarify the matter within three days.

Art. 106 – For the purpose of collection of income and payment of expenses, in addition to the days mentioned in article 489, the key-holders shall be present on all the last Sundays of each of the months and on all the Sundays of the months of March to May and September to December, or on all the Sundays, covered by the period designated for the collection of the respective assessment, from 9.30 to 12.30 hrs., in the comunidades hall when the safes are in the respective village, and from 9.30 to 12.30 hours of the following day in the places where the safes are installed in the building of the administration office or other building situated in the seat of the taluka.

Art. 107 – In the event of an extraordinary opening of the safe, the president and the treasurer shall be entitled to the allowances, designated in the table No. 3, when such openings are made at the request of the party.

Art. 108 – Besides the allowance that the president and the treasurer, receive for attending the meetings of the committee, they are entitled to an annual allowance, authorized by the administrator, corresponding to 2% of the income collected in order to deposit in the safe, out of which one-third shall be to the president and two-thirds for the treasurer, total of which shall not exceed 3000$.

Sole § In the comunidades with deficit, no payment of percentages referred in this article shall be effected.

Art. 109 – In the safes of the comunidades having 3rd**,** 2nd and 1st class clerks, amounts exceeding 3.000$, 4.000$ and 6.000$ respectively, should not be kept.

Art. 110 – Sums, exceeding the limit fixed in the preceding article, shall be deposited by the treasurer in the Bank, known as ~~Caixa Economica de Goa~~ 36[Cooperative Bank or where such Bank is not in operation, in the Post Office Savings Bank as the case may be], in the name of the respective comunidade, in keeping with the following rules:

1. The sum to be deposited shall be handed over to the treasurer, based on items entered in the Cash Book;

-------36--------

2. Cash shall not be given to the treasurer for the second deposit, unless the provisional receipt of the first deposit is presented and entered in the safe;

3. The treasurer must hand over the provisional receipt in office of the clerk of the comunidades, within three days from taking the cash and if he fails to do so, the current account shall immediately be sent by the respective clerk to the administrator for the legal purposes;

4. The withdrawal of deposits shall be effected by a repayment voucher signed by all the key-holders and countersigned by the administrator.

Art. 111 – The administration office of the comunidades shall notify to the management of the said bank – 37[~~Caixa Economica de Goa~~ Cooperative Bank or where such Bank is not in operation, in the Post Office Savings Bank as the case may be], of the names of the key- holders of the safe of each of the comunidades, with their specimen signatures, duly authenticated by the secretaries of the administration offices, in order to be compared at the time of reimbursements. Such intimation should be renewed as and when there are changes of the key-holders.

Art. 112 – Every three months and, possibly during the months of January, April, July, and October, the comunidades shall send their Pass Books to the head office of the said Bank

38[~~Caixa Economica de Goa~~ Cooperative Bank or where such Bank is not in operation, in the Post Office Savings Bank as the case may be] to be checked.

Art. 113 – The orders for reimbursements, even in the case of endorsements, shall be sent free of charge and exempted of stamp duty.

Art. 114 – During the ordinary period set for the payment of prevents of zonn and dividends, the key-holders shall calculate the amount necessary to effect these payments, based on the average paid in the same period over last three years, and make that amount available in the safe by withdrawing in advance from the Bank 39[~~Caixa Economica de Goa~~ Cooperative Bank or where such Bank is not in operation, in the Post Office Savings Bank as the case may be], but never in anticipation of more than eight days.

Art. 115 – In the balance sheets referred to in the article 466, the balances in cash and deposit in the said Bank 40[~~Caixa Economica de Goa~~ Cooperative Bank or where such Bank is not in operation, in the Post Office Savings Bank as the case may be]shall be distinguished, in separate items.

Sole § One copy of the balance sheets of the movement of the receipt and expenditure of each comunidade shall obligatorily, be affixed by the clerk on the door of the meeting hall.

CHAPTER III
Administration of the comunidades
SECTION I
General provisions

41[**Article 116. -** (1) In the State of Goa, there shall be three Zones of Comunidade, namely:-

-------37--------

(i) Central Zone; (ii) North Zone; and (iii) South Zone; and there shall be separate offices of Administrator of Comunidades in each Zone.

(2) The Comunidades of Tiswadi and Ponda Taluka shall be under the Central Zone. The

Comunidades of Bardez, Pernem, Bicholim and Satari Talukas shall be under tile North Zone, and the Comunidades of Salcete, Mormugao; Quepem, Sanguem anq Canacona- Talukas shall be under the South Zone.**]**

Art. 117 – The administration offices of the comunidades are considered for all purposes as public offices]42

SECTION II
Administrators

Art. 118 – In each of the 43[Administration of Comunidades of Central Zone, Panaji; South Zone, Margao; and North Zone, Mapusa], the respective administrator shall be appointed by the 44[Government].,45[on deputation from amongst the Junior grade officers of Goa Civil Service] and 46[***]

Sole § The administrators of comunidades may be transferred for convenience of service.

Art. 119 – The independent administrators of the comunidades are administrative magistrates and shall take an oath of office before the 47[Government]..

Art. 120 – The independent administrators of comunidades shall obligatorily be resident in the seat of the respective taluka, and cannot absent themselves from there without being authorized by the 48[Government].

Art. 121 – The independent administrators of the comunidades shall be substituted, in their absence and impediments, by the secretary of the respective administration and in the event of his absence and impediment by the taluka administrator.

Art. 122 – The provisions of article 67 and its sole paragraph are applicable to the administrators of comunidades and their legal substitutes, in service.

Art. 123 – The administrator shall correspond officially with the functionaries, authorities and public offices and shall issue orders to his subordinates.

Art. 124 – Application for recusal may be moved before the administrator on ground of bias in manner provided in the civil procedural law.

Art. 125 – The administrator of comunidades has powers to:–

1.Enforce and get the enforcement done of the provisions of this Code, the contracts entered with the comunidades and all the resolutions and decisions of the higher authorities;

2.Maintain order and discipline in service of the offices of the comunidades under his supervision;

49[3-to order for the preparation, in October of each year, of the budget of the Administration of each Zone, dividing it proportionately among the Comunidades based on their annual income, and submit it for the approval of the Government.
The income of the tithes of "dessaides" shall be included in the budget of the Administrator of Comunidades of North Zone.]

3.Enforce the collection of supplementary derrama when there are extraordinary

expenses, duly authorized;

4.Inform the comunidades and the parties concerned, by 15th December, of the share of derrama which they are required to pay, and at appropriate time, the share in an extraordinary derrama. The recovery of the respective instalments, either by voluntarily payment or by coercive matter, shall be done by the provisions in this Code;

5.Write the opening and closing declarations and initial the books referred to in articles 440 and 445 or in respect of the comunidades books or to authorize the secretary or the administrative assistants of the administration office, to do this work;

6.Preside over the visits, inspections and auctions as well as handing over and giving possession of land;

7.Inspect the books and accounts of the comunidades, check whether the comunidade clerks are following their duties and obligations mainly those relating to working hours and residence at the seat, and take action, in accordance with this Code, against those violating those obligations;

8.Approve the annual income and expenditure sheets of the comunidades and the calculations and terms of ordinary auctions;

9.To inspect the archives and check the balance of the safe, when he finds it convenient or when requested, denouncing the deviation of books or cash from the safe;

10.Exercise the powers of the managing committee in the cases and under such terms set out in article 70;

11.Attend, whenever he finds it convenient, the meetings of the comunidades and those of the managing committees;

12.Propose the appointment and dismissal of the president of the managing committee, the dissolution of the elected part of the same, in terms set forth in this Code, and the appointment of persons who should function as members of the committee, in cases provided for in the § 2 of articles 41 and 51 and § 1 of article 69;

13.Take oath of office of the staff members under him, as well as of members of the managing committee and other agents of the comunidades. He may however delegate these functions to the president of the committee, who had already taken the oath of office;

14.Authorize the payment of percentages referred to in article 108 of this Code;

15.Propose to the Government the meetings of the comunidades to be held at seat of the taluka or in the building of the administration office and order the meetings of the board in these places;

16.Authorize the extraordinary meetings of the comunidades and of the committee, when they are not convened by their president;

17.Exercise disciplinary power in terms of law and impose the penalties established in No. 1 to 3 of article. 354 of the Overseas Civil Services Statutes (E.F.U.);

18.Decide the applications for registration or listing;

19.Take steps to fill temporarily the post of clerk;

20.Take notice and decide all the applications, complaints and appeals instituted against the acts that are not within the competence of higher authorities and offer his say on all the cases which have to be sent for a decision of the 50[Government] or the Administrative Tribunal;

-------39--------

21.Proceed in accordance with article 371 and the following, regarding encroachment on the lands of the comunidades;

22.Authorize the comunidades to file suits under the terms of the article 9 as well as authorize the necessary expenses;

23.Authorize every year, occasional or unforeseen expenses, which are not for any other purpose unconnected to the comunidades, up to 1.500 $ and the advance of amounts essential for covering the ordinary and extraordinary expenses, duly authorized, when they are not foreseen in the respective assignment or contract as well as the expenses necessary to defend the suits filed against the comunidades;

24.Withhold or order the retention of proceeds of zonns dividends or any other credits that the debtors may have in the comunidades until the latter have paid their dues and accessory

amounts, when these dues have not been guaranteed for;
25.Arrange for the coercive collection, in accordance with the terms of Title V, of the comunidades dues, acting as judge in the respective proceedings;

26.Distribute the cases for recovery of debts, referred to in the preceding number, among the enforcement clerks, equally and by lots, in three classes, according to the value referred to in § 1 of article 627;

27.Decide by 31st of October of the following year, the yearly accounts of the persons responsible to the comunidade, forwarding by the 15th November, the respective statement to the Administrative Tribunal. Failure to comply with would incur payment of fine corresponding to 5% of the ordinary fees collected;

28.Forward to the treasury department of the taluka, every month, a note of the remissions made in the preceding month and a form for the payment of stamp duty on transfer of shares and for the respective tax corresponding to the normal emoluments recovered in the preceding month;

29.Take delivery of the extraordinary services and works valued in excess of 3000 $ and of the ordinary works in case of appeal or complaint against the taking of the delivery by the managing committee;

30. Present to the 51[Government], by the 31st of March of every year, a report of the management of the comunidades for the preceding year, mentioning therein the important facts of his administration and indicating the means, he thinks fit, to adopt in order to increase and improve crops. This report shall be accompanied by a statistical map of the office‘s work, a map showing the movement of the shares of comunidades, organized according to model No. 5, a map showing the dividends and zonns distributed by each comunidade, in each of the last nine years, a statement indicating the grants as emphyteusis (aforamentos) granted and a map showing the extraordinary expenses incurred by each comunidade in the preceding year and other information as he sees fit deemed useful. Failure to comply with would incur in payment of a fine corresponding to the salary for the number of days delay.

Art. 126 – The decisions of the administrator are subject to appeals provided by law.

SECTION III

Office of secretary and personnel

Art. 127 – Each of the private administrations of the comunidades shall have a secretarial office controlled by the respective secretary and a works foreman in charge of a technical person for works.

The offices of the talukas administrators shall have a comunidades section under the

control of the secretary of those administrations.

forming a single cadre.

Sole § The provisions contained in the article 67 and its sole paragraph and sole paragraph of article 87 and 97, the later to some extent, shall be applicable to the personnel of the administrations.

Art. 128 – The secretary is empowered to:–

1.Maintain order in secretariat office, distribute and regularise the service among the employees, when not defined by the administrator or by this Code.

2.Perform the office work of administration, keep books and maintain the registers, check the income and expenses statements, calculations, auctions and accounts and carry out all other duties assigned by this Code and by order of higher authorities.

3.Draft the correspondence in accordance with the decision of the administrator.

4.Mark in all the outwards correspondence with the respective sequential number after being signed by the administrator. Provide clarifications for the purposes of the pledge and attachment of.

5.Offer classifications for the purpose of attachment and seizure of shares.

6.Have under his control the office archive and keep it in order.

7.Issue summons and notifications in the suit itself when ordered by dispatch.

Art. 129 – The auxiliaries shall:–

1.Assist the secretary in the exercise of his duties performing all acts as ordered by the administrator or the secretary;

2.Write and type notes, official letters and other documents as per the drafts given to them;

Sole § In the private administrative offices of the comunidades, the senior most 1st class assistant shall substitute the secretary in his absence or impediment.

Art. 130 – The bailiff shall serve summons and notices and deliver the correspondence. **Art. 131** – The peons are responsible for the cleanliness of the office and for any other service determined by higher authorities.

Art. 132 – The administration of comunidades shall have an iron safe, with three keys, where the income from derramas and of the in default comunidades in their charge, as well as the income of Pension Bank, should be deposited in accordance with this Code.

§ 1. The key-holders of this safe are the administrator, the secretary and the more qualified and senior most auxiliary. They are jointly and severally responsible for any embezzlement if taken place.

§ 2. In the same safe there shall also be deposited, but kept separately, the amount of advance fees paid by the parties in connection with the cases pertaining to the administration. The entry of such amounts should be recorded in a special cash book maintained on the same lines as

-------41--------

that of the safe of the administration.

Art. 133 – The general archive of the past books of the comunidades will be in charge of the administration.

Sole § Every year, all the comunidades books, closed files and useful papers which are ten years old, shall be sent to the general archive.

Art. 134 – The books shall be preserved in closed shelves, properly separated, comunidades wise or least in separate shells for each comunidade. Each book or bundle of papers shall have a label indicating the nature of the books and papers and the year to which they concern.

Art. 135 – The secretary of the administration is the conservator of the general archive and as such, it shall be his responsibility to receive all the books and papers referred to in article 454, paragraph 2, by issuing the necessary receipt to the clerks of comunidades on one of the duplicates of the inventory referred to in article 137, paragraph 2, and he shall be responsible for

their preservation, by fulfilling all the duties imposed by this Code to the clerks of comunidades as regards the archive of each comunidade.

Art. 136 – The administrator shall order the binding of the books and have copied the texts that are party effaced, ordering the checking of the copies by two experts and they shall certify at the end of the copies, that they are true copies of the originals, authenticating them and preserving the originals along with the copies in the general archive.

Art. 137 – The general expenses of the archive shall be borne out of the general administrative funds but, each comunidades shall pay for the binding expenses as well as of copies of books, honorariums of the experts and the wages of the clerks recruited by the administrator for the purpose of making copies.

§ 1. As and when the books, files and papers, referred to in the sole paragraph of article 133 are sent to the general archive, a record should be made in the inventory of each comunidades mentioning the note by which they were sent.

§ 2. In the first fortnight of April, in each year the president of the managing committee, the attorney and the clerk of the comunidades,

forming a commission, should sort out the books, closed files and papers which, under the terms in sole paragraph of article 133,
should be sent to the general archives and the clerk shall send them to the administrative office before the 30th of the same month, accompanied by an inventory, in duplicate, signed by all the members of the committee.

§ 3. The failure to comply with what is contained in preceding paragraph, the president of the committee, the clerk and the attorney of the comunidade shall be liable to pay each one a fine of 300 $, by order of the administrator.

§ 4. The administrator of comunidades who proves to be negligent in awarding penalties referred to in preceding paragraph shall be punished with a fine of 600 $.

Art. 138 – In addition to the duplicate of the partial inventories of each comunidade, the general archives shall have its own general inventory, organized by the conservator and approved by the administrator, after checking its accuracy.

Art. 139 – All the provisions of this Code regarding the archives of the administration office and those of comunidade shall be applicable to the general archives.

Art. 140 – The certified copies of general archives shall be issued by the secretary of

administration office, without requiring any order and the emoluments shall be normal ones.

Art. 141 – The staff in charge of the works have competence to:–

b) Assist in the inspections for taking provisional or definite charge of works, in cases where it is within the powers of the administrator to do it, in accordance with this Code;

c) Oversee and check the execution of all the services and works, whether ordinary, extraordinary or urgent, by his own initiative or when ordered by the administrator;

d) Assist the administrator in matters within his area of expertise.

Art. 142 – The assistant engineer (apontadores) shall assist the engineers in all the services for which they are responsible and shall execute the routine work of the technical sections as ordered.

Art. 143 – In the talukas of Ponda, Mormugao, Bicholim, Sanguem, Canacona, Quepem & Pernem, the functions of technical person of the works shall be performed by the head of office or head of technical section of the respective municipality being entitled to draw the gratuity mentioned in the attached map No. 2-I.

Sole § In the absence of the head of office or head of the technical section of the Taluka, any technical person may be entrusted with the study or elaboration of the projects.

Art. 144 – The works of the comunidades may also be studied by the heads of the agricultural divisions and by the technical person of special brigades appointed by the Government.

Art 145 – The filling up of the post of secretary of administrations of comunidades shall be made through a competitive practical examination among the first class auxiliaries and first class clerks of comunidades with a minimum of two years service in the respective class and a good service report. The admission to the examination shall be based on production of the document in proof of the referred service.

Sole § The examination will cover the following:–

Written examination of the duration of 3 hours:

a)Drafting of a report or proposal over a given subject;

b)Knowledge of matters dealt with in the Code of Comunidades, the Overseas Organizational Law, the Statute of State of India and the Overseas Civil Services Statute;

c)Elementary mathematics and accounting of comunidades. Oral test: with the duration of 15 minutes.

Questions over the matter referred to in item (b) of the written test.

Art. 146 – The posts of auxiliaries of 1st class shall be filled up by a competitive examination among the 2nd class auxiliaries and 2nd class clerks of comunidades, with a minimum of three

years service with good service report in the respective class and the admission to the examination shall depend on production of a document in proof of the referred service.

Sole § The examination shall be based on the same program indicated for the examination of 1st class clerks of comunidades.

Art. 147 – The filling up of posts of 2nd class auxiliaries shall be made through a competitive examination among the 3rd class clerks and comunidades' clerk of the 3rd class, with a minimum of three years service with good information report in the respective class.

Sole § The examination shall cover the same matter established for the 2nd class comunidade clerks and a typing test.

Art. 148 – The posts of 3rd class auxiliaries shall be filled up through a competitive practical examination, under the terms prescribed in article 95 for the 3rd class clerks of comunidades.

Art. 149 – The competitive examinations referred to in the preceding articles shall be announced by and conducted at the Directorate of Civil Administration, in accordance with article 95, and those that follow this Code.

Art. 150 – The posts of bailiffs shall be filled up through a competitive procedure conducted in the respective administration office and it shall be based on documents produced, the minimum qualification shall be the 4th standard of primary education in Portuguese.

Art. 151 – The posts of foreman shall be filled up on contract basis under the terms applicable to the services contracts in the State, through a competition based on documents produced. It will be conducted by the Directorate of Civil Administration.

§ 1. The minimum qualification for admission to this competition is the completion of a course of the civil engineering technician or equivalent qualification.

§ 2. The selection panel for the competition shall comprise of two members appointed by the 52[Government], and the Director of Civil Administration shall be its chairman.

Art. 152 – The posts of assistant engineer (apontadores) shall be filled up on contract basis, through a competitive examination as per the terms established for the filling up of similar posts in the Municipalities.

Sole § The selection panel shall comprise of the technical officer for works and the head of the technical division of the municipality under the chairmanship of the administrator.

CHAPTER IV

Governor-General

Art. 153 – 53[Government] is empowered to:

1.Appoint, contract, promote, transfer, retire and dismiss administrators and employees of the administration office and of the comunidade, in accordance with the law;

2.Exercise disciplinary action on the administrators and the personnel referred in the previous number, as per law, and grant them leave;

3.Appoint and dismiss the effective and substitute presidents of the managing

committees, dissolve the elected part of them, and appoint suitable persons to replace them, in terms foreseen in this Code;

4.Approve urgent expenses in terms of article 65;

5.Authorise the meetings of the comunidades in the seat of the administration office and direct the administrator to attend the meetings, where they are normally held;

6.Authorize eventual or unforeseen expenses in excess of 1500$ and the extraordinary expenses approved by the respective comunidade;

7.Compel the comunidades to use the technical means necessary for the maintenance of the paddy fields of one or two crops and to cultivate the uncultivated lands suitable for cultivation;

8.After hearing the comunidades, to order the acquisition of machinery and tools that facilitate and improve agriculture, the rational use of fertilizers and experiment new crops and the creation of new artificial pastures for the feeding cattle;

9.Grant [54][emphyteusis[, authorize the exchange of the land of comunidades and order its reversion;

[55][9A. Grant approval to the Comunidades to withdraw, admit or compromise any legal proceedings;].

10.[56][Grant long time leases]

11.Grant extension of period for the utilization of the lands granted on emphyteusis;

12.Grant rebate – (quita) to the lease holders of the paddy fields;

13.Authorize the payment, in instalments, of the dues to the comunidades;

14.Decide the complaints and appeals against the decisions of the administrator in non-contentious matters;

15.Wind up the insolvent comunidades which are in the conditions mentioned in the article 178;

16.Exercise all the powers conferred in this Code;

17.After hearing the Government Council, to approve the budgets of income and expenditure of the administration office of comunidades and of the Pension Bank (Caixa de Aposentações).

18.And, in general, to take cognizance of all the acts of the administrator of the comunidades, in matters which are not within the cognizance of the Administrative Tribunal or by common courts.

[57][19. To make rules for carrying into effect the provisions of the Code.]

58[20. To direct the Administrator of the Comunidade, without prejudice to any other remedy provided by law, to recover such amount or sum due, if any, from the Comunidade as arrear of land revenue and for this purpose the Administrator thereof may forward' to the Collector a certificate as early as possible in the prescribed

form mentioning, the sum due from such Comunidade and requesting that such sum may be recovered as if it were an arrear of land revenue.]

-------45--------

CHAPTER V
Administrative Tribunal

Art. 154 – The Administrative Tribunal is empowered to:–

1. Decide on appeals filed against the decisions of the administrator of the comunidades in non-contentious matter, as well as on those which pertain to the balance sheet of the annual income and expenditure of the comunidades;
2. Decide on the irregularities of the auctions of the comunidades, either noticed or informed by the administrator or alleged in complaints filed by private parties, in terms of this Code;
3. Grant permission to the comunidades to file suits in accordance with article 9, save in what is provided in the article 353, paragraph 3 of article 380 and article 388 and article 305 of the Portuguese Civil Procedure Code to withdraw, admit and compromise, as well as authorize the respective expenditure;
4. Decide complaints against the acts of the comunidades on the matters regarding derramas, easements, distribution of waters, usufruct of fallow lands or groves and of common pasture, save when it is related to the cases of verification and assessment of compensation;
5. Confirm the judgment of uncollected debts and annulment of dues to the comunidades and pronounce judgment on the questions of prescription;
6. To examine the annual accounts of the Pensioners‘ Bank (Caixa de Aposentações).

CHAPTER VI
Pensioners’ Bank

Art. 155 – The employees and agents of the comunidades and of the administrative office are entitled to a retirement pension paid through the Pensioners‘ Bank, on the same terms as admissible to the public servants.

Art. 156 – The Pensioners‘ Bank (Caixa de Aposentações) shall have its head office in Panjim City of Goa and branches in the administrations offices of the comunidades of Salsete and Bardez and in the talukas where there exist comunidades.

Sole § When the Pensioners‘ Bank does not have sufficient funds for the payment of pensions, the difference shall be made good by all the comunidades by way of advances in proportion to their income.

These advances constitute a debt against the Pensioners‘ Bank which shall pay to the respective comunidades soon after it is in condition to repay.

Art. 157 – All the employees mentioned in article 155, shall have to enrol themselves as members of the Pensioners‘ Bank and pay the pension contribution as fixed in the article 439 and its paragraphs of Overseas Civil Service Statute (Estatuto do Funcionalismo Ultramarino).

Art. 158 – The enrolment of the members mentioned in the preceding article shall be made within thirty days from the date of appointment, by the secretary of the administration office of the comunidades of Goa, in a special book. This shall be made independent of any

-------46--------

authorization.

Art. 159 – The funds of the Pensioner‘s Bank shall be deposited in the safe of the respective administrative office, but shall be kept separately.

Art. 160 – The incomes of the Pensioners‘ Bank comprise of:–

1.The monthly contribution of the members;

2.The proceeds of the fees collected by the administrative offices;

3.Any legacies (legados) in favour of the said Pensioners‘ Bank;

4.Any amount which prescribes in favor of the said Pensioners‘ Bank;

5.Interests on loans given;

6.25 per cent of the proceeds of zonns and the dividends of the shares prescribed. The 59[Government], however, soon after he satisfies that the fund of Pensioners‘Bank had reached a level of 4.800.000$, he shall direct reversion to the respective comunidades, of the amount of 50 per cent of the said percentage stated above;

7.Any other eventual revenue.

§ 1. Whenever the Pensioners‘ Bank has funds available, it may grant loans to the private persons and to the comunidades, in the former case with guarantee by way of shares of the comunidades and of the gold and silver or mortgage of rustic and urban properties, without prejudice to the amount necessary for the payment of pensions.

§ 2. The loans to the comunidades shall bear the interest of 2 per cent interest, when they are meant for works of agricultural development and improving of its properties or acquisition of machinery and agricultural tools. In other cases, as well as for private persons, the interest shall not be less than 3 per cent, for loans less than 8.000$ and 2.5 per cent for the loans of higher amount.

§ 3. The loans of a sum not higher than 8000$, repayable within the period of one year, can be made by a private declaration and renewed for equal periods, if the borrower pays the interest due, punctually.

§ 4. The loans of amount higher than 8000$ shall be made by public deed, with prior authorization of the Governor-General.

§ 5. The Government shall regulate what is contained in the preceding paragraph.

Art. 161 – The expense of the Pensioners‘ Bank comprises of:–

1. The pensions of the retired employees;

2. Other expenses inherent to the functioning of the Bank.

Art. 162 – The writing of books and accounts of the Pensioners‘ Bank and its branches shall be under the charge of the secretary of the respective administrative office.

Art. 163 – There shall be five books for maintenance of accounts of the Pensioners‘ Bank: the <Catalogue Book>, for the enrolment of the members, one of <Income and Expenditure Book> for entering the annual budgets, one <Cash Book> for the cash movement in the safe,

-------47--------

one of <Current Accounts Book>, for the current accounts of all the employees and agents, in active service and retired, and one of < Sundry Declarations and Reports Book > for maintaining the record of the seizure or remission and any others.

§ 1. The branch of the Pensioners‘ Bank shall have a Cash Book, to register the movement in the safe in their charge and one the Current Accounts Book of the retired employees who may have to be paid by the branch.

§ 2. All the books referred to in this article and the preceding paragraph shall be signed by the administrator of comunidades of Goa and the respective terms of opening and closing should also be signed by him.

Art. 164 – The ordinary budget shall be prepared annually, during the month of October, by the secretary of the administrative office, where the Pensioners‘ Bank is located and shall be approved, on the recommendation of the administrator, by the Governor-General, after consulting the Government Council.

Art. 165 – The Current Accounts Book, which is yearly, shall be prepared by 15th October of every year and in it shall be entered the credits and debits of all the creditors and debtors of the Pensioners' Bank as per the model No. 29 attached to this Code.

Art. 166 – All the movement in the safe shall be entered in the Cash Book, the deposits of the money on the left hand page and the payments in the right hand page, the latter being signed by the individuals receiving the money and the opening and closing notes of the safe signed by key holders as per model No. 26 attached to this Code.

Art. 167 – The Pensioners' Bank shall send to its branches a list of the retired employees to be paid by the respective branches.

Art. 168 – In the case when there is a deficit in the ordinary budget, such a shortfall shall be shared by all the comunidades, in order to enable the Pensioners' Bank to fulfil its responsibilities and the secretary of the administrative office shall forward to its branches, with the administrator's signature, the notes indicating the contributions that the respective comunidades are required to advance and the branches in their turn, after collecting these contributions from the comunidades of the respective taluka, shall forward them to the Pensioners' Bank after deducting the charges due on the same.

Art. 169 – If, after sharing the shortfall referred to in the preceding article, there are new charges resulting from retirement of new staff members or any new expenses, there shall be a new adjustment in the distribution or a supplementary financial contribution 60[derrama] shall be asked and which shall be paid immediately by the same comunidades.

Art. 170 – The branches shall send to the Pensioners' Bank by the 5th of each month, by postal order, the amount collected by them in the preceding month, that is to say, the excess of the income over the expenditure.

Sole § The same branches shall send on the same date, a statement of monthly movement of the respective income and expenditure, in order to enable the head office of the Pensioners' Bank to organize its current accounts.

Art. 171 – For the purposes of No. 6 of Article 154, the accounts of the Pensioners' Bank shall be processed and sent by the respective secretary, to the Administrative Tribunal along with those of the general safe.

-------48--------

Art. 172 – All the monies which exceed the total of the payments to be made at the Pensioners' Bank and its branches shall be deposited in said Bank known as 61[~~Caixa Economica de Goa~~ Cooperative Bank or where such Bank is not in operation, in the Post Office Savings Bank as the case may be].

CHAPTER VII

Comunidades in default

Art. 173 – Comunidade in default is the one whose members have deserted its administration or is unable to pay the dues.

Art. 174 – Whenever it is found that there are comunidades in the conditions described in the preceding article, the administrator shall convene the respective members, for a meeting in the administration office, if there are five or more in number, in order to deliberate whether it is convenient for them to take up the management of the same comunidades.

Art. 175 – The meetings shall be called by notices published in the Official Gazette and one newspaper published in the seat of the taluka or, if not possible, in the capital, and affixed to the door of the administration office and of the temples of any religion or at other public place of the area of the comunidades.

Sole § If the number of the members is less than twenty and all of them are residents of the taluka, the meeting shall be called by notice and the public notices will not be required.

Art. 176 – When half plus one of its total number of members are present, they shall deliberate, by majority, whether or not it is convenient for them to take on the management of the comunidades.

Art. 177 – If they deliberate to assume the management, the administrator shall inform the Governor-General about it.

Sole § Once the deliberation has been confirmed by the Governor-General and consequently the managing committee has been constituted, its management shall be handed over to the said committee, continuing henceforth the comunidades to be administered in the same way as the others, observing the rules established in this Code.

Art. 178 – If the members fail to meet or after meeting, they declare they do not want to take on the management, the administrator will take charge of its management.

§ 1. To such management, the rules prescribed in this Code are applicable and the administrator shall perform the functions of comunidades and of the managing committee.

§2. The collection of revenues and the credits of the comunidades shall be adjudicated annually, by public auction.

§ 3. The administrator shall appoint an attorney who shall represent the in default comunidades and such appointment should be made from among the five major interest members, if available.

§ 4. In the event foreseen in the body of this article, if the incomes of the comunidades are not sufficient to meet the expenses and the respective members do not guarantee the payment of the annual shortfall, the Governor-General shall order the extinction of the said comunidades.

§ 5. If the members guarantee payment of the annual shortfall and the same is not paid at the end of each year, a current account will be issued against the responsible for the same and if the non-payment is continued for two consecutive years, the Governor-General shall order the extinction of the comunidade without hearing the same.

Art. 179 – In the comunidades whose extinction had been ordered, in terms of preceding article, an inventory shall made of its properties, following the provisions of Article 209 and the following ones. However the inventory shall be dispensed with when the income of the comunidade is below 3000$.

At the same time the clerk of the comunidades shall prepare a list of the income not derived from the properties, whatever may be its origin, declaring the source of each item.

In the same manner another list shall be prepared of the charges on the comunidades which constitute an obligatory item of its annual expenditure, comprising all its debts.

These two lists shall be presented to the administrator alongwith the books, on which they were based for their preparation and the administrator shall have them checked and, if he finds them in order, he shall approve them, otherwise he shall order their correction.

Art. 180 – On completion of the work, referred to in the preceding article, the sale of the properties and other revenues shall be announced, observing in the auction the provisions of the Code of Civil Procedure, – (Codigo de Processo Civil) in whatever is applicable.

§ 1. The bidding price, by which the properties shall be auctioned, is the one indicated in the Register I – (Tombo 1), to which twenty annuities of the charges variable and invariable, indicated in the same register, shall be added, and the price of other revenues shall be the sum of twenty annuities or instalments.

§ 2.The sale shall start with these revenues.

§ 3.The properties shall be auctioned free of charge or encumbrances.

§ 4. Only the revenues and properties shall be sold in auction, the price of which, determined by way of auction, is sufficient to redeem the expenses as per the list referred to in the third period of Article 179.

Art. 181 – With the proceeds of the sale, the remission mentioned in the paragraph 4 of previous article, shall be effected and the remaining properties or revenues shall be given to the members for them to divide in the proportion to their rights.

§ 1. If the majority of the members prefer the sale of all the properties, this shall be done, and the funds that remained, after paying off all the debts, shall be distributed among them, according to each one's right.

§ 2. If the comunidade does not have members, all the assets shall be sold and the proceeds that remain, after paying the debts, shall be deposited in the said Bank [62][~~Caixa Economica de Goa~~ Cooperative Bank or where such Bank is not in operation, in the Post Office Savings Bank as the case may be in favour of the Pensioners' Bank.

[63]**[Art. 181-A.—** (1) Notwithstanding anything contained in this code, in the event a Comunidade is unable to hold election of the members of managing committee within the time limit specified in article 47 due to non-constitution and non-deliberation of the Comunidade as per the provisions of article 34, the administrator shall after holding such inquiry as he deems fit declare such Comunidade as 'comunidade in default' by issuing an order upon expiry of 60 days from the date of such time limit as specified in article 47.

(2)The Order issued under clause (1) shall be intimated to the concerned Comunidade and also be published immediately in the Official Gazette within 15 days of its issuance and Administrator shall immediately submit a copy of the Order to the Government. Cost of publication in the Official Gazette shall be paid out of funds of concerned Comunidade.

(3)If any component of such Comunidade is aggrieved by such order then he may file an appeal to the Government within 30 days from the date of publication of such order in the Official Gazette.

(4)The Government shall, after hearing appellant and the administrator, decide the appeal as expeditiously as possible and within 60 days from the date of presentation of such appeal and the decision of the Government thereon shall be final.

(5)Upon issuance of the Order of the administrator under clause (1), and subject to decision of the Government under clause (4) in appeal, if any, the Government shall appoint an officer of the rank of Mamlatdar/ /Jt. Mamlatdar to be a custodian for the concerned Comunidade for the respective triennium.

(6)The custodian appointed under clause (5) shall exercise all powers and discharge all functions and duties of the managing committee of such Comunidade under the Code.

(7)Against any decision of the custodian appointed under clause (5), a component of such Comunidade may prefer an appeal to the respective administrator as if such decision is of a managing committee and all the provisions as applicable to such appeals shall apply to appeals under this clause.

(8)Any decision relating to any matter which need to be brought before the Government for prior approval in terms of article 31, shall be applicable to every such decision of the custodian.

(9)Notwithstanding anything contained in this Code, the Government shall have power to, either suo moto or otherwise, review a decision of the custodian, or the decision of the administrator in appeal against a decision of the custodian under clause (7):

Provided that if the Government exercises such suo moto power, the administrator shall not consider any issue arising out of such decision of the Custodian which the Government, is seized of or has decided:

Title II
Operations of the comunidades and their procedure
CHAPTER I
Qualification of the members

SECTION I
Of primary enrolment of the zonnkars

Art. 182 – The primary enrolment provided in Article 21 will be open from 1st to 31st May

-------51--------

each year.

Sole § Any interested party may, however apply for his primary enrolment after this period, at any time of the year, on payment of fees of 6 $ for each primary enrolment, which fee shall be reverted totally in favour of the Pensioners'Bank.

Art. 183 – Whoever desires to have his name in the book of primary enrolment shall present to the clerk of the respective comunidade the documents in proof of the following:-

1.That has the capacity to be a zonnkar as per number 1 of article 20;

2.He had completed within the period indicated in the preceding article, the age required by the statutes of the respective comunidade to be entitled for any kind of zonn or the age of 21 years, if not fixed in the statutes.

The proof of age shall be made by producing a certificate from the Civil Registrar or any other legal document substituting the same.

Art. 184 – In the comunidades in which, as per its statutes, the orphans of the zonnkars are eligible to get the zonn on the death of their father, before attaining the age set for being entitled for the same, in their own right, such orphans themselves, when aged 14 years or more, or by their representatives, when they are of lesser age, shall apply for the inscription, by producing before the clerk of the comunidade, at the appropriate time, a certificate identifying their parents and the certificate of the death of their father.

Art. 185 – The widows of zonnkars without male heirs succession and the unmarried daughters of the same, orphans of parents, who may not have full brothers in the comunidades in which, as per the statutes, are legible for some part of zonn or a life pension, during the widowhood or during the period when they remain unmarried, they should apply for their inscription by producing to the clerk of the respective comunidade', the following documents:The widows: death certificate of her husband and document of the respective parish priest or the managing committee of the village or of the functionary in-charge of the parish (regedor) proving that she has no male heir;

1.The unmarried daughters: birth certificate or any other document substituting the same and of the death of her father, and certificate that he did not have any son, true brother of the applicant for inscription.

Art. 186 – The clerk and the attorney of the comunidade, after verifying the authenticity of the documents, shall examine if the name of applicant's ascendant figures in the catalogue, and after finding it, they shall immediately do the inscription in the respective class. This provision shall be applicable to the widows and unmarried daughters mentioned in the preceding article.

§ 1. If the clerk of the comunidade and the attorney are not able to make the inscription on the day that the applicant presents the documents, the said clerk, keeping the same in his§possession,shall issue a receipt to the applicant, mentioning the number and the nature of the documents, and shall advise him to come on any first eight days of June of the respective year to collect the copy of the declaration of inscription or the documents with declaration of refusal, on returning the respective receipt to the said clerk.

-------52--------

§ 2. If the applicant does not satisfy the requirement to be inscribed, as per this article, the inscription shall be refused, handing over to him on the same act or on the day that may be fixed, in terms of preceding paragraph, a note giving grounds for refusal, written and dated by the clerk of the comunidade and signed by him and by the attorney. Based on this note the affected person may file an appeal to the administrator within the next ten days.

§ 3. If the attorney and the clerk do not agree with the inscription, as applied the matter will be resolved by the managing committee and, in this case, instead of the note of refusal, the applicant shall be given a copy of the respective minutes, mentioning the date of handing over issued by the clerk of the comunidade with which he may file an appeal to the administrator within the next ten days.

§ 4. The inscription made shall be displayed in the meetings hall during the first fifteen days of the month of June for the examination by the members.

§ 5. Any member may appeal to the administrator, within the period of ten days, against the inscription unduly done, requesting the exclusion of the inscribed person, and the administrator, after hearing the person concerned, the clerk of comunidade and the attorney and after attaching to the file the copy of the declaration of inscription and the document on which it was based, shall decide the matter according with the law.

§ 6. The power given to the clerk of the comunidade and to the attorney to do the inscription is restricted only to the cases when in the catalogue the name of father or grand-father of the applicant figures.

Art. 187 – In cases not specified in paragraph 6 of the preceding article, application for inscription can be made at any time of the year to the administrator, who shall prepare the case file as per the procedure laid down in article 390 and following ones, with the intervention of the comunidade. Documentary evidence and, in its absence, judicial qualification may be accepted.

Art. 188 – In case there is any objection against the inscription of any member, he may enjoy his rights and obligations as from the date when the decision becomes res judicata.

Art. 189 – If the objection, in connection with the inscription, is upheld the interested party may lead further evidence in the same file or renew his application.

Art. 190 – It is within the jurisdiction of the administrative tribunals to decide the questions relating to qualification or local stand of applicants seeking inscription but it is for ordinary court of law to decide all the questions involving third party or the comunidade either against the applicant or against member itself

Art. 191 – The provisions of paragraph 1 of article 22 are applicable to the widows, orphaned sons and unmarried daughters of zonnkars, who under the terms of Articles 184 and 185, may have right to any part of zonn, annuity or pension.

Art. 192 – After the inscription is done as per the model No. 6, a copy of the inscription document of the same, shall be given to the interested party, when applied by him.

§ 1. The inscription document shall contain the corresponding serial number, name, affiliation, age, place of birth, address and quality of the registered person and finally, the designation of the number of the bundle in which the documents are kept filed in the comunidade‘ or the reference to the book or public notary from where they were obtained.

-------53--------

§ 2. The inscription document shall be dated and signed by the clerk of the comunidade and the attorney, as well as by the member who had applied or by two witnesses when the applicant do not know to write.

SECTION II

Annual enrolment of zonnkar

Art. 193 – Every year, during the period prescribed in the article 182, there shall be annual enrolment of zonnkar, as well as widows, sons and daughters who may have interest in the comunidade, as provided in Articles 184 and 185, upon production of their existence till the 30th day, inclusive, of the previous month of April.

§ 1. The following are competent to issue life certificates.

The administrative board of village, (Junta de freguesia), functionary in charge of parish, (regedor), parish priest, consular agent, missionary and administrators of taluka and of comunidade.

§ 2. Instead of producing the certificate mentioned in the preceding paragraph the applicant himself may sign, within the period prescribed above and his signature may be certified by the Notary or by the clerk of the respective comunidade as well as by a declaration of the parents, spouse or son of the interested person or, in the absence of the same, by any member of respective comunidade, which declaration shall be drawn up before the clerk of comunidade, in the presence of two witnesses, who shall also be members of the comunidade.

§ 3. However, the necessity on production of the documents, referred to in the preceding paragraph, is dispensed with when the member appears personally which per se is sufficient for the registration, if he is known to the clerk or to the attorney of the respective comunidade or to two members who guarantee, on their own responsibility, based on the declaration signed by them, along with the interested person and which shall be filed.

§ 4. The annual enrolment shall be done in accordance with the model No. 7.

§ 5. The provisions of paragraphs 2 to 5 of article 186 shall apply to the annual enrolment.

§ 6. From the refusal to the annual enrolment, or its irregularity or omission or to the annual enrolment wrongly done, complaints and appeals, as established for the admission can be filed.

Art. 194 – The zonnkar once primarily enrolled, who fails to take steps to get annually enrolled get registered for a particular year, cannot receive the income of his zonn in respect of that particular year, he can however receive that income in any other year in which he has been annually enrolled, provided the claim in enforceable.

Sole § In the case foreseen in this article and also in the Article 187, the clerk of the comunidade shall set apart in the statement of the income and expenditure of the year of registration, the amount of the incomes accrued in order to be paid to the creditor zonnkar.

Art. 195 – In the case of death of a zonnkar without having been registered, his duly qualified heirs, within the period of one year from the date of death, may receive the income accrued in the previous years, without prejudice to the provisions of paragraph 3 of Article 21.

Sole § In this case the comunidade clerk shall, also proceed in terms indicated in the sole paragraph of preceding article.

-------54--------

Art. 196 – The orphaned sons, unmarried daughters of the zonnkar and their widows shall not be able to make periodical enrolment in the year of the death of their parents or husbands if the latter died after receiving the income of zonn in respect of that year.

Art. 197 – In the comunidade where there is a deficit, the registration of the member shall be made by the clerk of the comunidade**,** on his own initiative, and he shall inform, in writing, of the same to the interested persons, after observing the rules of this section.

Art. 198 - By the 30th June each year, the clerk of the comunidade shall send to the administration office the primary enrolment and annual enrolment books for approval.

SECTION III

Inscription of share-holders

Art. 199 – The inscription of share-holders, as prescribed in paragraph 1 of article 22, shall be done in the respective *comunidade*, by fulfilling the following:

1. The person asking for inscription shall submit to the clerk of the comunidade a certificate, issued by the secretary of the administration office, countersigned by the administrator, that one or more shares of the same comunidade are endorsed in his favour as his property, or else submit the actual share certificate itself with a note signed by the administrator.

2.The clerk of the comunidade shall examine if the shares transferred are included in the inscription book in the name of the transferor‘s name, and only then, after cancelling this inscription in the transferor, in all or some of the shares, as the transfer was made in full or in part, shall inscribe the name of the applicant as possessor of the shares according to the certificate or title presented.

3.If in the book of inscription of the shares, the name of the transferor is not found recorded, the request for registration shall be refused, and a note of refusal shall be given to the applicant, and based on it, he can file an appeal to the administrator.

Art. 200 – The inscription of the share-holders may be done at any time of the year, but on the last day of the month of May of each year, the clerk of the comunidade and his attorney shall close the inscription book, adding up the shares which upto that date were registered and after checking the sum, with the total number of the shares of the comunidade, as indicated in the map No. 8, he shall satisfy if the register is in order and thereafter, sign the closing declaration in the register.

Art. 201 – By 30th day of June of each year, the clerk of the comunidade shall send to the administration office the book of inscription of the share-holders, for approval.

SECTION IV

Inscription of pensioners and participants

Art. 202 – The annual fixed pensions, known as 64[acas], 65[formás], 66[votonas], 67[tainatas] and others that the comunidades pay to the individuals, as well as to the participants, referred to in the No. 3 of Article 2 shall be inscribed, applying to the administrator by attaching to the petition the documents confirming the transfer.

Art. 203 – The pensions and holdings that are inscribed in a name different from that of the transferor or of the one representing him, shall not be inscribed in the name of the applicant

unless, by a judicial decision, that has become res judicata, it is proved that the applicant‘s right to them has been confirmed, in which case the inscription shall be made.

Art. 204 – The inscription cannot be effected when the person, in whose name the pensions or holdings are inscribed, have transferred them, with reservation of the usufruct, and if the propriety is transferred to one person and the usufruct to another, firstly the enrolment will be made of the usufructuary, declaring this capacity. The inscription, in the name of the owner should be made only when the ownership and usufruct right vest are merged in

Art. 205 – The provisional inscription in the name of the head of the family, is permitted by proving this status with a certified copy of the inventory that is in progress, and in the name of a head of a joint hindu family by producing authentic document of the joint family it being legally formed.

Art. 206 – After the application is accepted, the claim for the registration shall be announced in two successive numbers of the Official Gazette, calling for objections against the same, within sixty days from the second publication.

§ 1. After the period of sixty days, any representation or the negative certificate, as the case may be, shall be attached to the application, and the clerk of the comunidade and the managing committee shall be heard.

§ 2. As per the material on record, the administrator shall decide the claim.

§ 3. These inscriptions shall be done in special books which the clerk of the comunidade shall send to the administration office by the 30th day of June of each year for approval.

Art. 207 – The provisions contained in sole paragraph of article 418 shall be applicable to the registrations referred to in this section.

CHAPTER II

Registers (Tombos)

SECTION I

Register 1 (Tombo 1)

Art. 208 – The register. 1– (Tomb I) is the cadastre of all the properties of the comunidades mentioned in map No. 1, and the description of the sources of other revenues, not connected to private land.

Art. 209 – It is obligatory in all the comunidades, whenever necessary, to organize and reorganize, the Register 1 of the properties, known as Tombo‘ 1, which shall be carried out in the shortest possible time, according to the following numbers:

The paddy fields, with the exception of those mentioned in article 325, shall be divided in lots, whose area generally shall be of 0.5 ha. to 1 ha., save where special circumstances advise that some larger or smaller lots are advisable. The hilly properties need not be divided into lots or may be divided into lots of area higher than 1 ha. whenever the nature of the land and the system of cultivation justify;

-------56--------

Maps shall be prepared of all the rustic land of the comunidades, showing independent property units and the lots into which each property is divided. All the lots and the building properties shall be duly enumerated, named, demarcated, bounded, measured and valued, with all the necessary and indispensable indications to establish its identity and indications, which will be reflected from the map and in the register of the surveyor (model No. 9), which shall accompany the maps where all the lots shall be numbered in each maps records with the number which shall correspond to the one in the general numbering of the properties of the comunidade;

The denomination of the lots, shall not, generally differ from the actual names used, which shall only be changed or added to, when necessary for the better identification of each individual property;

The demarcation of the properties shall be done by the comunidade, for which the comunidade shall solicit the supply of boundary stones by way of auction, preceded by the estimate duly approved by the administrator.

The boundary stones shall be of solid stone and of two types: the first type meant for demarcation of the perimeter of each independent property, shall constitute of rectangular parallelepipeds having 0.80 metres of height and 0.22 metres of width on each side; others, meant for interior demarcation of lots, shall be of the same kind, having however, 0.50 metres of height by 0.22 metres of width, whenever possible. In the firm land as of the hilly places, the dimensions in height can be reduced, which shall be indicated in the clauses of the auction; in loose soils, such as sandy land, the heights may be increased;

The survey of each property shall be done numerically, so that one or more boundary stones of its perimeter can be easily indicate on the ground, by references to fixed and permanent points. Whenever possible, this reference shall be in relation to trigonometric points or points that shall delimitate each village, and whenever, at the time of the survey, if the perimeter map of the village map is available, the position of the map drawn should be shown in that map. The result of the measurements shall be expressed in units of the decimal metric system. In the area of each lot, fractions of the square meter shall be rejected, and in dividing lots, use should be made, as much as possible, of straight alignments.

The valuation of lots of regular productivity shall be done in such a way that the net annual income of each of them, previously calculated, corresponds to 4 per cent of the respective value, and the net revenues shall be computed in the following manner: after calculating the output of the portion of land correspondent to the quantity of the seed that the land will take, as per the nature of the soil. This is to be converted in cash, on the basis of the respective average price for the cereal cultivated during the last five years. Thereafter, the production expense is then set at 35, 40 or 50 per cent, according to the nature of the soil. While preparing

the Register 1 - (Tombo 1), various charges and expenses referred to in the article 216 and its paragraphs shall be deducted from these net revenues;

The valuation of the lands meant for the cultivation of pulses shall be done considering the number of years left fallow, and regarding those which are deteriorated and uncultivated, they shall be valued on the basis of the area and productive capacity of the soil;

The production of the coconut groves shall be calculated as per the number, nature and quality of fruit bearing trees existing in them. The expense of production shall be fixed at 40 or 50 percent;

-------57--------

The valuation of the building properties shall be done so that the annual net income of each of them, calculated by the average of the incomes accrued over the last nine years, corresponds to eight per cent of the respective value;

If in any one or more years, referred to in the preceding number, there has not been any income, the income of –those years will be considered equal to those of the immediately preceding years;

If there has not been any income in all those nine years, then a fair and proper value should be determined to the property taking into consideration the probable expenses of the respective construction, annual repairs and condition of maintenance;

Any income not specified shall be taken into account while fixing the value of the properties;

After all the necessary calculations are done, whilst fixing the value of the properties, the fractions of 6$ should be ignored, adding however 6$ to the whole part of this value, when the fraction part is above 3$.

Art. 210 – In order to carry out the preparation of the Tombo (register of the properties) of each comunidade, a brigade shall be constituted as follows:– one surveyor requisitioned by the administrator from the Directorate of Economic Services, one informer, one measurer chosen by the surveyor and two labourers to carry the instruments and to help in the measurements.

§1. The work to carry the inventory of properties of each comunidade shall not be executed by more than one brigade simultaneously.

§ 2. The appointment of informers shall be made by the administrator, on the basis of a proposal from the managing committee that will suggest a list that contains names, not less than twice the number deemed sufficient, however the individuals suggested should satisfy the requirements indicated in the following paragraph.

§ 3. The informers of each brigade shall be replaced in such a way that to each property or fraction of it corresponds to an informer that have full knowledge of the same, and each of them shall be notified by the clerk of the comunidade, to when their information may be required.

§ 4. The surveyor is bound to bring to the notice of the administrator, in writing, about the incompetence, unsuitability or lack of zeal that he may notice in any of the informers, who attend to the work of preparation of the cadastre (Tombo). Copies of these communications shall be sent to the Directorate of Economic Services.

§5. All the works of preparation of cadastre shall be supervised by the director of Economic Services and by the administrator. The technical supervision over these works shall be of the exclusive responsibility of the former or of the heads of the competent departments of the same Directorate.

Art. 211 – The personnel indicated in the preceding article shall be assisted in the work of preparation of Register –Tombo‘ by the attorney and by the clerk of the respective comunidade, who shall be required to be present on the site each day whenever his presence is necessary.

-------58--------

As and when convenient, the managing committee may appoint, in substitution of the attorney, a special commissioner to monitor and supervise the work of preparation of the said inventory. This appointment shall be approved by the administrator.

§ 1. It is the duty of the attorney or of the specially appointed commissioner to:

Represent the comunidade during the preparation of the inventory of the properties, safeguarding the interests of the comunidade, avoiding by means at his disposal that such interests are harmed, supervising on behalf of the comunidade, the same work;

Be present during the placing of boundary stones in the places fixed by the surveyor and to do in such a way that this inventory may be prepared in shortest possible time.

§ 2. It is of the duty of the clerk (escrivão) to:–

Take notes of the complaints, agreements, encroachments, as and when necessary, as per provisions of this Code;

Notify or ask for notification, of the owners of the adjoining properties of the comunidade, to be present at the time of placing the boundary stones of delimitation and to the measurement of the encroachment, if any, and to sign the respective records, failing which it will done in their absence;

Have ready, sufficiently in advance, in order to give to the surveyor at the time of starting the inventory work, or as and when requested, the following information:

A nominal list of all the properties belonging to the comunidades, showing its divisions and sub-divisions;

A list of the auctions notes, with the respective calculations and rent collected during the last three trienniums;

Copy of the mutual rights of the cultivators in relation to irrigation;

Certificate of various charges or encumbrances.

To make, under the direction of the surveyor, all the entries in the inventory register of the properties –Tombo and extract copy of the surveyor‘s record.

Art. 212 – Prior to taking up the inventory of the properties, the same shall be announced in the Official Gazette and in the newspapers of the locality, if any, in order that the owners of the lands, adjoining to that of the comunidade, and as well as those interested in the comunidade, shall be able to follow the process and present any claims that they may have, which shall be duly recorded by the clerk of the comunidade in a special book and decided administratively, when possible.

§ 1. This book shall have the number of pages that are necessary and shall be previously initialled by the administrator or his commissioner, and each one of them shall have, besides the space reserved to record the text of the claim, two columns: one on the left, which shall used to record the sequential number of each claim, the other, on the right, to record the decision.

§ 2. All the claims shall be recorded, as briefly and concisely, as possible and which shall be signed by the respective claimants, by the clerk of the comunidade and by the surveyor (model No. 10).

§ 3. No claim shall be attended for the purpose of administrative decision, unless the respective claimant undertakes to present and does present it in the administration office of the comunidades, within thirty days, from the date when the objection is filed , all the documents that can substantiate his claims.

§ 4. As soon as these documents are presented in due time, the administrator shall examine the evidence in favour or against the respective claim and shall direct the rectification of any mistake that he finds as having been made by the respective persons involved in this work or else by directing that the claimant may use the ordinary means, holding that there is no sufficient evidence.

§ 5. When the administrator recognizes that, in view of the documents presented, or any others, that there has been encroachment of the land, he shall order that this property, or part of the

property in question, be listed in the register of encroachment, in order to proceed in respect of this property or part of it, in the manner indicated in Articles 382 or 385 and following ones.

§ 6. The administrator‘s decision is subject to appeal to the Administrative Tribunal.

Art. 213 – The work of cadastral survey, shall consist of field and office works, the former being conducted in seven months, from 1st November to 31st May, and the second in the remaining five months.

§ 1. The supervision of the work of the survey is the responsibility of the surveyor who shall be the main responsible for its execution.

§ 2. During the time of the field work, the surveyor shall have to carry out the following works:

1.In consultation with the attorney or commissioner and informer and with the assistance of the clerk of the comunidade, he shall indicate, by means of temporary pegs, the locations for placement of outer border stones and also those dividing the lots. This fixing shall be preceded by any topographical surveying for the plans or measurement;

2.To draw the perimetric plans, as per clause 2 of article 209, representing within the lots into which each property is divided;

3.To collect from the field the necessary particulars and clarifications in order to fill up the surveyor register;

4.To make the graphic drawings of the plans and to the value of the area of the lots and of the encroachments;

5.To send every fortnight to the Director of the Economic Services and to the administrator a report showing the area measured, with indication of the boarder maps drawn up, the number of lots, encroachments and the value of the latter, giving at the same time general progress of the work and the manner in which it was carried out by the personnel of the cadastral survey.

§ 3. The period of the field work shall be carried out for six hours a day and shall be executed on all working days.

§ 4. The surveyor shall have his residence close to the place of work. The administrator shall grant him every month the required amount to provide with a lodging in good hygienic

-------60--------

conditions and also provide him with the furniture essential for his office work.

§ 5. The Director of Economic Services and the administrator shall be present when the field work is in progress and whenever they think necessary for the regular checking of the works.

Art. 214 – On the initial days of the field work, it is the duty of the surveyor, alongwith the president of the managing committee and the attorney of the comunidade, to classify the lands coming under article 325 which as such, shall be excluded from the sale or lease, sending the result of this classification to the administrator, who shall give full publicity, so that the residents can make the complaints, if any, against such classification.

§ 1. On the complaints received, the Directorate of Economic Services shall prepare a report for technical purposes, and the administrator shall decide the case after inspecting the land. Against his decision an appeal lies to the Administrative Tribunal.

§ 2. The claims presented thirty days after the date of publication of the classification, shall not be entertained.

Art. 215 – In each period of the field work, soon after the works of demarcation and division of lots are over, with the register of the surveyor being completed in relation to each lot, fresh notice shall be issued, inviting the owners of the adjoining lands and the party that have interest in the comunidades, who may have or not attended the field work, to present within fifteen days, from the second publication of the same notice, any claims that may have to do in relation to the manner in which the survey register have been maintained and organized, the division into lots and the drawings and representation of maps in the field. After that period no

complaints shall be attended to and for this purpose the duplicate of the register shall be made available to the public in the comunidade meeting house and the respective original and the maps shall be displayed in the administration office, during the said period.

§ 1. As regards this complaint, the procedure to be followed shall be also that indicated in the article 212 and its paragraphs and the expenses of the inspections referred to in paragraph 1 of article 214, shall be at the cost of the comunidade, if the objections are in the general interest.

§ 2. During the period fixed in this article, the surveyor shall remain in the administration office, in order to furnish information about any claim or to make necessary modifications in the maps and in the registers, when these claims are upheld.

§ 3. It is the duty of the administrator to issue the notices mentioned in articles 213 and 215.

Art. 216 – Soon after the classification of the excluded lands become final and there are no pending complaints to decide, steps shall be taken to organise and write the book of Register 1, (Tombo 1) which shall contain the name and number of the maps, of the lots or properties, the serial order and perimeter measurement of each one, the boundaries, the type of land, the type of cultivations and special crops and harvest in each lot, the natural or artificial irrigation to be found, the value, the rental, the other charges that they are subject to and all the details that could be obtained, including the improvements that could be made to various lots, separately or in groups, indicating in this last case the lots that may require the grouping for this purpose (model No. 11).

§ 1. The burdens that each lot is subject to, proportionally to the value of each one, shall be mentioned in the Register I (Tombo 1) in two separate heads, comprising: the 1st, the permanent and variable burdens, like the contributions for the assessment and various others

-------61--------

duly authorized; the 2nd, the average of the variable or eventual expenses, such as renovation of sluice gates, bunds and others. The sum of these two items shall be deducted from the amount arrived at, as per clause 7 of article 209, and the remaining shall constitute the net income.

§ 2. The variable or eventual expenses shall be charged, solely, on the lots which take advantage from them, and not on the whole of the field and its average shall be calculated considering similar expenses done in the last nine years.

§ 3. As far as building properties are concerned, the same burdens that presently may have, shall be maintained without any addition.

Art. 217 – The lot or lots that form part of the lands leased for long period shall be recorded in the Register I – (Tombo 1) in the same way as others. However, in respect of each one of them, the period when the lease terminates should be mentioned.

Art. 218 –The work of organizing the Register I - (Tombo 1) referred to in the articles 216 and 217, shall be done during the period of office work by the surveyor who had carried out the corresponding field work.

§ 1. This work shall be executed under the supervision of the administrator of the comunidades, in the respective administration office, with the assistance of the attorney or the commissioner of the comunidade who have accompanied the work of preparing the register of properties.

§ 2. When a period of field work is not sufficient to complete the work of survey of all the properties of the comunidade, the surveyor shall take up in the period following the one designated for office work, the organization of the said Register I (Tombo 1)which shall be compatible with the non-completion of the field work following the formalities designated in Article 215. In this case, soon after the completion of the work that in this period may be executed, the surveyor shall be directed, by the administrator to present it to the Director of Economic Services.

§ 3. When the field work connected with the cadastral survey of a comunidade has been completed, the surveyor shall complete the organization of the Tombo, as per this article, even if he requires more time besides the five months of office work.

§ 4. The maps drawn up, accompanied of the field registers, after being placed for objection to the public, as per Article 215, the same shall be sent to the Directorate of Economic Services to be finally drawn. Copies on paper tela, of the plans drawn shall be sent to the administration office by the Directorate of Economic Services. The comunidades shall pay 6 $ for the final drawing of each plan, by way of compensation for the paper and other articles of drawing. These amounts shall constitute income of the State and shall be paid, on the order of the administrator of comunidades, in the respective treasury offices**,** in view of the sheets sent by the Directorate of Economic Services, through the Directorate of Accounts and Revenue.

Art. 219 – The surveyors, attorneys or commissioners, clerks, informers and measurers shall be paid as per the attached Table.

-------62--------

§ 1. The comunidades shall pay the expense allowances, equal to those paid to them by the State for similar work, besides their respective transport allowance, to the Director of the Economic Services or to the heads of the sections of the respective Directorate, for the days in which they have spent on inspection of the field work connected with the preparation of the said Register.

§ 2. The surveyors shall be entitled to transport allowance, paid by the comunidades, in terms of the regulations of the Directorate of Economic Services.

§ 3. The informers shall be entitled to the allowance for the days in which they were present in the field.

Art. 220 – The surveyors entrusted with the cadastral survey work shall be ordered by the Director of Economic Services to present themselves to the administrators, who had requested their services, to remain under them to carry out the same work, but will not be under them in matters connected with discipline. The administrators shall inform the Director of any faults, if committed by them and report on the zeal shown in executing the works entrusted.

§ 1. The Director of Economic Services shall issue, whenever he thinks necessary, office orders giving precise instructions for the full and efficient functioning of the technical part of the work of cadastral survey work.

§ 2. Once the work connected with cadastral survey work of a particular comunidade is over, the surveyor in-charge of the same shall prepare a report in which, briefly, he should mention the time spent on this work, the manner of its execution, the number of maps drawn up, the number of lots into which the comunidade land have been divided, the total area of such lands, the number, total area and value of the encroachments and other details of the work and general description of the land surveyed, classified according to their nature, its situation and the kind of crops cultivated, so that a precise idea can be made of the territorial domain of each comunidade.

§ 3. Copies of each such report shall be sent one to the administrator and the other to the Directorate of Economic Services.

Art. 221 – At the end, a description shall be made in the Register I (Tombo I) indicating the sources of income of the comunidade not derived from its properties nor related to properties possessed by others.

SECTION II
Register 2 (Tombo 2)

Art. 222 – The Register 2 (Tombo 2) is the detailed list of the properties in comunidades domain which are in possession and inscribed in the name of the private persons (Model No. 12).

Art. 223 – The Tombo 2 referred to in the preceding article, include properties that have been granted by way of aforamentos or are subject for payment of fixed contributions.

Art. 224 – When the organization of Tombo 2 is not prepared, the Register shall be made as per books and other information available in the comunidade and then the interested parties

-------63--------

shall be invited, by way of publication, to make within thirty days, any claim as they deem fit.

§ 1. The claims shall be processed and decided in terms of article 390 and following.

§ 2. The list shall be prepared as per the model No. 12, and without prejudice to the ownership rights of the propriety, which shall be adjudicated in the judicial courts.

Art. 225 – The detailed record relating to Register 2 (Tombo 2) shall be prepared as per the locationwise order of the properties, by a committee comprising of the president of the managing committee, of the attorney, of the clerk and of two members, appointed by the administrator, from among the members of the comunidade.

Sole § The members of the committee, referred to in this article, shall be awarded a special remuneration by the administrator, after consulting the comunidade, depending upon the volume and the importance of the work executed. The grant of this remuneration shall be subject to the sanction of the Governor-General.

Art. 226 – Requests for subsequent mutation of the properties in the Tombo 2 shall be made to the administrator, by application supported by the following documents:

Title proving transmission of domain;

The payment of the [68][siza]whenever payable.

§ 1. The properties registered in Tombo 2 in a name different from the one of the transferor, or of the one who represents him, shall not be mutated.

In the same way those properties, the foro in respect of which and other contribution relating to the last five years are in arrears, shall also not registered save when the defaulter pays the due at the time of mutation.

§ 2. If the property is transferred with reservation of usufruct, the mutation shall not be done; however if the ownership and usufruct are transferred to different persons, the mutation shall be done first making clear reference to his statue as usufructuary and mutation in the name of the owner shall be done only when the ownership is merge with the usufruct.

§ 3. However the property, fulfilling the requirements of the paragraph 1, may be mutated when by a judgement of Civil Court that has become res judicata, either the ownership of the property was acknowledged to the applicant or given mere possession.

Art. 227 – When the total value of the properties involved in favour of a solitary person, either as mandatory heir or legal heir, does not exceed 3000$, and there are no other assets in the state, the mutation shall be carried out if the interested party establishes their local standard, after following the formalities prescribed in the paragraphs 1 and 2 of the article 25. In addition it shall prove the value of the property based on the certificate of the revenue records that the tax was paid and in the event that no name is found in the revenue records, opinion of the president of the managing committee and of the clerk of the comunidade could be a substitute.

Sole § However the public notice, shall be issued making reference to the caption to the detailed record of properties which shall contain, besides the name and address of the transferor, the name of property, its location and properties and its boundaries, name and address of transferring person and the capacity in which transferor so qualifies.

-------64--------

Art. 228 – The mutation of one property in the name of more than one possessor is not allowed, as the mutation of many properties with the foro of all the properties together, is prohibited in the name of one possessor.

Art. 229 – The provisional mutation in the name of head of family is allowed upon proving by a certified copy obtained from a pending inventory, and also in the name of the head of a family society, on production of an authentic document proving that such society has been legally constituted.

SECTION III

Division of property and proportionate division of foro

Art. 230 – The division of properties and proportionate division of foro of the properties mutated or to be mutated in the Register 2 – (Tombo2) is mandatory in the following cases:–

When the property is mutated in the name of many persons and there is no indication as to the foro for each person;

When several properties are mutated in the name of single individual and there is no indication of the foro for each property;

When one part of the property mutated is transferred or the entire property is transferred in parts.

Art. 231 – The division of foro and proportionate division of the properties, in the case of clauses 1 and 3 of the preceding article, shall be made in the following manner:–

1. If the authentic document does not indicate which part belongs to each person, the division shall be made in equal parts, as if all are possessors of the equal part of the property;

2.If the part belonging to each person is a certain share of the whole property, the division of the foro shall be made in the proportion of the shares of all of them;

3.If the share of each person is known and not being a fixed part of the entire property, the interested parties shall agree between themselves on the division of the foro.

§ 1. Only in the case of the clause 3 the managing committee shall be heard and, when it agrees with the division made, the foro for each part shall be that fixed by the interested parties.

§2 If the interested parties fail to reach an agreement between themselves on the division of the foro, or the managing committee does not agree in the effort made by the interested parties, the said committee shall propose the share to be borne by each part, and the administrator shall determine the share of foro to be assigned to each part of the property, when he is able to get the information regarding the value of each fraction.

Art. 232 – The division of foro and proportionate division of the properties in the case referred to in clause 2 of article 230 shall be made in the proportion to the value of each property, by applying to each of these the share that is due, according to his value.

Sole § The value of each property shall be fixed in accordance with Article 227.

Art. 233 – The documents required to effect the division of property and proportionate division of the foro shall be produced by the interested parties and, when they fail to do so and foro is needed to be separated to regularise the Tombo 2, those documents shall be officially obtained by the clerk of the comunidade and its cost charged on the same interested parties in its current accounts to be collected in execution proceedings, as per Title V, in case they do not pay voluntarily.

-------65--------

Art. 234 – After the division of foro is done in the manner indicated in the preceding articles, the share due to each part in the property or in each property, shall be increased by 5 per cent, and rounded up or down to the nearest centavo resulting from the operation, and once increased it shall remain as a charge in future on the parts or properties whose foro has been separated.

§ 1 The increase of five per cent affects not only the part or the properties transferred by a possessor, but also the other part or the other properties that continue registered in the name of the transferor, as it is in the case provided for in clause 2 of article 230.

§ 2 When, after the division of foro and proportionate division of the properties is done, as per this article, it is verified that the foro resulting of any property or its share is below 12$, those liable to pay the said foro shall obligatorily redeem the same, by paying the instalments or annuities and plus the annuity relating to the year of remission, independently of the order of the administrator, proceeding further as laid down in the paragraphs of article 238.

Art. 235 – The division of foro and proportionate division of the properties in manner prescribed in this section is mandatory not only for the first divisions of the property but also in the successive sub-divisions.

Art. 236 – Every time when the division and separation of foro is carried out, the clerk of the comunidade, within eight days, shall send to the administration office a statement indicating the name of the property and its possessor, the foro that is payable, the parts into which it was divided, the share corresponding to each part with addition of the 5 per cent, and the name of the person in whose favour it stands registered, in order to be taken into account at the time of approval of balance sheet of income and expenditure.

Sole § The clerk, who fails to comply with what is prescribed in this article, shall incur a fine of 18$, imposed by the administrator, for each default committed.

Art. 237 – After the separation is done, the clerk of the comunidade‘ shall cancel the previous mutation of the property in the Tombo 2, by opening a new one and indicating in this, the foro that shall be payable subsequently.

SECTION IV
Redemption of foro

Art. 238 – The redemption of the foro of the emphyteusis of the comunidades or of any periodical payments that the comunidades receive from the proprietors, servants or other individuals under the article 6, shall be applied to the clerk of the comunidade, requesting that the amount may be calculated and received, mentioning in the petition the nature and the burden thereof of which redemption is asked for.

§ 1 The clerk, within the period of eight days and under his responsibility, shall calculate the amount of redemption. This shall be recorded on the reverse of the application, adding to the sum, the outstanding annuities due to the comunidade.

§ 2 The amount payable for the redemption is the sum of twenty annuities of the foro or burden whose redemption is intended, plus the annuity relating to the year of redemption,

-------66--------

when it is not done, with effective payment, by 31st March.

§ 3 The application shall then be returned to the party, who has to effect the payment into the safe of the amount calculated.

§ 4 At the time of payment, the clerk of the comunidade‘ shall mention below the calculation set out in the application the following note: ―The above amount was paid on this date, by item no……, mentioned at pg…….. of the Cash Book No…. and noted the transference in the corresponding entry in the Register 2, No……

§ 5 The application containing the calculation and note referred to above, shall remain in possession of the interested party, who shall return it to the clerk no sooner he obtains the certified copy of the redemptions effected, with the designations contained in the respective lists, wherein reference is made to the payment effected.

Art. 239 – The redemption of foro below 12$, is mandatory and this should be done within 12 months, from the publication of this Code relating to emphyteusis granted earlier, and from the date of the final possession given in respect of the future grants.

Sole § The redemption referred to in the body of this article may be applied for by any person, without thereby acquiring any title by this fact.

Art. 240 – The certified copy that referred to in the paragraph 5 of article 238, after countersigned by the administrator, is a sufficient document for the registrations and annotations in the competent land registration office.

§ 1 The certified copy shall be issued independent of the administrator‘s order, but those wishing to obtain the certified copy urgently, shall give to the clerk, at the time of payment, the required stamp paper and the clerk of the comunidade is bound to declare, in this case, under the note written in the reverse of the application, the number of pages and half pages given to him and issue the certified copy within five days immediately after the payment.

§ 2 At the time of auditing the accounts, the clerk shall be held responsible to the comunidades or to the parties, to whom they shall compensate for the amounts that may have received less or in excess. To facilitate this verification they shall present in such act the applications that may have been returned by the parties.

§ 3 In the ordinary meetings of the managing committee there shall be, in each comunidade, whenever necessary, an ordinary opening of the safe, meant for the collection of the amounts corresponding to the liquidations done in the preceding month.

§ 4 Any applicant may request the extraordinary opening of the safe to receive the capital of the redemption. In this case opening fees shall be deposited with the clerk of the comunidade.

§ 5 The clerk shall send to the respective administration office, within forty hours of each opening of the safe, a report of redemption effected on such occasion, with all the necessary details in order to verify if calculations and payments conform to the corresponding certified copy.

§ 6 The price of redemption may be paid, in full or in part, in shares of the same

comunidade, at the market price, fixed by the administrator, after hearing the managing committee.

§ 7 The shares shall be endorsed by the respective proprietors in favour of the comunidade, mentioning expressly in the endorsement of redemption or redemptions to which they apply. The presenters shall take with them the necessary amount to pay the stamp duty and registration fees for endorsement and annotation, without which they shall not be accepted.

§ 8 Two or more individuals may present, in common, one or more shares for the payment of the price of redemption of the charges related to two or more properties, provided that such use of shares does not result in a positive balance in favour of the respective proprietors.

§ 9 In the register of share holders, the clerks shall make the mutation of shares in favour of comunidade and cancel from the mutation the name of the transferor, obtaining previously from the administration office the annotation of shares, for which they shall present or send to the administration office the shares along with the amount received as deposit for the stamp duty and fees. After the inscription is made the shares shall be kept in the respective safe.

Art. 241 – After the redemption, when this is of the entire foro or of the other charges regarding the property, the clerk of the comunidade shall cancel the mutation of the same property made in the Register -2 (Tombo 2), and when only of a part of the foro or charge, have been redeemed, necessary note of the same is made in the registration of the property, reducing its foro or charge to the part that has not been redeemed.

Art. 242 – The claims for payments in instalments shall not be attended to, but redemptions of part of foro or any other charges shall be permitted. However the properties on whom partial redemptions have been made shall remain burden in the same way by the remaining charge or part of the charge.

CHAPTER III

Ordinary auctions

SECTION I

Estimate or evaluation of items of revenue and items of expenditure in general

Art. 243 – All ordinary auction of the properties, works, services and agreements of the comunidade shall be preceded by an estimate or evaluation, organized as per the instructions of the respective managing committee, observing the following provisions.

Art. 244 – The managing committee shall call the [69][camotins]and [70][painis]for ordinary meeting of the month of April and, after hearing their views , shall give instructions to the clerk of the comunidade to prepare the estimate and the clauses of the auction, recording the same in the respective minutes.

-------68--------

Art. 245 – The assessment shall be done on the basis of the following clauses:–

1. For the rent of the palm groves and any other sources of income, the average of the rent obtained in the last three trienniums;

2. For the amount payable for the services and works, the estimate prepared by the managing committee, or with the assistance of technical staff, whenever justified, in view of importance of service and work;

3. For the expenses of other items of expenditure, the average of the cost of last three years;

4. For the ordinary income and expenditure which may not have been auctioned in the previous years, what the managing committee may fix, after getting the views of the officials mentioned in the previous article and, if necessary, one or two experts, familiar with the specialties and chosen by the managing committee.

§ 1 The opinion of these technical staff, officials and experts shall be recorded in the minutes that refers to in the previous article,

forming part of the instructions that the committee shall give to the clerk of the comunidade.

§ 2 Any clauses established in the assessment which are contrary to the provisions of this Code, are null and void, and the managing committee and the administrator shall be jointly and severally responsible for the damages that may result to the comunidades or to the private parties.

Art. 246 – Based on the instructions given by the managing committee, the clerk of the comunidade shall prepare, with the intervention of the attorney, the estimate, in a form of a chat, mentioning therein the coconut garden, cashew garden, land for cultivation of vegetable, lands for the cultivation of pulses, saltpans, building properties, lagoons and rivulets for fishing and any other sources of income.

§ 1 In the same chat, after entering the items of the income, it shall follow the items of expenditure, such as construction works, repairs of roads leading to paddy fields, services and others.

§ 2 All the items shall have a number in sequence, with reference to the numbering of previous assessment, its special denomination and the rent, premium or price for which they are to be auctioned.

§ 3 Following the above listing, the clauses of bid in relation to each type shall be written, those necessary for the purpose of preparatory work and for preparation, ploughing and maintenance of bunds and dykes, conservation of planks, contrivances, outlets, reservoir, distribution of water, fishing and other services.

Art. 247 – The estimate shall be completed by 21st April, signed by the attorney and clerk, and shall be kept for the examination of the interested parties in the archive office till the first Sunday of the month of May, on all working days and during the office hours. The interested persons may propose, in writing and on a plain paper, any alterations, which shall be handed over to the clerk of the comunidade or in the administration office of the comunidades, which in the latter case shall forward them, within twenty four hours, to the clerk of the comunidade.

The estimates and alterations shall be examine in the following manner:–

a) The managing committee shall meet in session on the first Sunday of May and the clerk of the comunidade shall present for its examination the estimate and all the

proposals for revision that may have been received and that the committee

shall accept or reject, correcting in the first case the estimate and the clauses, as per the proposals adopted and the rules as deem fit to apply, by recording all in the minutes, as well the reasons that justify these changes;

b) On the first Sunday after the meeting of the managing committee, the comunidade shall meet, in continuous and uninterrupted session, convened by way of notice affixed, three days in advance, on the door of the meetings hall and of the temples of any religion existing in the village and by way of cry made in the places that may have been indicated and, after examining the estimate and the clauses, after introduction of the changes made by the committee, shall approve or modify the same as it thinks fit, by recording every thing in the minutes.

Art. 248 – The clerks of the comunidade shall present the estimate in the administration office by 25th May, with the modifications done in terms of sub-paragraphs of the preceding article, and the administrator shall confirm or alter the same, solving all the disputes that may have been raised, by 15th June, applying the penalties established in the Code to the clerks of comunidades and agents for the breaches of the rules that may have incurred and handing over the estimate by end of the period fixed to the respective clerks of the comunidade.

§ 1 In the case of works or services, the administrator shall consult the technical person before giving his final decision.

Art. 249 – Soon after receiving the estimate, the clerk of the comunidade shall make a note in the margin indicating the alterations made by the administrator and within a period of five days, that cannot be extended, present it again to the administrator, who after verifying if it is in order, shall approve, handing it over to the clerk by the 25th of the same month of June.

Sole § The administrator who does not observe the period fixed on the body of the article shall incur the penalty of 600$ for each default.

Art. 250 – The clerk of the comunidade who does not fulfil the rules and the time limit prescribed for the operations of the estimate, shall incur the penalty of 300 $ for the first default and twice of this penalty for each subsequent violation.

Art. 251 – The estimate, once approved by the administrator, comes into force immediately, but against the decision of the administrator lies an appeal, which does not stay the execution, to the Administrative Tribunal.

Art. 252 – The estimate and the maps of the fields to be auctioned shall be displayed in the meetings hall during office hours on the two days prior to the day of auction, to be examined by the interested parties, to whom the managing committee or the clerk of the comunidade shall provide all information and clarifications.

Art. 253 – All the fields belonging to the private owners, who make use of the irrigation works executed by the comunidade, shall pay in the month of November of each year, to the same comunidade a charge fixed by the managing committee and approved by the administrator, which shall not be higher than the one that the State receives on account of waters of the Channel of Paroda‘ nor below 50 per cent of that charge, same charge being applicable for the contracts previous to the publication of this Code.

§ 1 After the charges have been calculated, the private owners shall sign before the managing committee a declaration that they wish to utilize the water and undertake to pay the

-------70--------

said charge, and this declaration shall have effects till it is not modified or revoked by another.

§ 2 The operator of water supply of the irrigation work does not have right to any payment in money or kind, besides the auction premium.

Art. 254 – The extraction of earth from the fields of the comunidade is expressly forbidden , without prior authorization of the managing committee granted in a meeting, on verbal request of the interested party, and approved by the administrator, to whom the copy of the minutes shall be submitted by the clerk of the comunidade, within the period of five days.

Sole § This prohibition does not include the earth that may be extracted for the repairs of the bunds existing in the paddy fields or for the repair of the borders of properties bordering upon the paddy fields, in which cases the interested person shall inform the fact in advance to the clerk of the comunidade, who shall bring the same to the notice of the attorney for him to supervise.

Art. 255 – The managing committee shall authorize the extraction of the mud from the subsoil, only in the paddy fields of the comunidades that have a level higher than that of the adjacent field, for the following purposes: construction of houses, manufacture of artefacts of clay and repair of borders and improvement of the bordering private properties, when there is no encroachment of adjoining land belonging to the comunidades

Sole § The rental for the entered in the estimate extraction of clay earth for the making of clay artefacts shall be of the income and put out for public auction.

Art. 256 – The respective lease holder is bound to complain against any extraction of earth which has not been authorized by the managing committee, in terms of preceding articles, under penalty of being responsible for the transgression, along with the offender, and the managing committee, on verifying this fact, shall authorize the attorney of the comunidade to bring to the

notice of the ―Ministerio Público‖, for the purposes of criminal proceedings, failing which its members shall incur a fine of 300$.

SECTION II

Licitation

Art. 257 – All the bids and contracts, either of income or expenditure, shall be auctioned by the managing committee and granted to the suitable bidders, who shall deposit earnest money in terms of Section III of this Chapter.

Art. 258 – The auction or [71][licitation], annual or triennial, in each comunidade shall be carried out between 1st to 31st July and shall end by 31st October.

Sole § The administrator of comunidades, may authorize the extension of the period for the finalization of the auctions, on proposal of the managing committee, whenever he finds that the reasons submitted are acceptable.

Art. 259 – The lease period of the source of income of the comunidades shall be, as a rule, of three years and in special cases however, the same period can be extended for nine years, whenever the comunidade acknowledge the necessity of useful improvement to be made before the preparation of the estimate, and in such cases, a special clause shall be inserted

-------71--------

dealing with such improvements in the properties.

§ 1. When the comunidade has coconut gardens, the auction of these shall be for a period of nine years, subject to special conditions in the estimates.

§2. The auction of items of expenditure will be yearly.

Art. 260 – During the auction the items of income shall have precedent over the items of expenditures and shall be carried out during five hours every day on the days fixed and duly announced, starting at 10 hours, when they are held in the respective village, and at 11 hours when held at the administration office of the comunidades.

Art. 261 – The extraordinary auctions of the perished trees and of the old wood of the gates shall be done by way of notices issued eight days in advance and cries in the village on the previous day. The same shall be preceded by estimate drawn by the clerk and the attorney of the comunidade and approved by the managing committee.

Art. 262 – The ordinary annual or triennial auctions shall be made public by way of notices affixed ten days in advance -one on the door of the meetings hall of the comunidade and the other to the door of the temples of any religion existing in the village.

§ 2. The notice shall specify the item to be auctioned, the place, the time and day of the auction.

Art. 263 – The meetings of the managing committee, for auction or licitation shall be continuous and without interruption, without exception of holidays, inclusive religious ones, until all the items are auctioned.

§ 1. The auction shall be conducted in the order by which the various lots and items have been listed in the estimate. All those whose licitation prices are the highest shall be awarded to the highest bidder. Only those on which there is no competition or request for auction, shall be reserved for new auction.

§ 2. Each lot or bid shall be called in a loud and in an audible voice and concluded, with the highest bid, with a previous declaration repeated three times, that the same shall be closed as per express order of the president of the managing committee, after which no further bid or any price shall be accepted.

§ 3. Once started, the auction can be suspended only by determination of the [72][Government] and in any case, when re-starts, it shall be announced five days in advance.

§ 4. The award of each lot or item shall be certified by a declaration signed immediately, following the award in the open auction, in terms of the paragraph 1 of article 533 and model

No. 13, mentioning at the end of the declaration, the items not awarded, with the indication of the respective numbers.

§ 5. Only one declaration can be drawn up of the items not auctioned, when they are listed one after the other.

Art. 264 – The following is expressly prohibited:–

-------72--------

1. Joint award of one item to more than one person;
2. To finalize, in group, more than one item in favour of only one individual, though he may offer greater advantage;
3. To accept a bidder who offers to provide some service by paying some sum to the comunidade (savanzonvom‘);

Sole § The following persons are disqualified to bid in the auctions, directly or through a third party.

1.The debtors to the comunidade or its subrogates, adjudged as such, or against whom action or execution proceedings are pending or even against whom a current account has been issued;

2.In the case of works and services, those who, by decision of the administrator, or the director of the Public Works and Transport or of any other entity, designated by the 73[Government], may have been disqualified to compete for execution of the works having given proofs of incompetence or to have used fraudulent means in the execution of contract works that may have been awarded or entrusted, or who may have been found to be defaulters for more than one time, due to deficiency in the works executed by them.

Art. 265 – Auction or self cultivation of comunidade land is forbidden in case of following land :–

1.The lands reserved for easement of the neighbours;

2.The lands necessary for cattle grazing ;

3.The lands here marked for threshing and other necessary work for cultivation or protection of the fields.

Art. 266 – The items that remain to be auctioned during the first auction, referred to in the article 257, shall be announced again for auction, in terms of paragraph 3 of article 263, with the price being changed upward or downward, as the items are for the expense or revenue, as determined by the administrator, within the period of five days, based on the opinion of the managing committee given on the last day of auction. The administrator may decide about any other form which he thinks convenient for the interests of the comunidade and the clerk is bound to give publicity to the decisions taken by higher authorities.

Sole § In cases of auction of works or services of maintenance of embankment and other expenditure work of the fields, only the increases indicated by the technical personnel, duly justified, can be considered, and if, even with these increases, there are no bidders, the services or works shall be executed by direct administration.

Art. 267 – After the auctions are over and after the totals of the income and expenses awarded have been added up, indicating its source, the clerk of the comunidade, along with its attorney, shall write the closing declaration, mentioning, in words, the respective total, and shall present the books to the administration office, within eight days, under penalty of a fine of 120$, to enable the administrator to give his approval.

-------73--------

§ 1. The administrator shall give his approval, within the period of thirty days, from the date of submission of the books, and this approval shall be recorded in the entry book of the administration.

§ 2. There shall be no appeal against the order approving the auctions.

Art. 268 – The administrator shall decline suo moto to approve the auction when he detects irregularities which involve nullity of the contract, approving the portion not affected by the defect.

Art. 269 – The order refusing the approval depends upon the confirmation by the Administrative Tribunal.

§ 1. The administrator, on his own initiative within eight days, shall inform of the refusal of the approval to the Administrative Tribunal, sending to the said Tribunal copy of his order and all the documents and elements justifying the refusal.

§2. In case of a complaint against an irregularity in the auction within the period stipulated for the approval, the administrator shall refer it to the Administrative Tribunal within the time limit and in the manner indicated in the relevant portion of the previous paragraph, and shall not approve the amount or amounts covered by the complaint.

§ 3. Once the file is received by the Administrative Tribunal, the same shall be allotted, in the first session after its receipt, and shall be finalized and sent, within twenty four hours, to the reporting member, who shall present it in the first session after sending for trial, independent of circulation for the approvals and the judgment shall be pronounced soon thereafter.

§ 4. The secretary of the said Tribunal, within forty eight hours from the decision, shall send the copy of the judgment to the administration office of the comunidades.

§ 5. The administrator who, in the prescribed period, fails to refer to the Administrative Tribunal the papers relating to the refusal of approval, shall be punished with the fine of 300$, imposed by the same Tribunal in the respective judgment.

Art. 270 – If the Administrative Tribunal confirms the refusal of approval, the administrator, within twenty four hours after the receipt of the copy of judgment, shall fix the date for the new auction of the lot or lots, the adjudication of which have been annulled.

Sole § The administrator who fails to comply with what is prescribed in this article shall be punished with a fine of 300$ and shall be liable for the damages and loss that may have been caused.

Art. 271 – The auction after it is closed with the approval, shall not be rescinded nor amended on any ground.

Art. 272 – After the triennial auction is approved, the clerk of the comunidade shall send to the administration office, within the period of fifteen days, a list of all items, with the amount of rent of each one, which shall be sent to the respective revenue office in order to settle there the matter of the stamp duty on rent.

-------74--------

SECTION III

[74][Security]

Art. 273 – No bid of item of revenue or expense contract shall be awarded in the auctions without execution of a proper bond and unless its fitness is satisfied and accepted by the managing committee before finalizing the contract.

Sole § The decision of the committee rejecting the guarantee furnished shall be duly substantiated and recorded, in the minutes of the auction.

Art. 274 – Against the decision of the committee rejecting the guaranty offered, irrespective of its nature or quality, an appeal shall lie to the administrator of comunidades, who shall decide within the shortest possible period, as per the following procedure:

a)The appeal shall be filed in a simple application, supported by all the documents of proof, addressed to the administrator of comunidades and presented, within three days from the

auction, to the clerk of the comunidade, who shall issue the acknowledgement receipt, or in the administration office, from where it shall be forwarded to the clerk of the comunidade;

b)The clerk, after recording the date and time when the appeal was received, shall forward the same to the administrator, within forty eight hours and without

expense to the party, with the copy of the minutes of the auction, concerning the portion referred to in the auctioning of the lot and to the bond furnished by the appellant;

c)The administrator, shall conduct the enquiry that he may find necessary and, decide the appeal setting out clearly his reasons, within forty eight hours after the receipt of the information requested, or ten days after the receipt of the appeal;

d)The administrator on the same day of the decision of the appeal or on the next day, shall inform the clerk of the comunidade about his decision, for him to notify the managing committee, that shall comply with it immediately, and to the respective appellant.

Art. 275 – An appeal, which will have no effect on the execution, shall lie to the administrator of comunidades against the decision of the committee accepting the surety, brought up by any interested party or representative of the comunidade. This appeal shall be filed within three days from the acceptance.

Art. 276 – The decisions of the administrator in the matter of guaranty are subject to appeal, which will have no effect on its execution, shall lie to the Administrative Tribunal.

Art. 277 – The appeal to the administrator against the refusal of surety by the committee may be presented, on plain paper, and shall not be subject for payment of cost, but the appeal to the administrator against the acceptance of the guarantee by the committee, as well as the appeal against the decisions of the administrator, to the Administrative Tribunal shall be subject for payment of cost at the end by the loser.

Art. 278 – The administrator, who does not obey, with the time limits established in the preceding provisions, and the members of the managing committee and the clerk of the comunidade, who fail to give prompt execution to the decision of the appeal, shall each one, incur a fine of 3000$. Besides this the agents, who are employees, shall be subject to disciplinary action.

-------75--------

Art. 279 – The guaranty can be provided by surety, mortgage, cash, deposit or pledge of objects of gold, silver and shares of comunidade.

Sole § No surety by pledge shall be accepted from bidders of works, services or supplies whose price exceed 1800$.

Art. 280 – The guarantors are always the principal payers and, in the case of their insolvency, the members of the managing committee shall be jointly and severally responsible for the obligation guaranteed to them or for the part which remains due, after execution of the properties of the bidders and their guarantors.

Art. 281 – When the guaranty consists in pledge of objects of gold or silver, these shall be, at the time of auction, weighed and estimated by the goldsmith, designated by the president of the managing committee and paid by the bidder, and kept in the safe of the comunidade, after being conveniently packed in a box or in a bundle closed and sealed with wax seal, with signature or seal of the clerk of the comunidade and of the bidder or of the person indicated by him, everything being recorded in the minutes of adjudication, which shall be signed by the goldsmith and by person chosen by the bidder.

Art. 282 – When the guarantee provided is by way of shares of the comunidade which are registered in the name of the bidder or any other, its value shall be the one indicated by the quotation at the time of the offer, minus one third, and in the minutes of bidding, those shares shall be conveniently identified and kept in the safe of the comunidade.

Art. 283 – When the guarantee, for rental of properties, is provided by deposit of money, pledge of objects of gold or silver or of the shares, which shall be preserved in the safe till the end of the period of contract, the amount equivalent to the pension and contributions for one year plus one fifth, shall be sufficient.

Art. 284 – In the lease of rustic properties, besides the guarantee, also the fruits and the products of respective items shall be acceptable as guarantee for the pension.

Art. 285 – In the items of the expenditure of the comunidade and of the services and supplies, the value of the surety shall be set in the evaluation or in the respective proceedings.

Art. 286 – The lot auctioned and not awarded because the guarantee offered was not accepted, shall be awarded to the other bidder, if any, recording soon thereafter, the declaration of provisional auction, mentioning therein all the facts that took place and the names of the bidder and his guarantor, whose guarantee was rejected and the price offered.

§ 1. If no appeal was filed or if filed, it was rejected, the provisional declaration of auction shall be converted in definitive, and the clerk of the comunidade shall note such conversion at the margin of the respective declaration in red ink, and this note shall be authenticated by the managing committee.

§ 2. If the appeal is accepted, the clerk of the comunidade shall make in the margin of the minutes, the competent marginal note in respective declaration, and consequently the lot shall be let out to the appellant for the price offered, transcribing the same in the respective column, in red ink, and cancelling the one of the provisional lease, also in red ink. This marginal note shall be authenticated by the respective managing committee.

§ 3. When the managing committee does not admit the guarantee for being unsuitable and the bidder being only one, the declaration of provisional auction shall be written, indicating all the circumstances and this shall be converted into definitive, in case the appeal is accepted. Otherwise it shall be cancelled when the appeal is rejected or when the party fails to appeal and in this last circumstance, the clerk of the comunidade, soon after the expiry of the

period, shall announce a new auction, observing the legal formalities.

§ 4. The note, either of the conversion of the provisional adjudication into definitive, or of its cancellation, shall be recorded, in red ink, and countersigned by the managing committee in the margin.

Art. 287 – In case of surety consisting of mortgage of immovable properties the bidders shall waive the venue of the location of these properties, when situated out of the respective judicial division.

SECTION IV

Transfer of contract

Art. 288 – Any individual to whom any item of income or expenditure has been awarded by auction he may transmit it to the third party or to the very surety.

§ 1. The transfer shall be recorded by the clerk of the comunidade in the competent book, with the consent of the managing committee and with new guarantors, when the ones from the auction do not want to guarantee the transfer or these transfers are made to guarantors themselves.

§2. Those who are empowered to bid for auction have also right to be transferees, although, the transferors shall be liable, on a subsidiary basis, to the comunidade for the obligations under the respective contract.

§ 3. No transfer shall be made by dividing the item during the course of the auction or in the actual declaration of award.

SECTION V

Eviction of tenant

Art. 289 – Without prejudice to any other penalties that may be imposed under the clauses of the respective contract, the lessee of the properties and the bidders of the services, works and other items, may be evicted by the administrator, on the proposal of the managing committee, after they have been heard on the point of breach of their contract and shall be liable to pay to the comunidade any difference that may be for less in the rent or for more in the price, according to the result of the new auction of the respective item, which shall proceed as per the formalities prescribed for the auctions in general.

SECTION VI

Damages and charges

Art. 290 – The following are called charges :–

1. The liability imposed on the guards, in conformity with the clauses previously agreed upon on account of the value of the produce that is diverted from the properties, of the rent and of the damages caused to the same;
2. The liability imposed to members of the comunidade and to the holder of aforamentos of the comunidade on account of breach committed against the provisions of this Code or the clauses stipulated by the comunidade;
3. The liability imposed by higher authorities against all those who have current accounts in the comunidade.

-------77--------

Sole § The absence of the charges against the guards on the part of the teasurer of the managing committee does not exonerate the leases of the comunidade of the obligation to pay the rent and the contributions due.

SECTION VII

Lease of paddy fields

Art. 291 – The paddy fields of the comunidades shall be leased by means of public auction, for the period of six years.

Sole § This system shall come into force from the year 1962.

Art. 292 – The auction for the lease of paddy fields shall take place from 1st July to 30th September of the year immediately preceding the period to which it is intended for and shall be held in the meetings place of the comunidade.

§ 1. The basis for licitation shall be calculated in kind (rice), in the quantity of rent indicated in the respective estimates in force and expressed in cash, as per official price fixed by the 75[Government], on hearing the Directorate of Economic Services, of the Board of External Trade and of the administrator of comunidades.

§ 2. The estimates of the paddy fields may be reviewed periodically in the manner directed by the 76[Government] by an executive order, but the revision made in this manner shall only be applicable in the auction for the next period.

§ 3. The clauses which govern the lease shall be prescribed by the managing committees, on the approval of the administrator, after hearing the head of the agricultural division or agricultural zone.

§4. It is the duty of the managing committee and specially of the attorney and the clerk of the comunidade to supervise the compliance of the clauses of lease, less they shall be responsible for the losses and damages. Similar powers are vested on the personnel of agricultural divisions or agricultural zones, but only in respect to cultivation and its preparatory works.

§ 5. In the harvest season, under the proposal of the managing committee, approved by the administrator, necessary guards shall be admitted to work under the orders of the attorney, receiving the salary that, for each season, is fixed by the administrator, up to the limit of 18$ per day.

§6. The conditions of the supervisory duties of the attorney and of the guards shall be stipulated in the respective estimate.

Art. 293 – The rent payable by the lease holders shall be paid in cash, comprising the amount offered in the auction bid, increased by amounts foreseen in the estimate, in relation to the subsidiary crops.

Art. 294 – The auction, to be announced in advance, shall be held in one or more rounds.

§ 1. At the first bidding, only the cultivators who have actual residence in the village, for more than two years, may compete.

§ 2. If at the first bidding there remain lots without being taken in auction, the same shall be auctioned at the second bidding, to which the cultivators of the village of any taluka may compete.

-------78--------

§ 3. If still there are vacant lots, the same shall be auctioned in the third and subsequent sessions, with a reduced base price, as per article 266, to which all or any cultivator may compete, independently of the limit foreseen in article 296, after the third bidding.

§ 4. In the auction, each bid shall not be lesser than 6$.

§ 5. In the absence of bidders in the case envisaged in the paragraph 3, the lot shall be given through private negotiations for any price and for one year, being again put up to public auction in the subsequent year.

6.The lease holder who has cultivated the lot in the previous year, even if he has no actual residence, in the last two years, in the village of the comunidade, shall have right to option in the first and second bidding, at the time of auction, soon after the price of bid is finalized unless he has been punished under article 300.

Art. 295 – Only the cultivators can take on lease the paddy fields of the comunidade, but in no case, they shall sub-let the same, enter into on partnership or enter into any contract or service, on the pain of the contract being rescinded and to a fine equivalent to double the rent and equal fine being imposed on the sub lessee.

Sole § For the purposes of the provisions of this article, cultivator means the one who cultivates the field personally, or with his family members, relatives, or with workers paid by him.

Art. 296 – Each cultivator can only take on lease one or more lots whose total gross production does not exceed 20 77[candils]of 160 litres each, when the number of his family members is not more than five, to 25 candils when that number does not exceed eight and to 30 candils when the family members exceed more than eight, on the pain of the contract being nullified.

§ 1. A tolerance up to one candil may be permitted safeguarding also the case in which a single lot has production beyond the limit fixed.

§2. On the recommendation from the administrator, at least ninety days prior to the auction, the 78[Government] can reduce the limit fixed in the body of this article, in the comunidades when there is a justified need of better distribution of the fields.

§ 3. For the purposes of restriction foreseen in this article, it shall be taken into account the production of the paddy fields of the cultivator itself and his family or even of the paddy fields of other individuals singular or collective, taken on rent by them.

Art. 297 – The allotment shall be done, without need of any kind of bond or special guarantee, as the produce itself shall be the guarantee for the payment of rent, unless if the lot or lots may

have been auctioned with an increase higher than 30 per cent of the starting price, in which case, guarantee shall be demanded, in terms of section III.

Sole § When two or more lots, have been allotted to a cultivator, the fruits of each of the lots and of all together, shall guarantee for all the rent due.

Art. 298 – On account of the non the payment of rent, within the period of the contract, the lessee shall be subject to the following penalties:

a)During the first ten days, a daily fine of 6$, up to the limit of 25 per cent of the rent, which shall be collected along with the rent;

b)If the payment is effected with delay up to 30 days, with fine of 12$ per day, to the limit of 50 per cent of the rent, which shall be collected in terms indicated in

preceding clause;

c)After 30 days without the rent, being paid the managing committee shall immediately proceed to the seizure of the produce and sell it in public auction, entering the price in the safe, till the corresponding amount of the rent, fine and increases is met, depositing the remainder in favour of the leaseholder , unless a bond has been provided in terms of the final part of article 297, in which case the same bond shall be broken and by its value paid the rent, fine and further increases, and the contract shall be terminated.

d)Whenever the produce is withdrawn and the bond has not been furnished, a fine equivalent to the value of the rent, convertible into prison at 20$ per day till the limit of two years, in case of not being paid voluntarily within ten days, and termination of the respective contract;

e)The guard of the respective paddy field who allows the produce to be lifted without taking measures to obstruct the lifting, incurs in the fine foreseen in the previous clause.

Art. 299 – If the lessee does not cultivate the lot or lots, he shall incur a fine equivalent to the double the rent , convertible in prison, in case of non-payment within ten days, at the rate of 20$ per day, in addition to the rescission of the contract.

Art. 300 – If the lessee does not execute the preparatory and other works, in the periods and in the form that may have been fixed in the clauses of the lease, or does not cultivate the lot or lots, in terms prescribed in the conditions of the lease, he shall be subject to pay a fine equivalent to half of the rent, without prejudice to the payment of the rental.

Sole § The time limits referred in this article can be extended by the administrator, after hearing the respective agricultural authorities or zone.

Art. 301 – The lease of the paddy field of the comunidades in not determined on the death of the lessee, if survived by the spouse not separated of persons and properties judicially or de facto, or descendants or ascendants who had lived with him at least for one year.

§ 1. The transfer of the right of lease established in the body of this article is done in the following order:

a.To the survived spouse;

b.To the descendants, the near ones having preference;

c.The ascendants, the near ones have the preference in the same manner.

§ 2. The succession in favour of descendants or ascendants of the original lessee shall also take place on the death of spouse of the latter, when in terms of this article such right has been transferred to such spouse. This second transmission can only be made in favour of the persons who had lived with the spouse of the lessee at least for a year.

§ 3. The renewal of the contract of lease shall be granted by the administrator of comunidades, on the application of the interested party, made within the period of 30

days from the date of death of the lessee. The decision of the administrator shall be subject to the approval of the 79[Government].

Art. 302 – Without prejudice to the provisions laid down in the previous article, the lots

-------80--------

which became vacant by the death of the lessee or for any other reason, shall be awarded by public auction for remaining period of six years. But if there is justified urgency it shall be awarded by private negotiations, announced by cries given, with the antecedence of three days, however in the following year the procedure prescribed in the first part of the article shall apply.

Sole § The provision of this article shall be applied equally to the situation foreseen in the article 299.

Art. 303 – For the purposes of article 296 and its paragraph 3, the interested party shall submit to the managing committee, prior to the auction, a note indicating the number of family members and whether the former or the latter possesses paddy fields or cultivate those of other persons, sole or collective entities, with the respective production as perthe estimate, when the paddy fields are of the comunidades or if not as per the records of matriz. Any false declaration given shall attract penalty provided in the article 242 of the Penal Code (Código Penal).

Art. 304 – It is permissible to give each lot on lease or through a private negotiation to more than one person, up to number four, when there is agreement to cultivate it by dividing in parts of equal production, case in which the managing committee, within thirty days, from the date of auction, shall divide the plot and hand over to each person his part of the lot, with the necessary elements of identification. All this shall be mentioned in the supplementary contract.

Art. 305 – The administrator has power to impose penalties provided in articles 295, 296, 298, 299 and 300, but his decision, however shall be subject to confirmation of the Director of Civil Administration Services, with appeal to the Administrative Tribunal.

Art. 306 – What is prescribed in this Code in relation to the ordinary auctions, is applicable to the auction of paddy fields, save what is provided in the present section.

Art. 307 – From the increase in revenue resulting from the public auction on the average of the normal income of the last nine years, fifty per cent shall be allocated for the purpose provided in the clause (b) of article 316 and the remaining part shall constitute income of the comunidade to be distributed to its members, by observing the legal formalities.

CHAPTER IV

Development of agriculture and extraordinary expenses

Art. 308 – For the purposes of agriculture development, the technical officer of works and the farming officer shall hold a meeting in the administration office of comunidades by 25th January of each year, under the chairmanship of the respective administrator and with the necessary information obtained in advance from the respective managing committee or any other sources shall prepare a scheme of works of a permanent character that can be executed in one or more years, preferably works of irrigation and of the consolidation of bunds and sluice gates, so as to avoid, as much as possible, urgent works.

Whenever there is need to carry out or to implement any work, not foreseen in the scheme referred earlier, it is the responsibility of the managing committee or the administrator, on their own, to ask for the preparation of the respective schemes and required budgets.

Art. 309 – The scheme referred to in the previous article, shall be submitted for the approval of the 80[Government], through the Directorate of Economic Services, by the 20th February

-------81--------

next, and after its approval the managing committee shall order the preparation of the respective projects.

Sole § One copy of the scheme, after it is approved, shall be sent to the Directorate of Civil Administration Services by the respective administration of comunidades office.

Art. 310 – On receipt of the projects with the budgets, the clerk of the comunidade shall convene the comunidade, returning the file to the administration office, with the copies of the deliberation of the same and of the managing committee, which shall indicate how to meet the expenditure and the financial position of the comunidade.

§ 1. The administration office shall attach the conditions for auction and the contract specification, if not attached earlier, and announce the auction, except when any work in question is not of the interest of the comunidade or the comunidade does not approve the necessary expense, circumstance in which the file shall be submitted to the Directorate of Civil Administration Services for the decision by the 81[Government].

§ 2. With the provisional contract drawn up or deliberation taken, and with his remarks onthematter,theadministratorshallsubmitthefiletotheDirectorateofCivil Administration Services for the decision of the 82[Government].

§ 3. The Directorate of Public Works and Transport shall be consulted on all the budgets or estimates that exceed 50.000$.

Art. 311 – The works shall be executed, as a rule, on contract basis, by observing the regulations and clauses in force. However works may be carried out by direct administration, when in the second auction, which shall be announced along with the first one, there is no bidder.

Art. 312 – The contract works shall be preceded by public auction, announced, not less than ten days in advance, in the Official Gazette, in one newspaper of the capital or of the taluka and posted at the usual places, and the said contract drawn up in the administration office, with the intervention of the managing committee and two witnesses.

Art. 313 – The works shall be inspected and supervised by:–

1.The works officer, who shall give his opinion in the file;

2.The managing committee, and, specially, the attorney, who shall inform the administrator of the irregularities that he may notice;

The administrator, who shall conduct at least one inspection, in the course of the works accompanied by the technical officer, of which a competent inspection report shall be prepared.

§ 1. In case of works of the value exceeding 3000$, and if the required funds have been provided, the administrator may, with the sanction of the 83[Government], ask for the report referred to in the paragraph 2 of article 310, and engage one overseer or temporary supervisor, with salary not exceeding to 18$ per day.

§ 2. The overseer or supervisor, to which reference is made in the preceding paragraph, shall work under orders of the attorney of the comunidade, carrying the instructions received from the technical person.

§ 3. For the execution under direct administration, only in special cases duly recognized by the Government, technical persons or overseers and supervisors shall be admitted.

-------82--------

Art. 314 – The provisional and definitive acceptance, of the works shall be preceded by inspection, in the following manner:

1) In case of works of the value up to 3000$, by the managing committee, with intervention of the technical personnel of works;

2) When the value is above 3000$, by the administrator, with the intervention of the technical person of works and assisted by the managing committee.

§ 1. Whenever it is found convenient any technical personnel of the Directorate of Public Works and Transport can be requisitioned to intervene in the acceptance proceedings, and his intervention shall be mandatory, in final delivery, when the value of the works exceeds 50000$.

§ 2. The final delivery shall be considered valid only after being confirmed by the 84[Government].

Art. 315 – The administrator shall fix, in each case, a time limit to the clerk of the comunidade to complete the work which he is supposed to do in relation to the works, when not defined in this Code.

Art. 316 – To bear the expenses with works, provided for in this chapter a **reserve fund** shall be constituted, with the following incomes:

a. 50 per cent of the proceeds of zonns and dividends of the shares prescribed; b. 50 of the increase of the income referred to in the article 307; c. 50 per cent of the capital derived from the redemption;

d.The amount ordered to be separated by the administrator in terms of article 476.

Sole § When the availabilities of the reserve fund are insufficient, the expenses may be paid from advances of the comunidade or by a loan obtained with the authorization of the 85[Government].

86[CHAPTER IV A
Grant of Licence

Art. 316-A— A Comunidade may grant licence to use its land or any portion thereof for commercial event upon an application made by any person in the prescribed form to the administrator and upon payment of non-refundable processing fee to the administrator as prescribed and licence fees as decided by the concerned Communidade.

Explanation.— Commercial event shall mean any event for which admission/entry fees are charged or levied. The mere fact that free passes are also provided it shall not make such event a non-commercial event.

Art. 316-B— Any request for grant of licence under article 316-A shall be decided by the managing committee of the Comunidade.

Art. 316-C— After receipt of application under article 316-A the administrator shall carry out preliminary examination of such application and within 48 hours of its receipt, he shall forward such application with its annexures to the concerned Comunidade.

Art. 316-D— Upon receipt of the application, the managing committee shall call for a

-------83--------

Special General Assembly/General Body Meeting to be held within 30 days from the date of receipt of the application from the administrator and place the application before the General Assembly/ /General Body for appropriate decision.

Art. 316-E— In the event the General Assembly/General Body decides in favour of the request, the managing committee shall immediately within seventy-two hours, inform the concerned administrator of such decision by enclosing copy of the minutes of the meeting and Resolution of the General Assembly/General Body by clearly specifying therein the licence fees to be payable to the Communidade.

Art. 316-F— Upon receipt of the intimation under article 316-E, the administrator shall peruse the resolution and make a report and forward the same to the Government within four days from the receipt of such intimation.

Art. 316-G— Upon receipt of the report of the administrator under article 316-F, the Government shall consider the resolution of the General Assembly/General Body of the

Comunidade and the report of the administrator and by taking into account the interest of the Comunidade and such other matters as deemed fit, may approve the request for grant of licence to use land belonging to Communidade or any portion thereof for commercial event.

Art. 316-H— The grant, if any, made under this Chapter, shall be on payment of licence fees not below the rate as prescribed by the Government.

Art. 316-I— No communication granting the license shall be issued by the Comunidade, unless the applicant produces a copy of the receipt of the payment of the license fee in favour of the Comunidade and also of the administrative fee @20% in favour of the concerned Administrator of Comunidades"]

CHAPTER V

Long term leases

Art. 317 – The comunidades may give on long term lease its uncultivated lands or paddy fields and land with fruit bearing trees which are in remarkably deteriorated condition and the comunidades is not in a position to carry out the expenses necessary for its improvement.

§ 1. The period of lease shall be of nine to eighteen years, and the area of each concession shall not exceed 20 ha.

§ 2. The leases may be made with more than one person jointly, who shall be jointly and severally responsible to fulfil the obligations resulting from the same and shall be subjected to the respective penalties.

Art. 318 – The applications for long term lease shall be addressed to the 87[Government] and processed in the administration office, containing:–

(a) The name of the land, nature of the crop for which it is intended and the number of item under which it is listed in the estimate in the last ordinary auction;

(b)In case of the paddy field, the quantity of seed and the estimated production

indicated in the estimate;

(c)The situation and the boundaries;

(d) The area, when available, or the probable area;

(e) The number of years for which it is intended to lease and the rent offered.

Sole § The procedures relating to grant of the emphyteusis is applicable to the application for long lease.

Art. 319 – The application shall be accompanied by a estimate of the beneficiary scheme which the applicant offers to carry out, with the indication of services or works to be executed in each year and their probable cost. The period for the completion of all the improvements shall not exceed five years.

Art. 320 – Subsequently, the inspection with three experts shall be held, with one appointed by the applicant, the other by the attorney and the third by the administrator, among the agricultural experts.

Art. 321 – The experts shall verify in the inspection:

a. Whether the lands are or not fit for the cultivation that the applicant proposes to do;

b. Whether the plan of improvements and works to be executed, indicating the alterations that have to be done in the same scheme, can be approved and also whether the rent which shall be received by virtue of this lease, will be favorable to the interests of the comunidade.

Art. 322 – If the comunidade in conformity with the findings of the experts approves the lease, the land shall be put to auction.

§ 1. The base of auction shall be indicated by the experts, which however, in no case, shall be inferior to the maximum rent obtained in the previous nine years plus 15 per cent.

§ 2. The lessee who fails to comply with the clauses of the contract, shall be subject to pay a fine equivalent to the double of the expense that would have to be done with the works or services which he left to be executed in due time, and in case of recurrence, he may be removed, without prejudice to the imposition of fine.

§ 3. To the lessee who does not implement the beneficiary scheme, within the period in which he ought to do or shall abandon the land later on, leaving it to deteriorate, the contract of lease shall be terminated reverting soon thereafter the land to the comunidade, with all the improvements, and the lessee shall not be entitled to the same. He shall also have no right for any compensation.

§ 4. The rescission referred to in the preceding paragraph shall be directed upon the inspection by the administrator, with the intervention of an expert, who shall be the headof the office of agriculture and veterinary or his delegate, and subject to the confirmation of the

88[Government], without which it shall not be enforceable.

§ 5. The decision which direct the rescission, shall be published in the Official Gazette and, as from its publication, the comunidade shall re-enter in possession of the land, without prejudice of any administrative claim or judicial action on the part of the lease holder or of the third party.

Art. 323 – The land that the Government requisition to the comunidades, in terms of Diplomas nos. 84 of 28th April, 1924, and 483, of 15th May, 1931, may be utilized for the purpose of demonstrations, not only with the cultivation of rice, but also, of tobacco, sugarcane, horticulture and others of vegetative cycle, the same lands being leased till the maximum limit of 5 ha. and for the period of six years, renewable for equal periods.

CHAPTER VI

Aforamentos or emphyteusis

SECTION I

Grant

Art. 324 – The comunidades may grant aforamento – emphyteusis in respect its uncultivated and undeveloped lands and even the ones cultivated of vegetables, when required for the cultivation of rice, fruit-bearing trees or for the construction of houses.

Sole § Whenever the lands to be granted are bordering national forest lands or lands enclosed on it, it is not lawful to enter into respective agreements without prior hearing the Department of Agriculture and Veterinary of the Directorate of Economic Services.

Art. 325 – Grant of lands shown below, by way of aforamento is forbidden:–

1) The lands earmarked for the use of the community;

2) Land necessary for cattle grazing;

3) Land reserved for easement of neighbours;

4) Lands earmarked for threshing and other ordinary works related to; cultivation and protection of the paddy fields;

5) Lands reserved for reservoirs of waters for irrigation of fields and breeding fish;

6) The open yards in front of temples of any religion and cemeteries and plots adjacent to markets places up to 10 m. on each side;

7) The lands which are locked within paddy fields of the comunidade and the rivulets of casana land.

§ 1. The lands mentioned in this article, and those abutting public ways and paddy fields, within a radius of 50 meters earmarked exclusively for grant in emphyteusis, for building houses and those that can be used for cultivation by the comunidade, shall be identified,

described and demarcated if they have not been demarcated before in cadastral survey of the comunidade. A respective record shall be drawn and enter in the Tombo 1‘ of the comunidade.

§ 2. This identification shall be done by the managing committee with the help of a surveyor. In cases of the lands that can be brought under cultivation, an expert in agriculture shall also be heard.

-------86--------

§ 3. Whenever necessary, the administrator shall inspect the works, by solving in loco any doubts that may arise.

§ 4. Once the demarcation is done, the provisions of article 212, to the extent applicable, shall be observed.

§ 5. Until the identification of lands, referred in paragraph 1, is not done, no aforamento shall be granted nor confirmed.

§ 6. After the lands that can be used for cultivation are separated, the managing committee, with the help of the agricultural expert, shall prepare the map of cultivation with necessary estimates for the execution of works in one or more lots, so that cultivation can be done with financial capacity of the comunidade.

§ 7. The emphyteusis granted, in contravention of previous paragraphs, shall be null and with no effect and the persons that contributed to such grants shall be liable for damages.

Art. 326 –Plots with and area more than 3 hectares shall not be granted on emphyteusis for cultivation and those with more than 1000 m2 for the construction of house; however bigger area can be granted, for construction of house when the applicant so desires and produces a plan of the proposed building.

§ 1. Lands with an area of 3 to 10 hectares may be granted on emphyteusis for cultivation if on account of rocky nature of soil the development of the said land demand heavy expenses or if the land is of single crop and it is intended to convert into two crops land.

§ 2. In each comunidade, more than one emphyteusis for construction cannot be granted to the same person.

Art. 327 –The plots adjoining each other and located near residential buildings and those abutting roads, public ways or village ways and paddy fields shall not be granted in emphyteusis for cultivation within a radius of 50 meters, except strips of land of not more than 5 meters wide which may be granted, without auction, and on payment of approximate foro previously fixed, increased by 50 per cent.

Art. 328 – It is expressly forbidden to apply in the same application for more than one plot, or land for cultivation and for house at the same time, or of more than one applicant for the same or different plots.

Art. 329 –The applications for emphyteusis shall be addressed to the 89[Government] and shall be filed in the office of the respective administration of the comunidades, mentioning:

a.The name of the plot;
b.Its situation;
c.Its boundaries;
d.Its probable area;
e.The proposed use;
f.The statement whether the plot is uncultivated or cultivated.

§ 1. The officer entrusted with the work shall give to the interested party the

acknowledgement receipt of the entry of the application indicating the respective number

-------87--------

given to it.

§ 2. No application shall be processed, without the deposit of the probable cost of not above

240 $ at the hands of the secretary of the administration office, who shall issue to the interested party a receipt indicating the day and hour at which the deposit was effected and the entry in the respective book.

§ 3. The applications for the emphyteusis which are not as per conditions prescribed in this Code shall not be processed.

Art. 330 – After the application has been processed, the secretary of the administration office shall announce the request applied for, in two successive numbers of the Official Gazette, describing the land with all the conditions indicated in the preceding article, so that objections against it could be filed within the period of thirty days, from the date of the second publication of the advertisement. At the end of that period, enclosing the objections received or certifying that there have been none, the file shall soon be sent to the clerk of the comunidade for his reply and that of the managing committee, and within a period of thirty days, which is not to be extended, shall express their advisory opinion on the application.

for the purposes of this article.

attached to the file.

Art. 331 – On the expiry of the period for the reply, the clerk shall return the file to the administration office, with or without the reply of the comunidade or of the committee.

§ 1. The administrator shall order to notify the applicant and the attorney of the comunidade office for appointment of experts for the inspection, indicating the day and the hour for this purpose.

§ 2. The appointment of the experts shall be done in the manner prescribed in the Code of Civil Procedure. The third expert shall always be appointed by the administrator.

§ 3. In the order of appointment of the experts, the date and the hour for the inspection, shall be indicated and this inspection shall be held within the period of twenty days.

Art. 332 – The inspection shall be presided by the administrator along with his secretary, and besides the experts, the applicant, the attorney and the clerk of the comunidade shall be notified to attend.

§1. After taking the oath, the experts shall give their report declaring whether the land is suitable to be granted as emphyteusis and whether from the grant it will result or not loss to the comunidade and in this regard the opinion, if any, from the same comunidade and from the committee, shall also be considered. The experts shall also state which is the amount of foro to be fixed and all the circumstances that may contribute for the final decision.

§ 2. If on inspection it is found that the land is suitable to be granted, it shall be measured and demarcated, placing temporary boundary stones in all its angles.

§ 3. If on inspection the land has been found not suitable to be granted on emphyteusis, the applicant may request the administrator, within the period of eight days, a new inspection, and it shall be granted with five experts, being two appointed by the applicant, two by the

-------88--------

attorney of the comunidade and the fifth by the administrator.

§ 4. The same shall apply when the attorney of the comunidade, does not agree with the opinion given regarding the suitability of that plot, and thus requests for the inspection.

§ 5. In the talukas of 1st class the foro cannot be less than 6$ for each 100m2 and in the remaining talukas not less than 3$. However, if the land applied on emphyteusis is cultivated, the foro shall never be less than the maximum rent accrued in the last nine years and plus ten per cent.

§ 6. After the inspection, the minutes shall be written and signed by all present and then recorded in the book of the comunidade, within the period of eight days.

Art. 333 – If the applicant desists from the claim, the administrator shall order that the proceedings be filed and shall return to the applicant the pre-payment costs made, after deducting the amount of cost.

Art. 334 – All the lands applied for emphyteusis shall be put up for public auction, without prejudice to the provisions of article 327.

§ 2. On the day fixed for the auction, the administrator shall order the bailiff to announce the initiation of bids and, at the end of the bidding, the land shall be granted in terms of the following paragraphs, drawing the required record.

§ 3. In the case when the land is granted to a person other than the applicant, the latter shall be indemnified by the former with double the procedural cost.

§ 4. The bidder who offers the highest bid foro shall deposit the amount corresponding to foro of one year and plus the double of the deposit, and only then the bid shall be considered finalized.

§ 5. After the order of the grant of the emphyteusis, the amount of double of the costs shall be handed over to the first applicant and the one corresponding to the foro paid into the safe of the comunidade, being credited separately in the first year of the contract.

§ 6. In the absence of bidders the land shall be adjudicated to the applicant for the foro fixed at the inspection.

90[**Article 334-A.—** Notwithstanding anything contained in article 334, but subject to article 327, a Comunidade may subject to such guidelines as the Government, may, from time to time, issue, grant on lease 91[not more than 10,000 sq. metres of land to educational societies for construction of playgrounds and] 92[not more than 400 sq. metres of] land for construction of houses or buildings, without auction, to any of the following categories or for purposes 93[except that the Co-operative Housing Societies of landless person may be granted land not more than 800 sq. mts.]:-

i)Public, Charitable or Religious Institutions;
ii) For any scheme of providing housing to the economically weaker sections;
iii)Small scale Industrial purposes;
iv) Government Departments or local bodies;
v) Co-operative Housing Societies of landless persons;
vi)Government servants or employees of the Comunidades 94[who are landless];

vii)Landless Jonoeiros;
viii)95[Landless] Freedom Fighters;
ix) Such other categories or purposes as may be notified by the Government, from time to time.

Provided that every notifications issued under this clause shall be laid as soon as may be, after it is issued, before the Legislative Assembly:

96[Provided further that institutions of public utility and associations of professional bodies duly recognised by the Government may also be granted not more than 10,000 sq. metres of Comunidade land on lease for construction of houses or buildings, without auction

Provided further that the educational societies, institutions of public utility, social organisation and associations professional bodies duly recognised by the Government and have been granted Comunidade land under any other provisions of law or are in actual possessions of the land, shall be deemed to have granted the same under the provisions of this Legislative Diploma, on payment of annual lease rent].

97[Provided further that the Government may, with the prior consent of the concerned Comunidade, grant on lease, land admeasuring upto 2 lakh sq. mts., to any educational or health institution or any charitable and/or social trust or society or any similar social

institution of public utility or engaged in the field of education or health, duly recognised by the Government, for the purpose of any Scheme, without auction:

Provided further that the scheme for which such grant is made on lease shall be scheme which

is duly approved by the Government and for which a certificate of ―No objection‖ has been

issued by the Government.]

Provided further that the members of Cooperative Housing Societies and the persons belonging to the categories (vi), (vii) and (viii) above are residing in Goa for preceeding 98[15]

years:

Provided also that no person 99[or members of the Co-operative Housing Societies, as the case may be] whose annual income exceeds 100[Rs.3,50,000/-] or such amount as may be prescribed by the Government shall be eligible for grant of land on lease without auction.]

101[Explanation 1.— For the purpose of the Article, the word ―landless‖ means that neither the person nor his or her spouse or minor child owns a plot of land or house in the State of Goa. The word ―house‖ shall also include a flat or apartment.

Explanation 2.— For the purpose of this Article, the annual income of the person shall be construed to mean the annual income of the person and of his or her spouse or minor child.]

102[334-B. — (1) Notwithstanding anything contained in articles 334 to 340, the Government may, with the prior consent of the concerned Comunidade, grant land by way of aforamento, on such terms and conditions as it deems fit, to the Government Department or the Government undertaking or the statutory body constituted by Government of India for setting up of premier higher educational institute of national level and of International repute, without auction.]

103[Art. 334-C— 104(1) Notwithstanding anything contained in this Code, the Government may with the prior consent of the concerned Comunidade, grant land by way of long lease for any Government project or any public purpose, for such period and on such terms and conditions as it may deem fit, to any Government Department, Government undertaking, Government institution or statutory body constituted by Government.

Explanation.— For the purpose of this article, the words “public purpose” shall have the same meaning as assigned to them under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No. 30 of 2013)].

105[(2) The procedure to be followed for grant of land under clause (1) shall be such as prescribed by the Government.

(3)The land granted on long lease under clause (1) shall be deemed to be land granted as emphyteusis under this Code.]

106[334-D—If a grant has been made of any Comunidade land to any religious institution, whether a Mazania of a temple or a temple or Fabrica of a Church or a Church, or any religious trust, without payment of any foro and such land is held legally by such grantee for more than fifty years, then such land shall stand vested in such grantee absolutely and without any encumbrance and the Comunidade shall be divested of its rights in or upon the said land.]. **Art. 335** – After the auction, the secretary of the administration shall forward the file to the administrator, who, with his remarks, shall send it to the Directorate of Civil Administration Services.

§ 1. The Governor-General, on going through the file, shall consider the request.

§ 2. Soon after the file is returned to the administration office, the same shall be forwarded to the clerk of the respective comunidade, who shall register, within the period of three days of receipt, the order of the 107[Government] in the competent book.

§ 3. If the order is for grant of the emphyteusis, the clerk of the comunidades, soon after the registration, shall issue a chalan to be paid, within eight days, by the emphyteuta the siza]108 which may be due by the law in force and, after attaching to the file the receipt of the payment, with the assistance of the attorney of the comunidade, shall make provisional delivery of the land to the emphyteuta, verifying the correctness of the measurement and that there has not been any change in the provisional boundary marks, drawing thereafter the competent record, which shall also recorded in the book.

§ 4. Soon after, the clerk shall make provisional registration of land granted which shall be converted in definitive after being granted the final possession to the emphyteuta.

§ 5. If the provisional delivery is not taken, without justified reasons, within the period of four months from the order of the grant, the administrator shall inform this fact to the Governor-General, proposing the cancelation of the order of the grant of emphyteusis and reverting the land to the comunidade.

Art. 336 – In case of the applicants or successful bidders show no interest in taking necessary further steps, within the time fixed by the administrator, the Governor-General may order the application to be filled.

Art. 337 – The emphyteuta, within three days after the end of the period set in article 341, or extended as per article 342, is bound to apply to the administrator for the definitive possession

-------91--------

of the land granted on emphyteusis.

Sole § After applying for the possession, the administrator shall grant the same on the day and hour that shall be fixed , and in the presence of the emphyteuta, the attorney, the clerk of the comunidade and the secretary of the administration, the latter shall write the respective minutes, which later on shall be recorded by the clerk in the competent register.

Art. 338 – The provisional delivery of the land granted, as emphyteusis, cannot be considered in legal relations between the comunidade and the lease holder, as this is an optional act of mere tolerance, and only the definitive possession confers to the emphyteuta the rights that the civil law recognize and assure him. He, meanwhile, can make use of the possessory actions and of the other conservatory means against the third parties.

Art. 339 – Following persons have premption in the emphyteusis for cultivation:–

1. The member of the comunidade with actual residence in the village;
2. Any other inhabitant of the village, and preferably, direct cultivator;
3. Those who have adjoining land to the one to be granted, preferably between them, the proprietor of smaller area;
4. Those who earlier have applied for grant of emphyteusis for the same plot and the application has been processed.

Sole § The preemptors shall make their claim at the auction, at the end of bidding, and before the award, for which it shall be announced that the auction has been knocked down and the provisions of the paragraph 4 of article 334 shall apply to the preemptors with the exception of the those covered by the clause 4 of this article, who shall not be bound to pay double of the costs.

SECTION II

Objections against applications for the grants

Art. 340 – Any objection against the request for emphyteusis can only be brought up, within the period of thirty days referred to in the article 330.

§ 1. After the objection is received and the comunidade is heard, the administrator shall stay further proceedings in respect of the contested portion of land and continue the proceedings in respect of part on which there is no objection, provided the applicant so desire.

§ 2. The objection shall be put in writing and signed by the objector with the signature attested by the Notary, and on the same the administrator shall pass his order deciding the objection or directing the parties to approach the court through the ordinary means if the dispute is concerning possession and title of the property.

§ 3. If the objection cannot be decided without inspection of the property, necessary data shall be collected on the inspection referred to in the article 332, and the claimant, upon notice, may formulate any queries and produce any document.

§ 4. If the applicant, inspite of knowledge, that the parties have been directed to approach the court, insists on the grant of lease, the proceedings shall be taken and the grant shall be granted with all the legal formalities, but on the clause that the comunidade shall not be answerable for the eviction of the grant, nor bring objection to any delivery of the plot, and further, with the clause that the grantee will subrogate of all the rights of the comunidade.

§ 5. In case of the declaration referred to in the previous paragraph, of which record shall be made, the provisions of the paragraphs 8 and 9 of this article shall not be complied with and the objector may enforce his rights against the emphyteuta at any time, observing the provisions of general law.

§ 6. In the case provided in paragraph 4, the grantee is bound to pay to the comunidade the respective foros, until the date of the final court decision, directing the reversion of the land to the objector, become res judicata or to the one who legally represents him.

§ 7. In the defence of the suit filed by the objector, in the case of paragraph 4, the grantee, for all purposes, shall be considered the legal representative of the comunidade.

§ 8. The objectors whose objection are to be decided in the judicial courts, shall produce, within thirty days from the date of notice of the order which is referred to in the paragraph 2 of this article, a certified copy that the competent plaint has been presented in the court, on the pain of the objections being considered of no effect and the proceedings to take normal course for the grant of emphyteusis.

§ 9. The objectors are equally obliged to present in the administration office every three months, a certified copy indicating that the case proceeds it normal course, failing which the sanction imposed in the previous paragraph shall follow.

§ 10. If the suit is decided finally in favor of the comunidade, the application for grant of emphyteusis shall follow its course.

SECTION III

Reversion of lands granted on emphyteusis

Art. 341 – The plot granted by way of emphyteusis shall revert back to the comunidade if it is not utilised, within four years from the date of provisional possession.

§ 1. The following plots shall deemed as utilised :–

1. The plots granted for cultivation of rice, when their major part is used for such cultivation, within the prescribed period;
2. The plots granted for plantation of trees or of the other species, when they are totally or in major part utilized for such plantation during the prescribed period;
3. The plots granted for building houses which were completed within the said four

years, with at least one fifth of the area fully utilized upon;

4. The plots granted for the construction of houses and also for the cultivation when they may have been utilized for both the ends;

5. The plots granted in the area above 3 ha. for establishments of public utility, if the same establishment is completed within six years including the compound, play grounds, garden and other easements, covering at least one tenth of the granted area.

§ 2. If it is found that the plots granted for construction of houses have been utilized, but the area used is less than that foreseen in clause 3 of paragraph 1, the 109[Government] may direct the final possession of the area corresponding to 5 times of the occupied area, without changing the quantum of foro, ordering the reversion of the remaining area.

§ 3. The provision of the preceding paragraph shall not apply to the leases granted in urban zones or subject to urban planning, without the municipality being heard.

-------93--------

Art. 342 – The emphyteuta who, for any reason, cannot avail of plots granted as emphyteusis, within the period of four years, can, before expiry of the same, apply for its extension, mentioning the causes for delay in the fulfilment within the stipulated period, and the 110[Government], after hearing the managing committee of the comunidade and the respective administrator, decide the request as he thinks fit, granting the extension for one year.

Art. 343 – A committee comprised of president of the managing committee, the attorney and the clerk of the comunidade, shall inspect every year, during the month of December, the areas granted by way of emphyteusis checking whether the plots granted have been utilized in terms of previous articles and drawing the competent report, where it shall be mentioned therein the actual statues.

§ 1. For this purpose the clerk shall provide the committee, the necessary clarifications, as per the registers, and when not available, obtaining the same from the administration office of comunidades.

§ 2. One copy of the report of the inspection shall be forwarded to the administration office of comunidades, by 15th January of each year.

§ 3. The members of the committee who do not comply with the provisions of this article, shall incur, each one, a fine of 150$ to 300$, which shall be imposed by the administrator, without prejudice to the disciplinary action against the said clerk.

§ 4. The administrator who does not comply with the provisions of preceding paragraph incurs a fine of 300$ to 600$, without prejudice to disciplinary action.

Art. 344 – When it is found from the inspection, referred to in the article 343 that the emphyteuta did not utilise the land for the purpose for which it was granted in terms of article 341, the penalty corresponding to twenty times the amount of foro, and the same not being below 300$, shall be imposed on him.

Art. 345 – After the receipt of the copy referred to in the paragraph 2 of the article 343, the administrator shall order to notify the emphyteuta, on pain of the case being set ex-part, to state in his petition to be submitted, within the period of eight days, the reason for failing to avail of the land.

§ 1. If the emphyteuta admit his fault noted during the inspection or if the case is decided ex-part, the administrator shall bring this to the knowledge of the Governor-General, proposing that the order of grant be revoked and the land reverted to the comunidade.

§ 2. If the emphyteuta dispute the correctness of the examination, the administrator shall order the re-examination, which shall take place in terms of article 332, by way of experts. The grantee shall make the pre payment of the cost and if the examination establish that the contention made by the grantee is without merit then he shall forward the file and direct action for early reversion of land to the comunidade.

§ 1. The copy of this order shall be sufficient document to cancel the registration of the emphyteusis in his name in the land Registration Office. Such cancellation shall be sought by the attorney of the comunidade in ten days time, failing which the attorney shall be fined ten times the amount of foro.

-------94--------

§ 2. As from the date of publication of the order in the Official Gazette the plot stands reverted to the comunidade, and no suit or no administrative proceedings shall lie against such cancelation done under the Code under this article from the part of emphyteuta.

CHAPTER VII

Sale of pledges and of produce of properties

Art. 347 – The pledges created in terms of article 279 shall be sold in the following manner, when at the proper time the amount secured by the pledge, has not been paid.

§ 1. The clerk of the comunidade shall announce the public sale, inviting the prospective buyers to be present in the administration office of comunidade, on the date and hour indicated by the administrator.

§ 2. The advertisement shall indicate the type of the securities, its metal and value and the corresponding number of certificates of the shares and the issuing comunidade.

§ 3. On the day fixed for the sale, in the presence of the administrator, the president of the managing committee, the attorney and the clerk of the comunidade, the items shall be awarded, each one of the objects separately, or all together, to whoever offers higher bid. The clerk of the comunidade shall write a report in the book of records, signed by all of them, by the bidder and by two witnesses.

§ 4. The pledge put for auction shall not be delivered to successful bidders without prior payment of the respective price, and in case it not paid within three days, a new auction shall be held, and the original bidder shall be subject to penalties provided in the article 904 of the Code of Civil Procedure.

§ 5. From the amount of the bid, the interest and the emoluments due from the proceeds of the auction shall be deducted and the surplus shall be returned to the debtor.

Art. 348 – For the sale of fruits and products of the properties mentioned in article 284, the formalities prescribed in the present chapter, as far as applicable, shall be observed.

CHAPTER VIII

Permission for filing of suit

Art. 349 – When the comunidade decides to file any suit, in terms of article 9, the attorney shall explain, with indication of the probable expenditure to be incurred with the suit, with para wise pleadings in fact and law supported by documents and addressed to the Administrative Tribunal, through the respective administrator, who shall put his remarks on it. The Administrative Tribunal shall decide, independently of the approval without circulation to other members, with exception that of the Ministerio Público, and if the permission is grated to file the suit, it shall sanction the expenditure to be incurred for the purpose.

Art. 350 – Same procedure as per the preceding article shall be adopted when the comunidade requests permission to withdraw, admit and compromise the suit.

111**[**Provided that before making such request for permission to withdraw, admit or compromise any suit or other legal proceedings, the comunidade shall obtain approval of the Government.**]**

-------95--------

Art. 351 – Permission for conservatory actions shall be obtained by application addressed by the attorney of the comunidade to the administrator.

Art. 352 – The permission referred to in the articles 9 and 154, No. 3, shall be accompanied by the copy of the initial plaint and the one referred to in the preceding article shall be

presented in court in terms of article 25 of the Code of Civil Procedure (Codigo de Processo Civil).

Art. 353 – The suits filed in regards to the current accounts issued in terms of this Code, as well as the suits against the debtors of the annual income of the comunidade and against the defaulting borrowers are not subject to the formalities prescribed in this chapter.

CHAPTER IX

Redemption of charges and contributions due to the comunidades

Art. 354 – The remission of fees of the offices of clerks of the comunidades and any other charges shall be applied to the Governor-General through the administrator, attaching to the application the copy of the minutes of the comunidade in which it was deliberated to effect the remission and a certificate stating that the safe of the comunidade is in position to pay the same.

Sole § The administrator shall hear the interested party in whose favor the charge is constituted and, if it is a collective person, shall forward the application to its representative, for him to hear the same, and, enclosing the replies that may be obtained, he shall send the file to the Directorate of Civil Administration Services with remarks of the same to be submitted for order of the Governor-General.

Art. 355 – The document proving the payment of the capital of redemption or of the delivery of title of equivalent shares is sufficient to proof the cancellation of the burden and, in view of the same to make the cancellation in the registry.

CHAPTER X

Rebate on the rent of the fields

Art. 356 – The lessee of the comunidade has the right, irrespective of previous stipulation, to seek rebate in the payment of rent proportionate to the object of the lease arising from fortuitous events or of force major, for which by no manner he has contributed, without prejudice to what is provided in the sole paragraph of the following article.

Art. 357 – For the purposes laid down in the preceding article, the unforeseen happenings or cases beyond ones control are only those of inundations of saline water or fresh water due to the breach of bunds or to the mal-functioning of the sluice gates, drought, fire, extraordinary invasion of insects and the lack of water in the reservoirs of irrigation of fields for the cultivation of vaingana.

Sole § In cases of inundation and of drought, the lessee can ask for reduction of rent only if the leased lot has produced less than half of the production attributed in the estimate. If it is verified that this production is above 75 percent of the one foreseen in the estimate, the lessee shall incur in a fine, applied by the Governor-General, corresponding to 50 per cent of the respective rent.

-------96--------

Art. 358 – The lessees, when any of the events mentioned in the preceding article take place, shall bring to the notice, in writing, on ordinary paper to the administrator of comunidades and to the clerk of the comunidade, who shall bring to the notice of the higher authorities and to the agents of the comunidade.

Sole § When the lessee realizes there is no water in the reservoir for irrigation of the field that it serves, he shall bring this fact to the notice, in the manner indicated in this article, till the end of the month of November, for its verification and reduction of the area of the field that may be irrigated.

Art. 359 – The administrator of the comunidades, the attorney and the bidder of the embankment and of the sluice gate, if any, shall take immediate steps to repair the damage or to lessen the same.

Art. 360 – The administrator, after receiving the communication, shall immediately order its inspection of the field or of the reservoir by technical expert or, in his absence, by a fit person,

in the presence of the attorney, and record in a report, which shall be written by the clerk of the comunidade, all that has been collected for a just evaluation of the damage, its causes, responsibility and identification of the lots affected.

Art. 361 –The rebate of rent known as quita shall not be granted if the lessee fails to bring to the notice of any case arising from fortuitous events or of force major in precise terms of article 358 and its sole paragraph.

§1. The communication made, within three days, after the occurrence is considered as deemed made in due time.

§ 2. The benefit of the inspection made shall be of advantage to all the tenants.

Art. 362 – The administrator who fails to order to carry out, within the period of forty eight hours, the inspection referred to in the article 360, and on account of such behaviour it not possible to verify the reason for the occurrence and to identify the person, he will be answerable to the comunidade for the damages caused which shall be recovered by ordinary means.

Art. 363 – The administrator, members of the managing committee, the lessee who fail to take appropriate measures or have not execute them to prevent the worsening of the damage, shall be held responsible to the comunidade that it may suffer and which shall be recovered by using ordinary means.

Sole § Any member of the comunidade shall be considered as proper party to file suit to recover damages in favour of the comunidade.

Art. 364 – The applications for the relief of rent (quita), addressed to the Governor-General, shall be given entry in the respective administration office, indicating in it the name or names of the plots, their location and probable quantity of the loss of income, its causes, the impossibility to sow the plots and all the grounds in support of the request and the proof that the lease holder has fulfilled the technical conditions of the cultivation.

§ 1. The rebate (quita) of each plot shall be applied by the respective lessee. When the plots are continuous or that the distance from each other in not more than 500m, or, when the reason for the quita of the rent of vaingana]112, when the plots are irrigated with the waters of only one reservoir, the quita can be applied in one application by the affected lessee.

-------97--------

§ 2. When application is processed the administrator shall order to notify the interested party and the attorney of the comunidade to appear in the administration office, in order to appoint of one or three experts.

§ 3. The appointment of experts be made in terms of general law, being the third expert appointed by the administrator. If the parties agree that there shall be only one expert, such appointment will be done by the administrator.

§ 4. At the time of the appointment of the experts, the administrator shall fix the date of the inspection, direct to notify the experts, the parties and the attorney of the comunidade to appear at the place of the respective plots on the designated day and hour.

§5. In the inspection the loss of income shall be assessed, its causes and quantity, the impossibility of sowing and all that may concur for the clarification of the matter, drawing a detailed report.

§ 6. The interested parties may formulate queries and the administrator may direct any steps that may think essential to clarify the matter.

§ 7. If any lessee, the attorney of the comunidade or its managing committee, do not agree with the result of the inspection, it shall proceed for the direct measurement of the produce, it being the duty of the administrator to promote all the necessary diligences for correct execution of this measurement. When by the measurement it is found that the experts have acted in bad faith in the inspection, the administrator shall report this fact to the Judicial Court, within the

period of forty eight hours, and, if it is in the case of public servants, shall report also to the Director or head of the respective department.

§ 8. On the conclusion of the investigation, the administrator shall order to hear the comunidade and the managing committee and forward the process with his remarks, to the Directorate of Civil Administration Services for the decision of the Governor-General.

§ 9. The Governor-General, in view of what has been recorded in the process, shall resolve if the applicants deserve or not the rebate (quita) and, in the former case, shall determine the reduction that should be made in the rent of each plot.

Art. 365 – When the quita is applied for the motive of shortage of water necessary for the sowing and irrigation of vaingana in the reservoirs of the comunidade, the fact and its cause shall be verified during the inspection, as well as, if the plots referred to in the request can be or not cultivated and watered, till the ripening of the standing crop, with the existing waters.

1st. If it is found that the plots of the applicant can be cultivated, the rebate (quita) shall not be granted; and, in the other case, after the diligences dealt with in the paragraph 6 of preceding article, the file shall be forwarded, with the remarks of the administrator, for the final decision.

2nd. On verifying that the cause of shortage of waters was not casual, but due to action of a person other than the applicant, he may use against the former all the remedies available within the power of the comunidade.

Art. 366 – For the purposes of the grant of the quita of rent of the fields in which there may have been total damage of the crop, the verification of the alleged fact shall be done by the managing committee, with the assistance of the agricultural technician, having the interested lessee to deposit previously the probable amount of travel expenses of the said technician, in the respective administration, observing in the subsequent terms the provisions of the article 364, wherever applicable.

-------98--------

Art. 367 – The request for the grant of the rebate (quita) shall be presented till February 15 in relation to vaingana/Rabby]113 till August 15, in relation to kharif crop, till September 15 in case of drought and within five days from the occurrence in case of fire and extraordinary invasion of insects.

The commission for the verification of grounds of the request shall be done before the harvest.

CHAPTER XI

Introduction of waters in the fields

Art. 368 – No saline waters or sweet waters can be introduced in the paddy fields of the comunidades, without permission of the Governor-General.

§ 1. This shall be applied by the attorney of the comunidade, through the respective administration office, by attaching to the application the following documents:–

a) Resolution of the comunidade or of the managing committee when the requirements of article 38 are satisfied , deliberating on the intended introduction of waters and indicating the time up to which it last;

b) Opinion of two physicians , one of which shall be the health officer or his deputy of the area, declaring that the introduction of waters shall not cause prejudice to the health of the neighbouring population nor the waters of the wells situated in the neighbouring properties, in the case of saline waters;

c) Declaration of the proprietors of the adjoining properties that they agree to the request;

§ 2. The application, with the remarks of the administrator, shall be submitted by the Directorate of Civil Administration Services to the resolution of the Governor-General, after

hearing the Directorate of Economic Services (Office of the Agriculture and Veterinary Services) and the Directorate of Marine Services.

Art. 369 – The permission, if granted, shall be subject to the following conditions:–

1st. The waters to be introduced in any paddy fields shall not rise to more than 0.m75 in the middle part of its surface;

2nd. Cannot be retained more than twenty four hours, for an height above 0.50m in the middle part of the inundated surface, however the introduction can be repeated, when necessary, with the minimum interval/break of twenty four hours.

Art. 370 – The violation of the provisions of the preceding articles shall be punished with simple punishment of 6 months to two years and corresponding fine, and the functionary in charge of parish (Regedor) of the village soon after comes to his knowledge of the same immediately shall have the inundated field drained, making record and conducting a summary enquiry, and he shall send the file to the competent tribunal, informing also the fact to the administration office of the comunidades and of the taluka.

Sole §. The expenses incurred with the drainage shall be considered for the purposes of damages to be fixed in the criminal case in case of conviction and the expenditure incurred, which initially shall be borne by the comunidade.

CHAPTER XII
Encroachment of lands and remedies for their recovery
Section I
Encroachment discovered with or without complaint

Art. 371–114[**Summary eviction of a person unauthorisedly occupying land vesting in Comunidades.-** (1) If in the opinion of the Director of Civil Administration, any person is unauthorisedly occupying or wrongfully in possession of any land.

(a) vesting in the Comunidade ; or

(b) to the use or occupation of which he is not entitled or has ceased to be entitled by reason of

(i)any of the provisions of this Code, or,

(ii) the expiry of the period of lease or termination of lease for breach of any of the conditions annexed to the tenure, it shall be lawful for the Director of Civil Administration to summarily evict such person in the manner provided in clause (2).

(1) The Director of Civil Administration shall serve a notice on such person requiring him within such time as may appear reasonable after receipt of the said notice to vacate the land and if such notice is not obeyed, the Director of Civil Administration may remove him from such land.

(2) A person unauthorisedly occupying or wrongfully in possession of land after he has ceased to be entitled to continue the use, occupation or possession by virtue of any of the reasons specified in clause (1), shall also be liable at the discretion of the Director of Civil Administration to pay a penalty not exceeding two time the assessment or rent for the land for the period of such unauthorized use or occupation.

(3)The proceeds on account of the penalty imposed on the encroacher envisaged in clause (3) shall be credited to the coffer of the Comunidades.]

Art. 372– 115**[Forfeiture and removal of property left out after summary eviction.—** (1) After summary eviction of any person under Article 371 any building or other construction erected on the land or any crop raised on the land shall if not removed by such person after such written notice as the Director of Civil Administration may deem reasonable, be liable to forfeiture or to summary removal.

(2)Forfeiture under this Article shall be adjudged by the Director of Civil Administration and any property so forfeited shall be disposed off as the Director of Civil Administration may direct, and the cost of the removal of any property under this Article shall be recoverable as an arrear of land revenue.

(3)For the purpose of this Article and Article 371, the Director of Civil Administration means the Collector of Goa, as defined in the Goa, Daman and Diu Land Revenue Code, 1968 (9 of 1969).

(4)The Director of Civil Administration may by order, delegate any of the powers and duties conferred on him under Articles 371 and 372 of the Code to any Administrator of Comunidades or officer subordinate to him, subject to such condition, if any, as may be specified in the order.]

-------100--------

116[**372-A. Regularisation of unauthorised occupation, wrongful possession, etc.—**

(1)Notwithstanding anything contained, elsewhere in this Code, or any other law for the time being in force, or in any instrument, judgement, decree or order of any court or law, any person who is in unauthorised occupation of, or in wrongful possession of, or who has encroached upon, in or over, any land:-

a)vested in Comunidade, or

b)to the use or occupation of which he is not entitled or has ceased to be entitled, by reason of:

i.any of the provisions of this Code, or

ii.the expiry of the period of lease or termination a lease for breach of any of the conditions annexed to the tenure;

and has constructed, on or before 15-6-2000, a house, for residential purpose on such land, shall, on an application made by him to the Collector of the concerned district, within a period of 117[250 days] from the date on which the Article 372-A, came into effect, in the specified form, accompanied by specified documents and on payment of specified fees, be entitled for the regularisation of such unauthorised occupation or wrongful possession or encroachment including of the said residential house, subject however to sub-clause (3) Article 372-A.

(2)From the date on which Article 372-A came into effect till the expiry of the period of 118[250 days] prescribed under sub-clause (1) above, or till the pendency and disposal of the application, if any; made under sub-clause (1) above, as the case may be:

b) no proceedings shall be initiated and no order shall be passed, under this Code, against a person who is eligible to apply for and whose case falls, under sub-clause above, and c) all proceedings already initiated and any order already passed under this code, against a person who is eligible to apply for and whose case falls under sub-clause (1) above, shall remain stayed during such period as prescribed above:

Provided that the period of stay of any proceedings initiated or of any order passed under this Code or the period during which no proceedings can be initiated or no order can be passed under this Code as stated above, shall not extend beyond a period of 119[one year six months] from the date on which Article 372-A came into effect notwithstanding the fact that the said application made under sub-clause (1) above is not disposed off within the said period of one year.

(3)The form of application, fees payable, the procedure to be followed in processing/deciding the application under sub-clause (1) above, the documents required to be furnished alongwith an application under sub-clause (1) above, the area to be regularised, the fine to be imposed upon, for regularisation, if any, etc., shall be such as may be specified in the rules under the Code.]120

Art. 373 – The following persons are obliged to denounce the encroachment of land:–

1. The attorney of the comunidade;

2. The lessee of the fields, both in relation to land leased as well as of embankment, drains and lands enclosed by or confining it, which are not found leased to another individual.

-------101--------

§ 1. The attorney who does not denounce the encroachment of land, as soon as it comes to his knowledge, shall be dismissed from the office, and shall forfeit in favour of the comunidade the allowance to which he is entitled for the service rendered up to the date of the discovery of the encroachment of land.

§ 2. The lessee who fail to denounce the encroachment of land soon after they come to know about it, shall be liable to pay a fine equal to half of the value of land encroached.

Art. 374 – The denouncement shall be addressed to the administrator and it shall contain:–

a) The name, status and the residence of the denouncer and of the encroacher;

b) The denomination of the land encroached upon, its boundaries, the approximate area, time of encroachment of land and its value;

c) The plot of land to which it belongs and the name of the lessee;

d) Other clarifications that may help to discover and delimitate the encroachment of land.

Art. 375 – The denouncements can also be made to the managing committee, by sending the respective petition to the respective clerk of the comunidade, who shall convene, within twenty four hours, a meeting of managing committee, independently of the permission of the administrator, and accompanied by a report of the committee with clear details, admitting or not the existence of the denounced encroachment and shall forward the denouncement to the administration office.

Sole § The members of the managing committee, who fail to attend their meeting without proper justification, shall incur a fine three times the one foreseen in article 63.

Art. 376 –After processing the complaint, the administrator shall call for views of the managing committee on the same, as per of the provisions of the preceding article, in case the said denouncement was not earlier directed to the committee, and shall notify the encroacher, within ten days to make a formal statement on the file, whether he acknowledges or not the encroachment of land and in the latter case to present his defence.

§ 1. The encroacher shall be given, if he applies for it, a time of twenty days, to submit his defence, if desired.

§ 2. When the encroacher does not admit the encroachment of land, the procedure established in the following articles shall be followed.

Art. 377 – On the expiry of the period of ten days, the administrator shall fix the date and will direct to notify the complainant and the encroacher for the appointment of experts, in order to inspect the land and carry out the local investigation of the land which is the object of encroachment.

One of the experts shall be nominated by the complainant, the other by the encroacher and the third by the administrator.

§ 1. Members of the respective comunidade shall not be appointed as the experts.

§2. At the time of appointment of experts, the administrator shall fix the day for inspection, by directing that, besides the experts, the members of the managing committee and the lessee of the land encroached to attend the same.

§ 3. The presence in the inspection of the denouncer and the encroacher is not required, although either of them may have appeared at the time on appointment of experts.

§4. The complainant, the encroacher and the attorney may formulate queries they feel deemed necessary and present any documents and the administrator may direct the enquire to follow any procedure that he may think necessary to get the matter clarified.

§5. The result of the local investigation shall be drawn on the site and shall be prepared by the secretary of the administration office. The encroachment of land shall be evaluated, measured and demarcated.

§6. The members of the managing committee and the lease holder of the land encroached shall be heard in the act of proceedings and they shall give their views, to be recorded in the inspection report.

Art. 378 – At the end of the local investigation, the parties may lead any type of oral or legal evidence.

Art. 379 – If from the evidence produced, as per preceding articles, the existence of the encroachment of land stands proved, the administrator shall order the issue of a copy of the respective report and other extracts of the file of proceedings, which shall be handed over to the attorney of the comunidade in order to request permission of the Administrative Tribunal for filing of the competent suit in the Court, and shall impose, by order on the file of proceedings, on the encroacher, the following penalties:

a)Banning for a period of five years, from holding any post of the comunidades of the respective taluka and from bidding and standing as a guarantee in the ordinary and extraordinary auctions in the same comunidades, either directly or through an intermediary;

b)Forfeit in favour of the comunidade, for an equal period of time, the proceeds of zonns, dividends on shares, annuities, votonas[116] or any other pension to which he be entitled in the respective comunidade;

c)Fine to the tune of 600$ to 3.000$ when the person denounced is not member of the comunidade. The fine shall not be greater than the double of the value of the land encroached.

§1. The penalties laid down in this article shall be enforced only after the suit is decided in favour of the comunidades by a judicial decision which has become res judicata.

§2. If it is verified that the denouncement was found to be without any ground, the administrator shall order the proceedings filed.

Art. 380 – The encroacher may, at any stage of the administrative inquiry, sign a declaration undertaking to surrender the land or to pay its value, when it does not exceed 1800$. However he shall not be allowed to do so in any circumstance, when the encroached land is subsequent to the cadastral survey done for the purpose of preparing the register in respect of that land or when he might have earlier been involved in another case of encroachment of land.

§1. If the encroacher admits the encroachment of land, by undertaking to surrender the land, the administrator shall order that the attorney of the comunidade, along with the clerk of the same, take possession of the said land, writing the competent report, which shall be incorporated in the file.

§2. The record in which the encroacher undertakes to pay the value of the land, shall not have any legal effect, without the ~~approval of the Administrative Tribunal~~ [121][approval of the Government and permission of the Administrative Tribunal], on the basis of prior report of the administrator, after hearing the managing committee and the comunidade which shall state whether it is convenient to restore the land to the comunidade or accept its value.

§3. If the Administrative Tribunal does not approve the record mentioned in the preceding paragraph, judicial proceedings shall be initiated against the encroacher, irrespective of the authorization referred to in the article 349 and following ones.

§4. In the case of return of the land or of payment of its price, the encroacher shall not be subject to the penalties provided for in article 379, but shall pay only the costs and stamp duty.

§5. When the encroachment of land had taken place prior to taking of the cadastral survey and its value does not exceed 900$, the Administrative Tribunal may authorize or determine the respective comunidade to grant the land to the denounced person for the price determined during the investigation.

Art. 381 – Within 30 days after the sentence of the Court in favour of the comunidade become final, the attorney of the comunidade shall produce in the administration office, or otherwise be subject to a fine of 60$00, a certified copy of the judicial decision so that the administrator may apply, after hearing the parties, the penalties established not only in article 379 but also in the article 373, paragraphs No. 1 and 2, with the exception of the penalty of dismissal of the attorney which will be applied as soon as, by inspection referred to in article 377, the existence of an encroachment is proved.

Art. 382 – The administrator, as soon as he gets knowledge of any encroachment of land, shall proceed on his own initiative and in accordance with provisions of the preceding articles. In this case the respective comunidade shall be considered as the complainant.

Art. 383 – The complaints proceedings, which may be initiated by any individuals mentioned in articles 372 and 373, or when brought on the initiative of the Comunidade, shall be on plain paper, but of legal size, and the costs and stamp duty shall be assessed at the end and paid by the complainant or the accused as the case may be.

§1. The complainant cannot be ordered to pay the costs and stamps duties when the existence of the encroachment of land is recognized by the managing committee, on the information referred to in the articles 375 and 376, and in such a case the respective comunidade shall be considered as complainant, unless if the complaint is found to be baseless and in that case the costs shall be paid jointly by the complainant and by the members of the committee that have admitted it.

§2. The transport allowances of the administrator, of the secretary of the administration office and of the expert, appointed by the administrator, shall however be advanced by the comunidade.

§3. The stamp duties and costs on the proceedings referred to in this article relating to the denounced person shall be demanded in terms of paragraph 1 of article 379.

Art. 384 – Half of the allowances and of the fine referred to in the paragraphs 1 and 2 of article 373 shall be paid to the complainant who had followed the proceedings up to the end and the other half shall be credited to the Pensioner‘s Bank where shall also be credited the amounts derived from the penalties established in article 379.

-------104--------

SECTION II

Encroachment discovered while making the survey

Art. 385 – The personnel entrusted with the work of organizing the cadastral survey, referred to in the articles 210 and 211, shall measure, demarcate and evaluate, along with the lands in possession of the comunidades, any lands that they think must have been encroached, in view of the measurement of its field, if any, and grant made by our government, emphyteusis granted by the comunidade and adjoining private properties.

§1. The certificates of those measurements, previously obtained from the competent offices by the managing committees, shall be kept at the disposal of the personnel entrusted with the

work of cadastral survey, at the beginning of the respective works, attaching to them any other documents that may clarify the matter, whether or not requested by the same personnel.

§2. Before starting the work of measurement, the alleged encroachers shall be notified to appear at the respective place, on the day and hours fixed in order to assist during the measurement and evaluation of the respective lands, failing which the works will be carried out in their absence.

§3. It is the duty of the managing committee to order those notifications to be issued by the clerk of the comunidade or functionary in charge of the parish (Regedor) where those individuals reside, in terms of the Code of Civil Procedure (Código de Processo Civil).

§4. When the encroacher does not agree with the value assigned to the land or to the area calculated, he can apply to the administrator to verify the same area and value it again at his own cost, through the experts, one of whom shall be appointed by the applicant, other by the comunidade and the third by the administrator.

§5. The grant referred to in the preceding paragraph shall not be effected unless the applicant signs before the managing committee a declaration that he agrees to redeem the encroachment of land, in any of the forms established in article 387, by applying for rectification.

Art. 386 -There shall be one special book in each comunidade, to record the encroachment of land which have not been legalized, which shall be written according to model No. 14 and shall contain the measurement, the boundaries and the evaluation of the lands encroached, the name of the encroacher and all the details that may be needed, not only for the recognition and identification of these lands, but also for their restoration or redemption.

§1. The valuation shall be done based on the value of the land at the time of encroachment of land, and it will be paid in terms of article 387 and respective paragraphs.

§2. When a competent suit has been filed against the encroacher, this circumstance shall be mentioned and the name of the attorney in charge of the law-suit and the date of its filing shall be indicated.

Art. 387 – As soon as the register of encroachments of land is concluded, which shall be

done in preference to the writing of the general inventory (Tombo), the managing committee shall order to notify in the

form indicated in paragraph 3 of article 385, all the encroachers who have not signed the declaration of recognition, during the registration of properties, in presence of the surveyor, to come to declare before the committee, within the period of thirty days from the date of notification, and by means of formal declaration, that they agree to pay, in lump sum or in yearly instalments not exceeding to nine, the price of the land encroached by them, failing which legal proceedings will be initiated.

-------105--------

§1. The price payable shall be the value of land, fixed as per paragraph 1 of article 386, plus 25% of this value.

§2. To the instalments, the interest of 4% shall always be added.

§3. The time limit that the managing committee may grant for the payment in lump sum price or the first instalment shall not exceed thirty days.

§4. The time for the payment in instalments can be extended, in exceptional cases, after hearing the comunidade.

Art. 388 – If the encroacher does not sign the respective declaration within the time fixed in preceding article, the committee shall order the issue of a certificate of encroachment not redeemed by him and send it to the administrator, accompanied by all documents on which the finding was based and any others that may serve as ground for claiming the land, in order to authorize the necessary expenses for the filing of suit against the encroacher.

Art. 389 – When any owner voluntarily admits the encroachment of land that he has made and this he is unable to prove by any document, only two thirds of the value of encroachment shall be approved if this admission is made during the survey work or within fifteen days following to its completion, unless the competent suit had already been filed against the encroacher.

CHAPTER XIII

Procedure in general

Art. 390 – Save in cases this Code prescribes a special procedure, all the petitions that are to be dealt by the administrator of the comunidades and decided by him shall be processed in the following manner:–

§1. The initial application, with the order of the administrator thereon, shall be processed by the secretary of the administrative office, attaching the documents which accompanied it, indicating on front cover the number corresponding to the year, the name of the parties and of the comunidade and the nature of the claim.

§2. The administrator shall order the issue of the notice to the opposite party, if any, to put up his defence, within ten days, allowing him to inspect the file and when there is attached a power of attorney to an advocate residing in the seat of the Taluka, judicial division and junior division.

§3. The notice shall be served as per the Civil judicial law.

§4. When the managing committee or the comunidade had to be heard , the secretary of the administration office shall issue an order in the file forwarding the same to the clerk of the comunidade, handing over personally, if he is present in the administration office, or else send it by registered post and the postage shall be paid by respective party.

§5. The clerk of the comunidade, shall record a note acknowledging the receipt of the file and after submitting to the managing committee, shall hand it over to the president, against a receipt.

§6. The president, after examining the papers as submitted to him, if he finds that the information of the clerk of comunidades is required, he shall ask for it, by order, to give the same in the file within ten days, transcribing there after any deliberations of the comunidade and the managing committee and other documents not recorded in there or documents

recorded in the books in his custody, pertaining to the case in dispute or those that are relevant to the subject to be mentioned.

§7. After the return of the file, with the information of the clerk of the comunidade or without the same, if not necessary, the president shall soon fix the date for the meeting of the managing committee or of the comunidade, and order to issue the necessary notices or advertisements.

§8. During the meeting of the comunidade or of the managing committee, the president, explaining the matter and hearing on the same the attorney and there after counting the votes of the committee members or of other members present, shall direct the clerk of the comunidade to record the result of voting and prepare the reply which should be recorded in the respective book and copy of which shall be attached to the file.

§9. In all the cases in which the comunidade is a party, its attorney shall be notified to constitute a lawyer or defend the case himself when there is no need of an advocate.

§10. With the reply of the comunidade or of the committee , the clerk after recording the forwarding note, shall send the file to the administration office, and its secretary, and after recording the note of having received it, shall soon forward the file to the administrator, who shall record, within ten days, his decision on it by signing in full and publishing it in the Entry Book.

§11. When application have been made to produce evidence or it is held necessary that witnesses be examined, the administrator shall direct to that effect and after hearing in writing over the result, within ten days shall pass the order.

§12. The parties are not entitled to go though the proceedings when they fail to attach the document of the power of attorney to an advocate residing in the seat of the taluka, judicial division or junior division.

Art. 391 – In cases when the decision lies with the Governor-General, the same procedural form shall be observed, but the administrator shall give his report in the file and forward the same to the Directorate of Civil Administration Services, and the parties shall be notified of it, if the power of attorney to an advocate is attached.

Art. 392 – When the requests made do not require the hearing of the comunidade or of the managing committee or of any other entity or person, as parties to the case, there shall be no need to open a file and the decision or report shall be recorded in the application at the margin or below the request.

Art. 393 – All the proceedings concluded shall be filed at the administration office, by the respective secretary, who can issue, without any order from the administrator, certified copies of their content or a narrative description.

Art. 394 – All the process shall be on plain paper, in terms of general law, and the losing party shall be ordered, at the end, to pay the costs and stamp duties, which shall be assessed by the secretary of the administration and recovered in terms of this Code.

§1. All the stages of the proceedings, including petitions, till they are submitted to the [122][Government], shall be conducted without collecting fees in advance, when one of the parties is the comunidade, however the amount of the stamps duties and costs shall be assessed and paid at last by the losing party, when it is not the comunidade, that shall not required to pay for any thing excepting stamp duty and costs of the records processed at level

of the tutelage authority.

§2. At the request of the attorney of the comunidade or ex-officio, the administrator may require that the opposite party, when it is not guaranteed, Sign a bond for the guarantee of payment of stamps duties and costs, which amount shall be fixed by the administrator, after

consulting the secretary and this bond can be given by personal guarantee under the terms of the Code of Civil Procedure (Código de Processo Civil).

Art. 395 – The administrator and the [123][Government] can order that files inter-connected may be joined and suspend any other until a decision is reached on another or others on which they may be dependent.

§1. However, all pending case files that may be of same nature and between the same parties, where one of them is the comunidade, shall be joined, in order to be disposed and decide jointly.

§2. The tutelage authorities may request necessary clarifications for the good appreciation of the matters submitted for their resolution.

Art. 396 – Unless in urgent cases or as otherwise provided in any legal provision, the following norms shall be observed in the conduct of the proceedings, failing which the offenders shall incur a fine of 60$ to 300$:

1.The administrators should give decisions, which are not of routine administrative nature, or give information on proceedings which may require to be submitted for the appreciation of tutelage authorities, within a period of ten days.

Sole § The decisions of routine matters shall be given immediately.

2.The secretaries of the administration offices and the clerks of the comunidades are required to conclude the proceedings and to do other procedural work within 48 hours.

3.The technical experts shall conclude studies that are entrusted to them within the time period fixed by the administrator, after assessing their volume of service and the value of the project they are supposed to study.

4.The staff of the administrations office and the clerks of the comunidades shall render information or clarifications asked by their superiors within the period of five days.

5.The comunidades and the managing committees shall deliberate or report on proceedings or application that may be presented to them, within the period fixed by the administrator, and the clerk shall return the proceedings, with the copy of the resolution adopted, within three days of the meeting.

CHAPTER XIV

Appeals or complaints in general

Art. 397 – The appeals and complaints against the resolutions of the comunidade or their managing committee, which are within the powers of the administrator to decide and for which no special procedure has been laid down in the Code, shall be filed within ten days from the date on which they become known, if the appellant or complainant has taken part in the resolution or if he has been communicated and in other cases within fifteen days of the resolution.

-------108--------

§1. The appeal shall be filed by an application setting the due grounds and submitted, in person or through a legal counsel to the clerk of the comunidade or the secretary of the administration office who shall give a receipt for it, indicating the date of receipt and recording the said date in the margin of the application.

§2. The provisions of the preceding paragraph shall apply to the complaints.

§3. If the appeal or the complaint is submitted to the clerk of the comunidades, he shall attach to the same, a copy of the impugned resolution contested and the respective documents, specially those mentioned in the appeal, obtaining authenticate copy of the same, if it is not possible to obtain the originals from archives and within three days shall forward it to the president, who shall convene the meeting of the comunidade within three days, following the formalities prescribed in the article 33 and its paragraphs or a meeting of the managing

committee depending on whether the appeal or complaint has been filed against the resolution of former or latter, so that they may submit their reply.

§4. If the appeal or the complaint is submitted to the secretary of the administration office, he shall annex to the same a copy of the resolution, if it was submitted earlier to the administration office, and other relevant documents in his possession and with the order of the administrator he shall forward it within three days to the clerk of the comunidade for him to follow the procedure prescribed in the preceding paragraph.

§5. All the appeals or complaints shall be duly processed.

§6. After the appeals or complaint has been forwarded to the administration office, with the reply referred to in the final part of paragraph 3, the evidence shall be led if so applied by the parties, or if the administrator so directs.

§7. The files shall be made available to the advocate of the parties, for a period of ten days, for examination only for the purpose of filing arguments, in case a wakalatnama is attached to the file.

§8. The attorney of the comunidade shall issue wakalatnama to a lawyer as soon as he comes to know of an appeal against the comunidade and if he has not done so until the file is sent to the administration office, he shall be notified for this purpose, save when there is no need of a lawyer, but in such case the decision shall be communicated personally to the attorney.

§9. What is prescribed in the preceding chapter shall be followed in all other matters.

Art. 398 – When the appeal or complaint is made to the Governor-General or to the Administrative Tribunal what is prescribed in the Overseas Civil Service Statute and in the Overseas Administrative Reform, respectively shall be followed.

Art. 399 – The costs shall be calculated by the secretary of the administration office.

Sole § - In case of paragraph 1 of article 394, the costs of the proceedings shall be calculated before forwarding to the higher tutelage authorities and the appellant or the complainant, when is not the comunidade, shall deposit the costs and the stamp duties, failing which the appeal or the complaint shall be dismissed.

-------109--------

TITLE III

Shares of comunidades

CHAPTER I

Issue of share certificates

Art. 400 – The number of shares of the comunidades and the method of dividing the income of the comunidade and determination of the annual dividend on the same shares is indicated in map No. 8.

§1. This map constitutes an extract from the catalogues existing in the various administration offices, where shares certificates and the name of the respective share-holders are registered, besides showing the operations of the same.

§2. Each one of these catalogues shall have two alphabetical indexes, the first one pertaining to the names of the share-holders to whom the shares certificates were issued or transferred, and the other pertaining to the names of those in whose favour any pending charges have been recorded.

§3. The Catalogues, which in future may be needed in the replacement, shall be organised as per model No. 15.

Art. 401– The face value of each share is of 120 $, and its real value is the sum of the last twenty annual dividends.

Sole § The share certificate is a printed form, as per model No. 16, and contains

handwritten serial number of the title document, its value, the name of the shareholder and that of the comunidade, the number of shares it represents and the date of issue. It shall be signed by the administrator, the president of the managing committee and by the clerk of the comunidade.

Art. 402 – Each certificate may represent one or more shares but not more than ten.

Art. 403 – The total number of shares issued by each comunidade shall always be divisible by 100.

Art. 404 – The certificates of more than one share may be divided, at the request and at the cost of the parties concerned. The new share issued, in lieu thereof, should indicate the same number as those of dividend certificate, followed by alphabetical letters to indicate the new numbering and the order among the shares, at the reverse of each such share, mention shall be made of the charges attached to the original share which, thereafter should be destroyed.

Art. 405 – The shares into which the original certificate was divided may again be grouped into a single certificate, at the request and at the cost of the party concerned. To this new certificate the old original number shall be assigned, and the provisions of the preceding article, as regards charges and its destruction, shall be applicable.

Art. 406 – The shares certificates of less than ten shares may also be grouped until that number is made up, but in this case the renewal shall be at the cost of the party concerned and the new certificate shall bear the number of the old original certificate.

-------110--------

Art. 407 – No stamp duty is payable for the division or grouping of shares certificates.

Art. 408 – The issue of new shares, by division of the old certificates, shall be mentioned in the catalogue against the divided share and the new shares shall bear the original number.

Art. 409 – The conversion of any alienable interest, when it is not yet done, shall be made in accordance with article 451 and the following ones of the regulations approved by Provincial Notification No. 591, dated 30th October 1886, it being understood that the twenty and twenty five installments provided for in the clauses 2 and 3 of the said article 451 are of the twenty and twenty five years preceding the publication of this Code, and that the divider 10 indicated in the clause 5 of the same article should be considered as 20.

CHAPTER II

Transfer of shares

Art. 410 – The ownership of the shares is transmissible and in order to carry out the operation of the transmission, it is sufficient to indicate on the reverse of the respective share certificate, the name of the transferee with the remarks ―belongs to‖ [pertence]124.

Art. 411 – It is not lawful to make the transmission of one share certificate in favour of more than one person, except when they are husband and wife.

Art. 412 – In the transmission 125[intervivos, the remark ―belongs to‖ when made in the office of the administration shall be signed before the administrator for the transmitter whose name is found in the original record, or by the transmission by way of ―belongs to‖ subsequently entered and followed by noting of registration of such transmission; when it is not effected before the office of the administration, the signature of the transmitter shall be authenticated by the notary.

§1. The regulation of the transmission shall be made according to model No. 18.

§2. When the transmitter does not know or cannot sign, the transmitter shall be recorded in the presence of the administrator or public notary when another person signs, at the request of the transmitter, with two witnesses present thereto, but in the second case the public notary shall certify, while attesting the signatures, the presence of the transmitter, in person.

§3. The transmission may be signed also by an attorney, with power of attorney given for disposal of movable property, which shall be filed in the administration office, except when it is registered in the respective book of the notary.

§4. In the registration of the transmission drawn out in the way provided in this article, the administrator shall declare the manner how the signature was affixed by the tranmitter and authenticated, the name of the notary and the mention of usufruct rights having been reserved, when the transmitter has made such reservations.

Art. 413 – In the transmission inter vivos by use of expression ―belong to‖ on the certificate, the kind of contract or ground of transmission may be declared, and in the absence of such a declaration, the transmission shall be deemed to have been done by way of sale.

-------111--------

Art. 414 – If the transmission is to operate causa mortis or by act inter vivos, by way of document authentic or authenticated, or by sale effected in inventory proceedings or execution proceedings before the court or administrative proceedings or the establishments of pledge duly authorized or in view of judgment of the court, the expression ―belong to‖ shall be recorded by the administrator and signed by him, with reference to noting of transmission previously made (model No. 18).

Art. 415 – The registration [averbamentos][126] of the transmission inter vivos according to the share certificate authenticated in the manner provided in article 412 and its paragraphs shall be made by drawing in the presence of the transmitter and declaration signed by the transferor, or by another person, at the latter‘s request, authenticated by the public notary, as per paragraph 2 of the said article, indicating the number of the shares and of instrument of transmission, the name of the comunidade that has issued and the name and residence of the person in whose name the transmission is done.

§1. Such declaration is dispensed with when the transmitter signs the note of the presentation recorded in the entry book, personally or through other person at the request of the former, in presence of two witnesses when the former does not know to sign.

§2. If the person who signed the instrument of transmission dies, the declaration referred to in this article shall be done by the person in whose favour the shares have been transferred, who shall declare the names and the addresses of the heirs and its representatives, who shall be given notice to raise any objection within eight days and in event of any objection is filed the party shall be advised to follow the ordinary means in case of a claim.

Art. 416 – The registration of transmission, operated by way of a contract contained in an authentic or authenticated document, shall be based on the copy of the deed or of the authenticated document itself, which shall be filed at the administration office.

Art. 417 – If the transmission has operated by virtue of judgement of a court of law that has become res judicata or by way of sale, by auction, by award or by remission, in the inventory proceedings, in execution proceedings or establishment of pledge, the registration shall be done on the strength of certificate of auction or certified copy of document recording the transmission, the number of the share certificates or the instrument of transmission, the name of the issuing comunidade or of the share holder to whom the share certificate belongs and that it is free from previous charges.

Sole § When the judge in the execution proceedings is the administrator himself, the registration shall be done on the strength of the report of auction and the order which declare the shares is free of charge to the purchaser.

Art. 418 – If the transmission has operated causa mortis the annotation shall be done on the strength of the document to prove that the ownership of the share has passed to person who is seeking that the transfer be made in his favour.

Sole § When the value of shares transferred in favour of forced heirs or legal heirs does not exceed 1.500 $, the transferees may obtain final entry of transmission in their favour by proving their rights as per paragraphs 1 and 2 of article 25.

Art. 419 – The registration of the transmissions shall be made as per model No. 19.

-------112--------

Art. 420 – The transmission of shares inter vivos is not liable of payment of tax levied on the successions and gifts, but on the transfer recorded on the reverse of the share certificate inter vivos or causa mortis are liable to pay the stamp duty payable as per the law in force on transmission by way of expression ―belongs to‖.

CHAPTER III

Creation of charges

Art. 421 – The shares certificates of the comunidades may be offered as security for payment or liabilities by way of a pledge][127] or an usufruct][128]and consignment of income][129]only by a shareholder, but who has full ownership of the shares, duly registered.

§1. It is not lawful to create charges referred to in this article, by way of notice recording by an act of agreement in the share certificate itself, except for the purpose of creation of usufruct, but it shall be done by a special document or contract following the formalities prescribed in the general law for such cases.

§2. It is lawful to make registration of the Civil Suit for recovery of the share certificate of comunidade in order that the judgements become executable against the transferee subsequent to the registration.

Art. 422 – Upon the presentation in the administration office the contract or the document wherein the pledge, usufruct or consignment of income is stipulated and the respective share certificates, their presentation shall be noted in accordance with article 433, after the charge is registered, according to model No. 19 and the corresponding record is made on the shares certificates according to model No. 20.

Art. 423 – It is lawful to any sharesholders to seek provisional registration of charges in his share certificates registered in his favour.

§1. Such registration may be done on the strength of the application of the shareholder, with his signature attested in accordance with article 412 and its paragraph 2, and from there it will be reflected the type of charges to be registered, its terms, the name and residence of the person in whose favour the charge is created.

§2. When the shareholder is present or his attorney produces the application and the respective shares, a note will be taken of their presentation in accordance with the article 433, and the respective registration shall lapse, if within 30 days is not converted into final by the person in whose favour the charge is created.

§3. The effect of conversion of provisional registration into permanent shall have retroactive effect from the date of presentation of application for provisional registration for the purpose of preference or other legal effects.

§4. A shareholder who secure provisional registration may submit an application, in accordance with paragraph 2, requesting for its cancellation, proving by declaration, signed by the person in whose favour the charges was created, with the signature authenticated by the public notary, that the act or contract for whose security the provisional registration was made, was not executed.

Art. 424 – The seizure or attachment of shares shall be effected in the administration office, after satisfying that as per the catalogue and the book of annotation, that the respective share certificates are annotated in favour of the person appointed or one authorized by him and which

are there charges which burden on them writing the result in the respective record which shall also be signed by the secretary of the administration or his substitute.

-------113--------

§ 1. In order to effect the attachment in the execution in cases which are pending in the office itself, there is no need of separate warrant.

§2. The shares that are issued or carried in the names of other than those indicated as per the writ or warrant shall not be seized or attached.

§3. The clerk who effect the attachment or seizure shall remit to the administration office a copy of the respective record, making a necessary note of presentation so that on the base of the same a competent annotation is made.

§4. When the seizure is made in pursuance of suits filed in the administration itself, the registration shall be made based on the original report.

§5. The clerk of the comunidade or the respective official attaching or seizing the shares shall notify the holder of the certificates of the shares attached or seized, to surrender them in the administration office, within eight days, failing which he shall be liable to be prosecuted for disobedience and thereafter the necessary note shall be made and kept in deposit at the administration office.

§ 6. When, the shareholder, after the notification referred to in the preceding paragraph, declares that the respective shares are pledged in safe treasury or are in private hands, the administrator shall, in the first case, request the competent entities to forward the respective certificates within eight days and in the latter case, he shall order the issue of the notification to the creditor to surrender the same shares within the same period, to enable to make the necessary note of attachment or seizure of those certificates. The shares thereafter shall remain in deposit in the administration office.

§7. If, after seized or attached, those shares are presented in the administration office for any registration, they shall be retained and the necessary note of attachment or seizure shall immediately be made on them (model No. 20).

§8. After the annotation of seizure or attachment is made the administrator shall order the clerk of the respective comunidade to retain its dividends in the safe at the disposal of the person who determined the attachment, when this is the case.

§9. Once the seizure or attachment is cancelled as result of a judgement or administrative order or on account of the satisfaction of the executive proceedings in the administration office itself, the dividends accrued and accumulated in the safe shall be free to the holder of the seized or attached shares, if nothing is mentioned as regards them in the order or final judgement.

§10. If the holder of certificate of shares fails to surrender the same in pursuance to the notification prescribed in paragraphs 5 and 6, and fails to justify its loss or existence in the hands of another person, the administrator shall prepare a report and forward it to the Public Prosecutor in order to impose the penalty to such a possessor for disobedience. He shall consider such certificates cancelled and issue a new ones in the form provided for in No. 2 of article 436.

Art. 425 – Action shall be initiated as provided for in paragraphs 5, 6 and 10 of the preceding article in the event when by order or final judgment of the court it is directed that the shares be delivered, on any grounds, to a person other than the possessor and the latter refuses to surrender them even after being notified to this effect.

-------114--------

Art 426 – In the execution and other proceedings in which the sale of shares is ordered, the persons in whose favour any charge is registered shall be summoned for the proceedings of the recovery suit or sale and claim their preferential rights in accordance with the general law.

§1. The cancellation of seizure and attachment or any other charges on the shares sold shall be made in view of the judgement that declares them free from encumbrances, and as regards

the dividends accrued and accumulated in the safe, the final part of paragraph 9 of article 424 shall be observed.

§2. In the execution proceedings filed in the administration office itself, the cancellation shall be effected on the strength of the respective proceedings.

Art. 427 – The reversion of shares to the original state prior to the creation of any note of charges, shall be made by means of the cancellation of the respective registration of charge (model Nos. 19 and 20).

Sole § In the presentation of documents for cancellation and subsequent proceedings, the same rules shall be followed as prescribed for the registration.

Art. 428 – The registration or the cancellation of the charge on the shares shall be recorded in the share register book of each comunidade, in the form prescribed in sole paragraph of article 546.

CHAPTER IV

Common provisions dealing with

transfer of shares and creation of charges

Art. 429 –The transmission of shares indicating the name of transferee (pertence - belongs to) or any charges created on them shall have no effect at all as far as third parties or comunidades are concerned, before its registration in the administration office.

§1. In the transmission of shares, with consignation of usufruct of its dividend, the right to the same starts on the day of the respective registration in the comunidade, except when it is expressly otherwise provided for.

§2. Any agreement entered on the same subject shall not be recorded as transferee (pertence) and the document drawn for this purpose shall be produced in the administration office along with the shareholder certificate whereon pertence (belongs to) is considered for the purpose of registration.

Art. 430 – The registration of whatever type they may be, will be noted in the catalogue of shares, referred to in No. 9 of article 440, writing thereafter in the index the number of the share certificate registered or in whose favour the charges, are created.

Art. 431 – For the purpose of registration of transmissions and of the charges recorded on the shares, there shall be, in the administration office, two books of registration - one meant for registration of transmissions and the other for registration and cancellation of charges.

Art. 432 – In order to carry any registration, the following documents shall be produced in the office of administration:- share certificates, along with documents creating security, pledge, usufruct or consignment of the income, and those by which the transmission may be proved.

-------115--------

Sole § When the documents are presented by a person, other than the interested party, one more declaration signed by the latter and attested by the public notary, shall be required.

Art. 433 – With the presentation of the shares certificates and correlative documents, a note shall be made in the entry book of such presentation, signed by the person who presents them and of the transferor in case of paragraph 1 of article 415, or any other person on his request and two witnesses when the former do not know to sign.

§1. The registrations shall be made and preferences regulated, in the order of these entries, if the registration were not refused.

§2. A single registration may be made when the presentation refers to the shares of different comunidades.

§3. When, on account of insufficiency of documents or defect of the ―pertence‖ (transmission), the registration is refused, the administrator shall issue to the applicant the note of refusal, in order that the latter may file an appeal to the Administrative Tribunal.

§4. In case the appeal is allowed, the registration made as a result thereto shall be deemed to have been made on the original date of presentation.

§5. Once the registration is refused, due to insufficiency of documents or for irregularity in the annotation of transfer, the annotation cannot later on be allowed based on the same documents or captions ―belongs to‖, except when the applicant clarifies the doubts or obtain favourable decision on appeal.

Art. 434 – When the registration of transfer or charges has been made, the administrator shall order to put in the respective shares certificates the necessary captions ―belongs to‖, and sign them with his full name, as per model No. 17 and 19.

Art. 435 – The declaration of transferor and the documents based on which the registration was made, shall be filed in the administration office, when the documents are not certified copies from the books of public office.

CHAPTER V

Reconstruction of share certificates

Art. 436 – Share certificates may be reconstructed only on following cases:–

1) In case of destruction, loss or disappearance of the share certificates proved before the administrator, with prior advertisement in the Official Gazette and in a local newspaper inviting, within sixty days, any one who may have interest to take notice of the reconstruction, except when the remains of the destroyed shares certificates are shown to the administrator and thus their identity can be satisfied, in which case no further proof is required;

2) In the cases referred to in paragraph 10 of article 424;

3) When at the back of the certificate there is no sufficient space to make further noting of ―belongs to‖ of transfer and annotation;

-------116--------

§1. In any of those cases, the new share certificate shall have the same original number, with the addition of a letter from the alphabet, in due order, and a mention that the certificate has been reconstructed and the charges still in force shall be copied on the back. The original certificate shall be destroyed by the administrator.

§2. Whenever a new certificate is issued without the previous one being destroyed, due to refusal to surrender the same or as its disappearance or loss has been proved, the administrator shall announce this fact in the Official Gazette indicating the number of the certificate and that of the share and in whose name it was issued or the last registration of transfer was made.

§3. The stamp duty is not payable in case of reconstruction and division of shares.

Art. 437 – The share certificate may be reconstructed and divided by those who are interested in the same by applying and paying its expenses.

CHAPTER VI

Prescription of shares in favour of Comunidades

Art. 438 – The comunidade acquires shares of the comunidade by prescription if the dividends are not claimed for thirty consecutive years.

Sole § On expiry of this period, the administrator, having complied with the formalities prescribed in paragraph 1 of article 25, shall order their registration in favour of the comunidade, when there is no complaint, or when the claimer, having been advised to take up

ordinary means, fails to initiate competent action within thirty days, with service of summons on the comunidade, in order to establish ownership.

Art. 439 – The suit for cancellation of the annotation of transfer of shares of comunidades is barred after the lapse of fifteen years from the date of annotation, if the person registered had collected the dividends and is in good faith, or after thirty years irrespective of good or bad faith.

Title IV

Book-keeping and accounts

CHAPTER I

Book-keeping and accounting of the administration of Comunidades

Art. 440 – At each administration of comunidades the following books, for general office work, shall be supplied from the general fund:–

1.Book of recording of handing over of the charges

2.Muster-roll.

3.Entry Book.

4.Book of registration of directives from higher authorities for permanent execution.

5.Book for the registration of correspondence with the Directorate of Civil Administration and of the reports on the applications and files submitted for decision of the [130][Government] and Administrative Tribunal.

6.Book for the registration of correspondence with the various authorities.

7.Book for the registration of correspondence and instructions addressed to comunidades.

-------117--------

8.Book for the registration of securities.

9.Catalogue- book of shares, one per each comunidade.

10.Book for the registration of transfer of shares.

11.Book for registration and cancellation of charges on the shares.

12.Book for distribution and registration of execution proceeding.

13.Book for the returns, expenses and derramas of the general safe of the comunidades.

14.Book of revenue from common fees.

15.Cash-book.

16.Current-accounts book with the comunidades.

17.Inventory book.

18.Book for the registration and accounts of the advance fees made.

19.Book for the registration of files of emphyteusis and others.

20.Book for the registration of emoluments and salaries paid in the proceedings.

21.Book for confidential correspondence.

§1. All the books shall be of a thick paper, known as almaço and shall have opening and closing declarations, sign by the administrator, who shall also initial all the pages, asking any employee of the comunidade to number them.

In the closing declaration at the book mentioned shall be made of the total number of pages of each book.

§2. The books Nos. 1, 3, 9, 10, 11 and 12 shall be maintained as per the model Nos. 21, 22, 15, 18, 19 and 23 respectively, and the books Nos. 18 to 20 according to the models indicated by the Directorate of Civil Administration.

§3. The keeping of books Nos. 14 and 16 and the accounts of the general safe shall be regulated by the provisions set down for the book-keeping and accountings in the comunidades.

Art. 441 –The Entry-book shall be divided into two parts: The first for record of applications and official papers received and the second for noting the presentation of certificates of shares and documents for annotations.

Art. 442 – On each page of books -Nos. 4, 5, 6 and 7 a necessary margin shall be kept on both the sides, sufficient to mention, on the right margin the extract of the letter, note or documents registered and on the left any previous or subsequent references to the subject. **Art. 443** – The annual budget, referred to in No. 3 of article 125, shall be organised by the

secretary of the administration office as a file and the administrator shall give his final say.

§1. A copy of the preceding year‘s budget and his approval‘s order shall be attached to the new budget.

§2. A summary of the income and expenditure, indicating the surplus or deficit, that there may be, shall be shown on the front page of the file, below the title.

Art. 444 – Certified copies of contents, or of summary of what is recorded in the books of the office and of the papers and proceedings that are pending or filed, shall be issued by the secretary of the administration, independently of the order of the administrator, on payment of

normal fees.

§1. The certified copies of the recovery proceedings of dues which are in progress and the one delivered to the debtor, after the final judgement, to be used for the purpose of payment, shall also be issued without order of the administrator, but by the clerk in charge of the execution.

§2. The certified copies relating to proceedings filed in the administration office shall also be issued according to this article.

§ 3. The duplicates of all the certified copies of the extract of the abstract, issued shall be retained and filed chronologically in the administrative office, by the dealing clerk.

CHAPTER II

Book-keeping and accounting of the Comunidades

SECTION I

General provisions

Art. 445 – The comunidades shall have the following books for their records and accounts:-

1.Entry book.

2.Minutes-book.

3.Cash-book.

4.Book of income and expenditure.

5.Current-accounts book.

6.Book of transfer of current accounts.

7.Charges-book.

8.Contracts-book.

9.Sundry declarations and reports book.

10.Book of orders from higher authorities.

11.Book records of the encroachments.

12.Books for the registration of claims.

13.Books for the primary enrolment of the Zonnkars (1st entry)

14.Book of primary enrolment of the sharers holders.

15.Book of pensioners and stakeholders.

16.Register 1 (Tombo 1).

17.Register 2 (Tombo 2).

18.Inventory book.

19.Outward correspondence book.

Sole § All the books shall have continuity in their writing except the current accounts book which shall be written yearly.

-------119--------

Art. 446 – The book shall be made of a thick paper known as almaço of the model approved by higher authorities, and shall have an opening and closure declaration, both signed by the administrator who will also initial all their pages, directing the clerk of the comunidade to number them.

In the closing declaration mentioned shall be made of the number of pages of each book.

Sole § The writing should be simple and clear, without insertions between the lines or erasures unless they are indicated to at the end of the report, act, declaration or registration in which they are made.

Art. 447 – All entries shall be made with cross reference with the page, book or documents to which they relate are related.

Art. 448 – All the acts, records, items and minutes shall be written in the respective books with clearly so as the reading become readable.

Art. 449 – The amounts shall be written out in words and in figures in the proper places.

Art. 450 – From one item to another or from act written to other, only the indispensable space shall be left open.

Art. 451 – No entry or act written in the book shall be signed without first being read to those who have to sign it and without correcting the errors which may have been occurred.

Art. 452 – All books shall be ready and duly initialled no less than one month before finishing those that are in use.

Art. 453 – The finished books which are not necessary for the ordinary annual writing, shall be duly filed, each bearing the appropriate label, indicating the nature of the book and the year to which they relates and such filing shall be recorded in the inventory.

Art. 454 – All the budgets, proceedings and other papers of the comunidade shall also be filed in the same manner, collected in bundles, divide year wise and subject wise, each bundle bearing a list indicating the papers its contains.

§1. The documents whose originals are required to be sent to the authorities on their instructions, shall be replaced in the respective bundles, by copies officiously drawn and authenticated by the clerk of the comunidade, who have taken them.

§2. The finished books and the papers more than years old, shall be collected in the archives of the administration office, under the terms of the sole paragraph of article 133.

Art. 455 – Certified copies of text or abstract of content or of summary certificates of both current books and papers, and also those from the archives of the comunidade, shall be issued by the clerk of the comunidade independently of any order, except as established in paragraph 1 of article 493 of the Overseas Services Statute (E.F.U.).

§1. The certificates of full text (Known as of teor) shall be issued by copying literally the documents from which they are taken.

-------120--------

§2. When the registered act contains various subject not inter related and a copy is requested of one or more subjects, the certified copies shall contain the word for word copy of the preamble of the act, of the subject asked for, of the closing and of the signature, indicating in dotted lines the unconnected matter which has not been copied down.

§3. The summary certified copied of the extract, when referring from to the inventory Tombo 2 shall contain, besides the inscription, all reference to the charges of encumbrances registered on the property in question.

Art. 456 – All the certificates shall be issued by the clerk of the comunidade within 5 days, failing which he is liable to pay a fine of 30 $.

Sole § If the time-limit of 5 days is insufficient to issue the certificates asked, the administrator may extend it at the well justified request of the clerk of comunidade.

Art. 457 – Each archive shall have an inventory of all the books, documents and other papers, indicating the state in which they are found.

§1. Based on this inventory, the administrator shall check, whenever he finds convenient, the archives of the comunidades, and certify the existence, the state of preservation and order of the books, documents and other papers, contained in the same and shall mention its findings in the book of sundry declarations.

§2. The administrator and the secretary of the administration office shall not be entitled to any emoluments for the work of inspection, but only the conveyance allowance.

Art. 458 – No book or papers shall leave the archive of the comunidade, except when taken to the administration office and by the order of the administrator or in the cases provided for in this Code.

Sole § In the criminal proceedings or any other, the books of the comunidade may be examined in the respective archive, with the prior notification to the administrator indicating the date and hour, or in the administration of the comunidades office where all the necessary books shall be requisitioned.

Art. 459 – The special way of keeping each book is defined in the rules and models prescribed in the following sections.

Art. 460 – No resolution may be taken or no act of the interest of the comunidade can be enforced, unless it is found recorded in the competent book.

§1. The clerks of the comunidades who record such acts on loose papers or in an improper book shall be punished with the suspension from duties without pay for thirty days.

§2. When, for any reason, it is not possible to record an act in the proper book and there is urgency for such an act, the administrator, after being satisfied about the circumstance, may authorise that the recording may be done in other book indicated by him, and from which it shall be transcribed in the proper book as soon as possible.

Art. 461 – The books of the comunidades have full faith and credit and its achieves shall be deemed public for the purpose of paragraph 2 of article 2423 of the Civil Code.

-------121--------

SECTION II

Minute-book

Art. 462 – The minute-book shall contain the minutes of the managing committee and of the comunidade.

§1. This book shall have in each page two columns, one on the right margin and the other on the left. The former shall be used to record the note of previous or subsequent minutes which are related and the latter shall be used to record the abstract.

§2. The minute shall record the views of the majority and the votes and protests of the minority.

§3. The wording of the minutes is within the power of the presiding officer of the meeting; the single vote of any of the members and the consultative vote of the clerk of comunidade shall be drafted by themselves.

SECTION III

Cash-Book

Art. 463 – All the revenue and expenses of the comunidades shall be collected in and paid at the office of comunidade, and all the entries and monies entering and leaving the safe shall be recorded in the cash-book.

Art. 464 – The cash-book shall be written according to model No. 24, by recording the amounts entered on the left page and on the right the amounts paid, the latter being signed by those who receive the money. The closure and opening of the safe shall be signed by all the key holders.

Sole§ In the closure declaration referred to in this article, mention should be made of the total amount received and paid.

Art. 465 – On each page, two columns shall be opened on the right and one on the left, the latter one for the current accounts to which a credit or debit shall be carried forward and the sum of the entries and issues, and the first of the former to be used for entering in figures the amounts received and paid during the present management and the second one for those of the previous management.

Art. 466 – At the end of each quarter, the clerk of the comunidades after calculating the sum of the incomings and outgoings amount, shall prepare the balance on a separate sheet of paper, determining the cash balance and, together with the other key holders, after checking that this balance exists in the safe, shall certify the balance in the safe, signed by the same key holders, forwarding the same to the administration office during the first eight days of the next month. Failing to do this the clerk shall be liable to pay a fine of 60 $.

§ 1. Similar fine shall be imposed by the administrator on the key-holder who causes delay in sending it, fail to justify to be present at the verification of balance in the safe, without giving a proper justification for his absence, within five days.

§ 2. The sums which have been forwarded to constitute this balance shall refer to the page of the cash-book, from where they were taken and shall also indicate the serial order of the amount entered and issued.

§ 3. In addition to the quarterly balance sheet foreseen in the main body of this article, a monthly balance-sheets may be asked to prepare by the higher authorities and in accordance with the instructions issued for this purpose by the Directorate of Civil Administration.

§131[4. The final audit of the accounts of Comunidades having an annual income exceeding Rs.15, 000/-, shall be done by a Chartered Accountant, every year.].

Art. 467 – At the end of the management term, a final balance sheet shall be prepared in the same manner in the cash book and compare it with the actual balance that has been calculated and confirmed, to which shall add any arrears, advance payment and a list of creditors to who the respective amount belongs. All this shall be made as per model 24 and this balance and list shall be signed by the key holders and attorney on the out going members.

Art. 468 – After the list is prepared and, during the first days of March, a statement shall be made to hand over, with the intervention of the managing committee, to the new key holders, the money found in the safe, and then the new accounting shall start, by transferring thereto under item No-1 the money found in the prescribed form.

Art. 469 – When from the result of the balance foreseen in this section or from the extraordinary balance sheet prepared, the administrator is satisfied that the balance, indicated in the cash book, does not exist in the safe, a certified copy of the current account shall be issued and sent to the administration office, according to the provisions of paragraph 1 of article 562, without prejudice to criminal and disciplinary proceedings.

SECTION IV

Income and expenditure book

Art. 470 – The income and expenditure book shall be used to prepare the yearly income and expenditure statement, determining the net income or deficit of the comunidade.

Sole§ This book shall be maintained according to model No. 25.

Art. 471 – The income comprises:

1.The indivisible balance from previous year, carried over to the new committee;

2.Any amounts that were set apart on previous pages and in fact were not spent;

3.Any sums that entered the safe under the management of the previous year but belonging to the income of the year;

4.Under the title - Invariable:

5.The foro from emphyteusis of comunidades;

6.Any certain and inalterable contributions that the interested parties have to pay to the comunidades;

7.Under the title - variable.

8.The rent of the rural properties of the comunidades;

9.The rent of its urban properties;

-------123--------

10.The income from fish, straw, honey, wax and from any other contract of the comunidades;
11.The income from variable contributions due from the parties;
12.The interest on loan;
13.The interest for late payment on the arrears, paid by the debtors;
14.And finally, any other income received occasionally.

15.**Art. 472** – The expenses shall comprises:–
16.Under the title- invariable.

17.The tribute foros that the comunidade pays to the National Treasury until the cessation of such payment in terms of sole paragraph of article 5;
18.The foro that the comunidade pays to private individuals;
19.Any duly authorised fixed charges that the comunidade must pay;
20.The pay of the clerk of the comunidade;
21.The wages of the porter or crier and other employees;
22.Under the title -variable.

23.The subscription the Official Gazette of for subsequent year; 24.The contribution to the general safe;
25.The property tax and other taxes payable to the National Treasury;
26.The price of ordinary work of dams and others;
27.The probable cost of books, stationery and advertisements ; 28.The

interest on the comunidades borrowing;
29.The extraordinary expenses legally authorised;
30.Any other expenses duly authorised.

Art. 473 – All the items of income shall refer to the respective sources and shall indicate the page and the number of the books, where the sum received is accounted for; and those of the expenses shall indicate their source or the authorization from higher authorities failing which they shall be immediately cancelled by the administrator.

Art. 474 – The figures of the income and expenditure shall be considered together find the balance or deficit of comunidades.

The respective statement, after being signed by the attorney, cashier and clerk of the comunidade, shall be submitted to the managing committee which shall discuss the same in their ordinary meeting of the month of April and give its opinion.

Art. 475 – After submitting to vote of the comunidade and other interested parties, the clerk of the comunidade shall forward the statement to the administration office by 16th April,along with a copy of the minutes of the meetings of the committee and of the comunidade, complains and subsidiary books and documents demonstrating the legality of the items of income and expenses.

Sole§ The statement shall also be accompanied by the files relating to pending works or those authorized.

-------124--------

Art. 476 – On receiving the statements, the administrator, shall order the staff of the administration to examine the same, under his responsibility, and shall approve or have them corrected. He shall indicate in his order, the amount that should be separated and go to reserve fund, up to the maximum limit of ten per cent of the income, and for payment of the debts and occasional expenses, setting the rules to be followed in the fixation of the dividends and return the statements before the 15th June.

Art. 477 – On receipt of the books, the clerk of the comunidade shall convene the attorney and the treasurer and, in implementation of the order issued shall establish the amount to be distributed as zonn and shares, or the deficit to be recovered from members, all in accordance with model No. 25.

Art. 478 – After following what is prescribed in the provisions of the last part of the preceding article, distribution shall effect, according to the statute of the respective comunidade, amongst the zonnkars and the shareholders, declaring the amount due to each zonnkar and to each share holder. Such declaration should be signed by the clerk of the comunidade, attorney and the treasurer.

§ 1. For the purposes of this article, only zonnkars registered before the closure referred to in article 200, shall be included for the purpose of distribution.

§ 2. In the comunidades whose assets have been disentailed, the net income or deficit shall be distributed, according to the conditions of the comunidade, between different properties in proportions established in the inventory Tombo No.1, for payment to the respective proprietor or recovered from him the share fallen due.

Art. 479 – After the distribution is done, the comunidade clerk shall send to the administration office, by 10th August, together with the list and the book referred to in sole paragraph of article 484, a chat mentioning out the revenue, expenses, net income or deficit and debt payable, everything compared with the respective figures for the preceding year, in accordance with to model No. 26, issuing at the end a certificate stating the amounts separated for the purpose of works and payment of debts and the amount referred to in article 476, the amount due to each zonnkar and to each share and the active debts.

Sole§ This chat shall be accompanied by the current accounts of the National Treasury, when the latter possesses shares in the comunidade.

SECTION V

Books of current account

Art. 480 – The current account book shall be divided into two parts: the first for annual enrolment of zonnkars and those who are obliged to contribute to the deficit, and the second of the current accounts of all members, servants and defaulters.

Art. 481 – The current accounts shall be numbered following the order of the enrolment of the members and the registration of the shares and after the conclusion, the current account shall be opened of those who have credit or debit with the comunidades, including the Pensioners' Bank.

§ 1. The contractors of the extraordinary works and the clerks of the comunidade shall have in such capacity, accounts different from those they may have as members or as contractors for any service with the comunidade.

§ 2. The comunidade shall also have some space to record in this book the dividends of its own shares and the amounts of indivisible balance, the amounts that are set aside for ordinary expenses not put up to tender, for the extraordinary expenses and for payments of any amount of advance given for work, services or extraordinary supply and for reserve fund, and also any amounts indicated in the statement on account of advance payments made in the previous years.

Art. 482 – In the right hand margin of the left hand page of the current accounts book, that is used for recording the entry of the credit of the member or servants, three columns shall be opened; the first for recording in figures all the credit sums, the second for carrying over the sum of the same credit and the third for observations and notes.

Sole § Each credit entry shall indicate the number of the entry of the book from which it has been taken.

Art. 483 – In the right hand margin of the right hand page, used for recording the entry of the debit of the member or servants, there columns shall be set up in the same way; the first for recording, in figures, all the debit sums, the second for carrying over the sum of the same debit and the third for observations and notes.

Sole § Each debit entry shall indicate the number of the entry of the book from which it has been taken.

Art. 484 – The current accounts book shall be kept as per model No. 27.

Sole § The clerks of the comunidades shall finish the writing of current account entries by 31st July, by crediting and debiting the amounts to which the members, servants and others are entitled to or which they owe to the comunidade up to such date, and shall then prepare a list of the debits of the same, from lease rent of the properties or contributions to invariable or variable charges, in the case of the comunidades assets being disentailed, sending the same to the administration office by 10th August, together with the book of current accounts.

Art. 485 – The treasurer shall collect these lists from the administration office, duly approved by administrator by 20th August, and shall then undertake the recovery by using the means provided for in this Code.

Art. 486 – The current accounts of the members, servants and other debtors shall be closed from the 11th November till the end of the same month, and as per its result, the clerk of the comunidade shall issued before the 8th December, a final confirmed list of the debts of the same.

Art. 487 – The list referred to in the preceding article shall be presented in the administration office by 10th December, together with the current accounts book and with the administrator's approval, received by the treasurer on the 11th and 12th of the same month.

Sole § The time limits established in this article and in the preceding one may be extended by the administrator, in view of the special circumstances of the comunidade, but never beyond 31st January.

Art. 488 – Once the accounts have been closed and the list is submitted to the administration office, the clerk of the comunidade shall send out current accounts to the debtors, in accordance with article 559.

-------126--------

Art. 489 – The administrators by official notice, published in the Official Gazette and pasted on the door of the meeting house in each comunidade shall fix , three to ten days for the payment of proceeds of zonn, dividends and credits which were not paid on the days set in article 106, preferably between 15th January and the end of February.

§ 1. In the public notice it shall declare the proceeds of zonn or the dividend to which to each zonnkar and each share holder is entitled.

§ 2. Alongwith the notice, a comparative chat of the income and expenditure of the respective comunidade (model No.– 26) shall be affixed at the gate of the meeting house.

§ 3. The amounts, not collected on the designated days, may be paid, irrespective of order, at any opening of the safe and the key holders shall be entitled to emoluments only when the payment is made during extraordinary opening of the safe.

Art. 490 – The payments for deposit made directly in the safe by the debtors, mentioned in the confirmed list, shall be accepted after the necessary entries is recorded in the debtor‘s current accountants book in the column reserved for the remarks and against the balance in debt.

Sole § The clerk of comunidade shall always issue a receipt to the interested party for this and any other payments made.

Art. 491 – The payments made to the zonnkar, shareholders and other creditors shall be taken from the safe of the comunidade and shall be recorded, in the same manner, in the current accounts of the creditor, opposite to the balance in credit.

Art. 492 – After the current accounts have been closed, the clerk of the comunidade shall indicate the balance of credit and the debit in the same accounts, as per model No. 27.

Art. 493 – The credit balance consists in comparing the amounts which are in fact credited in the current accounts with those that should have been credited.

Art. 494 – The amounts which should have been credited are:–

1. The amount established in the statement of income and expenditure referred to in the last part of article 477;

2. The sum of the expenses of the same statement;

4. The remain which is indivisible reserved for the following year;

5. The amount relating to charges;

6. The amount paid by the interested parties or servants in the safe until the closure of current accounts, in relation to the management of the last year;

7. Any amounts which may have been added to current accounts from overdue credits or advance payments from the previous year.

Sole § The sum of these amounts, is the first entry in the balance sheet.

-------127--------

Art. 495 – The credited amount shall consist of the sum of the second column of the left- hand page of the current accounts and shall constitute the second entry in the balance sheet.

Art. 496 – When the sum of the amounts mentioned in the preceding article is greater than that of the amounts designated in article 494, the clerk of the comunidade shall be held responsible to the comunidade for the difference, which he may recovered from the person to whom it was

given in excess; in the case of the amounts referred to in the preceding article being less, the difference shall be found in the safe, from which shall be paid those who have been paid less.

Art. 497 – The debit balance in the current account consists in comparing the amounts which are, in fact, debited in the current accounts with those that should have been debited.

Art. 498 – The amounts which should have been debited are:–

1.The total income of the comunidade as recorded in the income statement, less the balance and other amounts received on account of previous years‘ credit;

2.The amounts relating to charges;

3.The amount withdrawn from the safe by last year‘s management committee, until the closure of accounts;

4.Any amounts belonging to advances in arrears that were included in current accounts.

§ 1.The sum of the second column of the right page of the current accounts;

§ 2.The sum of the definitive list;

§ 3.The amounts withdrawn from the safe by the treasurer, whose payment to the parties concerned has not been effected and is not, therefore, included in the current accounts.

Art. 500 – When the total sum of the amounts referred to in the preceding article is less than the one referred to in article 498, the clerk of the comunidade shall be held responsible to the comunidade for the difference which he may recover from the person whom he paid less; in case when the amounts referred to in the preceding article being greater, the differences shall be found in the safe, from which shall be paid those who have been over debited.

Art. 501 – These balance of credit and that of debit shall be examined and checked by the attorney, within the period fixed for the closing of accounts, and sign them after making the necessary observations.

Art. 502 – The current accounts shall be available for examination to the members and other interested parties from the 13th to the 20th December, and the clerk of the comunidades is required to issue copies of current accounts of the same, whenever asked for, duly signed on stamped paper supplied by the party concerned or on unstamped paper.

Art. 503 – The current accounts of the treasurer shall be opened at the end of current account book, wherein shall enter, as a charge, chronologically and on the respective dates, all the amount that he received from the safe, the amounts in debts that he has to collect, as indicated in the confirmed list and the amounts that he has been entrusted to recover. It shall be also

crediting to such account, in due chronological order, the payments which he makes, after registering the respective receipts, the amounts that he kept in the safe and those that have been paid by the debtors, mentioned in the definitive list after the closure of the current accounts.

Sole § Deposits shall be made in the bank known as 132[~~Caixa Economica de Goa~~ Cooperative Bank or where such Bank is not in operation, in the Post Office Savings Bank as the case may be]by the treasurer, within three days and the sum in question being handed over to him after the respective entry is made in the cash book. This sum, on each occasion, shall never be greater than the amount decided by the administration of the comunidades.

Art. 504 – This account shall be closed by 25th February and verified and confirmed on this date by the attorney, who shall sign it, recording the observations he sees fit, and the balance resulting from the same against the treasurer shall be paid by the end of the same month. If not paid in time, the interest payable shall be at a rate of 6 per cent per annum, from the following 1st March.

Art. 505 – In the cases referred in the preceding article and in No. 4 of article 100, the clerk of the comunidade shall issue the certified copy of current account against the treasurer, under the terms of article 562 and followings, and send it to the administration office in the form required by article 564.

Art. 506 – Each certified copy of current accounts issued against the treasurer or and against the other debtors of the comunidade‘ shall be recorded in the respective book, opposite to the balance outstanding, in the column for observations.

Art. 507 – On the closing of the treasurer‘s account, all the accounts shall be presented to the managing committee and to the comunidade at their ordinary meeting in March, to give their opinion on that matter, either approving them as they are or indicating as to how they should be modified.

Sole § During the period from the 26th February to 15th March the same accounts shall be made available in the house of meetings, for examination by the parties concerned.

Art. 508 – After the replies referred to in the preceding article are obtained, the clerk of the comunidades shall participate to the administrator before the 20th March certifying that all the requirements of the Code pertaining to the yearly accounts system have been complied with.

Art. 509 – The administrator, as soon as he receives these information from the clerk, shall fix the days, by means of a notice published in the Official Gazette, for auditing of the accounts of the clerks, key-holders and treasurers of the comunidades.

Art. 510 – In accordance with this notice, the clerk of the comunidade shall notify the key-holders to be present in the administration office on the designated date and shall send to such office, eight days in advance, the documents of notifications and the books and papers needed for the auditing of the accounts.

§ 1. These books are those indicated under Nos. - 3, 4, 5, 6, 7 and 10 of article 445, and the book of current accounts for the previous years, and the papers are the receipts in connection with the payment made during the current year to National Treasury, to the general safe and to other entities, and the copies of the minutes approving these accounts.

-------129--------

§ 2. The administrator may order that these books and papers be send much earlier, for them to examine and keep the work ready for auditing of the accounts.

Art. 511 – The clerk of comunidades who fails to be present, without proper justification, on the day indicated in the notice, shall be fined with 120 $, and the accounts shall be audited, even in the absence of others who were not present.

Art. 512 – The accounts of the clerk of comunidades shall be audited as per the balances determined in article 482 and the following ones; those accounts of the president as per the balance of the cash-book; and those the treasurer as per his current accounts serving as supporting documents, all the accounts books, records and papers, referred to in paragraph 1 of article 510.

§ 1. In addition to the responsibility resulting from the balances of credit and debit, the clerk of the comunidade shall also be held responsible for whatever excess or undue payment he made to the zonkars, share-holders and other creditors, without prejudice of the joint and several liability of other key-holders referred to in paragraph 1 of article 105. This shall be verified at the time of the auditing of the accounts, showing the balance in the following way:

a. The balance of overdue credit shall have as its first item the sum of the such credit, determined in the second part of the general balance sheet of the preceding year, and the second item shall consist of the amounts of this credit included in the statement, the payments made during the period of management and whatever remains shown in the general balance sheet; if the sum of the second item is greater than that of the first, the excess shall indicated the liability

of the clerk; if, however it is less, it will show that certain creditor has not been listed, or that his credit was understated and this fact shall be corrected in the credit list.

b. The balance of current credit shall have as its first item the sum of the credit recorded in the current accounts, and second item shall consist of the part compensated in the same accounts, from what was paid to the parties concerned after the closures of accounts and of what was carried over to the next management. If the sum of the second item is greater than that of the first, the excess shall indicate the clerk liability; if however, it is less, it shall indicate that certain creditor was not listed or that his credit was understated, which shall be corrected in the credit list.

§ 2. If, these two balances sheets result in any liability on the part the clerk, the same balance shall be referred to on the auditing of accounts, and the certified copy of current account to be issued against the said clerk shall be, in this case, a copy of the same.

Art. 513 – The outcome of the audit of accounts shall be recorded in the current accounts book by order of the administrator after entering before that in the same book the necessary reports of assessments.

Sole § In case of appeal against the decision, the copies of the balances sheets, and of the treasurer‘s accounts, together with those reports of assessment made and of the decision shall form the respective case file.

Art. 514 – The clerk of the comunidade who fails to keep ready the accounts according to the rules and within the time limit, shall forfeit one third of his pay and may be dismissed by the [133][Government] after being heard, if the irregularity committed result any loss to the comunidade as a result of the irregularity committed, this loss may be recovered by means of charges to his accounts and to his guarantor.

Sole § The administrator shall appoint a person to finalise the accounts and fix up a remuneration according to the volume of work. This remuneration shall be paid by the comunidade.

Art. 515 – If punishable irregularities in the accounts are found after conducting the examination, the administrator shall immediately notify the fact to the 134[Government], in order to determine the criminal and disciplinary responsibility of the clerk.

SECTION VI

Book of transfer of credits

Art. 516 – It is known as _outorga‘ the transfer of credit available from one current accounts to another.

Art. 517 – The creditor who wishes to transfer his available credit to another current account shall sign directly or through his attorney, a declaration that he wishes to transfer all his net credit or a certain part of it in the name of a person who has current accounts in the comunidade.

Art 518 – The transfer shall be drawn up as per model No. 28.

Art. 519 – When the declaration has been signed, the clerk of comunidade shall write, in figures at the right margin, the amount transferred, and crediting and debiting in the respective current accounts, shall write at the left margin of the terms, the numbers of the same current accounts. This shall be the indication that the transfer requested has been made.

Art. 520 - The credit may also be made by authorization signed by the creditor of the comunidade in stamped paper, with the signature notarised, when the such a signature is not known to the clerk of comunidade, who shall enter in that book an item in the form as shown in model No. 29.

Sole § Once this entry has been signed by the clerk of the comunidade, he shall indicate the amount in the margin and shall make transfers as provided for in preceding article.

Art. 521 – The declarations and entries of the credits shall be numbered annually and in order and such numbering shall have reference to the credits and debits of the respective current accounts.

Art. 522 –The authorizations for items of credit shall bear special numbering.

Art. 523 – The credits may be made from the 1st August to the 10th November and shall not be accepted before or after this period.

Art. 524 – The clerks and the guards of the comunidade, shall not grant the credits that they may have in the capacity as members of the comunidade, without the consent of the same, as the treasurer shall not allow to grant or receive the credit on his private account without first settling his management accounts.

Art. 525 – On the 11th November the clerk and attorney shall close this book, mentioning in the closing declaration, in words and in figures at the margin the sum of amounts granted.

-------131--------

SECTION VII

Book of charges

Art. 526 – All the charges shall be made in the book of charges and signed by one who creates them.

Art. 527 – Once the loading is legally created and valued when this is necessary, the clerk of the comunidade shall note down in the margin of the respective terms the quantity of the load or the amount determined and, debiting or crediting to the respective debtor or creditor, shall record in the left hand margin, the numbers of the current accounts, which shall indicate that the transfer has been effected.

Art. 528 – The charges of the produce or rents of Vaingana/Rabbi shall only be made before the 30th April and those on the product of Sorodio/Kharif by 10th November.

Sole § What is contained in the sole paragraph of article 487 shall be applicable to the recording of loading of Sorodio/Kharif.

Art. 529 – The creation of charges shall have a numerical order to which the credit and debit in the current accounts shall refer.

Art. 530 – On the 11th November, the clerk and attorney of the comunidade shall close the book of charges, mentioning in words, in the closing declaration and in figure at the margin, the sum of the amounts charged and signing the said closing declaration.

Art. 531 – The charges made upto the 10th November shall be transferred to the current accounts of the creditors and debtors, and those made afterwards shall likewise be carried over to the current accounts of the following year, along with those made un to the 10th November of the current year.

SECTION VIII

Contract book

Art. 532 – The contracts book shall be used to record the lease contracts and sale of properties, the work contracts, services contract and agreements and any other contracts that the managing committee may enter into.

Art. 533 – The terms of contracts shall be recorded indicating the date, month and year, the subject of the contract, the price or the rent, the name and the address of the bidder and of the surety and the conditions of the contract, when these were not previously set out and mentioned

in the respective budget or estimate, and they shall be signed by the bidder and his surety and by the members of the managing committee present.

§ 1. In the ordinary auctions, however, the clerk of the comunidade shall draw each day the deed of a bid, incorporating therein the terms of the biddings that were awarded, with the signature of the respective bidder and his guarantor. At the end of the day, the same shall be sign by the members of the managing committee as per model No. 13.

§ 2. When the bidders and their sureties do not know or are unable to sign, other persons shall sign on their behalf, at their request, in which case two witnesses shall also intervene and sign.

-------132--------

§ 3. For each draw, the comunidade shall pay to the National Treasury, in the form that is already established, the stamp duty due, in accordance with the law in force at the time of the lease; when, however, the administrator presides at the auction, the comunidade shall pay also, in addition, the stamp duty on the tendering report.

§ 4. The stamp duty on lease and the share in the stamp duty on auction reports shall be charged to the respective lease holder, together with the rent.

Art. 534 – The book of contracts shall be divided into two parts, the first part for the terms of auctions revenue and the second part for declarations of items of expense contract.

Art. 535 – The pages of the book of contracts shall have a column in the left side margin in order to write therein the number of the current account where the result of bidding amount be noted and on the right side margin to record there in the number, the bidding amount of auction.

Art. 536 – The recording of auction of income and expenditure shall be numbered by a special numbering system, as per its nature.

Art. 537 – The book of contracts shall also be used to record any contracts with the comunidade and the managing committee drawn by public instrument or special records.

SECTION IX

Sundry declarations and reports book

Art. 538 – The book of sundry declarations and reports shall be used to write any record and deeds not included in the preceding book, such as those of reinforcement of sureties, transmission and others and the reports of inspections carried out by the managing committee and other agents of the comunidades, to remedy the breach of bunds and similar occurrences.

Art. 539 – In all the reports and records mentioned will be made of the date, month, year when they are made and residence of the intermediary party, the subject dealt with and all the particulars collected and at the end the clerk of the comunidade and other intermediary party shall sign.

Art. 540 – The records shall be numbered annually, and the caption of the subject shall be written.

SECTION X

Book of record of orders from higher authorities

Art. 541 – This book shall be divided into two parts, the first shall be used for the registration of all the orders for permanent execution from higher authorities, received by the clerk of the comunidade.

Sole § The first part shall also be used to record the receipts of payments made to the National Treasury, to the general safe and others, together with any miscellaneous acknowledgments or separate receipts.

Art. 542 – The second part of the same book shall be used to record the reports of experts in respect of land applied for as emphyteusis and such registration shall be done only at the left side page and the page of right side is meant for recording the delivery of possession of the

same emphyteusis grants, which shall be written precisely on the page at right portion of the report of examination by experts.

-------133--------

SECTION XI

Book of record of encroachments

Art. 543 – This book shall be used for the registration of non-legalized encroachments and shall be maintained as per model No. 14. It shall contain the measurements, information regarding neighbouring land, valuation of the usurped lands, name and address of the encroacher and all necessary clarifications that may be required not only to identify the lands, but also to do the recovery and redemption.

SECTION XII

Book of the registration of claims in the matter of survey

Art. 544 –This book shall be used to record complaints against survey work of the comunidade fields connected with the preparation of Register (Tombo).

Sole § On each of the pages of this book, in addition to the space reserved for the text of the claim, there shall be two columns: one, on the right, to register the administrator‘s decision, which shall contain his final decision on this matter, and the other, on the left, for the serial number assigned to each claim (model No. 10).

SECTION XIII

Book of primary enrolment of zonnkars

Art. 545 – The book for the primary enrolment of zonnkars shall be kept as per the model No. 6.

SECTION XIV

Book of primary enrolment of the shareholders

Art. 546 – The book for the primary enrolment of the shareholders shall be kept as per model No. 30.

In this book it shall also be noted down the inscriptions and cancellations of any charges on the shares when, for this purpose the interested party produce before the respective clerk of the comunidades, the certified copy of the annotations made at the administration office, or the certificates with the required annotations.

Art. 547 – The book referred to in the preceding article shall be closed on 31st May each year, under the terms of article 200.

SECTION XV

Book of primary enrolment of the pensioners and sharers.

Art. 548 – The book for the primary enrolment of the pensioners and participants shall be maintained according to the model recommended by the Directorate of Civil Administration.

SECTION XVI

Register 1 (Tombo 1)

Art. 549 – The Register 1 (Tombo 1) shall be used to record the rural, buildings and barren lands of the comunidade, their measurements and land-marks, for the description of the sources of comunidades income, not deriving from private lands, and for the registration of the

-------134--------

reports identifying, describing and demarcating the lands marginal to the roads and the paddy fields, exclusively reserved for the constructions, and of the lands that can be brought under cultivation at the comunidade cost. It shall be kept as per model No. 11.

Sole § The maps of other lands shall be attached to this book when the topographical survey is made.

Art. 550 – The encroached lands which are reverted to the comunidade shall soon be recorded in this book.

SECTION XVII

Register 2 (Tombo 2)

Art. 551 – The Register 2 (Tombo 2) shall be used registration of the lands of the comunidade granted in emphyteusis or to any fixed contributions. The designation of the respective possessors shall be mentioned in the book which should be kept as per model No. 12.

Art. 552 – Any further change in the description contained in Tombo 2 shall be recorded based on the orders of the administrator, in the form prescribed in article 222 and the following ones.

SECTION XVIII

Book for the general inventory

Art. 553 – The inventory book shall be kept in accordance with the article 446 and the following ones.

SECTION XIX

Book of outgoing correspondence

Art. 554 – The outgoing correspondence register shall be used to copy all the correspondence issued by the comunidades and it shall not be subject to any special model.

Title V
Coercive recovery of the debts
CHAPTER I
General Provisions

Art. 555][135]– The procedure established in the Code of Fiscal Executions (Codigo das Execuções Fiscais), shall apply for coercive recovery of the debts payable to the comunidades, save otherwise provided in the title with exception of the provisions of this title.

Art. 556 – Only certified copy of current account issued in accordance with the provisions of the following chapter shall be deemed to be enforceable title.

Art. 557 – In the event of the death of the principal debtor, during the course of execution, his heirs shall be summoned and subsequent steps of the proceedings shall follow without there being need to formally bring on record.

CHAPTER II

Current accounts SECTION I

Debtors subject to coercive recovery

-------135--------

Art. 558 – The following are subject to the provisions of the preceding chapter:

1. The debtors of the comunidades, whichever may be the source;
2. The sureties][136]and persons liable jointly or severally for debtors mentioned in the preceding clause;
3. The debtors liable to pay fines imposed in terms of this Code and for recovery of stamp duties and costs due in any proceedings become res judicata.

§ 1. The following are excluded:

1. Debtors of sum loaned by the comunidades against mortgages][137], although the interest may be demanded in accordance with the preceding chapter, when the mortgage guarantee is not proposed to be enforced;
2. Liabilities guaranteed by mortgage, when it is proposed to use such guarantee;

3. The debtors of the comunidade declared by judicial decision.

§ 2. The cases for recovery of debts, except under the preceding paragraph, shall be instituted in accordance with the general law.

§ 3. In the case provided for in No. 2 of paragraph 1, the recovery suits shall be based, besides the registration of the mortgage, also on the decision fixing the responsibility or the respective account for the guaranteed debt, issued under the terms of this Code, and in this latter case, the judgment debtor shall only be granted stay of execution, on the grounds, beside those provided for in article 813 of the Code of Civil Procedure, on lack of standing to be sued on the part of the judgment debtors, on the illegitimacy of the parties, on the illegality of the items included in the current account and on forgery of such account.

SECTION II

Issuance of certified copies of current accounts

Art. 559 – Certified copies of current accounts shall be issued by its clerk, on this own initiative, against the debtors to the comunidade:

1. As he is the key holder of the safe, immediately after the discovery that the money is misappropriated and following on from the balance sheet, when the missing money and its interest are not replaced forthwith in terms of the article 469;
2. In the case of the treasurer, by 15th March of the year following that in which he held office;
3. In the case of debtors of interest or the principal of loans obtained against pledges, within fifteen days from the due date;
4. In the case of debtors of foros, rentals, land rents, charges and other amounts mentioned in the current accounts, referred to in the article 488, by 30th December of the respective year, except when the time limit for issuing of the definitive list of debtors has been extended by the administrator. In this case, the current accounts shall be issued within ten days following the expiry of such time limit;
5. In the case of debtors declared as such by a competent decision in an administrative proceedings, within ten days of such decision becoming definitive;

-------136--------

6. In the case of the rest of debtors, at the date fixed by the administrator by his order or dispatch.

§ 1. Clerks of the comunidade who fail to satisfy their responsibility, as assessed in the decision on the auditing of accounts, within ten days from the date when the said decision becomes definitive, shall be suspended from duty and paid by the administrator, who shall immediately replace them and order their substitute to issue the current account within three days.

§ 2. The same method shall be adopted regarding the debts of the clerk when they derive from the fine imposed in accordance with the rules laid down in this Code.

§ 3. The suspension shall be lifted as soon as the debt and the interest, stamp duty, costs and percentages, are settled but the clerk shall be subject to the penalty of dismissal when the suspension exceeds two years.

§ 4. If the key-keepers of the safe pay the missing cash at the time of taking the balance, but without the corresponding interest due, in terms of paragraph 1 of article 562, a current accounts shall be issued for the interest, within the time limit stipulated in No. 3 of this article.

§ 5. The same method shall be adopted against treasurers if they pay the amounts missing without the interest due, under the terms of article 504.

Art. 560 – The comunidades shall not forfeit their right to carry out the procedures provided for in this Title against debtors when the respective clerk fails to issue the current accounts in terms of the preceding articles. In such case, the administrator shall order its issue, at his own responsibility, as soon as the clerk‘s failure to do so comes to his notice, and shall enforce the penalties to which the clerk is subject.

Art. 561 – A clerk of the comunidade who fails to issue the current accounts in terms of the article 559 shall be solitarily responsible for the debts resulting from the same accounts and against him recovery suit shall be instituted, separately or jointly, with the respective debtors.

Art. 562 – The current accounts, save in special cases specified in this Code, shall contain: a)A copy of the current account of the debtor, as recorded in the book with reference to the year to which it relates.

b)The name and address of the debtor and guarantors, with reference to the share of responsibility of each.

c)The amount of missing funds or debt and the indication of the percentage and date when the interest is due, as stipulated.

d)The declaration whether the responsibility of the debtor was judged or not by way of administrative proceedings in terms of this Code.

e)The name of the attorney of the creditor comunidade.

f)A declaration of the amount which, after the closure of accounts, has been entered in the safe in payment of the missing calculated funds.

§ 1. If the current accounts are issued against the key holders of the safe, it shall consist of a copy of the balance sheet indicating as to what was the amount that should have existed in the safe, with a certificate showing how much it was actually found, with reference to the date of the previous balance. The negative difference between what should exist and what was found, is the amount of missing funds, which carry interest at the rate of 6% as from the date of previous balance sheet.

-------137--------

§ 2. If the current account was issued against clerks of the comunidade and the debt was the result from over - crediting or under debiting current accounts, it shall consist of a copy of the credit or debit balances referred to in article 493 and 497, followed by a certificate of the respective part of the accounts audit decision.

§ 3. If the responsibility of the clerks was the result from payment made to the creditors in excess, considering the balance in credit, the current account shall consist of the copy of part of the accounts audit decision containing the respective balance sheets, in terms of the paragraphs of article 512.

§ 4. If the responsibility of the clerks derives from missing amounts from the safe due to accounting mistake, the current account shall consist of the certificates of respective credit and debit, of the amount resulting from the same, and the respective part of the accounts audit decision.

§ 5. If the debt derives from fine, costs and stamp duty, the procedure to be followed before the administrator shall be as provided in the article 92 of the Code of Civil Procedure.

Art. 563 – The current accounts shall be written in two columns on the same half page, one for credit and the other the debit, the balance being declared in words.

§ 1. If the debtor or any of the guarantors or any person holding joint responsibility expires, the clerk shall declare this fact in the current accounts.

§ 2. The current accounts which are based on securities not registered in the books of the comunidade, shall always be accompanied by the same documents, in original or authenticated copies.

§ 3. When the comunidade is the creditor, the current accounts shall be initialled by the attorney so that he may know that the current account has been issued and defend the rights of the respective comunidade in the relevant proceedings.

§ 4. If the attorney refuses to initial the current account, the clerk shall notify and certify this fact in the current account.

5.Such notice may be effected in the book of current accounts, following the registration of the definitive list, or in a list of current accounts issued, which shall be filed with the comunidade, and the certificate of notice issued, in the current account shall be referred to this book or to the list filed.

Art. 564 – After the issue of the certified copy of current accounts against the debtors of the comunidade and after the attorney has been notified, in accordance with the preceding provisions, the clerk of the comunidade who issues them shall forward them to the administration office within three days, from the last date sent for issue. The secretary of the administration shall issue him a receipt for the same.

Sole § For the infringement of the provisions of this article the clerk shall be subject to the provisions of article 561.

Art. 565 – After receiving the certified copy of the current accounts, the secretary of the administration office shall order the same to be recorded in the gate book, within three days, and then present them to the administrator, who shall distribute the same and have the distribution recorded in the book referred to in No. 12 of article 440, when the current account debtor is not the National Treasury, an administrative body or a public administrative utility.

-------138--------

Sole § The recovery clerk to whom the current accounts are handed over shall issue the required receipt.

Art. 566 – If the debtor of the current accounts is one of the entities referred to in the last part of the preceding article, the following procedure shall be observed:–

§ 1. The current accounts against the National Treasury shall be forwarded with remarks of the administrator to the Director of the Treasury (Fazenda) who shall make arrangements for payment of the balance amount in debt.

§2. The current accounts against any administrative body or corporate body shall be forwarded to the respective representative, with a request for the payment of the respective balance in debt.

§ 3. The entity receiving the requisition shall, within ten days, give orders for payment of debt in the following ten days, when the same dept is not contested.

§ 4. When contested, he shall return the current accounts to the concerned administrator, attaching a copy of the resolution, of the documents on which it is based and his information when he deems it necessary.

§ 5. After receiving the current account, along with the documents referred to in the preceding paragraph, the administrator shall submit the case, with his remarks, for a decision of the Governor-General.

§6. When the debtor body has been communicated, through its representative, of the decision of the Governor-General ordering any payment to be made, and if such payment is not effected within ten days, the Governor-General shall be duly informed about this fact, to enable him to take further measures as he finds convenient.

Art. 567 – The recovery clerks to whom the current accounts have been distributed shall process the same following legal formalities and forward them to the administrator, to enable him to issue a dispatch ordering the summons of the debtors, guarantors and joint responsible requiring them to pay the debt, within ten days or to indicate the assets for seizure, failing which the proceedings shall follow its course.

§ 2. For the purpose of service summons, a warrant shall be issued, when necessary, and the current account shall be copied therein.

SECTION III

The effect of issuance of certified copies of current accounts

Art. 568 – The current accounts give the respective comunidade the following rights:–

§ 1. To calculate the interest in its favour at the rate of 6 per cent per annum, with effect from the date of service of summons, in case no interest was payable on the debt, or else in case of interest was payable, but it was lower or higher than 6 per cent.

§ 2. To calculate against the debtor, in accordance of article 628, 3 per cent of the debt in favour of the respective recovery court.

§ 3. To permit the arrest of the debtor in the case provided by the article 418 of the Code of Civil Procedure (Codigo de Processo Civil).

SECTION IV
Opposition of the judgment debtor][138]

Art. 569 – The judgment debtor may oppose the current accounts within 10 days from the date of service of summons.

§ 1. When the opposition is filed, the clerk shall receive the same and attach it to the case file and issue a receipt to the person submitting it declaring that it has been attached to the proceedings which shall be submitted for orders.

§2. If the clerk refuses to accept the opposition defence or to issue the receipt in accordance with the preceding paragraph, the opponent shall file a complaint to the administrator who, after hearing the respective clerk, shall decide as he deems fit, and if the complaint is upheld, the clerk may be suspended up to fifteen days.

Art. 570 – Opposition may be raised on following grounds:–

1.Error in the accounts.

2.Discrepancy in the accounts in the book and the certified copy issued.

3.The payment has been effected.

4.The claim for compensation.

Art. 571 – The defence shall be rejected in limine :–

1.When it is not presented within ten days, as from the date of service of summons and the grounds raised are outside those mentioned in the article 570;

2.When it is not signed by the respondent and his lawyer or only by the lawyer when he is holding a power of attorney;

3.When the denial is not specific and raised parawise, indicating in what manner the accounts ought to be varied and what is the balance;

4.When, there is debit balance against the contesting party and no proof has been adduced of having effected a deposit corresponding to this balance and interest, when due, in records of the administration office or in the safe of the respective comunidade;

5.When it is not accompanied by the documents mentioned in the contestation, unless those documents are found in the archives of the administration office or of the respective comunidade and such statements is made in opposition;

6.When the ground is the errors in the accounts and the same accounts has been decided in a special procedure or in accordance with articles 512 and 513, unless there is a discrepancy between the respective decision and the summons of the current accounts.

§ 1. If, in the course of proceedings of opposition raised by the latter establishment in

the proceedings under article 512 and 513 a certified copy of the decision shall be attached to the case file and such decision shall substitute the proceedings of the opposition against the current account in order to put an end to the respective case filed or to proceed in execution for recovery of the dept established in the same judgment.

§ 2. When the opposition is not in the conditions of being received and processed, it shall remain attached to the file, so that it could be considered by the higher authorities in the event of an appeal against the said decision which declared it.

Art. 572 – The opposition suspends the proceedings of the executors subsequent to the attachment.

Sole § The attachment, however, shall not be done in the following cases:–

1. When the debt arises from an obligation secured by the pledge of shares of the comunidade or of gold or of silver objects or by mortgage.

2. When the opponent tenders security as provided in the Civil Procedure Code, within ten days from the date of issue of notice by order of the administrator including the probable amounts of the court-fees, costs and interest, as stipulated.

Art. 573 – After the receipt of the opposition, the attorney of the comunidade may reply within ten days, commencing from the expiry of ten days time granted for the opposite party to submit his defence, when there is sole defaulter, but when there are more than one defaulters the time shall count from the date of service of notice the summons to the last defaulter.

§ 1. The answer shall be given and signed by the attorney of the comunidade and the lawyer, or by the lawyer only when he has the wakalatnama.

§ 2. The clerk of the comunidade who issued the current accounts may give his say on the matter raised in the opposition.

SECTION V

Production of evidence and arguments

Art. 574 – The evidence shall be led within ten days from the expiry of the time-limit granted for the reply of the attorney of the comunidade.

Art. 575 – Only documentary evidence is admissible.

§ 1. The payment is to be proved by a certified copy or receipt referring to the Cash book, issued by the clerk , where from it is established the entry in the safe of the respective comunidade of the amount paid which is required to be proved.

§ 2. The attorney or the clerk of the comunidade may challenge that the document produced is forged, in which case the respective file has to be forwarded to the court for the decision on this incident.

§ 3. The liabilities of the treasurer is not to be adjusted with any amount which the latter may

be entitled to from the comunidade.

Art. 576 – Within the time fixed for leading evidence, the administrator may direct, at the instant of the parties or as officio, if it is felt the necessary, the counterchecking of the certified copy of the current account with the examination of the books and documents which prove the source of credit and debit of account and upto the examination shall record the result in a form of report.

§ 1. The examination can be done in the presence of the debtor, the creditor and the clerk who issued the certified copy of the current account, with all the books and required

documents.

§ 2. The examination and counter checking shall be done by the administrator or by the official of the administration office designated by the administrator, except when the parties may ask that the examination may be done by appointment of commissioner.

§3. Whoever applies for examination by commissioner shall with twenty four hours make the required advance payment failing which the examination will be done without the commissioner.

Art. 577 – The parties may give their submission, in writing within five days from the date the production of evidence is approved, except when the examination can not be concluded within the said time, in which case the time will start after leading all the evidence.

Sole § The party is entitled to inspect the file at the office of administration but they are not entitled to have independent examination of the file.

SECTION VI

The judgement and appeal

Art. 578 – The administrator shall deliver his judgment giving reasons, within ten days of the end of the time limit for the submission, rejecting or upholding the defence, in whole or in part, and if the defence is upheld, he shall cancel the account or direct it review.

Sole § The parties shall be notified of the decision, unless they acted ex-part.

Art. 579 – The cost arising from the deposition and all steps taken till final decision shall be paid by the defeated party in the proportion to the quantum decided.

Sole § The costs and stamp duty incurred by the creditor comunidade as per the judgment shall be born by the clerk who had issue the certified copy of the current accounts and if the change of the accounts was occasioned due to his fault or negligence, then he shall also have to pay a fine in favour of the opposition, equivalent to double the costs and stamp duty.

Art. 580 – If the decision directs the review of accounts the same shall be done in the same proceedings, by way of a record which shall be registered in the book of the respective comunidade, after the decision on the objection has become res judicata.

Art. 581 – A judgment against the comunidade upholding the objection shall not be final till it is confirmed by the Administrative Tribunal, whereto the proceedings shall mandatorily be remitted and such remission should be notify the party that is not ex part.

-------142--------

Art. 582 – All the orders and final decisions of the administrator connected with the objection against the current account are subject to appeals to the Administrative Tribunal.

Sole § The appeals against the interlocutory orders shall be forwarded along with the appeal against the final decision.

Art. 583 – The appeal against the final decision on the objection, if the objection is not upheld, shall have the effect of a stay and shall be reported to the higher authorities along with the main file.

SECTION VII

Adjudication by way of embargo][139]

Art. 584 – Besides the objection to the current accounts before the administrator, the judgment debtor may also raise objection by way of embargo.

Art. 585 – When the objection is raised on the grounds provided in clauses Nos. 3 and 4 of article 570, before the administrator is not open to the judgment debtor to file the embargo on the same ground.

Art. 586 – The embargo sustains the execution only after the attachment.

Sole § The attachment shall not, however, be done in the cases provided for in clauses Nos. 1 and 2 of the sole paragraph of article 572.

Art. **587** – The embargo or petition shall be presented before the clerk who shall issue receipt thereof to the presenter and process them separately appending the same to the file of the execution proceedings or to the certified copies obtained by the objector when at the same time he had filed objection (as per art 569) and after having given the security, the file shall be sent to the administrator who shall send them to the court within three days under prior notice to the petitioner.

Art. 588 – If the clerk declines to accept the embargo or to issue a receipt with a declaration that the papers are processed, the petition to the embargo will proceed in accordance to paragraph 2 of article 569.

Art. 589 – The further steps of the petition of the embargo shall be proceeded in accordance with the provisions of the Code of Civil Procedure and the articles 575 and 576 shall be followed to the extent that it is not contrary to the general rule.

§ 1. When the debt arises from the payment of foros, the applications the embargo challenging the legality shall not be maintainable when objection is raised by the person whose name is registered in the of the registration of comunidade claiming to be the owner in usufructuary or head of family of the property from where the foro arises.

§ 2. If the debt arises from the rents of property of comunidade and other contributions connected, then the embargo on the alleged illegality shall not be held tenable when objection is raise by the lessee of the property or by a person who has stood as security for payment of rent from the dept arised and when the respective auction has been countersigned by the administrator.

CHAPTER III

Attachments

-------143--------

Art. 590 – At the end of the period of ten days without the payment of debt being made, the clerk of the comunidade shall proceed with the attachment.

Art. 591 – The attachment shall start with the estate that was especially given as guarantee for the obligation from where the debt arises and then proceed with the share of comunidades, by the sums to which the judgment debtor has right in judicial, administrative and fiscal proceedings, moveable or semi-moveable, the credit receivable by the judgment debtors, by rentals, foros, interest, pension and any other instalments, the fruits of immovable property as well the property itself, and this attachment shall be made on the property which may be found sufficient to pay the debt interest, stamp duty, costs and percentage.

Sole § When the debt arises from the foros, in the first place, the rent or the fruit of the property from which the foro arises shall be attached.

Art. 592 – The attachment of the shares of comunidade shall be effected in accordance with article 424 and its paragraphs.

Art. 593 – The provisions contained in article 854 of the Civil Procedure Code shall also be applicable to the depository found to be in fault in the presentation of the respective accounts.

Art. 594 – If the attachment is in respect of immovable property and the debtor is married, the other spouse shall soon be summoned.

Art. 595 – If the attachment is in respect of immovable property, the attorney of the respective comunidade shall apply for its registration, to the conservator of the Land Registry (Conservador do Registo Predial). In the same application, a certificate of the encumbrance on the attached property shall also be requested.

§ 1. In the talukas where there is no Land Registry office, the application for the registration of the attachment and of the certificate of charges shall be made through the respective administrator.

§ 2. The registration note, the certificate referred to in this article and the one of having issued the summons to the spouse of the debtor and of the taxable income of the confiscated properties, shall be attached to the case file, and the same be forwarded to the administrator, who shall order that it shall be sent to the competent court in the concerned taluka.

Art. 596 – When on the same lands, there is more than one attachment, the deposit shall be made in the possession of the first depository, and, in case it is made in possession of any other person, the depository can request for the change of deposit.

Art. 597 – The depository shall submit accounts in the recovery court, in accordance with the applicable provisions in the Civil Procedure Code, except when the attachment falls in the immovable property, in which case the accounts shall be submitted to the civil court.

CHAPTER IV

Third party objections][140]

Art. 598 – In the objections by the third party the following provisions shall be strictly followed:

a.The objection raised by third party shall be rejected in limine by respective judge in cases, dealing with the shares of comunidades, which are not accompanied by a document which prove that the attached shares are registered in the name of the objector or his representative and also the objections raised shall not be accepted in case the

-------144--------

recovery case is filed for the debt of a deceased person in whose name the shares are registered.

b. The third party objections shall be rejected when the debt is caused from the foros and other contributions due to the comunidade relating to the attached properties.

CHAPTER V

Auctions and awards

Art. 599 – After the attachment is done, or in the case of a debt secured by a pledge, the administrator shall fix the day for auction.

Art. 600 –When the execution of dept is of the amount below 600 $ it is not mandatory to make public notice.

Art. 601 – The starting bid in the auction of movable items shall be the value referred to in the attachment report.

Art. 602 – The bid price, whether for movable or immovable property, shall be deposited, when required, at the order of the respective court, in the safe of the respective comunidade, observing the applicable provisions of articles 614 and 615 and it shall be withdrawn or paid into the safe as per the competent letter of the court.

Art. 603 – When the produce of the properties has to be auctioned, the respective sale shall be limited to the produce of one year only, and when the value obtained is found not to be sufficient to pay debt in full, interest, stamp duties, cost and percentages, or no bidder had come forward, the administrator can order the transfer of attachment to any other assets of the debtors, or may attach the soil, other provisions contained in article 595 shall be observed.

Art. 604 –The bidder, who is not known, shall be excluded from bidding, save when he is ready to pay, in ready cash, at the time of auction, its price, the auction expenses, stamp duties, transfer tax or when a reliable person stands surety for him subjecting himself to the imprisonment also.

Art. 605 – The decree holder may request the award of the properties, in accordance with article 874 and 875 of the Civil Procedure Code.

CHAPTER VI

Creditor's claim][141]

Art. 606 – After the auction is over the following shall be notified:–

1.The creditors of the debtor indicated in the certificate of charges.

2.Any other uncertain or unknown creditors.

The notice mentioned in No.1 shall be issued personally to the creditors when they reside in this State and regarding those mentioned in No. 2 by public notices of 20 days.

Art. 607 – The creditors notified in accordance with the preceding article may claim their

credits according to the article 865 of the Code of Civil Procedure and, if they do so, the case papers shall be forwarded immediately to the Courts of the competent judicial district for further legal action, till final decision regarding creditor‘s claims.

§ 1. The provisions of the main body of this article shall not apply to credits claimed only from the income realized from the auction of shares of comunidades, on the grounds of registration of encumbrance, and when no preferential rights are claimed in addition over the produce of other properties.

§ 2. In the case provided for in the preceding paragraph, the claims of creditors shall be conducted and determined before the administrator, as per the provisions of the Code of Civil Procedure prescribes for such claims of recovery, whenever applicable, save the modifications made in this Chapter.

§ 3. The credits claimed before the administrator need not be accompanied by a certificate of registration of encumbrance.

Art. 608 – If anybody contests the credits claimed under the terms permitted by the article 866 of the Code of Civil Procedure, the method as prescribed in the present Code should be followed in the case of embargo of execution, excepting regarding the surety that shall not be necessary.

Art. 609 – When the debt secured by recording on the shares is not valued or matured, the respective creditor shall claim his credit and, once it is placed in the right position in the order of priority, the amount due to him shall be ordered to be kept in the comunidade safe, until such time as it matures and is valued, or until any interested party does not cancel the encumbrance, because the debts to which the claim relates has been extinguished.

Art. 610 – The order of priority of creditors, with respect to income realized with the sale of shares of the comunidade shall be done in accordance with the priority of the respective annotations made.

Art. 611 – The final decision on the claims of creditors, in accordance with paragraph 2 of article 607, shall declare the shares exonerated of all charges which are noted as guarantee of debts, and shall order the respective annotations cancelled.

CHAPTER VII

Payment

Art. 612 – At any stage of the proceedings the debtor or any other person may pay the debt, along with the interest, stamp duty, cost and percentage.

§ 1. The third party who pays the debt shall be subrogated in the rights of creditor to recover from the debtor, his guarantors or other responsible in accordance with this Code, whatever they have paid for them, being able then to pursue further the same case.

§ 2. The co-responsible, who are established as such by contract or by law, and the guarantors have right against the principal debtor, for any payment they make and in accordance with the preceding paragraph, and each one against the others, in the respective proportion, under the terms of general law.

-------146--------

Art. 613 – Soon after the payment is offered, the clerk of the comunidade shall obtain from the accounts clerk, the immediate calculation of stamp duty, percentage and costs, issuing thereafter the respective payment chalan, countersigned by the administrator, to enable to effect the payment of the stamp duty owed to the National Treasury, to the person who has offered payment, the said chelan shall be delivered along with an unstamped duplicate for filing at the Treasury Office.

Sole § The chelan issued shall be presented at the respective Treasury Office and the corresponding amount shall be paid there, and, after obtaining the receipt on the chalan of having effected the payment, the same shall be handed over within twenty four hours to the respective clerk of the comunidade that issued it.

Art. 614 – After attaching the chalan, with the receipt recorded in it, to the case file, the clerk shall issue another chalan signed by the administrator, for payment of the debt and interest and shall deliver the same to the person offering payment, with an unstamped duplicate chalan for filling in the records of the comunidade.

§ 1 In this chalan issued reference shall be made to the number of the case file and indicate specifically the origin and the value of the debt and interest of each current account processed, mentioning the date till when such interests have been calculated and any other sum to be paid to the comunidade safe, declaring in the end that in addition to these amounts, there is additional interest to be calculated in accordance with the provisions of No. 1 of article 568, at the time of payment.

§ 2. The provisions of the Civil Code shall be applicable to the contractual interest.

§ 3. In case the challan is not attached to the file till the time designated for the auction, the same shall not be suspended.

§ 4. The percentages and the cost, already assessed, shall be paid to the clerk, who shall certify the said payment at the end of the accounts, and shall distribute them to whomsoever it belongs.

Art. 615 – The challan referred to in the preceding paragraph shall be presented to the clerk who has issued certified copy of the current account, within three days and the said clerk after receiving the amount and the interest, which he assessed, shall record the same in the cash-book, and, with reference to it record a receipt on the slip, and hand it over to the presenter.

§ 1. The clerk of the comunidade who receives the amount, mentioned in the challan, shall convene the key-holders of the safe, within twenty four hours, if the total amount received is 300 $, or more, and after collecting this amount in the safe, he shall authenticate the items entered in the cash-book with the signatures of the other two key keepers.

§2. If the amount is less than 300 $, it may be placed in the safe, after following the formalities established in the preceding paragraph, at the next opening.

§ 3. In the case referred to in the preceding paragraphs, the clerk who received the money shall immediately participate to the administrator the fact that the amount entered in the cash-book has been authenticated with the signatures of the key-holders and that the said amount has been placed in the safe.

§ 4. The challan received by the person who made the payment, shall be returned to the clerk who had issued it, within five days as from the date of the said challan.

Art. 616 –The debtor is allowed to pay the debt and the interest in the safe of the

comunidade, without any slip, at any stage of the proceedings.

-------147--------

Sole § The clerk of the comunidade who had collected the money which was deposited in the safe, shall issue the receipt referring to the cash-book, which shall be presented to the dealing clerk in charge of the case, who shall attach it to the respective file and proceed further in terms of article 613.

Art. 617 – After the clerk has received the chelan, referred to in paragraph 4 of article 615, or sole paragraph of article 613, in case the integral amount of the debt and interest have been paid in the safe of the comunidade, he shall attach it to the case file, and after effecting the payment of the costs and percentages, if due, he shall forward it to the administrator for him to close the case and order the same to be closed.

§1. On the final decision of declaring the execution satisfied, there shall be no notice.

§ 2. The certified copy of payment made in the execution proceedings, which is issued by the respective dealing clerk in charge of the file and signed by the administrator, constitutes the document for the cancellation of the attachment.

Art. 618 – When, within the prescribed period, the slips referred to in article 613 and 614 have not been returned to the clerk, along with their receipt of payment, the recovery proceedings shall continue.

Art. 619 – When as a result of attachment and auction, some amounts are collected which are not sufficient for the payment of the debt, interest, cost and percentages, in that case, the revenues and cost shall be paid first and the rest shall be deposited in the safe of the crediting comunidade on account of the debt and the recovery case shall proceed further, as regards the outstanding debt.

Art. 620 – If the debtor presents money at the auction for the payment of the debt, interest, revenues, costs and percentages, the auction shall be suspended for the period of time which the administrator feels is absolutely sufficient for effecting all the payments in the administrative office, and if that period expires without, the payment being effected, the auction shall proceed further.

§ 1. The amount to be received shall be processed as provided in article 613 and 614.

§ 2. In this and other cases where the integral payment of the debt, stamp duties, cost and percentage is to be collected in the administration office, the challan for payment of the stamp duties shall be hand over to the official concerned with the required amount to effect the payment in the Office of Accounts (Fazenda) and the amount necessary for payment of debt and its interest to be made to the clerk who had issued the certified copy of the current accounts, for which purpose he being called in the administration office with cash-book so that the entry could be made under the respective items.

Art. 621 – The payment of any part of the debt, which the debtor wishes to make, shall not be refused and, in this case, a receipt for the amount received shall be passed to him and the proceedings shall continue in respect of the remaining part of the debt.

Art. 622 – If, after the issue of current accounts and its delivery to the secretary of the administration, but prior to being summoned, the debtor pays the debt or a part thereof, the clerk of the comunidade shall issue him a receipt, referring to the cash-book. The debtor shall present this receipt in the administration office in order that the current account proceedings shall not continue further, although, he shall be held responsible for the payment of stamp duty and costs incurred before the same receipt being received by the administration office.

-------148--------

Art. 623 – The comunidades need not offer any security for the withdrawal of money from public deposits relating to their credits, even if there is pending appeal in the recovery suits.

Art. 624 – If, in view of the payment, remission or consignation in deposit made within the ordinary period, any amount is necessary to be deposited, such deposit shall be made in the safe of the respective comunidade.

CHAPTER VIII
Forgery of documents

Art. 625 – When forgery is invoked, the administrator shall order that they should be sent to the competent court after being attached to the recovery case.

Art. 626 – When the forgery is pertaining to service of summons or any other act related to administrative procedure the administrator should order that the proceeding alleged to be false be repeated along with others that are depending on the same and direct that the recovery case should proceed further in the administration office itself.

Sole § In case any proceedings alleged to be false are by order repeated, the petition that invokes the forgery shall be detached from the case file and sent to the court in order that any crime therein committed be punished.

CHAPTER IX
Costs

Art. 627 – The emoluments and the wages shall be calculated as per the table attached to the Code.

§ 1. In the recovery cases of the amount which is less than 150 $, the emoluments and the wages shall be reduced to one fourth, and the value being inferior to 300 $ to half.

§ 2. The rules in force pertaining to the counting of non stamped paper, are applicable to the recovery cases.

Art. 628 – In the recovery cases when the payment is effected, in any form, after the expiry period of ten days following the summons, an additional percentage of 3% of the principal debt shall preferably count against the debtor, out of which two-thirds shall belong to the administrator and one-third to the recovery clerk in charge of the case.

§ 1. The distribution of the percentage shall be done in the case file itself.

§ 2. In case the amount rise is insufficient, the cost shall be preferred over the percentage.

Art. 629 – All the acts and proceedings shall be carried out free of charge, in case in respect to the same, no fees are fixed in the annexed table, for wages and conveyance.

Sole § No costs nor revenues shall be received when the debt not recoverable.

Art. 630 – The accounts clerk shall close the accounts with an indication of the total amount, written in words, and shall not count more than one charge, for all the tasks that were carried out on the same day and in the same case in favour of each of the employees carrying them out. In this case, when the proceedings of the same nature are exercised by more than one employee, only one charge shall be counted which shall be divided equally among them. This

part of the rule shall not, however be applicable to the proceedings where more than one employee is required by law.

§ 1. The value of the costs shall not exceed three-fourths of the amount of the recovery case, unless when the case is contested and there is a request for stay of execution.

§ 2. When the value of the costs calculated is in excess of three-fourths of the amount to be recovered, proportional reduction shall be effected to amount which the employees have right to it.

§ 3. In no circumstances shall negative certificates be counted in the proceedings, and the charges for attachment shall only be counted in the cases in which they are counted in summons.

Art. 631 – If any employee, who is entitled to the costs, does not resides in the taluka, the payment made can be proved through the receipt noted on the reverse of the payment slip, which the clerk of comunidades shall send to the secretary of the administration office of the comunidades of the other taluka, mentioning specifically the name of the employee the amount of the costs to which he is entitled.

CHAPTER X

Unrecoverable debts

Art. 632 – The debts which are known to be unrecoverable as the debtor, his guarantors and co-responsible are not holding absolutely any land, those debts should be treated as non recoverable in the respective file.

Art. 633 – For the purpose of judging the debt, as non recoverable, the administrator shall consult, in writing, the parish-priest, the functionary in charge of parish, the clerk of the comunidade and its managing committee and shall collect any other information that he sees fit.

Art. 634 – If the information gathered, confirms the insolvency of the debtors, guarantors and co-responsible persons, the final order shall be pronounced judging the debt as non recoverable.

Art. 635 – The judgment declared non recoverable any debt, the rights of the creditor shall be safeguarded for a period of thirty years, allowing the recovery of the debt, out of the estate that may be acquired by the debtors, their guarantors or co-responsible persons.

Art. 636 – The judgment of the debt as failed, shall also be rendered when the debt indicated in the current accounts origins from the foros, rentals, interests, land rents or any other periodical payments, and when five years have elapsed after such debt matures, without the person responsible being summoned to pay the same or without the limitation period being interrupted by any legal means.

Art. 637 – The non recoverable debts may be judged as failed, in view of a list organized by the recovery clerks, separately for each comunidade, wherein there is mention of the names of the debtors, guarantors and other co-responsible persons, the nature of the debt, the year to which they relate, their value and the numbers of the respective case files.

§ 1. The information referred to in article 633 shall be attached to the list.

§ 2. When the information thus gathered confirm the insolvency of the debtors, their guarantors and other co-responsible persons, the respective debts shall be judged as failed by a final order recorded in the respective list, attaching to each file the certificate of the said order.

-------150--------

Art. 638 – The judgment given on the failed debts shall only be valid after being confirmed by the Administrative Tribunal to which the case files shall be forwarded.

Sole § When the judgment of failed debts have been written in the list itself, referred to in article 637, this list shall be forwarded for confirmation along with the respective file.

Art. 639 – Once the judgment and the annulment of the failed debt have been confirmed, the administrator shall order that the certificate of the judgment, with mention of all the required circumstances, shall be sent to the clerk of the comunidade, to enable him to make the competent entries in the books, so that the annulled credits will no longer figures in the yearly balance, save in the case of article 640.

Art. 640 – The judgment failed debt shall be annulled when, within thirty years from the last proceedings in the recovery case wherein the debtor was summoned, or from the due date of maturity of the debt, if no summons were served, properties of the debtor, capable of being confiscated, are discovered.

§ 1. In this case, the judgment being annulled by order of the administrator, the assets shall be attached and other proceedings shall follow as if no judgment had taken place.

§2. The clerk dealing with the file and the clerk of the comunidade shall inform the administrator and arrange for the annulment of the judgment of the failed debt as soon as it comes to their notice the existence of assets that the debtors, guarantors and other co-responsible persons possess from which the debt can be recovered.

§ 3. The annulment of the failed debt cannot be effected in case provided in the article 636.

Title VI

General and transitory provisions

Art. 641 – Only the remunerations provided in this Code and in the maps annexed shall be quantified and paid to the employees and agents of the comunidades and to the administrators, without the prejudice of what is contained in article 644.

§ 1. The inclusion of these employees in the categories of map I, annexed to Decree No. 40.709, dated 31st July, 1956, shall entitle them to the pay presently earned by the government servants, of equal category, including the family allowance, daily allowance, travelling allowance, travel and transport allowance on the same terms as are established to such government servants.

§ 2. The physicians of medical posts and junior staff of the comunidades shall have the pay and salaries fixed up by the Governor-General, after consulting the respective comunidades.

Art. 642 – The expenses with the pay of the clerks of the comunidades shall be included in the private budget of the administrations offices and the sections of the comunidades and shall be paid from the proportionate contributions derived from the division of the same expenses between the comunidades existing in each Taluka.

Sole § The provisions of the second part of this article shall apply to the clerks of the comunidades of Quepem and Pernem.

Art. 643 – The exercise of the right of the clerks of the comunidade, which involve increase of expenses, excepting what is contained in the preceding article, shall be subject to the financial possibilities of each comunidade or their group and its implementation shall be allowed subject to the favorable sanction of the same.

Art. 644 – The remunerations of the administrators, clerks and auxiliaries which amount to

an increase of expenditure in relation to those earned at the date of publication of this Code shall also be subject to the financial possibilities of the comunidades of each taluka and depend on their favorable vote, sanctioned by the Governor-General.

Art. 645 –The personnel of the private administrative offices of the comunidades and those of the taluka administrations (sections of comunidades) shall be subject to the general discipline applicable to the government servants, enjoying the same rights and duties, without the prejudice to the provisions of this code.

Art. 646 – The comunidades may recommend and the Government may determine in the comunidades where there is a need it is deemed necessary the constitution of bouços (association of tenants).

Sole § A special law shall regulate the constitution, functioning and the objectives of the bouços.

Art. 647 – It is not lawful to pass deliberation for dissolution of their properties.

Art. 648 – The Government may reconstitute wherever possible and convenient, the comunidades which have ceased to exist, or promote the creation of new comunidades, in accordance with sub-paragraph (c) of article 6 of Decree No. 35.230 dated 8th December, 1945.

Art. 649 – Fishing is prohibited in the sluice gates of the comunidades, but it shall be the permitted in the streams, preceded by prior assessment and auction and by placing nets at a distance not less than 10 meters from the portal.

Art. 650 – For the fiscal purposes, the percentages referred to in Article 307, with reference to sub-paragraph (b) of article 316, shall be considered as expenses.

Art. 651 – The sum corresponding to 5 percent of the net income of every comunidade, shall be credited in favour of the fund of the village body (junta de freguesia) or other body that may substitute the same, and such fund shall be spent exclusively for local improvements.

Art. 652 – Every five years, in city of Panjim, on 2nd Sunday of January, a meeting shall be held of the delegates of all the comunidades to deal with matters of general interest to them to foster its progress and propose to the Governor-General, some measures in this connection.

§1. In the first fortnight of November, the Governor-General shall appoint a commission comprising of five members chosen from among the members of the managing committee of the comunidades, in order to make arrangements for the meeting referred to in this article.

§ 2. In the first fortnight of December, the comunidades, or in their absent, the respective managing committee, shall chose the delegates to represent them at that meeting and shall approved the necessary expenses for such representation within the funds available in the respective budgets.

§ 3. The first meeting shall be held in 1962.

Art. 653 – The grants of land, made under the Regulations, dated 30th October, 1886, Order dated 22nd December, 1898 and the Legislative Diploma No. 651, dated 30th March,1933 are subject to the provisions of Article 341 and the following, when the land is in possession by the grantees or their heirs.

Art. 654 – To emphyteusis grants of lands, for cultivation purposes, in the talukas of Ponda, Bicholim, Quepem, Sanguem and Canacona, the provisions of the Legislative Diploma No. 814, dated 6th September, 1935, and 967 dated 3rd September, 1937 are applicable, as long as new methods are determined by the Governor-General.

-------152--------

Art. 655 – (transitory): The present clerical porters of the administrations of the comunidades appointed on permanent basis, and when are none such employees, the present temporary assistants, appointed through competitive examination, having two years of good and effective service, shall be absorbed as assistants of 3rd class, without any formalities other than the publication of such appointments in the Official Gazette.

Art. 656 – (transitory): The present 2nd class assistants and special assistants, temporary or substitute, and the interim bailiffs may be appointed to the respective posts, independently of any competitive examination, age and qualifications, provided they have at least two years of good and effective service.

Art. 657 – (transitory): In the cases where the foro in respect of emphyteusis granted at the time of publication of this Legislative Enactment had been fixed up by a deliberation of the comunidade‘ at a value different from the one resulting from the public auction, the aggrieved party may lodge a claim to the Governor-General, against it, within ninety days from the date of publication of the present Code.

Art. 658 – The provisions of this Code shall apply to the pending cases, without prejudice to

the procedure carried out before the enforcement of this Code.

Art. 659 – Any modification that may be made, in future, on the matter contained in this Code, shall be considered as being a part of the same, and inserted in proper place, either by replacing the amended articles, or by eliminating of the revoked one or by addition of new articles as necessary.

Art. 660 – From the date of this enforcement of this Code was made effective all the prior legislation relating to the comunidades is revoked and specially the Legislative Enactments Nos. 651, 966, 1035, 1051, 1294, 1301, 1306, 1308, 1317, 1381, 1471, 1578, 1628, 1629, 1651, 1741 and 1869, of 30 th March, 1933, of 1st September, 1937, of 23rd December, 1938, of 27th April, 1939, of 30 th July, 1949, of 18th August, 1949, of 22nd September, 1949, of 13th October, 1949, of 2nd December, 1949, of 21st June, 1951, of 30th April, 1953, of 24th February, 1955, of 15 th March, 1956, of 15th March, 1956, of 20th September, 1956, of 3rd October, 1957 and of 18th December, 1958, respectively, and Orders Nos. 5028, 5110 and 7664, of 19th January, 1950, of 28th September, 1950 and of 12th November, 1959, respectively.

Goa, 15th April, 1961.

The Governor-General

Manuel Antonio Vassalo e Silva.

Publish and comply with the contents hereof.

The Residence of the Governor-General, in Goa, 15 April, 1961.
The Governor-General, Manuel Antonio Vassalo e Silva

-------153--------

MAPS, MODELS AND TABLES REFERRED TO IN THE CODE OF COMUNIDADES

Map No. I

(Article 2)

ON THE COMUNIDADES EXISTING IN GOA

	Tiswadi Taluka	
Azossim	Curca	Morombi-o-grande
Bambolim	Elá	Morombi-o-pequeno
Batim	Gancim	Murdá
Calapur	Gandaulim (insolvent)	Naroá
Caraim	Goa Velha	Navelim
Carambolim	Gaolim-Moulá	Neurá-o-grande
Chimbel	Goltim	Neurá-o-pequeno
Chorão	Jua	Passo de Ambarim
Corlim	Malar	Renovadim
Cujirá	Mandur	TalaulimdeSantana
Curca	Mercurim	Taleigão

	Salsete Taluka	
Aquem	Curtorim	Margao
Benaulim	Davorlim	Nagoa
Betalbatim	Deussua	Orlim
Calata	Dicarpale	Raia
Camorlim	Donculim	Sarzora
Cana	Dramapur	Seraulim
Carmona	Gandaulim	Sernabatim
Cavelossim	Gonsua	Sirlim
Cavorim	Guirdolim	Telaulim
Chandor	Loutulim	Utorda
Chinchinim	Macasana	Vanelim
Colva	Majorda	Varca
		Verna

Bardez Taluka

Aldona	Guirim	Pilerne
Anjuna	Mapusa	Pirna
Arpora	Marna	Pomburpa
Assagao	Marra	Punola
Assonora	Moira	Revora
Bastora	Nachinola	Saligao
Calangute	Nadora	Sangolda
Camorlim	Nagoa	Siolim
Canca	Nerul	Sircaim

Candolim	Olaulim	Serula
Colvale	Oxel	Tivim
Corlim	Paliem	Ucassaim
Cunchelim	Parra	Verla

Mormugao Taluka			
Arossim	Cortalim	Mormugao	Vadem
Cansaulim	Cuelim	Pale	Velção
Chicalim	Dabolim	Quelossim	
Chicolna	Issorcim	Sancoale	
Ponda Taluka			
Adcolna	Candola	Nirancal	Talaulim
Bandora	Codar	Orgao	Tiurem
Betora	Conxem	Panchavadi	Vadi
Betqui	Concolim	Priol	Vagurbem
Boma	Cundaim	Querim	Velinga
Borim	Curti	Queula	Verem
Candeapar	Marcaim	Siroda	Volvoi
Bicholim Taluka			
Advolpale	Cotombi	Navelim	Sirigao
Amona	Cudnem	Pale	Surla
Arvalem	Dumaxem	Piligao	Usgao
Bordem	Gangem	Pissurlem	Vainguinim
Bicholim	Naroa	Sarvona	Velguem
Latabarcem	Mencurem	Mulgao	
Pernem Taluka			
Agarvado	Dargalim	Morgim	Tuem
Alorna	Ibrampur	Paliem	Uguem
Arambol	Mandrem	Pernem	Virnora
Quepem Taluka			
Molcornem	Quepem	Avedem	Bali
Ambaulim	Xelvona	Chaifi	Adnem
Assolda	Sirvoi	Chic-Xelvona	Fatorpa
Cotombi	Vodar	Provincia de Bali	Quedem
Curchorem	Xeldem	Quitol	Canvorrem
Cusmane	Cacora	Naqueri	Pirla
	Sanguem Taluka		
Astagrar	Curdi		Nunem
Colomba	Netrauli		Rivona
Zaqui			

Canacona Taluka		
Canacona	Gaundongrem	Poinguinim
Cola	Nagorcem-Palolem	Polem
Loliem		

Summary

Tiswadi Taluka..... 32
Salcete Taluka..... 37
Bardez Taluka 39
Mormugao Taluka 14
Ponda Taluka 28
Bicholim Taluka 23
Pernem Taluka 12
Quepem Taluka 24
Sanguem Taluka 7
Canacona Taluka 7

-------156--------

MAP No. 2

Cadre of the staff of the comunidades Administrative offices, Sections of comunidades affairs and offices of the clerks of comunidades.

I
(Article
127)

Talukas	Administrators	Works Technicians	Secretaries	Assistants			Draftsmen-cum-Overseers	Bailiffs	Peons
				Class I	Class II	Class III			
	J	L	N	Q	R	S	U	X	Z‘ and Zl
Tiswadi	1	1	1	3	4	1	1	2	2
Salcete	1	1	1	3	4	1	1	2	2
Bardez	1	1	1	3	4	1	1	2	2
Mormugao	--	--	--	1	1	--	--	--	1
Ponda	--	--	--	1	1	1	--	--	1
Bicholim	--	--	--	--	1	1	--	--	2(b)
Pernem	--	--	--	--	--	1(a)	--	--	1
Quepem	--	--	--	--	1	--	--	--	1
Sanguem	--	--	--	--	1	--	--	--	1
Canacona	--	--	--	--	1	--	--	--	1(c)
	3	3	3	11	18	6	3	6	14

a)Shall be filled in case the comunidades pass to system of ―Comunidades Commissas‖. b)The expenses with the salary of one of the posts shall be borne by comunidades and Mahajan associations, in the proportion 7:8.

c)The respective expenditure shall be divided pro-rata among the comunidades and Mahajan associations, in the proportion of 2/5 and 3/5 respectively.

Special Monthly Allowances

To the Taluka administrators, on account of the service of the comunidades: Ponda, Mormugao and Bicholim, 600$00, 450$00 and 450$00 respectively; Sanguem, Canacona and Quepem 180$00: Pernem, 90$00.

To the Secretaries of the Taluka Administrative Offices, on account of the service of the comunidades: Ponda, Mormugao and Bicholim, 120$00: Sanguem, Canacona and Quepem Escudos 90$00: Pernem, 60$00.

To the clerk of Section Office of Mahajan Associations at Pernem, on account of the service of the comunidades, so long as the post of Assistant for the same work is not filled, 120$00.

To the Municipal Works Technicians, on account of the service of the comunidades: Ponda, 450$00; Mormugao, 300$00 and Bicholim 250$00; in the remaining Talukas with the exception of Tiswadi, Bardez and Salcete, the technical

staff of the respective Municipalties or any other techni-cian will be employed for study and working up of projects, and they will be entitled to 3 per cent. on the value of the works.

-------157--------

To the staff of the comunidades Administrative Offices, on account of the service of the

Pensioner‘s Bank:

Tiswadi Administrator, 500$00; Secretary, 200$00; Assistant, Class I, 100$00; Bardez and Salcete administrator, 350$00; Secretary, 150$00; Assistant, Class I, 100$00.

-------180--------

I

(Article 84)

Designation	Category	Total				Talukas				Total
		Tiswadi	Bardez	Salcete	Ponda	Mormugao	Bicholim	Sanguem	Canacona	
Clerks	Q	6	8	6	--	--	--	--	--	20
Clerks	R	11	12	15	2	--	--	--	--	40
Clerks	S	5(a)	6(a)	9(a)	9	9	8	2	2	50

(a)Includes Assistant clerks of the comunidades of Carambolim, Chorao, Calapur and Jua in Tiswadi; Serula in Bardez; Margao and Curtorim in Salcete.

CLASSIFICATION OF THE OFFICES OF THE CLERK OF THE COMUNIDADES AND GROUPS OF COMUNIDADES

Offices of the clerk of the comunidades, Class I (20)

Tiswadi— Batim*-Talaulim de Santana-Goalim-Moula (group): Calapur*-Cujira (group);

Carambolim: Chorao*-Caraim-Passo de Ambarim (group); Jua and Neura-o-grande. Total 6.

Bardez — Anjuna: Calangute; Corlim-Mapuca*-Cunchelim (group) Fraternal of Aldona; Guirim-Sangolda* (group); Parra*-Canca-Verla (group); Serula; and Siolim*-Marna-Oxel (group). Total 8.

Salcete — Benaulim; Curtorim; Loutulim; Margao: Raia and Verna. Total 6.

Offices of the clerks of the comunidades, Class II (40)

Tiswadi — Azossim-Mandur (group): Morombim-o-grande*-Chimbel (group): Corlim*-Ela (group) Gancim-Neura-o-pequeno* (group): GoaVelha*-Mercurim (group): Goltim: Malar*-Naroa (group): Morombim-o- pequeno*-Renovadim (group); Murda; Navelim and Taleigao. Total 11.

Bardez — Assagao; Assonora*-Sircaim (group); Boa Esperanca of Aldona; Bastora-Ucassim* (group); Camorlim-Colvale* (group) Moira; Nachinola: Nerul: Marra-Pilerne* (group);

Olaulim-Pomburpa* (group) Saligao and Tivim. Total 12.

Salcete — Aquem-Talaulim* (group): Betalbatim; Carmona; Chinchinim; Chandor*-Cavorim (group); Davorlim*-Dicarpale (group) Dramapur*-Sirlim-Deusua (group); Donculim-Seraulim* (group); Macasana; Majorda; Nagoa; Sarzora; Varca; Velim and Ambelim-Assolna*(group). Total 15.

Ponda — Marcaim and Cundaim. Total 2.

Offices of the clerks of comunidades, Class III (43)

Tiswadi — Bambolim-Curca* (group). Total 1.

Bardez — Arpora*-Nagoa (group); Candolim; Paliem*-Punola (group); Nadora*-Pirna (group)

-------181--------

and
Revora.
Total 5.

Salcete — Camorlim; Guirdolim; Utorda; Calata*-Gonsua (group) Cana-Vanelim* Gandaulim (group) Cavelossim*-Orlim (group); and Colva*-Sernabatim (group). Total 7.

Ponda — Siroda: Adcolna-Boma* (group); Orgao*-Tiurem (group), Bandora*-Queula (group); Betqui- Candola*-Volvoi (group); Borim*- Talaulim-Vadi (group) Velinga*-Priol-Cuncoliem-Querim(group); Verem-Vagurbem-Candeapar*-Curti (group) and Betora-Codar-Conxem-Nirancal-Panchavadi* (group). Total 9.

Mormugao — Arossim; Cortalim; Cuelim; Mormugao; Quelossim; Sancoale; Cansaulim*-Velção (group); Chicalim*-Chicolna-Dabolim-Vadem (group); and Pale*-Issorcim (group). Total 9.

Bicholim — Advalpale*-Latambarcem-Mencurem-Dumacem (group); Amona; Arvalem-Navelim* (group); Bicholim*-Bordem-Sarvona (group); Cudnem*-Pissurlem-Cotombi-Surla (group); Naroa-Vainguinim-Piligao* (group) and Mulgao*-Sirigao (group); Pale-Velguem-Gangem-Usgao* (group). Total 8.

Sanguem — Astragar-Curdi-Rivona* (group); and Netorlim*- Colemba-Jaqui-Nundem (group). Total 2.

Canacona — Canacona-Cola*-Nagorcem-Palolem (group): and Gaundongrem-Loliem-Polem*-Poinguinim (group). Total 2.

*Headquarters for the purpose of compulsory residence of the clerk.

Note: The offices of the clerks of the groups of comunidades of Batim Telaulim, Santana-Goalim-Moula and Siolim-Marna-Oxel shall be filled gradually as the vacancies for the posting of the clerks of the same comunidades take place.

TABLE No. 3

Emoluments and

Salaries Title I

Administration office of the comunidades

CHAPTER I

Administration of comunidades

Article 1. The administrator of the comunidades is entitled to the following fees
For each record of inspection, survey, possession, handing over, supervision
and acceptance of works, verification and drawing up of
18$00 balance sheet
The travelling allowance shall be as per the following rates:
Upto 2 Kms. from the building of the Administration Office
11$30

-------182--------

For subsequent 8 Kms. for each kilometer 5$70 Further from upto 15 Kms., for each kilometer or fraction 3$80

Article 2. In case when during one and same day, more than one work is performed in respect of different files or at the request of different persons, on different subjects the charge of the travelling allowance shall be divided proportionally among all the works which might have been performed and it is classified that when all these works are concerning only one file, the travelling allowance shall be one only.

Article 3. In the works requested by the comunidades or ordered officially, no fees shall be collected.

Article 4. When the chairmanship of the inspection work is entrusted to the President of the Managing Committee of the comunidade, in the cases when this is permitted by rules, he shall be entitled to one half of the fee prescribed in article I and, when he is resident of a different village, he shall be entitled to the travelling allowance corresponding to half the distance from his residence.

CHAPTER II

Secretary, Assistants and Bailiffs of the Administrative Office

Article 5. The Secretaries and the Assistants of the Administration Office are entitled to the following fees:

1)For inspection and other services dealt with in Article 1st including sealing of the safe of the comunidades, half of the fees fixed to the administrator.

2) For each intimation or notification 1$50

3)In all the works mentioned in this article performed out of the building of the Administration Office, they shall be entitled to half of the fees fixed to the Administrator.

Sole § - To the case as foreseen in this number the provision of the paragraph of No. 16, Art. 11 of this table shall be applicable.

Bailiffs

Article 6. The Bailiffs are entitled to the following fees:

1) For each intimation or notification, half of that which is fixed for the Secretary of the Administrative Office, and the travelling allowance,

when it is due, shall be the kilometer at 1$00

2. To the crier in the auctions of the interest of the private parties, for each bidding 1$00

CHAPTER III

General fees of the Administration Office

Article 7. Following fees belong to the Administrative Offices:

1.	On account of the distribution of the recovery files, each one	$40
2.	On account of authentication record of the main file and of the appended files, when there may be, for each one	1$00
3.	On account of each order	1$20
4.	On account of each usual record in the file	$20
5.	On account of each record of deposits of quit-rents, rents, arrears and other of this kind	$40

6)On account of each record of security by the clerks and others, appointment of arbiters, experts, appeals, desistence acquittance, ratification, bond and

others of this kind 3$40

7)On account of each record of enquiry, inspection, survey, interrogation, examination, settlement of accounts, auction of properties, of properties granted under emphytheusis system and of produce from properties and

others of this kind, besides writing charges ... 6$00

Sole § - Only one record shall be made concerning all the produce sold under one file of proceedings:

8. For issuing notice .... 1$20

9. For accounting the cost of one file of proceedings … 2$30

10. For each descriptive certificate or of teor, besides writing charges. 2$30

11. For each certificate of the teor and copy of the current accounts, besides writing charges ...

12. For each living certificates and for each person ... $60

13. Search of the book of notings and of the catalogue of shares, when it is not the current one ... 1$20

14. Search of other non-current books and files of closed proceedings:

a) Of the last ten years ... 2$30

b) More than 10 upto 20 years further ... 2$30

c) More than 20 years further ... 4$50

d) When the searched thing is not found ... 1$20

e) When the year is indicated search fee is not due.

15)For each guia intended to the payment of the transfer tax and its duplicate ... $20

16.Registration of the Diploma of the Public Office ... 2$80

17.For each record of annotation or cancellation of the burdens on shares, besides writing charges ... 1$20

18.For the record of references made in more than one catologue each title ... 1$20

19.For each noting in the title... $30

20.For renewal of titles, besides their price, each title ... 1$20

21.For division or grouping of titles, besides their price, each title ... 1$20

1)Writing charges shall be $10 for each line of 30 letters ...

2)For each registration of zonncar:

When the gain is up to 60$00 ..... 2$30

More than 60$00 up to 150$00..... 3$00

Upto 300$00 .... 4$50

More than 300$ to 600$00 ... 6$00

More than 600$00 to 900$00 ... 9$00

More than 900$00 to 1,200$00 ... 12$00

More than 1200$00 .... 15$00

24. For registration of each share... $40

The fee of these last two items will be deducted in the current account of the respective party in the

first year of the registration.

-------185--------

CHAPTER IV

(Article 627)

In the Coercive Recoveries

Article 8. Administrator:

1.For initials in letters of any kind, orders examination of notices, guias, documents, records and writings in proceedings where he is the chairman, in the folios where there is no signature... $40

2. For signature in the letters of any kind, edicts, deprecative letters, certificates and acquittances.... $50

3. For Chairmanship in the work of checking of the current accounts and in the examination of the books and rec existing in the record room of the administration office or in any Comunidade, for not more than 4 hours .... 7$50

For each exceeding hour, besides the said four hours.... 1$90

4. For Chairmanship in the auction of shares, crops, produces or any other property and for each record of auc where the price of bidding does not exceed 750$00 ..... 6$00

When more than 750$00 and less than 1.500$00 ... 12$00

When more than 1500$00.... 12$80

For each record of the auction comprising all the property not auctioned during each day because of the wan bidders ... 3$80

Sole § - In the case of lease, the fees will be calculated taking as its basis the value of the total rent corresponding to the whole period of the lease.

5.the record of the adjournment of auction, at the request of the interested party ..... 3$80

6.the decision of the contestation against the current account .... 15$00

7.the decision on the coercive recovery ..... 4$50

8.velling allowance, the same as laid down in No. 1 of article 1

9.each record of personal deposition.... 4$50

Article 9. Accountants:

1. For each item fees, salaries and costs accounted by them $40

§1. It is item of fees or salaries, or each one of the rates indicated in this table, in respect of the acts and records in the proceedings: and item of costs, is part of account or each account already paid by the parties or paid in advance by any of the officials of the Recovery Section.

§ 2. However, for the said purpose, it is considered as one item:

a)All the travelling allowances of each official;

b) All the signatures of the same official; c)All the initials of the same official;

d)All the stamp duty, including stamp duty on the copies of summon and on copies which, under this Code or as per this table, have been issued on ordinary paper;

e)All the stamp duties paid under cash payment;

f)Cost of the stamp duty of the ordinary paper supplied by each official: Folio (stamped or ordinary) means folio of the file of proceedings.

2)For accounting certificates, transcripts, copies, decision of any kind whatever, request letters, deprecative letters and any other sundry writings or documents, each page..... $20

3) For calculation of interest, upto one year $50

For each further year or fraction..... $20

-------186--------

Article 10. The accountants will have to do under separate addition the calculation of what belongs to them as their own salary and when its total exceeds 6$00 they will clearly indicate the number and article of this table where the fees corresponding to different additions are found fixed and on account of this procedure, they will not be entitled to any additional salary.

Article 11. Clerks of comunidade:

1. For each intimation ..... 3$80
2. For each notification ..... 2$30

a)In case when the intimation or notification could not take place, on account of any of the reasons as mentioned in the Civil Procedure Code, the clerk will be entitled to the same salary for his issuing the certificate of his attempt;

b)For the purpose of calculation of fees, it will be considered as only one intimation or notification those which were made on the same occasion and for the same object to the wife and husband or to the co-heirs of the original debtor, when the former and latter are residents of the same house;

c)The intimation whereof the certificates are not in keeping with the directives of the Civil Procedure Code or which do not clearly state the place, date and the approximate time of the intimation do not create right to any salary whatever.

3.On account of the copies of the summons and copies which might be given to the persons subjected to the intimations or notifications or to the depositories on the occasion of attachment and which are to be written on ordinary paper (legal type) the clerk, besides the costs as mentioned in No. 14, will have the right to writing charges.

4. For each writ, deprecate letter or challan of payment or deposit, up to 25 lines ... 1$00
For each further line, they will be entitled to the writing charges.

5. On account of the copy of the attachment record for registration in the Land Registration Office, the clerk who has issued it shall receive the writing charges.

6.Of initials on any documents or writing, under rules..... $20

7.For each record of security or deposit of money..... 1$90

8.For manuscripts of the edicts and announcements, each ... $60

9.For each record of attachment effected in the premises of the office, besides writing charges..... 3$80

10.For each record of the attachment of the crops, produce and any other immovable, movable property or cattle, besides writing charges.... 7$50

11.For recording any work presided by the administrator, half of the fees due to this last officer and the writing charges and besides this he is also entitled to the travelling allowance when the work is performed outside the office premises.

12For each charter of auction, upto 25 lines..... 3$80
For each further line, they shall have right to the writing charges.

13On account of the cost of the ordinary paper supplied by them, each folio..... $10

Sole § The cost of the paper supplied for the copies of summons and copies shall be accounted on the basis of the declaration made in the respective certificate or records, with reference to the number of the papers which were supplied.

-------187--------

14.For each descriptive certificate or teor certificate based on any file of proceedings in his possession and the respective transcript, besides the writing charges..... 1$00

15.Writing charges for each line of 30 letters, and the figures are to be counted as letters..... $10
When typed, each line.... $10

16. On account of the travelling allowance, in the intimations notifications, attachments and any other action performed outside the office premises, upto 2 kms. for each kilometer or fraction ..... 1$50

Sole § There can be no more than one travelling allowance on the same day and also in respect of the intimation and notification when they have been ordered under the same and one order though they might have been effected on different dates.

Article 12. Bailiffs in the Recovery Section:

1. On account of the intimation and notification, half of the salary and of the travelling allowance as prescribed to the clerk of the proceedings in Nos. 1, 2 and 16 of the Art. 11, and the provisions of the sub-paragraphs (a), (b) and (c) of No. 2 of the said article are applicable to them and also the provision of No. 14 of the same

article, in respect of the copies of the summons and copies given to the persons subjected to the intimations or notifications.

2. For sticking edicts, comprising the certificates of sticking written in the respective copies:

For the first edict .... 2$80

For each further edict stuck on the same subject.... 1$40

3.For being present at the attachment..... 3$80

4.For working as crier during any auction, each bid ... 1$50

5.For arrests made on writ by the administrator, each person ..... 15$00

6.For the auctions which have not been specified in the preceeding numbers and where the bailiffs may be present in the company of administrator and the clerk, or in the company of the clerk alone, they will receive half of that which may belong to the clerks.

Title II

Comunidades

CHAPTER I

Clerk of comunidades

Article13. The clerk of the comunidades has right to the following fees:

1. For registration of any landed property in any Tombo ..... 2$30

2. For division and individualization of the foro each part of the property $80

3. For calculation and certificate of redeeming the derrama... 1$50

4. For noting the burden of usufruct, attachment and the burdens on the shares or their profits and cancellation of the same burdens in the respective registers or in the current accounts books $60

5. For attending inspections, surveys, collections of crops and assessment her similar works .... 4$50

6. For investing provisional possession as the grantees of the emphteusis (aforamentos), besides writing the record on account of which he will get writing charges ..... 4$50

7. For the record of carrying or depositing the produce of the properties and of thrashing the fields, besides the writing charges ..... 2$30

8. For the records of transfer, surety, damage and charge of the value not more than 150$00..... 1$50
When exceeds to 150$00 ..... 3$00

9. For record or cession of the right (outorga) of the value not exceeding 150$00 ..... 1$50
When it exceeds, for each 150$00 or its fraction, further ..... 1$50
This fee will be deducted from the amount which was transferred and from the title of the person who ceded his right.

10. For the ordinary records of reception, forwarding and submission, each one $20

11. For the opening of the coffer out of the usual days, in the village ..... 3$00

Sole § When it is out of the village or in the Administration Office, besides transport, under article 16 of this table 6$00

12. For intimation or notification, same as fixed to the Bailiff.

13. Search of books when they are not current books, same as in No. 13 of Art. 7.

14. When it refers to the books earlier than the last 10 years, same as in the sub-paragraphs of No. 14 of Art. 7

15. Writing charges, each line of 30 letters $10

16. For descriptive certificate, besides writing charges ..... 1$50

17. For certificate of teor, besides writing charges $80

Recoveries

Article 14. The clerk of the comunidade will receive:

1. For each current account, comprising the certificate written therein, besides the writing charges 1$20

2. For attending the examination of the books and documents existing in the record-room of the comunidade, each day ..... 4$50

3. For each record of attachment, besides writing charges..... 6$0

4.For intimation, notification, copy of the records, certificate opening of the coffers in the case of paragraph 1 of Art. 615, besides the travelling allowances and writing charges when they are due, he will receive the same as fixed to him in the preceding article.

5.For acts in which he may intervene as clerk of the proceeding or as bailiff, he shall receive the fee corresponding to the functions and acts which he might have performed.

CHAPTER II

Experts and arbiters

Article 15. The experts and the arbiters shall receive:

1.For each survey in order to acknowledge the need of works, their supervision and calculation of expenditure, besides the travelling allowance as per the provision of article 4 .... 13$50

2.For the examination of books, signatures, papers and other inspections, besides the travelling allowance counted from his residence and as per the provision of article 4 ..... 13$50

Sole § In case of qualified person, he shall receive the same as the administrator, except when he is the Director of P.W.D. or his deputy or other qualified officer who shall receive the daily allowance fixed in the official table, when their attendance is expressly prescribed in this Code, besides the travelling allowance under article I of this Table. When it is about inspection or handing over of works, the sum of fee and travelling allowance cannot be higher than two per cent of the value.

CHAPTER III

Members of the Managing Committee

Article 16. It will be allowed to each member of the Managing Committee, besides the allowance fixed in the article 57 of this Code, the transport at 6$00 per each meeting and for each 5 kms. or their fraction, besides the first 5 kms., the total allowance being not to be more than 30$00.

Sole § To the clerk, transport is not allowed when the meetings are held in the village not withstanding his residence is outside the same village.

CHAPTER IV

Attorney and key-holders

Article 17. Following fees belong to the Attorney:

For each inpection, survey, handing over and other acts of this kind, one day ..... 9$00

Continuing, for each further day ..... 4$00

Article 18. Each key-holder is entitled, on account of the opening of the coffers at the request of parties, same fee as fixed for the meetings of the managing committee.

CHAPTER V

Staff of the cadastral survey

Article 19. The staff employed for cadastral survey shall have right to following remuneration:

1.To the surveyors for the field work, besides the transport both the ways, for the distance exceeding 5 kms., per day ..... 20$00

2.To the same, for indoors work, per day ..... 14$00

3.To the apprentice-surveyors, for the field work, per day ..... 13$00

4.To the same, for indoors work, per day ..... 9$00

5.To the draughtsmen, per day ..... 9$00

6.To the apprentice draughtsmen, per day ..... 8$00

7.To the measurers including the days of journey, per day, each one ..... 15$00

8.To informers, each one, per day ..... 9$00

9.To the Attorney of the comunidade or his representative, per day ..... 9$00

10.To the clerk of the comunidade, per day ..... 7$00

CHAPTER VI

Article 20. The request of comunidades or their Attorneys for performing any work or to obtain any document shall be acceded to by the employees of the Administration or of the comunidades without payment of the fees on the spot and, at the end the looser party, when there is one, shall be adjudged responsible to their payment.

Article 21. For calculating the travelling allowances, only the going journey shall be taken into account in all cases and, in no case, the travelling allowance shall be sanctioned from a distance superior to 15 kms.

Sole § In all cases when there is a right to the travelling allowance, the number of the kilometers travelled up to the site of the work is to be indicated.

Article 22. In the recovery proceedings, when the dues to be recovered are 150$00 to 300$00, half of the prescribed fees shall be allowed and, when the dues are less than that, one fourth of fees shall be allowed.

Article 23. The accounting and collection of the ordinary fees is of the competence of the secretary to the Administration and they are to be recorded in the Register as referred to in the article 440.

Article 24. In the certificates, certified copies and other sundry papers and also in the payment records written in the files of proceedings or in the books, the respective official shall mention the serial number of the entry of the receipt in the Register of ordinary fees, under the penalty of 30$00 of fine for every infringement of this rule.

Article 25. At the end of each trimester it will be credited to the Pensioner‘s Fund the fees which were collected and in the entry recorded in the respective Cash-Book, mention will be made of the serial number of the entries in the Register of ordinary fees, corresponding to the amounts which are credited.

Article 26. On the first opening of the safe which may follow the closing of the current accounts, the Comunidades clerk shall take from the safe the amount of the ordinary fees referred to in Nos. 20 and 21, article 7 of the Table, and of the zonns, dividends and other receipts payment of which is lapsed and, within the period of 8 days, he shall remit it to the Pensioner‘s Fund or its delegation in the Taluka, alongwith a detailed list of the receipts, in duplicate. The duplicate is to be returned to him after it is countersigned by the administrator and the Secretary. This duplicate shall be exhibited during the examination of the accounts in order to check its accuracy with the books.

Article 27. It is forbidden to include in the ordinary estimates and in the estimates of urgent and extraordinary works conditions that it will be borne by the contractors the responses arising from the inspections to be made for supervising and handing over of the same works.

Article 28. The fees of translation shall be regulated by the official rates.

Article 29. The experts of the comunidades works who may intervene in any inspections or who may undertake journeys while in service shall be entitled only to be paid of the expenses with the transport as per the rules laid down in respect of the Government servants and the use of special transports is dependent of the authorisation by the Director of the Civil Administration except in the case of urgency and, in this case, the administrator is empowered to grant such an authorisation and he has to communicate this fact immediately to that Officer.

Article 30. When the vehicles supplied by the comunidades are available to the Administration Offices, they shall not be entitled to travelling allowances.

Article 31. The fees which are not received by the administrators and the officials of the Administration Offices, including the recovery clerks and comunidades clerks in view of the provision of the sub-paragraph (b)and (c), paragraph 1, article 153 of the Overseas Civil Services Statute, are to be reverted in favour of the General Treasury and this income is to be shown in the annual budgets.

Sole § It is the duty of the administrators to see that the provision of this article is complied with in toto, in respect of the staff of the Administration Offices as well as in respect of the clerks.

MODEL No. 4

(Article No. 125, No. 3)

Ordinary budget of receipt and expenditure of the Administration of comunidades of taluka of …….

for the year 19…….*

Sr. No.	Receipts	Amount	Sr. No.	Expenditure	Amount
	Balance of the management of the previous years (for each year)			Of the accounts concerning previous years (for each item*)	
1		.....$.....	1		.....$.....
2		.....$.....			.....$.....
3	Current	.....$.....	2	Current	.....$.....
4		.....$.....	3		.....$.....

5		.....$.....	4		.....$.....
6		.....$.....	5		.....$.....
7		.....$.....	6		.....$.....
8		.....$.....	7		.....$.....
9		.....$.....	8		.....$.....
	Contribution of the comunidade	.....$.....	9		.....$.....
	Total	.....$.....	10		.....$.....
	Quota of each comunidade which comprises this Taluka in the said contribution, in terms of Art. 125, No.		11		...$.....
			12		
				Occasional	
	Comunidade of Adsulim	.....$.....	13		.....$.....
	Comunidade of Aquem	.....$.....	14		.....$.....
	Comunidade of Arossim	.....$.....	15		.....$.....
	Comunidade of Benaulim	.....$.....			.....$.....
	Total	.....$.....			.....$.....

MODEL No. 5

Table of the movement of the shares of the comunidades of ..... Taluka effected from the date of their issue upto 31st December, 19…….

Comunidades	Movement whic took place for the issue upto 31st December 19.				Movement of the year 19				Total			
	Notes o Transfer		Note of Burden		Notes of Transfer		Note of Burden		Notes of Transfer		Note of Burden	
	Number of Notes	No. of respective titles	Number of Notes	No. of respective titles	Number of Notes	No.ofrespectivetitles	Number of Notes	No.ofrespective titles	TotalnumberofNotes	TotalNo.ofrespectivetitles	Total number of Notes	TotalNo.ofrespectivetitles
.... Total ..												

Administration of the comunidades of …….. at …….. 19……

Sd/- The administrator of comunidades of …….

MODEL No. 6

(Article 545)

Record of primary enrolment of zonnkar

No. 1

On this .... of May, 19 ... in this village of ..... and in the premises of the respective Comunidade, before me and (name) …… clerk and attorney of the said comunidade, there appeared (name) ..... resident of……. (personally or through his representative: father, mother, guardian, attorney) and he exhibited the certificate of the Parish Register (or Civil Register, order of the administrator on the appeal against the refusal of the Administrative Tribunal, copy of the judical decision), issued on…… of the current year and I ascertained its authenticity and it shows that the said (name)…… is legitimate (legitimized, adopted) son of the ―gaonkar‖ (or what he is) name …..... of..... ―vangor‖ in the order of precedence and that his age is ..... completed years (and he is unmarried or married), as required by the respective ―institute‖: and, consequently, we enrol him as zonnkar of this comunidade in the class of ―Gaonkar‖ (culacharim, vantelo zonnkar or what he is) in order to enjoy all the rights and to be subject to all the duties which, in that capacity, belong to him. The document (or the documents) which had been exhibited is filed in bundle No. …… In faith whereof, this is made and it is signed by the said (name) (or by his representative), by the attorney of the comunidade and by me, clerk, who wrote it ……..

(Signature of the party)
…… Attorney of the comunidade
… Clerk of the comunidade

-------191--------

N.B.: If the enrolment was effected because the claimant comes under the provision of article 184 or article 185, it will be stated whether the person is a son, widow or daughter of the deceased zonnkar and also the provision of the Code and the documents on which ground the same person was enrolled.

MODEL No. 7

(Article 103, paragraph 4)

Enrolment of the zonnkars of the comunidade of ..... in the year 19….

Roll No.	Date	1960 Name of the	Residence	Age in
1	May 1	JoaoJose Borges	Arpora	27
2	May 2	Ramo Gaunkar	Vangor	59, f. 18
3	May 3	Pedro de Raia	Vangor	59
4	May 31	Miguel de Souza Ataide	Vangor	7th 12, fl. 3
5	May 31	Azossim	Vangor	22

it is Certificate of the parish priest

Certificate of administrator of the Taluka or Regedor, etc.

This roll is closed, after the enrolment of four zonnkars who proved their existence within the period prescribed by he Code of Comunidades.

1st May, 19…../… ..... Attorney of the Comunidade.

Sd/- Clerk of the comunidade

REMARKS

When the zonnkar is entitled only to a part of the profits, this being the year of his enrolment, this circumstance would be stated in the column of the remarks, opposite the respective name. When the zonnkar is registered for receiving the profits of the respective year and of any of the last ten years, this should be mentioned in the said column of remarks with the specification of the said year. When the registration of the widow or of the unmarried daughter is made consequent upon the provision of article 185 of the present Code, this should be mentioned in that column, stating the tença or the jono she has to service.

TABLE No. 8

(Article 1, para. 3)

Of the transferable shares of the comunidades of Tiswadi, Salcetc, Bardez, Mormugao and Ponda with the indication of the modality about apportioning the respective income of the association and of fixing the annual dividend.

TISWADI

Azossim:— Multiply the number of zonns (personal and of the Saints) by 56(*) (2 of ―culacharins‖ and 4 of widows of ―gaonkars‖ should be taken as 1); to the product the number of the shares (300) is to be added and by this sum the net income will be divided. The quotient will indicate what pertains to each share and, the multiplication of this quotient by 56 will indicate what pertains to the zonns of the Saints. One half of the amount of this zonn (of the Saints) will be the dividend of the zonn of culacharins or their orphans and one fourth will be the dividend of the zonn of the widows of the ―gaonkars‖. The income of the ―namoxins‖ will be divided by the―gaonkars‖ zonnkars and this quotient added to the zonn of the saints (which is the product of the multiplication of 56 by that which pertains to each share) will be the dividend of one zonn of ―gaonkar‖ or of their orphans - 300.

-------192--------

Bambolim:— The net income will be divided by 1000 shares and the quotient will show what pertains to each share. The product of 697 shares is to be distributed among the number of the ―gaunkars‖ zonnkars and their widows; the product of 249 shares is to be distributed among the number of ―culacharins‖ and their widows and the product of the remaining 54 shares (transferable) will be alloted to the shareholders according to the number of shares possessed by them - 1000.

Batim:— After the net income is calculated, with the exclusion of the income of ―namoxins‖ and of the fields of ―honra‖ e ―coita‖ one forty eighth will show what pertains to each share of ―tangas‖. The number of the personal zonns of ―gaonkar‖ as well as ―culacharins‖ will be multiplied by 53 (*) (taking the zonns of 2 male orphans or of 4 female orphans or widows as one) and to the product, the number of the shares of zonn (273) will be added and also will be added 73 shares proceeding from the fractions of the number of the zonnkars of 1881 pertaining to their group, by this sum, of the net income will be divided. The quotient will show what pertains to the share of ―jono‖ and multiplying the same quotient by 53 and adding to its product the quota of the said 73 shares of the group of the zonnkars (obtained by the division of their profits by the number of the zonnkars in the same proportion as that under which they might have received their zonns) the resulting sum will indicate what pertains to the zonn of ―culacharins‖. The sum resulting from the addition of the zonn of ―culacharins‖ to the quota of the income of ―nomoxim‖ and of the fields of ―honra e coita‖ will indicate what pertains to the zonn of ―gaonkar‖. The dividend corresponding to 91 shares taken for rounding the number will be added to 17/48 **ths** of the net income of the next year - 400.

Calapur:— The number of the personal zonns (taking those of 3 widows as one) will be multiplied by 9 (*); to the product, the number of shares (200) will be added and also will be added 355 shares proceeding from the fractions of the number of the zonnkars of 1881 belonging to the group of zonnkars and the net income will be divided by that sum. The quotient will indicate what pertains to each share and the sum of the product of the multiplication of the same quotient by 9 with the quota of the said 355 shares of the group of ―zonnkars‖ (obtained by dividing the income of the same shares by the number of zonns) will indicate what pertains to the zonn, and further adding to this last amount the quotient of the division of the income of ―covados‖, in accordance with the respective ―vangor‖ or group, this will be the dividend of the zonn of different ―vangor‖ - 200.

Carambolim:— Multiply the number of personal zonns by 131 (*) (taking 2 of the ―gaonkars‖ of half zonn, 4 of unmarried daughters or widows as one), add to the product the number of the shares (100) and also 247 shares proceeding from the fractions of the number of zonnkars of 1881, belonging to this group; and for this sum shall be divided the net income. The quotient will indicate what pertains to the share and multiplying the same quotient by 131 and adding to its product the quota of 246 shares of the group of zonnkars (obtained by dividing the income of the same shares by the number of zonnkars in the same proportion as under which they receive their zonns) the resulting sum will indicate what pertains to the zonn of ―gaonkar‖ or to the zonn of his orphan – 100.

Chorao:— Calculate the net income by separating in the account sheet 506$20, 4 for the ―tenças‖ (annuities) of―gaonkars‖ and of shareholders 163$30 for 35 shares of rounding, and 4.881, 2 for shares of ―tangas brancas‖, as 90 were expropriated by the payment of the indivisible remainder (20$20) to the Government Treasury, distribute the net income to the zonnkars in the same proportion as their profits. The income of nomoxins, after deduction of the proper expenses, added to 271$00 of the ―tença‖ of the ―gaonkars‖ will be distributed only to the ―gaonkars‖ who will be paid this amount on account of the ―tença‖.The remaining amount of ―tencas‖ (235$30) as 37$90 were expropriated by the payment of (947$40) arising from the indivisible remainder the remaining amount of the―tenças‖ (235$30) added to 163$30 and 4.881$70 (Total 5.280$10) is to be divided by the number of the shares (1.100). The quotient will indicate what pertains to each share. The product of 34 shares taken for rounding will be carried as income in the accounts of the next year - 1.100.

Corlim:— Multiply the number of personal zonn by 27 (*) (taking 4 zonns of widows or orphan daughters as 1) and add to its product the number of shares (100) and more 27 proceeding from the fractions of the number of the zonnkars of 1881, belonging to their group; Divide by this sum the net income and the quotient will indicate what pertains to each share; and multiplying the same quotient by 27 and by adding to that product the quota of the said 27 shares of the group of zonnkars (obtained by dividing the profits of the same by the number of zonnkars) the result will indicate what belongs to the zonn of ―gaonkar‖ or to his orphan children - 100.

Gancim:— Multiply the number of the personal zonns by 357(*) (taking the zonns of 4 widows as one); add to the product the number of the shares (2800) and divide by this sum the net income. The quotient will indicate what pertains to each share; and by multiplying the same quotient by 357 the product will indicate what pertains to the personal zonn - 2.800.

Goa Velha:— The net income is to be divided by the number of the shares (4300); and the quotient will indicate what pertains to each share - 300.

Goalim-Moula : — The net income shall be divided by the number of shares (300), and the quotient shall indicate what pertains to each share - 300.

Goltim:— Calculate the net income by separating 1.442$70 in the accounts sheet; divide this amount by the number of the shares (300) alloting in favour of the Govt. Treasury that which corresponds to 270 shares; and the dividend of 30 shares will be carried forward to the income of the next year. Distribute the net income among the number of the zonnkars - 300.

Jua:— Multiply the number of the personal zonns by 8(*) (considering 4 zonns of the widows or of the orphan daughters as one) and add to its product the number of the shares (100) and also 119 shares proceeding from the fractions of the number of the zonnkars of 1881 belonging to their group; by this sum divide the net income. The quotient will indicate what pertains to each share; and by multiplying the same quotient by 8 and adding to the product the quota of the said 119 shares of the group of the zonnkars (obtained after dividing their income by the number of zonnkars in the same proportion as under which they receive their zonns), it will indicate what pertains to each personal ―zonn‖ -100.

Mandur:— Multiply the number of personal zonns by 30(*); add to the product the number of the shares (100) and divide by this sum the net income. The quotient will indicate what belongs to the share and the multiplication of the same quotient by 30 will indicate what pertains to the personal zonn.

Malar:— Calculate the net income and take aside in the account sheet 1.446$00; Divide this sum among the number of the shares (300) alloting to the Govt. Treasury that which corresponds to 229 shares; and the dividend of 71 shares will be carried forward as income in the next year. The net income will be distributed by the number of the zonnkars in the usual fashion - 300.

Mercurim:— The number of the personal zonns will be multiplied by 4(*) (taking the zonns of 4 widows as one) and add to the product the number of the shares (100) and also 54 shares proceeding from the fractions of the number of the zonnkars of 1881 belonging to their group. By this sum divide the net income. The quotient will show what belongs to each share; and the product of the multiplication of the same quotient by 4, added to the quota of the said 54 shares of the group of the zonnkars (obtained by dividing the profits of the same by the number of the zonnkars) in the same proportion as under which they receive their zonns will indicate what pertains to each personal zonn - 100.

Murda:— The net income will be divided by the number of the shares (3.700) and the quotient will indicate what pertains to each share - 3.700.

Naroa:— Calculate the net income and take aside in the account sheet the sum of 183$40. Allot this sum to the Govt. Treasury on account of the 38 non-transferable shares of invariable income. Next, multiply the number of the personal zonns by 19(*) taking as one share 4 of the widows or of the unmarried daughters; and add to the product the number of the transferable shares (62) and also 5 shares proceeding from the fractions of the number of the zonnkars of 1881 belonging to their group. By this sum divide the net income.

The quotient will indicate what pertains to each share. And multiplying the same quotient by 19 and adding to the product the quota of the said 5 shares of the group of the zonnkars (obtained by dividing the profits of the same shares by the number of the zonnkars in the same proportion as under which they receive their zonn) the resulting sum will indicate what pertains to each personal zonn - 100.

Navelim:— Calculate the net income taking aside in the account sheet the sum of 2.106$30. Allot this sum to the Govt. Treasury on account of the 439 non-transferable shares of invariable income. Next, multiply the number of the personal zonns by 16(*) (taking 2 of ―culacharins‖ as one share) add to the product the number of the transferable shares (61) and also 8 shares proceeding from the fractions of the number of the zonnkars of 1881 belonging to their group. By this sum the net income will be divided. The quotient will indicate what belongs to each share; and multiplying the same quotient by 16 and adding to the product the quota of the dividends of the said 8 shares of the group of the zonnkars and the net income of the ―namoxins‖ (obtained by dividing their income by the number of the zonnkars in the same proportions as under which they receive their zonn) the result will indicate what pertains to each zonn of ―gaonkar‖ or to each zonn of their orphans. Half of that which belongs to the zonn of ―gaoncar‖ (excluding the quota of the ―namoxins‖) will be the dividend of the zonn of the―culacharins‖ or his orphans -500.

Neura-o-Grande:— The net income of the fields of the comunidade excluding the properties known as―namoxins de Tomas Coelho Peres‖ and also those of the four enclosed associations will be divided by 19121 shares and the quotient will indicate what pertains to each share. The produce of the 4375 shares of the group of the―gaonkars‖ zonnkars added to the income of ―namoxins‖ and to the produce of two thirds of the clerks‘ office will be distributed equally among the number of the zonnkars and of the orphans existing at the time of the death of the ―gaonkar‖. The produce of the shares taken for rounding will be carried forward to the income of the next year- 19300.

Enclosed associations of ―adverica‖, ―vanvans‖ of Gopala Sinai,

Sinani and clerk’s office

As for the adverica, deducting only what is necessary for the payment of half per cent. of the rent of the field (Adverica) belonging exclusively to the group of the shareholders of the same, the remainder will indicate what

belongs to each share of the adverica. As for the vanvans, the rent of their fields, after deducting only half per cent. is to be divided into three parts, one to be applied to the group of the shareholders of Gopala Sinai in the proportion of their shares, the second in the same manner to those of Sinani, and the third will be divided again into three parts, applying one of them to the shareholders of the clerk‘s office, and the other two to the group of the zonnkars of the main comunidade.

Renovadim:— The net income is to be divided by the number of the shares (1.000) and the quotient will indicate what pertains to each share; its dividend will be allotted to the shareholders according to their number of shares without any more right to receive the paddy as it is done now, because its price was included in the value of the share - 1.000.

Siridao:— The deficit or the surplus of this comunidade will be divided by the number of the shares (200) and the quotient will indicate what pertains to each share - 200.

Telaulim de Santana:— As there are in this comunidade two different fields, one belonging exclusively to the zonnkars and other to the shareholders, the net income of each group will be calculated separately. After one third is separated from the income of the group of zonnkars, the remaining two thirds are to be divided by the number of the zonnkars and the quotient will indicate what pertains to each zonn. One third of the net income of the group of zonnkars added to the rent of the field of the shareholders and to the sum of the limited quit-rents (foros limitados) belonging to this group constitutes the income of the group of the shareholders. From this, after deduction of the proportional allowance (derrama) to the Agrarian Chamber, the allowance of the receiver (sacadoria), the derrama of ―melaga‖ and the salary of the servant (only expenses to which the shareholders are liable), the net rent will be divided by the number of the shares (1600) and the quotient will indicate what pertains to each share - 1600.

Taleigao:— After the net income is calculated, it will be divided by the personal zonns of the ―gaonkars‖ and their widows (considering zonns of 2 widows as one) and by 5 zonns (of honour and precedence); the proceeds of these 5 zonns will be separated from the said income and the remainder will be divided by 4. One fourth, added to the one fourth of the expenditure effected in respect of the burials, will be deducted from the amount to be divided and the remainder, added to the said proceeds of 5 zonns will be the amount to be divided for the zonns of the―gaonkars‖, their widows and for 5 zonns and therefore, the same amount will be distributed among them in the same proportion as under which they receive their zonns. To the first zonn of honour, 28$30 will be added and it will be allotted in the usual form and the produce of the other 4 (transferable) will be divided among the 100 shares of zonns. The dividend corresponding to 24 shares taken for its rounding will be added, in the next year, to the proceeds of the said 4 zonns before the distribution is effected.

Next, the number of the personal zonns of ―culacharins‖ will be multiplied by 6(*) and the number of the shares of ―tangas‖ (600) will be added to the product, by this sum, the said fourth part of the net income brought together with the forth part of the burials, will be divided and the quotient will indicate what belongs to each share and the product of the multiplication of the same quotient by 6 will indicate what pertains to the zonn of ―culacharin‖ - 700.

Association of Passo de Ambarim:— Calculate the net income by separating in the accounts sheet 566$72; divide this amount by the number of the shares and the dividend of the 90 shares will be carried forward to the next year. The net income will be divided among the zonnkars - 100. (*)this number is of the shares corresponding to the zonns.

SALSETE

Adsulim:— It has got 100 shares. The dividend of each share will be calculated by dividing the sum to be distributed or the dividend as fixed in the annual statement by the said number of shares.

Ambelim:— It has got 16.750 shares.

Aquem:— It has got 2400 shares. The dividend of each share will be calculated by dividing the dividend fixed in the annual statement by the said number of shares.

Assolna:— It has got 20.000 shares (a).

Benaulim:— It has got 11.700 shares. It has got also members with right to personal zonn of three different classes, namely: ―gaoncars‖, natives and ―zonnkars‖.

To all these three classes are belonging 2899 shares registered as of the group of zonnkars. To the class of―gaonkars‖, besides this, belongs the ―Vangorbarnim‖, amounting into 17$. The personal zonn of the 3rd class zonnkars is equivalent to 4 shares plus the quota of 246 shares, both taken from the said 2899 so that they may form their separate group. The zonn of 1st and 2nd class (―gaonkars‖ and natives) is equivalent to the quota of the remaining shares after deducting from the said 2899 shares those which were allotted to the zonnkars of the 3rd class. But, during the division between them, the ―gaonkar‖ will be separated as one unit and the natives as half unit. Further, it belongs to the ―gaonkars‖ the quota of the said ―Vangorbarnim‖, by dividing it among the―vangors‖ and by dividing per capita the quota pertaining to each ―vangors‖ among the respective ―gaonkars‖.

In view of this, division will be effected among all the members shareholders, ―gaonkars‖, and natives, in the following manner:

From the sum to be distributed or from the dividend fixed in the annual account sheet, before any other thing is done, 17$ of ―Vangorbarnim‖ will be kept aside and the remainder will be divided by 11.700. The quotient will indicate the dividend corresponding to each share.

When the dividend to be allotted to each share is thus calculated, the gains will be calculated of the zonns of the classes, zonnkars, natives and ―gaonkars‖.

Multiply by 4 the number of the zonnkars of the 3rd class enrolled during the year. Add to the product, 246 shares belonging only to this group and the sum will show the number of the shares, the dividend of which is to be divided among the enrolled members of this class. The quotient of this dividend, divided per capita among the enrolled zonnkars, will indicate the gains of the zonn of the class of the zonnkars.

The number of the ―gaonkars‖ enrolled during the year will be multiplied by 2, and by adding to the product the number of the natives enrolled in the same year, the divisor which will divide the dividend of the shares will be found. These shares are those which remain out of the group of the said 2899 after deducting from them those which were allotted in the preceding calculation in favour of the zonnkars of the 3rd class.

The gains of the zonn of the ―gaonkars‖ will be twice than those of the natives, besides the quota of 17$ of―Vangorbarnim‖ after its division among the 9 ―vangors‖ which from the comunidade. This quota of each―vangor‖ will be sub-divided per capita among the enrolled ―gaonkars‖ of the respective ―vangor‖.

Betalbatim:― It has got 5.400 shares. The dividend of each share will be calculated by dividing the dividend fixed in the annual accounts sheet for the said number of shares.

Calata:― It has got 1,300 shares. The dividend of each share will be calculated by dividing the sum to be distributed or the dividend fixed in the annual accounts sheet by the said number of shares.

Camorlim:― It has got 700 shares and also members known as ―gaonkars‖ with right to the personal zonn. The zonn of the ―gaonkars‖ is equivalent to 9 shares, plus the quota of 152 shares belonging to the group of the zonnkars.

Taking this into consideration, the first thing that will be done is to calculate the divisor in the following manner:

The number of the ―gaonkars‖ enrolled during the year, will be multiplied by 9 and 700 shares will be added to the product; this sum will indicate the divisor of the respective year. After this is done, the sum marked for distribution or the dividend fixed in the annual accounts sheet will be divided by this division. The resulting quotient will be the dividend which pertains to each share in the respective year; and the gains of the personal zonn of the ―gaonkars‖ will be the product of the same quotient multiplied by 9, added to the quota corresponding to the dividend of 152 shares of the group of the zonnkars. This quota will be found by dividing the same dividend of 152 shares by the number of the enrolled ―gaonkars‖, in the respective year.

Cana:― It has got 100 shares. The dividend of each share will be calculated by dividing the amount earmarked for distribution or the annual dividend fixed in the accounts sheet by the said number of shares.

Carmona:― It has got 6300 shares. The dividend of each share will be calculated by dividing the dividend fixed in the accounts sheet by the said number of shares.

Cavelossim:― It has got 900 shares and also members known as ―gaonkars‖, with right to personal zonn or the share of ―vangor‖. The share of ―vangor‖ is composed of 11 shares assigned to the group of the zonnkars.

In view of this, division will be effected of the dividend fixed in the annual accounts sheet by 900 which is the number of the shares and the dividend will indicate what pertains to each share in the respective year.

The dividend of the 11 shares of the share of ―vangor‖ will be divided among the 10 ―vangors‖ composing the comunidade and the quota which pertains to each ―vangor‖ will be sub-divided per capita among the enrolled―gaonkars‖ of the respective ―vangor‖. The result will be that which pertains to the ―zonn‖ of each member of this class.

Cavorim:― It has got 3500 shares. The dividend of each share is calculated by dividing by the number of the shares the general dividend fixed in the annual accounts sheet, after deduction of the net income of the following fields:

1. Quepo of the zonns of the —gaonkars‖;
2. Coli;
3. Canteiro de Coli;
4. Setmeamoroda;
5. Cumbleantanco of zonns;
6. Camorantanco of zonns;
7. Cumbleamoroda of zonn‖ do 1st —lanco‖;
8. Cumbleamoroda of zonns do 2nd —lanco‖;
9. Cotomoroda of zonns.

This comunidade has got also members known as —gaonkars‖ with right to the personal zonn and it belongs to them the exclusive income of the preceding fields, less 62$50.

Payable to the master (mordomo) of the feast of Our Lady of Belem and St. Anthony is to be considered as a zonnkar.

The profit of each zonns will be calculated by dividing the said net income by the number of the —gaonkars‖ enrolled in the same year, increased by one (Santo Antonio), after deducting from the said net income the said 62$50.

Chandor:— If has got 2400 shares. The dividend of each share will be calculated by dividing the general dividend fixed in the annual accounts sheet by the said number of the shares.

Chinchinim:— It has got 6.500 shares. The dividend of each share will be calculated by dividing the general dividend fixed in the annual accounts sheet by the said number of the shares.

Colva:— It has got 2600 shares. The dividend of each share will be calculated by dividing the general dividend fixed in the annual accounts sheet by the said number of the shares.

Curtorim:— It has got 22,000 shares and it has got also members known as —gaonkars‖, zonnkars, —vadicares‖ and —zonnkars-escrivães‖, with right to the personal zonn.

The zonn of the —gaonkars‖, zonnkars and —vadicares‖ is equivalent to all shares plus the quota of 52 shares of the general group of the zonnkars.

The zonn of the —zonnkars-escrivães‖ is equal to that of the others. However, from it, it is deducted the quota corresponding to one zonn which is not paid to the zonnkars of this class.

In view of this, the first thing to do is to calculate the annual divisor in the following manner:

Multiply the number of the —gaonkars‖, zonnkars, —vadicares‖ and —zonnkars-escrivães‖ enrolled during the year by 11; from the product, deduct 11 and also the quotient of the division of 52 by the number of the said enrolled members and add to the remainder 22.900 shares. The sum will indicate the divisor of the respective year.

When this is done, the general dividend fixed in the annual accounts sheet will be divided by the said divisor.

The resulting quotient will be the dividend which pertains to each share in the respective year.

The gains of the zonns of the —gaonkars‖, zonnkars and —vadicares‖ will be the product of the multiplication of the same quotient by 11, added by the quota corresponding to the dividend of the 52 shares of the group of zonnkars. This quota will be calculated by dividing the dividend of the 52 shares by the number of the enrolled —gaonkars‖, zonnkars, —vadicares‖ and —zonnkars-escrivães‖.

For calculating the gains pertaining to the zonns of the —zonnkars-escrivães‖, gains of all the zonns; calculated in the above form, belonging to the enrolled —zonnkars-escrivães‖, less one, will be summed up and this sum will be divided among all the enrolled —zonnkars-escrivães‖, and the quotient will be the gains of the zonn pertaining to the —zonnkars-escrivães‖.

Davorlim:— It has got 2,900 shares. The dividend of each share will be calculated by dividing the general dividend as calculated in the annual accounts sheet by the said number of the shares.

Deussua:— It has got 600 shares. The dividend of each share will be calculated by dividing the general dividend as calculated in the annual accounts sheet by the said number of the shares.

Dicarpale:— It has got 1,800 shares. The dividend of each share will be calculated by dividing the general dividend as fixed in the annual accounts sheet by the said number of the shares.

Duncolim:— It has got 2,300 shares. The dividend of each share will be calculated by dividing the general dividend as fixed in the annual accounts sheet by the said number of the shares.

Dramapur:— It has got 3,400 shares. The dividend of each share will be calculated by dividing the general dividend as fixed in the annual accounts sheet by the said number of the shares.

Gandaulim:— It has got 600 shares. The dividend of each share will be calculated by dividing the general dividend as fixed in the annual accounts sheet by the said number of the shares.

Gonsua:— It has got 300 shares. The dividend of each share will be calculated by dividing the general dividend as fixed in the annual accounts sheet by the said number of the shares.

Guirdolim:— It has got 7.700 shares. The dividend of each share will be calculated by dividing the general dividend as fixed in the annual accounts sheet by the said number of the shares.

Loutulim:—It has got 4.300 shares and also members known as ―gaonkars‖ and zonnkars, with right to the personal zonn and also ―vantelos‖ with right to 4 zonns only.

The zonn of the ― gaonkars‖ shares and zonnkars is equivalent to 10 shares plus the quota of 238 of the gerenal group of the equal to zonnkars, except in the first year when it falls due and then it is one half.

The 4 zonns of the ―vantelos‖ are equal to those of the ―gaonkars‖ and zonnkars, but is paid fully even in the first year.

In view of this, the first thing to do is to calculate the annual division in the following manner:

The number of the enrolled ―gaonkars‖ and zonnkars is to be multiplied by 10, considering in this calculation as half unit those who have been enrolled to receive first time their gains; 40 shares to be applied to the 4 ―zonnkars-escrivães‖, of ―vantelos‖ plus 4300 shares will be added to the said product and the sum will indicate the divisor of the respective year.

When this is done, the general dividend fixed in the annual accounts sheet will be divided by the said divisor.

The quotient of this divisor will be the dividend pertaining to each share in the respective year. The gains of the zonn of the ―gaonkars‖, zonnkars and of each of the 4 zonns of ―vantelos‖ will be equal to the product of the same quotient multiplied by 10, added by the quota corresponding to the dividend of 238 shares of the group of the zonnkars. This quota will be calculated by dividing the total of the same dividend concerning 238 shares by the number of the ―gaonkars‖ and zonnkars, enrolled during the year, to which the 4 ―vantelos‖ who might have been enrolled will be added.

The gains to be paid to the enrolled ―gaonkars‖ and zonnkars, when first time they fall due, will be equal to one half of those which belong to others. This is to say that they will be equal to the product of the said quotient multiplied by 5 plus the quota corresponding to the dividend of 238 shares of the group of zonnkars, which, while it is being apportioned, will be taken as half unit.

Macasana:— It has got 7700 shares. The dividend of each share will be calculated by dividing the general dividend fixed in the annual accounts sheet by the said number of shares.

Majorda:— It has got 6200 shares. The dividend of each share will be calculated by dividing the general dividend fixed in the annual accounts sheet by the said number of shares.

Margao:— It has got 29.300 shares. The dividend of each share will be calculated by dividing the general dividend fixed in the annual accounts sheet by the said number of shares.

Nagoa:— It has got 5.600 shares and also members known as ―gaonkars‖ and zonnkars with right to the personal zonn.

The zonn of the ―gaonkars‖ and zonnkars is equivalent to 10 shares plus the quota of 3 shares of the general group of the zonnkars.

The ―gaonkars‖, besides the said zonn, receive mainly the net income of the properties listed below.

In view of this, in the first place, the annual divisor shall be calculated in the following manner:
The number of the enrolled ―gaonkars‖ is to be multiplied by 10, plus 5600 shares shall be added to the said product and the sum will indicate the divisor of the respective year.

When this is done, the profits shall be divided by separating in the first place, the net income of the aforesaid properties from the amount to be distributed or that of the general dividend fixed in the annual accounts sheet, and the remaining shall be divided by the said divisor in the manner laid down above.

The quotient of this division will be the dividend pertaining to each share in the respective year.

The gains of the zonn of the ―gaonkars‖ will be the product of the said quotient and multiplied by 10, added by the quota corresponding to the dividend of 3 shares of the general group of zonnkars. This quota will be calculated by dividing the total of the same dividend of 3 shares by the number of ―gaonkars‖ and zonnkars enrolled in the respective year.

The quota of net income of the aforesaid properties shall be added to the gains of the zonn of ―gaonkars‖.
This quota shall be fixed by dividing that income, per head, among the enrolled ―gaonkars‖.

Properties, the net income whereof is exclusively received by the gaonkars are:— 1st Azolto
2nd Gorbata of the carpenters
3rd Tolloy and coconut grove of the shoemakers

4 th Onarbata

5th Capoty and coconut grove of the blacksmith.

Orlim:— It has got 3100 shares. The dividend of each share shall be calculated by dividing the general dividend fixed in the annual accounts sheet by the said number of shares.

Raia:— It has got 5400 shares and also members known as ―gaonkars‖, ―gentios‖ grade 1, ―gentios‖ grade 2 and ―vantelos‖ with right to personal zonn.

The zonn of the ―gaonkars‖ and of the zonnkars of the remaining three chasses is equivalent to 28 shares plus the quota of 136 shares of the general group of zonnkars.

The ―gaonkars‖ are subject to annual tax, named ―navim‖, which consists of $10 per head and the zonnkars of the other three classes to $05 per head. This tax shall constitute the income of the comunidade and it shall be divided by the general number.

In view of this, in the first place, the annual divisor shall be calculated in the following manner:—
The number of the ―gaonkars‖ and zonnkars of the other three classes enrolled in the said year, is to be multiplied by 28, plus 5400 shares shall be added to the said product and the sum will indicate the divisor of the respective year.

When this is done, the amount to be distributed or the general dividend fixed in the annual accounts sheet, shall be divided by the said divisor.

The quotient of this divisor will be the dividend pertaining to each share in the respective year and the gains of the personal zonn of the aforesaid four classes will be the product of the said quotient multiplied by 28, added by the quota corresponding to the dividend of 136 shares of the general group of zonnkars. This quota will be calculated by dividing the same dividend of 136 shares by the number of ―gaonkars‖ and zonnkars of the other three classes enrolled in the respective year.

After paying the gains, calculated in the aforesaid manner, to ―gaonkars‖ and other zonnkars the tax ―navim‖ described above, shall be computed.

-------200--------

Sarzora:— It has got 3600 shares. The dividend of each share will be calculated by dividing the general dividend fixed in the annual accounts sheet by the said number of shares.

Seraulim:— It has got 4400 shares. The dividend of each share will be calculated by dividing the general dividend fixed in the annual accounts sheet by the said number of shares.

Sernabatim:— It has got 600 shares. The dividend of each share will be calculated by dividing the general dividend fixed in the annual accounts sheet by the said number of shares.

Sirlim:— It has got 1800 shares. The dividend of each share will be calculated by dividing the general dividend fixed in the annual accounts sheet by the said number of shares.

Telaulim:— It has got 3400 shares. The dividend of each share will be calculated by dividing the general dividend fixed in the annual accounts sheet by the said number of shares.

Utorda:— It has got 3700 shares. The dividend of each share will be calculated by dividing the general dividend fixed in the annual accounts sheet by the said number of shares.

Vanelim: — It has got 400 shares. The dividend of each share will be calculated by dividing the amount to be distributed i.e. the general dividend fixed in the annual accounts sheet by the said number of shares.

Varca:—It has got 8000 shares. The dividend of each share will be calculated by dividing the general dividend fixed in the annual accounts sheet by the said number of shares.

Velim:— It has got 41,650 shares.

Verna:— It has got 9200 shares and also members known as ―gaonkares‖, with right to personal zonn or―vangor parte‖.

The ―vangor parte‖ consists in invariable amount of 135$90. Besides the member , ―gaonkars‖ receive on account of title of gain of ―servidores‖, the net income of the properties listed below and the dividends of 5 shares of the ―servidores‖ carpenters.

So, the aforesaid amount of 135$90, of ―vangor‖, and the net income of the properties mentioned below shall be separated from the amount to be distributed or from the general dividend that may be fixed in the annual accounts sheet and the remaining shall be divided by 9200 shares, the quotient will be the dividend of each share.

The amount of ―vangor parte‖ and the income of the aforesaid properties shall be added to the dividend of the said 5 shares of ―servidores carpinteiros‖ and the sum will be divided by 25 ―vangores‖ of which at present, the comunidade is composed, the quota of each ―vangor‖ shall be sub-divided ―per stirpes‖ by ―gaonkars‖ enrolled in the respective year, and the quotient will indicate the gains that as title of ―vangor parte‖ and gain of the―servidores‖ belong to the gaonkars. The following are the properties, the net income whereof, is exclusively distributed among ―gaonkars‖:—

1st Coconut grove Chamarbata;

2nd Field Chamarpato;
3rd Field Namoxim of Carpinteiros of 2 varieties;
4th Field Namoxim of Carpinteiros of one variety situated in the lagoon.

BARDEZ

Aldona:— As regards to comunidade ―Boa Esperança‖ it is regulated by the statutes approved by Provincial Portaria No. 456 dated 5th May, 1925 and relating to the ―Fraternal‖ comunidade by the statutes approved by Provincial Portaria No. 559 dated 9th June, 1925.

Anjuna:— The net income shall belong to the zonnkars and share holders (Accionistas). The first ones, in case they are brahmins, shall receive zonn after completing 12 years, and being of other classes, after 15 years. In future the distribution shall be made in the following manner:–

The figure 387, which is of old ―annas‖, shall be added to the number of zonnkars and the total will represent the divisor of the excess amount and its quotient will be the gain of each zonn. Then, after deducting the amount of all the gains from the excess amount, the remaining will be divided by new shares, the number whereof is 2300.

Arpora:— The net income will be divided by 400 shares.

Assagao:— Divide one half of the excess or surplus amount (Sobras) plus 568$00 of the other half by whole zonns and half zonns. The zonnkars will receive the gains after they are 12 years old. Each one of the orphans will be given half zonn, except in case where there is more than one brother, in which case the youngest one will be entitled to the whole zonn.

Assonora:— The distribution of the net income will be done by whole zonns and half zonns, whole zonn to each member after 11 years; and half zonn to each orphan, except in case where there is more than one brother because in this case the youngest brother will receive whole zonn.

Bastora:— The excess amount is divided by whole zonn and half zonns, whole zonn to each member after 15 years; and half zonn to each orphan save in case where there are two or more brothers, because in this case the youngest brother will be given the whole zonn.

Calangute:— The net income is distributed by 2600 shares.

Camorlim:— The excess amount is divided by 1000 shares, save, however, the right of ―gaonkars‖, having 12 years to distribute by zonns. The incomes of the properties Lailasod Cason and Matos, after deducting the amount of 106$30 in favour of the group of shareholder and that of expenditure of respective bunds and sluice-gates etc.

Canca:— The distribution of the net income will be made between the zonnkars and shareholders, taking by rule that the zonn is equivalent to 20 shares. The number of shares is 100. The age for receiving the zonn is of 14 years.

Candolim:— Divide the excess amount or surplus by 2700 shares.

Colvale:— The net income is distributed by whole zonns and half zonns. The whole zonn is due to each ―gaonkar‖ having 15 years and to each ―culacharin‖ having 18 years. Where the orphan is the only son or the youngest among the brothers, he is entitled to whole zonn. Half zonn is given to each one of other orphans.

Corlim:— One of the nine properties (cuntos) situated in the village belong to the comunidade and the other to various landlords, but they are subject to sharing the deficit of the same association.
The net income of the communal ―cunto‖ is to be divided into 9 equal quotas, out of which one is to be distributed by zonns to ―gaonkars‖ having more than 35 years and the remaining eight by 200 shares.

Cunchelim:— Distribute the excess amount by 300 shares.

Guirim:— The net income is to be divided by whole zonns and half zonns; whole zonn to each member after 12 years and half zonn to each one of their orphans except when there are two or more brothers in which case the yougest will recieve whole zonn.

Mapusa:— Distribute the excess amount by whole and half zonn; whole zonn to each ―gaonkar‖ after 14 years and to ―culacharins‖ after 17 years; and half zonn to each one of their orphans, and where there is more than one brother, the youngest is given whole zonn.

Marna:— The net rent is divided by zonns to each member after having 14 years. Before this age, zonn is also given exceptionally to the youngest of their orphan brothers.

Marra:— Distribute the excess amount by 100 shares.

Moira:— The net income is divided by whole zonns and its fractions. Each member will receive it after 17 years. Whole zonn will be given to ―gaonkars‖, three fourths to ―calvacares‖ and half zonns to ―culacharins‖. Before this age, the orphan is also given whole zonn where he as the only son of the ‗gaonkar‖ or where he is the eldest among the brothers.

Each one of the orphans of any of the three groups receive half zonn.

Nachinola:— The excess amounts are distributed by whole zonns and half zonns; half zonn to each member —sudral‖, whole zonn to each one of other classes after attaining 15 years. The orphans also receive zonns. The eldest among the brothers will receive the amount that would be received by his father, and others will receive half according to the quota of the respective group.

Nadora:— The net rent is divided by whole zonns and half zonns. The members receive half zonn after 12 years and whole zonn after 15 years. Before this, each one of the orphans receive half zonn, except where there is more than one brother in which case the youngest is entitled to whole zonn.

Nagoa:– The net income is to be divided by 1200 shares.

Nerul:— Distribute the excess amount by 4000 shares.

Qlaulim:— The net rent is divided by whole zonns and half zonns.

The members will receive whole zonns after 11 years. Where there are orphan brothers, each one will receive half zonn; but if he is alone, he is entitled to whole zonn.

Oxel:— The work will be distributed by the zonns and its eighths. Each member is entitled to whole zonn after completing 12 years. In case any member dies leaving behind minor sons of that age, then the youngest will also receive whole zonn. Otherwise his widow will receive one/eight of a zonn.

Paliem:— Divide the net income by 1600 shares.

Parra:— The excess amounts are distributed by zonns, half zonns and one eighth of zonn. Each member will receive half zonn after 12 years and whole zonn after 18 years. Each orphan receives half zonn, except where there are two or more brothers, on which hypothesis the youngest is entitled to whole zonn. Each widow having no son will be given one eight of the zonn.

Pilerne:— Divide the net income by whole zonns, half zonns, and deducted zonns. After completing the age of 14 years, each —gaonkar‖ will receive whole zonn, and each —culacharim‖ will recieve whole zonn, after deducting 1‘30 in favour of the group of —gaonkars‖. Each orphan will be given half zonn, except where there are two or more brothers, because in this case the youngest will receive whole zonns.

Pirna:— The excess amounts are distributed by zonns. Each one of the members will receive it after 12 years, when any of the member dies leaving behind minor sons of that age, the youngest one will be entitled to a zonn.

Pomburpa:— The net income is divided by 5300 shares.

Punola:— The excess amounts are divided by whole zonns, and half zonns. Each member is entitled to whole zonn, after completing 15 years. When any one of them dies leaving behind minor sons of that age, the eldest one will receive whole zonn, and each one of the others half zonn.

Revora:— The net income is distributed by whole zonns, and half zonns. Each member receives half zonn, after 15 years and whole zonn, after 18 years. Each one of the orphans before attaining that age will receive half zonn; but where there are more than one brothers, the youngest is entitled to whole zonn.

Saligao:— The excess amount is distributed by whole zonns, and others with deduction. —Gaonkars‖ will receive zonn after 12 years and —culacharins‖ after 15. The latter ones will receive less $40 than the former one in the respective gains.

Sangolda:— Distribute the net rent by personal zonns, and shares of new kind, in the manner as follows. Annex the figure 3½ which is one of the old zonns, —fateusins‖, to the number of zonnkars the total of both is the divisor and its quotient indicates the gains allotted to each personal zonns, after this deduct the amount of gains all the personal zonns, from the said rent and the remaining divide by 100 new shares.

Serula:— There are shares, whole zonns, and half zonns, as also common properties and exclusive properties of shareholders and of zonnkars. In future the distribution of the interest shall be made as follows:—

The whole net income of the field —areal‖ and one half of the net income of —cantors‖ —portais‖ (sluice gates), kitchen gardens and hills will be divided by total number of new shares, which are 5300. Similarly the excess amounts in-whole of the field —casana‖ and the other of the excess amount of the aforesaid —cantors‖, sluice gates, kitchen gardens and hills will be distributed by zonnkars and half zonnkars. The members who are brahmins having 11½ years will receive whole zonn, and the members of other classes having 15½ years will receive whole zonns. The half zonnkars will receive the respective gains after attaining 12½ years.

Sircaim:— The net income is divided by zonns, and each member will receive his zonn, after 12 years. When any one of them dies leaving behind minor sons of that age, only the youngest will receive zonn.

Siolim:— Distribute the excess amount by 3000 shares.

Tivim:— The net income is divided by whole zonns, and half zonns. Whole zonn, is given to each member after attaining 12 years and half zonn, to each orphan before that age, except where are more brothers in which case the youngest will receive whole zonn.

Ucassaim:— The excess amounts are distributed by whole zonn, and half zonn. Each member will recieve whole zonn, after completing 15 years. The eldest of the orphan brothers will receive whole zonn, and each one of the other half zonn, till they attain that age.

Verla:— The net income is to be divided by shares, whole zonns, and half zonns, according to the rule as follows:– Annex the figure 5½, which is one of the old; zonns, ―fateusins‖ to the number of personal zonns; the total of both the numbers is the divisor of the said income, and its quotient indicates the gain of each zonns. Then after deducting from the said income, the total amount of gains of the zonnkars and half zonnkars, the remaining is distributed by shares of new kind, the number of which is 100. Age to receive the zonn, is of 14 years. Each one of the orphans are entitled to half zonn, except the youngest amongst the brother who will receive whole zonn.

MORMUGAO

Arossim:— It has got 4400 shares. The dividend of each share will be found by dividing the dividend fixed in the annual accounts sheet by that number of shares.

Cansaulim:— It has got 1800 shares and also members named ―gaonkares‖entitled to personal zonn.

The zonn, of the ―gaonkares‖ is equivalent to 12 shares and plus the quota of 38 shares belonging to the group of zonnkars.

In view of this, in the first place, calculate the annual divisor in the manner as follows—

Multiply the number of ―gaonkares‖ enrolled in the year by 12 add 1800 shares to the product and the total will indicate the divisor of the respective year.

When this is done, the amount to be distributed or the dividend fixed in the annual accounts sheet will be divided by that divisor.

The quotient of this divisor will be the dividend pertaining to each share in the respective year, and the gains of the personal zonn, of ―gaonkares‖ will be the product of the said quotient multiplied by 12, added by the quota corresponding to the dividend of 38 shares of the group of zonnkars. This quota will be calculated by dividing the same dividend of 38 shares by the number of ―gaonkars‖ enrolled in the respective year.

Chicalim:— It has got 200 shares and also members known as ―gaonkar‖, with right to personal zonn.

The zonn, is equivalent to the quota of 15 shares of the group of zonnkars.

In view of this, divide the general dividend fixed in the annual accounts sheet by that number of shares and the quotient will indicate the dividend pertaining to each share in the respective year.

The dividend of the 15 shares of the group of zonnkars, will be sub-divided per head among the ―gaonkares‖ enrolled in the year and the quotient will indicate the gain of the zonn, of the respective year.

Chicolna:— It has got 200 shares and also members known as ―gaonkares‖ with right to personal zonn.

The zonn of the ―gaonkares‖ is equivalent to the quota of 3 shares of the group zonnkars.

In view of this, divide the general dividend fixed in the annual accounts sheet by the said number of 200 shares and the quotient will indicate the dividend pertaining to each share in the respective year.

The dividend of shares of the group of zonnkars will be sub-divided, per head, among the ―gaonkares‖ enrolled in the respective year.

Cuelim:— It has got 4900 shares. The dividend of each share is calculated by dividing the general dividend fixed in the annual accounts sheet by that number of shares.

Cortalim:— It has got 3000 shares and also members known as ―gaonkares‖ with right to personal zonn.

The zonn of ―gaonkares‖ is equivalent to the quota of 543 shares.

In this group 8 zonns belong to the comunidade.

In view of this, divide the general dividend, fixed in the annual accounts sheet, by the number of the said 3000 shares and the quotient will indicate the dividend pertaining to each share in the respective year.

The dividend of the 543 shares of the group of zonnkars will be sub-divided per head among the ―gaonkares‖ enrolled in the year and by the 8 zonns of the comunidade, and the quotient of this operation will indicate the gains of the zonn of the respective year.

The gains of the 8 zonns of the comunidade shall constitute the income of the following year, for the general number.

Dabolim:— It has got 100 shares which represent the quota of its gross income.

The dividend or the loss of each share will be calculated by dividing the amount to be distributed or the general dividend or deficit fixed in the annual accounts sheet, by that number of shares.

Issorcim:— It has got 500 shares, which represent the quota of its gross income. The dividend or loss of each share will be calculated by dividing the general dividend or deficit fixed in the annual accounts sheet, by that number of shares.

Mormugao:— It has got 1100 shares and also members known as ―gaonkares‖ and zonnkars with right to personal zonn.

The zonn of the ―gaonkares‖ and zonnkars is equivalent to one share plus the quota of 8 shares belonging to the general group of zonnkars.

In view of this, in the first place calculate the annual divisor, as follows:-
Add the number of ―gaonkares‖ and ―zonnkars‖ enrolled in the year, add 1100 shares to the sum and the total will indicate the divisor of the respective year.

When this is done, divide the general dividend fixed in the annual accounts sheet by that divisor.

The quotient of this operation will be the dividend that, in the respective year pertains to each share, and the gains of the personal ―zonn‖ of ―gaonkares‖ and ―zonnkars‖ will be the said quotient added by the corresponding quota of the dividend of 8 shares of the general group of ―zonnkar‖. This quota will be found by dividing the said dividend of 8 shares by the number of ―gaonkares‖ and ―zonnkars‖ enrolled in the respective year.

Pale:— It has got 1400 shares. The dividend of each share is calculated by dividing the general dividend fixed in the annual accounts sheet by that number of shares.

Quelossim:— It has got 1200 shares, four fifths of the net income is distributed by these shares.

It also has members known as ―gaonkares‖ with right to personal zonn, among whom is distributed the remaining one fifth.

Besides this the same ―gaonkares‖ receive exclusively the amount of 3$40 of the derrama annexed to the property named as ―terreno alegadico‖ (marshy land) plus the exclusive income of the field Bandcazana or Bandacamota, on which besides the derrama of 28#40 in favour of the comunidade, weighs the onus in the amount of 3#40 towards the security of the field, construction and preservation of bunds, placing of doors to the sluice gates, construction of dams of water reservoir and cleaning of the rivulet, and also the net income of the aforesaid property ―Bandcazana‖ is to be separated from the general dividend and the remaining is to be divided into 5 parts; and the total of 4 parts is sub-divided by 1200 shares, the quotient will indicate the dividend pertaining to each share in the respective year.
Add the remaining one fifth to the said 3$40 and plus the net income of the said property ―Bandcazana‖ and the total is divided by number of ―gaonkares‖ enrolled in the year, the quotient will indicate the gain of each zonn.

Sancoale:— It has got 2100 shares. The dividend of each share is calculated by dividing the general dividend fixed in the annual accounts sheet by that number of shares.

Vaddem:— It has got 200 shares which represent a quota of its gross income.

It also has members known as ―gaonkars‖ and zonnkars with right to personal zonn.

The ―zonn‖ of ―gaonkares‖ and ―zonnkars‖ is equivalent to the quota of one share of the group of ―zonnkars‖, as also the quota of one more share or title ―navim‖ of ―gaonkares‖, when the latter ones or the ―zonnkars‖ are at the same time shareholders.

In view of this, divide the amount to be distributed or that of the general dividend or deficit calculated in the annual accounts sheet by the total number of 200 shares and the quotient will indicate the dividend or deficit of each share.

The dividend or deficit of each share of the group of zonnkars will be sub-divided by number of ―gaonkares‖ and―zonnkars‖ enrolled in the said year and that of one share of the title ―navim‖ of the ―gaonkares‖ will be sub-divided by the number of ―gaonkares‖ and zonnkars enrolled and who are also the shareholders; the quotient of these operations will indicate the gain or the loss corresponding to the zonn of each one in the respective year.

Velcao:— It has got 200 shares. The dividend of each share will be calculated by dividing the general dividend fixed in the annual accounts sheet by that number of shares.

PONDA

Marcaim*:— It has got 15100 shares. It shall be calculated by dividing the net income by the number of shares.

Cundaim:— It has got 12200 shares. It shall be calculated by dividing the net income by the number of shares.

Talaulim*:— It has got 1400 shares. It shall be calculated by dividing the net income by the number of shares.

Orgao*:— It has got 600 shares. It shall be calculated by dividing the net income by number of shares.

Tivrem*:— It has got 1200 shares. It shall be calculated by dividing the net income by the number of shares.

(*) There are no zonnkars in these comunidades.

a) It is regulated by the Legislative Enactment No. 467 dated 23-3-1931.

MODELNo.9

(Article 209, para 2)

Register of Land Surveyor

Page…… Comunidadeof……..

	No. and name of the plan to which the lot belongs
	No. of the lot and its name
	Situated in the ward
	Situated in the kajan of field or hill
	Area in sq. meters
	Perimeter (m)
	Serial number of landmarks
	Siatance in meters
	Quality of the plat
	Nature of Cultivation
	Quality and quantity of the seed
	Production
	Liter
	Cultivation
	Income inheret to the lot

MODEL No. 10

(Article 212, para 2)

(Register to record the objections on the Tombação (registration in the village ―cadastrol‖) of the field of the comunidade of ……..

Sr.No.ofthe registrations	Text of the objections	Order

On ……...….. of 19….. there being present land surveyor ……. with me …… clerk of the comunidade and whilst carrying out the ―tombação (registration in the village cadestre) of the lot No. …..….. Situated at ……. known as ……..and bounded on the north by …… on the south by ….. on the east by ……. on the west …..…. there appeared …….. residing at……..... and he stated that he is the owner of a private propertynamed ..... which bounds upon on the west with the aforesaid lot, and declared that he opposes to the ―tombacao‖ of the latter one, in the manner as it has been done by alleging that it has included in its boundaries one portion of his said property having the length of …… metres and width of ……. metre. He undertakes to present in the office of the administrator of the comunidades of this Taluka, within a period of 30 days from this date, documents wherefore his objection can be decided administratively. And this statement after being read to the above agreed persons, they found it in accordance and they sign it.

… .....(complainant)

… .....(land surveyor)

… ..... (clerk)

-------208--------

MODEL No. 11

(Article 548)

The — "Tombo 1" of the *comunidade* of …….

(Overleaf Model No. 11)

Charges

	Name and No. of the plan to		
	No. of the lot		
	Designation of the property and its		
	Boundaries and perimeter		
	Sl. No. of the landmarks		
	Distance in meters		
	Designation of the common		
	Kind of plot		
	Nature of cultivation		
	Income inherent to the lot		
	Improvements of which the lot is		
	Nature		
	Afficial		
	Expenditure with production and		
	Escudos		
	(foros) Due to Govt. Treasury		
	Salary of the clerk of Comunidafe		
	Cult		
	Percentage to the cashier		
	Repairs of sluice-gates and bunds		
	Extraordinary charges of cult		
	Permanent Charges		
	Accidental and variable charges		
	Total		

	Net income	
	Value of the property	
	Cost of boundary marks	
	Remarks as regards to propertiesorlots	

MODEL No. 12

(Section 551)

Register 2 (Tombo 2)

Enumeration of private properties that pay foro to the comunidade and of invariable taxes due to it and of movement carried out therein

	Sl. No.
	Name of the property and its location
	Name and residence of the possessor
	Amount of foro and taxes Inhererent to it
	Boundaries
	Reference to the number of transferer
	Documents that have been presentedandsignatureoftheonewho presentsthem
	Date of issue
	Reference to subsequent modification
	Foros and remaining taxes

MODEL No. 13

(Article 263 and para. 1 of Art. 533)

In the year 19 …… on ……, in the village of ……. and in the house of meetings of the Comunidade of the said village, there met the respective Administrative Board, comprised of …… president of and …….. members …… attorney and of me ..... , clerk of comunidade in order to proceed with the auction six yearly (or yearly) of the fields and other items of the said Comunidade, for, today, is the date designated for such purpose by the Administrator and advertised in …….. No ..... of and soon the aforesaid fields and items were put up for auction as per order of its calculation and under the clauses mentioned therein, as follows:—

No. 1 — The field …….. bearing No. 1 of the calculation was awarded to..... for the annual rent of……. who offered as his surety …… of .....and both sign this.

Sd/- (Lease holder)

Sd/- (Surety)

No. 2— The field ……. bearing No. 2 of the calculation was awarded to ……..... of ..... for annual rent of ……..... who guaranteed the bid with deposit of..... equivalent to installment of one year and signs this, and the aforesaid amount was credited to the coffer of which I give public notice and I also sign this.

Sd/- (Lease holder)

Sd/- (Clerk)

No. 3— The fish item bearing No. 3 of calculation was put up for auction and as there was no bidders it was reserved for fresh auction.

No. 4— The item of …….. bearing No. …….. of calculation was awarded to ……… of ..... for the annual price of …… who offered as his surety …….. (one) of..... as both do not know to sign, signs…….. (name) of …….. at the request of the lease holder, and ..... (name) at the request of the surety, with the witnesses present …….. (name) and ……. (name) of ……

Sd/ ..... on behalf of the lease holder
Sd/ ..... on behalf of the surety

Sd/ ..... witness

Sd/ ..... witness

And as it was time for the closing and as the total auction has not been finished it was announced that the auction would be continued tomorrow at ..... In evidence whereof this report has been drawn up which after being read is going to be signed by the president and members of the board agreed above, with me said clerk, who wrote it .....

Sd/ ..... (president)

Sd/ ..... (member)

Sd/ ..... (member)

Sd/ ..... (attorney)

Sd/ ..... (clerk)

-------211--------

MODEL No. 14

(Article 543)

Registration of encroachment of the comunidade of …….

Sr.No.	Designation&locationofthep lot name of the	Boundaries marks	Fromoftheboundarymarks	measurement	Fixeddateorprobable date of usurpation	Kindofplotsanditscultivations	Evaluation			Amountof taxes that Figure in the names	Remarks
							Value of plot	Valueofimprovement	Rent enjoyed		

Prepared by us, Land Surveyor Grade II and clerk of the comunidade ……..

Date
Sd/ ..... (Land Surveyor)
Sd/ ..... (Clerk)

-------212--------

MODEL No. 15

(Article 40 Para 3)

Catalogue of shares of the comunidade of …… of …… Taluka

EnumerationofTitles	Sharescomprisedineachtitle	Enumerationofsharesineach title	Nameofresidenceoftheperson whose favour the shares	Valueoftitlesinescudos	Reference tothe auction of transfer	Referencetotheannotation Of nonus	Referenceto the annotationof cancellation	remarks
1	10	One to ten ...	Joao Vaz of Aquem	1200$00	Book fl. 4	Book 2 fl. 14	Book 4 fl. 51	
2	100	Eleven to one	PedroDiasof	12000$00				

		hundred & ten.	Pale						
3	60	One hundred and eleven to one hundred & seventy	Caetano Fernandes of Orli	7200$00					
4	30	One hundred and seventy one to two hundred	Joao Vaz of Aquem	1200$00					
10	200								

This comunidade has …… (in words) shares comprised in …… (in words titles of the total value of…….Office of the Administrator of the comunidades of …….. at Margao ..... 19….

The administrator of the comunidades of .....

MODEL No. 16

(Article 401)

SALSETE TALUKA

No. 67 Value 1,200.00

COMUNIDADE OF CURTORIM

This title of the value of 1.200$00, belongs to Manuel da Costa ..... of Verna and it comprises, of 10 shares bearing Nos. 238 to 247, of the value of 120$ each one, of the comunidade of Curtorim, to which belong the dividend that may be distributed in each year. This title is transferable by endorsement with annotation in accordance with articles ……. and……

Margao, …… …… 19….

The administrator of the comunidades

Sd/-

The President of the Board

The clerk of the comunidade

Sd/-

-------213--------

MODEL No. 17

(Article No. 434)

The above transfer has been registered on this date, at fl …….. of the respective book No. ……..Margao, ... 19….

Administrator of the comunidade

Sd/-

The transfer registered on this date at fl... of the respective book No. ……. belongs to ……..

Margao, …….. 19….

(Administrator of the comunidade)

MODEL No. 18

(Articles 412 to 418)

(In the hypothesis of article 412 and 413)

On … of … of 19 …, F… from …presented to be annotated in his favour the title No. … valued at … $... having … shares of the comunidade of … , who transferred F … of … , to whom I verified to belong. In view of the appurtenant signed by the transferor in my presence and of the note of presentation, competently signed, I made this annotation of transfer, put the annotation in the said title on this date with reference to this page and returned it to the presenter. Stamp of ….$... has been collected.

Sd/-… (administrator)

N.B. – On the first part it will be added, as per the case:

On… of … of 19 … F … by his through his attorney F … of … constituted by power of attorney drawn (or attested) by the notary of this judicial division (or judicial division of …) and filed by me under No. …of bundle No. …

On … F …. of … minor, through his father administrator, mother or tutor F … of …

On … on behalf of F … of … and with competent declaration of the latter, presented F … of … to be registered in favour of the said F …

And on the second part changes shall be effected as per the case:

In front of … the concerned who signed in my presence by F … of … at the request of the transmittent, who do not (or cannot) sign, in presence of witnesses F … and F … and of the note of presentation competently signed…

In the presence of … the concerned who signed in my presence by F … attorney constituted by the transmittent by power of attorney … and of the note of presentation duly signed.

In the presence of … the concerned who signed by the transmittent in presence of the notary of the judicial division of … F… by whom the same has been attested and of the note of presentation duly signed

In the presence of the concerned and of the declaration of the transmittent with signatures attested by the notary.

In front of the concerned signed by F …, of …, at the request of the transmittent as the same do not know (or cannot) sign and by the witnesses present F … and F … in the presence of the notary of the judicial division of F … by whom has been attested the same signatures, and of the declaration competently signed …

(It shall be declared having been filed the powers of attorney, the declarations of transmittents and those of the interested and the serial number in the respective bundle)

(In the hypothesis of the article 414)

-------214--------

On … of … of 19 … F. … of …presented to be annotated in his favour, the titles Nos. …, each one of the value of …$ … containing … shares of the comunidade of … ; the titles nos. … of the value of …$ … each , containing … shares of the said of … ; the titles nos. …, this of the value of 120$ and that of 1.200$, containing … shares of the said of …; all of whom belonging to F … of … summing …$ … and, as seem from (it shall be designated the document or documents produced, the origin of these, the name of the employee who issued them) have been purchased by the said F…. in auction of …having been adjudged free and disengaged of earlier onus prior to auction by judgment of … already made final (or have been ordered to register in the name of the said F … cancelling the onus earlier to the auction). In view of the said document, having been cancelled firstly, on this date, at pg., …of the respective book (the one of annotations of onus) the onus that were burdening on the referred titles, I made the present annotation of transmission, wrote down on it the concerning in favor of the said F … and the annotation, on this date, with reference to this page , and returned them, filing the documents submitted under No. … of bundle No ..... (on the stamp and emoluments idem)

Sd/-…. (Administrator)

(In the hypothesis of the article 414)

On … of … of 19 … F. … of …presented to be annotated in his favour, the titles nos. …, each one of the value of …$ … containing all … shares of the comunidade of … ; which as seen from …(shall be designed which is the document produced, its origin, name of the signatory, notary office, and more particulars that may concurs for better clarification), returned to the said F … as the heir of his father F … who was from … and to whom they belong as I verified. In view of the said document, I made this annotation of transmission, wrote down on the above mentioned titles the concerning in favor of the presenter and the annotation on this date, with reference to this, and returned the titles

(the documents the originals of which may exist in the notary offices or public offices, being filed the ones which may be in those conditions. (on the stamp and emoluments idem)

Sd/-…. (Administrator)

(In the hypothesis of the only § of article 418)

On … of … of 19 … F. … of …presented to be annotated in his favour, the titles nos. …, each one of the value of …$ … containing … shares of the comunidade of … ;issued (or annotated) in the name of F … his uncle (or whoever may be), who is from …, and proving by … (the respective documents shall be cited) being he the sole heir of said F …, not to exceed 1500$, the value of shares, the being no complaint against his claim, announced in terms of law, and having been paid the duty on the successions and donations by acknowledgement of —Fazenda‖ of … no.… of … (when due), applied that they may be annotated in his favour the said titles. And in the presence of the said documents I made this annotation of transmission, wrote down on the said titles the concerned in favour of the said F … and the annotation on this date, with reference to this page and returned them, filing, etc.

Sd/-…. (Administrator)

(In the hypothesis of sub-division of the titles and its application between the heirs by deed, etc.)

On … of … of 19 …, F …, of .....… presented the title no. … of the value of …$ .....… containing .....… shares of the comunidade of ....., and applied that two shares of that tile may be annotated in his name, issued issued (or annotated) in the name of F …, who was from … applied to the presenter as one of his representatives, by public will dated … drawn by the notary public of the judicial division of … F…at pg. .. of book of notes no. … (conciliation, private paper) and for which duty has been paid by him on the successions and donations, as has proved by the acknowledgement of the —Fazenda‖ of … no. … of … now produced along with the said deed. And in the presence of the said documents I made this annotation of transmission and, dividing the said title, expedited two new, valued at 120$ each, corresponding to first two tenths and constituted, respectively, by the

shares nos. … and … , wrote down on them the concerned in favour of the presenter and the annotation, on this date, with reference to this page and gave them. Cancelled the primitive title (on the documents to be filed or to return, stamp, emoluments, idem).

Sd/-…. (Administrator)

-------215--------

MODEL No. 19

(Article 419 and 434)

On (date) F … of … presented the titles nos. … each one of the value of …$... containing … shares of the comunidade of … and nos. … of the value of … each containing shares of the comunidade of … which all by virtue of the deed , etc., (conciliation, paper, copies to the termos of pledge or of auction, etc.,), serve as surety (or guarantee as pledge) the amount of …$... which the presenter owes F … of …) at the interest of … And having verified to belong to the debtor (or to his surety)on the clauses stipulated (shares belonging to the surety should declare ―on the surety of F … of …‖).

And having verified to belong to the debtor (or to his surety) the propriety of the same titles, fix on them the annotation of guarantee (or pledge) in favour of the creditor, on this date with reference to this page and returned them. (To file or return the documents as it should be)

Sd/- (Administrator)

N. B. In case of deposit of dividends, its mention shall be made on the annotation, as well as of any earlier onus:

On … (date) F …of …presenting the titles nos. … of the value of …$... all containing … shares of the comunidade of … has applied to register in favour of … of … the onus of … that the presenter is going to constitute for the security of said obligation or of such capital at the interest rate of … for the period of … on those conditions. On verifying to belong to the presenter, the propriety of these titles, I made on them the annotation of guarantee in favour of the said F …provisionally on this date with reference too this page and returned the same to them filing the petition under no. … bundle no.

Sd/- (signature of the Administrator)

On (date) here appeared F. … clerk of the court of this judicial division or any other competent fiscal or administrative employee) along with the respective bailiff, F … and presenting to me the competent order dated … proceeded with my intervention for the apprehension or pledge of such shares of the titles nos. of the value of …$... of the comunidade … issued in the name of …of … of whom (or of his heir F. …) of whom the executor F …of… wants to receive the amount of …$...

burdening on such shares the onus of … annotated in favour of at pg. … of book no.. …(or to declare if they are free). In view of the document copy of which I received and filed under no. … of bundle no. …made this annotation and have not annotated in the titles for the same not having been given (or declare other thing, as per the case).

N. B. – Having been made the pledge by clerk or assistant of the same administration of comunidades, there is no intervention of the administrator nor the need of the copy of the document or of the order.

Sd/- (signature of the Administrator)

On (date) F…. of … applied for the cancellation of the onus of … annotated in the titles nos.

.. of the comunidade of …titles nos. … of the of ….showing by deed, etc. (or conciliation, paper, copy of document or certificate of the proceeding, etc.) of being solved such obligation or amount, as such I cancelled the respective annotation of … of book …no. … and made the competent annotation at the margin of the same marginal note, on this date, referred to this page.

Sd/- (signature of the Administrator)

-------216--------

MODEL No. 20

(Article 422)

(In the hypothesis of section 422)

This and other …….. titles guarantee the principal amount of ……. at the rate of interest of ..... per cent. per annum, in favour of ……. of ..... with consignment of its dividends to pay the aforesaid interest, in terms of the annotation of fl. ……. of the respective book No. ……
Margao, …….. 19…..

Sd/- (Administrator of the comunidades)

(In the hypothesis of para 7 of Article 424)

Mortgaged by judicial mandate, ―utǁ annotation at fl……. of the respective book No. ……
Margao, …….. 19…….

Sd/- (Administrator of the comunidades)

(In the hypothesis of Article 427)

The onus mentioned in the preceding annotation on this date at fl..... of the respective book No…… is hereby cancelled. Margao, …… 19…..

Sd/- (Administrator of the comunidades)

MODEL No. 21

(Article 440, No. 1 and para 2)

Register of appointments Job

Name

Sl. No.	Status	Posts held with dates o respectiveappointme	Period during which he beenawayfromservice	Awards and punishments	Etraordinary Commissions	Remarks

MODEL No. 22

(Article 440, No. 3 and para 2)

Entry Book of the Office of Administrator of the Comunidades

PART I

Register of entries of applications and official documents

Number of the Entry	Date		Original of the application	Subject	Interlocation order or destination given to it	Final decision	Remarks
	of entry in the office	of the document					

Part II

Letter of presentation of documents and titles of shares for annotations

Sr. No.	Month 1931 Jan.3	Dates	Presenter	Title of shares that have been presented and Comunidades that have issued them	Documents presented	Kind of annotation	Initials of thepresenter and of Transferor
1		3	Jose Ribeiro of BelarminoDiasofC	Carmona 6 shares, titles 2-7	Deed of Partition	Transfer	Initials
2		16		Pale2sharestitles120&121	Public Deed dated 18-12-1901	Onus with Consignment	Initials
3		20	Joao Vaz of Pale	Aquem 1 shares titles 413		Transfer	Initials

MODEL No. 23

(Article 440, No. 12 and para 2)

(Book for distribution and registration of execution proceedings)

PART I

Class I

General number of the	Serial No. in theclass	Date of distributio n	Name of the clerk dealing with the file	Name and residence of the	Amount of debt	Name of the Creditor	Conditions of the file

Note: For the remaining parts meant for the files of the 2nd and 3rd Class, the same Model shall follow.

MODEL No. 24

(Article 464)

Cash-Book of the Comunidade of……

Referencetoth	Entry	Respective movement to the management		Referencetoth	Issues	Respective movement to the management	
		Annual	Arrears			Annual	Arrears
1	2	3	4	5	6	7	8
	No. 1				No. 1		
	Balance existing in the cash book on 1st March 19 ... As mentioned in the balance sheet at fl.. and statement of handing over at fl... of this book, seventy-two escodos ... On 25th March, 19 ... after opening the coffer received	…	72$	11	To the cashier ... to pay the local tax to the Office of the Administrator of the Comu- nidades, one hundred And one—escu-dos‖ and thirty Centavos Sd/- Cashier	101$30	
	No. 2				No. 2		
2	From Francisco Coutinho Towards the rent of the field Belorem taken on lease By him one thousand tw Hundred and sixty- six escudos. And the sole payment wa Received after closing th safe. Sd/- President Sd/- Cashier Sd/- Clerk On 28th of the said Month and year after Opening the safe receive	1,266$	11	8	To the clerk for advance towards the subscription of Govt. Gazette of the current year, one hundred and twenty escudos ..... Sd/- Clerk And it was closed after Paying off the amount Of two hundred and twenty- one—escudos‖ and thirty—centavos‖ derived from the above two item Sd/- President Sd/- Cashier Sd/- Clerk On 2nd July, 19 ..... After opening the	120$	
Registered	No. 3				No. 3		
	From the attorney toward The deficit collected from The cashier of ..., five Hundred and twenty-	528$		8	No.3 To the clerk towards his Salary thirty —escudos‖ Sd/- Clerk	30$	

	And the safe was closed after receiving the amount of five hundred and twenty- eight —escudos‖ derived from the above item. Sd/- President Sd/- Cashier Sd/- Clerk On 15th December, 19 ... after opening safe received:				And safe was closed After paying the Amount of thirty —escudos‖ derived from the above item. Sd/- President Sd/- Cashier Sd/- Clerk On 4th September, 19 .....after opening the safe paid:		
	No. 4				No. 4		

	From cashier … on account of his debt, two hundered and ten —escudos‖.	210$		Registered	To Paulo Costa towards The balance in Credit of the Accounts of ... twohundred and forty —escudos‖ Paulo Costa	240$00	
	And the safe was closed after receiving the amount of two hundredand ten—escudos‖ derived from the above item. Sd/- President Sd/- Cashier						
					No.5		
				12	To the cashier to pay the local tax of sixty escudos And the safewas Closed after paying the amount of three hundredescudos derived from the above two items. Sd/- President Sd/- Cashier Sd/- Clerk On 15th January 19 ...., after opening	60$	
					No. 6		
				6	To Joao Lourenco Towards the balance In credit of the present management four hundred and eighty escudos Joao Lourenco	480$	
					No. 7		
				9	To the servant…towards the salary the year… eighteen “escudios”. Sd/- Secretary of Board	18$00	
					No. 8		

				7	To the local board Towards the balance in the credit of the present management, one hundred and fifty —escu-dos‖ Sd/- Secretary of the Board And the safe was Closed after paying	150$00	

					hundred and fortyeight—escudos‖ derived from the above three items. Sd/ President Sd/- Cashier Sd/- Clerk On 16th January, 19 . ..... after opening the safe it was paid:		
					No. 9		
				5	To Francisco Pereira Towards the balance In credit of the present management, thirty—escudos‖ Francisco Pereira. And the safe was closed after making this only payment amounting to thirty —escudos‖. Sd/ President Sd/- Cashier Sd/- Clerk		
		1476$	600$			989$30	240$

—Yearly Balance Sheet‖

Total amount entered in the safe by the Management of the current year	1476$00
……Total amount entered by the	600$00
	2076$00
Total amount of issues from the safe by the management of the current year ……..	898$00
Total amount of issues by the management of the preceding years …….	240$00
Balance in the safe……	846$00
	2076$00
Balance in the above safe……	846$70
Deficit of the cashier in the year 19…. mentioned at the of the current accounts ……	65$40
	750$00
Debits of the title holders of the current year. ……	1662$10

This amount belongs to the creditors mentioned in the following list:—

Creditors of the year 19 …….

1. No. ……. Pedro Fernandes ……	120$00	
2. No. ……. Joao da Silva …….	30$00	
3. No. ……. Door Keeper …….	30$00	
4. No. ……. Clerk …….	60$00	240$00

Creditors of the year 19……..

1. No. 1 Pedro Fernandes ……..	1632$00
2. No. 4 Joao Fernandes ……	255$00

3. No. 9 Clerk …… 90$00
4. No. 12 Govt. Treasury …….. 183$80
5. No. 13 Office of the Administrator …….. 18$00
6. No. 14 Comunidade …….. 450$00

2868$80

This account has been closed, whereof derives the balance in the safe of the amount of eight hundred and forty six ―escudos‖ and seventy ―centavos‖.

House of meetings of the Comunidade. (date)

Sd/-President Sd/- Cashier

Sd/- Attorney Sd/- Clerk

Statement of handing over

On first March 19……, there being present the president and the other members of the administrative ……., ……., ……., ……., and the key-keeper of the safe …. and ...., with me ……, clerk, the safe was opened and after counting the cash existing therein it was verified that the total amount of the balance amount to 846$70. This amount along with the keys was handed over to the new key-keepers

…...And …… who were present and to me said clerk. We collected the amount received in the same safe and took possession of the keys. In evidence whereof this statement is drawn up and signed by all the persons agreed above.

Coffer of the comunidade on ……. (date)

Sd/- President Sd/- Members Sd/- Members

Sd/- Members-cum-Cashier

Sd/- Member-cum-Attorney
Sd/- Member-cum-Cashier of 19 ……
Sd/- President of 19…..
Sd/- Clerk of 19…..

-------223--------

MODEL No. 25
(Article – 470)

Book of Income & Expenditure of the comunidade of……..
Statement of Income & Expenditure of the comunidade of the year 19……

Sr.N	Expens	Amount	Sr No	Expenses	Amount
1	2	3	4	5	6
1	Indivisible balance of the year 19 ... which has been transferred to the current year as mentioned at fl ..... of the returns and expenses book No ninety-three escudos.	93$00	1	**―Invariable‖** Contribution for the cleaning of church of this village, authorized by order of the 142 [Government],registered at fl. of the register No. ...	150$00
2	Amount set apart for works mentioned at fl ..... of the said book, six thousand seven hundred and eighty nine ―escudos‖	6789$00	2	onehundredandfifty―escudos‖Salary of the clerk of the Comunidade mentioned in the table 2-	720$00
3	Remaining amount spent under item No. ..... for books, twenty-seven―escudos‖	27$00	3	Salary of the servant of the Comuni dade authorized by order of the 143[Government], registered at fl. ... of the register No.	48$00
4	**―Invariable‖** Foro of the emphiteuses of the Comunidade recorded in the respective village enumeration at fl... of the book―tombo‖2– onehundredandeight―escudos‖.	180$00	4	**―Variable‖** Subscription of the Govt. Gazette of the following year 19 ..... one hundred and twenty	120$00
5	**―Variable‖** Income of the field of the Comunidade leased in terms of fl. ... of the book of agreement No .... fourthousandeighthundred―escudos‖.	480$00	5	Contribution of local tax, mentioned in the circular registered at fl. ..... of the said register	60$00

6	Ditto of urbon properties leased in terms of fl. ... to fl. ... of the said book, three hundred —escudos‖.	300$00	6	Percentage of the cashier and president authorized by order dated .... ninety	90$00
7	Ditto of fish and other settlements auctioned in terms of fl. ... to fl. .... of the said book seventy five—escudos‖.	75$00	7	Land tax and additional municipal tax to be paid to the Govt. Treasury(item No. 9 of the income) five hundred and ten—escudos‖	510$00
8	Interest on the principal amount of six thousand —escudos‖ given on loan to .... through deed of ... dt. ... hree hundred—escudos‖.	300$00	8	Cost of construction and repairs, auctioned in terms No. ..... of fl .... of the book of agreement No. ... Sixty—escudos‖.	60$00
9	Land tax and additional municipal tax to be collected from the lease holders of the field of Comunidade, five hundred and ten—escudos‖	510$00	9	Net income	11315$00
		13074$00			**13074$00**

House of Meetings of the comunidade at ……..,..... 19……

Sd/- Attorney. Sd/- Treasurer. Sd/- Clerk.

(Place for order of the administrator)

-------224--------

SUMMARY

As per the institution of the comunidade, one fourth of the net income belongs to the —zonnkars‖ and the remaining three fourths to the shares. In the current year there are 4 —zonnkars‖ enrolled at folio ……. of the book of c/c No. ……. and the number of shares is 880, as it is soon from fl. ….. of the respective book No. …., so there falls to each —zonn‖ 444$80 and to each share 6$00, there remaining an indivisible balance of57$00, which is carried over to the following year.

Date:

Sd/- (Attorney) Sd/- (Cashier) Sd/- (Clerk)

-------225--------

MODEL No. 26

(Article 479)

Comparative map of the returns and expenses, net income or —deficit‖ and debts of the Comunidades of ……..… Taluka for the year 19…… to 19.....

Sr. No.	Comunidade	Returns		Expenses		Net.income		Deficit		Debts		Remarks
	Aquem.....	19....	19....	19....	19....	19....	19....	19....	19....	19....	19....	
1.	Difference.. for	5400$ for	5358$ for	4502$	4800$ 198$	798$f —for	—	—	—	—	—	—
		less		more		less						
2.	Cavorim.....40104$40200$14994$28050$558$							—	—	—	—	—
	Difference..for more	96$		2940$for less		240$		—	—	—	—	—
3.	Verna.....	15960$16080$17520$17940$—					35206$	1560$	1860$	—	—	—
	Difference..for more	120$	for more	420$	—		2844$	for more	300$	—	—	—

N.B.:- The names of the villages shall be declared in alphabetical order.

(Date) (Signature)

-------226--------

Model No. 27

(Article 484)

Current accounts of the comunidade of ..... of the year 19 .....

Sr. No.	Designation	T o recover	Total guaranted income	Remarks and annota	Designation	o owe	Income paid in the debit	Remarks and annotation

1	2	3	4	5	6	7	8	9
Titleofthe—Zonnkar‖PedroFernandes								
1.	Gains of personal zonn Dividends of 25 shares at the rate of 60$	300$ 1500$ 1800$	1800$ le of the "Z		Rent of the field ArtoemNo. . .... Rent of urban property No. ..... . Granted to Pauloda, Costa No. 3 under bond No. ..... Balance in favour ..... **cisco**	320$ 600$ 210$ 1130$ 1130$ 670$ 1800$	1130$	
Title of the "Zonnkar" **Francisco Coutinho**								
2.	Gains of personal Dividends of 20 shares zonn at the rate of 60$ ..... Paid under statement No. 2	300$ 1200$ 1266$ 2766$	2766$		Income of the field Betorim No. ..... Ditto of the urban property No ..... Foro of emph. lease	2100 $ 576$ 2766$	2766$	
Title of the —Zonnkar‖Paulo da Costa								
3.	Gains of personal zonn Dividends of 5 shares at the rate of60$ granted to Pedro Fernandes under record No. ..... Balance	300$ 300$ 210$ 810$ 240$ 1086$	810$		Income of the field Betorim No. ..... Foro of emph. lease	990 $ 96$ 1086$	810$	
Titleofthe—Zonnkar‖JoaoFernandes								
4.	Gains of personal zonn Dividends of 5 shares at the rate of 60$ Premium of auction of construction of dam of lakes No.	300$ 60$ 90$ 390$	390$		Rent of fish ..... Balance in favour of	75$ 75$ 315$ 390$	75$	Pd.Viderecord No. 9

Title of the Shareholder Francisco Pereira								
5.	Dividends of 5 shares at the rate of 60$	300$ 300$	300$		Foro of emph. lease Granted to Lourenco, No. 6 under record No.	30$ 240$ 270$ 30$ 300$	270$	Pd.Viderecord No. 10
Title of the Shareholder Joao Lourenco								
6.	Dividends of 4 shares at the rate of 60$ .....Granted to Francisco Pereira No. 5 under recorded No.	240$ 240$ 480$	480$ **f the Shareh**		Balance in favour of **ca of the Churc**	480$		
Title of the Shareholder Fabrica of the Church of								
7.	Contribution for the clearing of the Church No. 3 of the expenses sheet	150$	150$		Balance in favour of	150$		
Title of the Shareholder clerk of the Comunidade								

8.	Salary of the year 120$ 19... No. 4 of the expenses sheet Subscription of the Government current year No. 120$ 6 of the expenses 240$ Sheet	120$ 120$\ 240$	240$			30$ 120$ 150$ 90$ 240$	150$	Pd.Viderecord No. 7
Title of the Servant of Comunidade								
9.	Salary of the year19 .... , No. 5 of the	48$			Balance in favour ...	48$		Pd viderecord
Title of the Office of the Administrator								
10.	Taxes of the year 19… No. 7 of the expense sheet	90$	90$		Paid under statement register at fl…. Of the register No	72$ 18$ 90$	72$	
Title of the Comunidade								
14.	Remaining indivi- sible amount of the current year ..... Amount set apart for constructions	30$ 420$ 450$	450$			450$		
	Grand Total		7524$				7524$	

Houses of meetings of the Comunidade of ……19

Sd/- Clerk

-------228--------

BALANCE OF CREDIT AMOUNT OF THE CURRENT ACCOUNTS

Gains and dividends paid to the “Zonnkars” and share holders in their current accounts		4800$		Total of the 2nd column of the left hand page of this book		11,691$	
Totaloftheitemsofexpensesfl ... of the book of income and expenses No. ... which have been credited to the current accounts		1335$					
Amount set apart in the said sheet for extra- ordinary works Remaining indivisible amount that is carried to the following year		420$					
Amount of grants made in the current year, mentioned at fl... of the book No.		30$					
		450$					
		2196$					
		2460$					
Ditto of charges fl. .... of the book No.		11,691$				11,691$	
Payment made to the title holders in the coffer on account of their debit under statements No. 2 and 4 of the							

HouseofmeetingsoftheComunidadeof.....

Balance of Debit Amount of the Current Accounts

Total income of the Comunidade mentioned at fl. ..... of the book No ..... with deduction of the balance credited of the preceding year	6531$		Total of the 2nd column of the right hand page of this book	8354$	
Amount of grants made by —Zonnkars‖andshareholders	450$		Amount that the title holders owe towards the balance of their current accounts.	1086$	
			Ditto, in possession of the	101$	

mentioned at fl. ..... of the book No. ..... Ditto of charges fl. ..... of the book No.	2136$	cashier withdrawn from the coffer under statement No. 4 of the cashbook No.	
Cash withdrawn from the coffer of the Comunidade for advances of various payments in the year of the management under statements Nos. 1 to 6 of the cash book No.	424$		
	9541$		9541$

House of Meetings of the comunidade of ……., ... 19……

Sd/- Attorney. Sd/- Clerk.

-------229--------

MODELNo.28

(Article518)

Statement of credit

On …… there appeared …….. member of this Comunidade residing in …… (by himself or through

his attorney …….. constituted by power of attorney that has been filed in the bundle No .....) and stated that he authorised the transfer to the title No. …… of ……. of the credit amount of..... that he has in the Comunidade, by deducting it from his title No. ……

In evidence whereof he signs this with me the clerk.

Sd/- (Clerk)

MODEL No. 29

(Section 520)

Item of credit

Credited by ……..…… of …….. No. …… the amount of ……$..... to the title No. …… of …….. by authorization filed in the bundle No. …….

Date:

-------230--------

FORM No. 30

(Article 546)

Book for the inscription of the shareholders

Sr. No.	Name and residence of the shareholder Pedro Fernandes of Na	Shares possessed on 19	Annotation	Movement ed out on			
				Modification	Serial No. ofthenew inscription	Shares possessed on 19.....	Annotations
1		25				20	
2	Francisco Coutinho of Pale	20	For onus of ... favour of	Sold 5	7	20	The preceding o continues
3	3Paulo de Costa of Orlim	5	The dividend ha een consigned i favour of			5	Same as above
4	4Joao Vaz of Calangute	1		Sold	8		
5	5Jose Lourenco of Cana	4		Transferred	9 & 10		
6	6Francisco Pereira of Verna	5		Sameas above	10		
	Total	60					
	Date: Sd/- Clerk						
	Year: 19						
7	7Jose Pereira of Anjuna					5	
8	8Catao Fernandes of Cuelim					1	
9	9Cosme Lourenco of Varca					2	
10	10Miguel Lourenco of Varca					7	
	Date: Sd/- Clerk					60	

FORM No. 31

(Article 180)

Record of auction

In the year nineteen hundred and ….. on …… at about 9.00 a.m. in this city (or town) of ……. and in the office of the Administrator of the Comunidades of …. Taluka, there met the respective Administrator …… (name), the members of the administrative board of the Comunidade of
…..,……... signed below, with me ….. (name) ……. Secretary of the office of Administrator to, as per the edicts and notices published in terms of article 180 of the Code of Comunidades, proceed with the auction of immovable properties of the said Comunidade of …… the said Administrator, appointed ….. (name) as crier ordered to put up for sale by auction. The lots or properties recorded in the book ―Tombo I‖ first part, of the aforesaid Comunidade, by order of the said Administrator and under clauses and encumbrances mentioned in the respective records, what he, in fact, did, as follows:—

No.1 — Lot No. ……. (shall mention the number of its inscription in the ―Tombo‖) situated at named ……. bounded ……..… it has an area of …..… and it measures ..... and the leaseholder of which is subject to the following encumbrances …… it has been awarded in sale to (name) residing in ……., for the price of …… & ……. which he undertook to pay in annual installments of ….. &……each, by subjecting himself to punishments imposed to him by the Code of Comunidades in force; he offered as his surety ……., residing in, married, who being present to this act accepted the burden and presented the
document to show that he has consent from his wife for this purpose, and he guaranted the bid of the one to whom he stood as surety with ……..… shares of the said Comunidade, annotated in the name of …….. (name), with consent of the latter one, which he also proved with the document presented by the said surety. And in evidence whereof this statement is drawn up which after being read is going to be signed by the leaseholder and his surety.

Sd/- …….. leaseholder Sd/ ..... suretyNo. 2 — Lot No ……. situated at ……., etc… , was put for sale by auction and its auction was

suspended, as in the same act …… (name) resident of.. presented a certificate issued by the clerk … ..... of the district court of this judicial division, where it has been declared that the suit referred to in article806 of the said code has been filed by the presenter.

No. 3 — Lot No. …… situated at ……. named .. etc., was awarded, (etc)

No. 4 — Lot No. ……, …… and ..... were put up for sale by auction, and there were no bidders.

And as it was time up for the closing, the auction was concluded and it was announced that it would continue tomorrow at 9 a. m. And this report was concluded, which after being read, is going to be signed by the Administrator, by the members of the administrative board and by me. ……
(name) Secretary of the office of Administrator, who wrote it.

Sd/..... Administrator
Sd/..... President of the board
Sd/..... Member-cum-cashier
Sd/..... Member
Sd/..... Member-cum-attorney
Sd/..... Member
Sd/- …. clerk of the Comunidade
Sd/- Secretary of the office of
Administrator

Note: By similar way on this act, it shall be written to all others, whichever and particularly hypothesis that may be, given that all the special circumstances

-------232--------

Model No. 32

Comunidade of ……

Shares issued 4300. Value of each share inscribed in the ―tombo‖ 180$00

Numbero f Shareholder	Interest on each shareholder			Grant of shares made by th shareholders for the purc of various lots or properties				Credits		
	Number & quality of titles	Totalnumberofshares	ValueinEscudos					e h Number & quality of titles	Totalnumbe r	Value
Jose Dias	8titlesof100shares 10titlesof20shares 3titlesof1share	1003 2340	180540$ 421200$ 162000$	To lot .No2,200 shares	To lot .No2,200 shares	To lot .No2,200 shares	To lot .No2,200 shares	5 titles of 100 shares 3titlesof1shares	503	90540$
Pedro Antonio Jorge	5titlesof100shares 28titlesof30share			To lot .No5,739 shares	To lot .No5,739 shares	To lot .No5,739 shares	-	9 titles of 100 shares 1 titles of 23 shares (a)	923	166140 $
Vicented a Manuel	7titlesof100share s 1titlesof100share s 8titlesof20shares	900		-	-	-	-	7 titles of 100 shares 1 titles of 40 shares shares	900	162000 $
Rosario Manuel Correia	5titlesof10shares 7titlesof1shares	57	10260$	To lot .No27,57	-	-	-	None	-	-

(a)One of the titles of 30 shares would have to be reduced by 23 by means of an annotation.

-------233--------

1.The Code uses the expression _**comunidades**‘.Dalgado in his LUSO Asiatic Glossary, Vol. I, p. 301, publication of Asian Educational Services: explains that _comunidades‘ is a Portuguese name, also adopted in Konkani which conveys an agricultural association of each village of Goa , that possesses from immemorial times, properties in common, income of which accrues in favour of its members.

Englishmen adopted portuguese denominations within the shape of —village community‖. The comunidades were in the organ, a sort of —comune‖ village all particularly necessary for social life‖

2.**gauncarias‘** means an association of gauncares.

3.In the same article the general law is the Civil Code

4.The word —**Torofo**‖ similar to —**sazas**‖ under the Land Revenue Code conveys the meaning of a group

5.**joneiro**‖ and **zonn**‖, meaning as per Dalgado in Portuguese means JONO‘from which comes jonoeiro‘. **Zonns**‖ are proceeds which are normally received by a gauncar‖.

6.The words “Governor General” substituted with word “Government” vide the Goa Legislative Diploma No. 2070 dated 15-4-1961, Adoption of law Order,1987 No. 16/14/87-RD dated 23-8-1987, published in the Official Gazette Series-I No.31 (Extraordinary) dated 29-10-1987.

7.Substituted vide Amendment Act 3 of 1998 in place of expression 3000 $, (Escudos) w.e.f. 1-12-1997.

8.Substituted vide Amendment Act 3 of 1998 in place of expression 300 $. w.e.f. 1-12-1997.

9.Inserted vide Amendment Act 3 of 1998 w.e.f. 1-12-1997.

10.Omitted by the Amendment Act 3 of 1998.

11.Omitted by the dment Act 3 of 1998

12.Expression ―but they can do it through their legal representatives‖/―however may be allowed through their legal guardians‖ omitted by Amendment Act 3 of 1998.

See Sec. 778 of the Civil Court.

Para-(1) Expression ―For the purposes of No. 1, the clerk of the comunidade shall make a note on the margin of the respective registration or inscription, mentioning the name of the legal representative or the minor or incapable person. This note may be made on verbal request of the interested party on presentation of a document proving the said representation, which may be cancelled based on the respective document submitted. And in either cases, the documents which have been presented shall be filed omitted vide Amendment Act 3 of 1998.

13.Substituted vide Amendment Act 11 of 2024

14.Inserted vide Amendment Act 11 of 2024

15.Inserted vide Amendment Act 22 of 2024

16.Substituted vide Amendment Act 11 of 2024.

17.Inserted vide Amendment Act 4 of 2025 and come into force at once.casanas – Low lying paddy fields at the side of the river or water course, with a bund to prevent inundation.

By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8- 1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

18.Expression omitted by the Amendment Act 3 of 1998 (see synopsis)

19.Omitted by the Amendment Act 3 of 1998 (Seee synopsis)

20.Substituted vide Amendment Act 22 of 2023

-------234--------

21.Article 41 substituted by the Amendment Act 3 of 1998 (see synopsis)

22.Inserted vide Amendment Act 22 of 2024.

23.Substituted by the Amendment Act 3 of 1998 (See synopsis)

24.Substituted by the Amendment Act 3 of 1998 (See synopsis)

25.Expression ――in the month of December prior to the three yearly period in which they should start functioning, and the election of the attorney or his substitute should take place on any Sunday of the same month, and the one of the cashier or his substitute on any day other than the one fixed up for the election of the attorney or his substitute, preferably a Sunday,‖/ in the month of December, prior to the triennium in which they start functioning. The election of the attorney and his substitute, shall be held on any of the Sundays of the same month and of the treasurer and his substitute on any day, other than the one fixed for the election of the attorney and his substitute, preferably on a Sunday. Substituted vide Amendment Act 3 of 1998.

26.Expression ―and the twenty major components‖/ ―and the twenty major shareholders‖ omitted vide Amendment Act 3 of 1998.

27.Expression ―of the attorney and his substitute and of the cashier and his substitute shall be composed of the president of the board, of the attorney and registrar, the former being the president of the committee‖/―for the attorney and his substitute and of the treasurer and his substitute, shall be composed of the president of the committee, the attorney and the clerk and the former shall be the president of the said committee.‖ substituted vide Amendment Act 3 of 1998.

28.Expression ――inferior to 30,000 escudos, the gratuity per meeting shall be of 18 escudos to the presidents and 9 escudos to everyone of the remaining members of the board, with the exception of the registrar. And when the average income is higher than that amount, the gratuity shall be of 30 and 15 escudos respectively‖,/ less than 30.000 $, the allowance paid for each meeting shall be of 18$ for the president and 9$ to each of the other members of the committee, with the exception to the clerk of comunidade. When the revenues are greater than this amount, the allowance shall be 30$ and 15$, respectively, substituted vide Amendment Act 3 of 1998.

29.casanas – Low lying paddy fields at the side of the river or water course, with a bund to prevent inundation.

30.Substituted vide Amendment Act 13 of 1998 in place of expression ―To make deposit in the Overseas National Bank, (Banco Nacional Ultramarino), in the Bank known as ―Caixa Economica de Goa‖ or in any other banking institution, recognized by the Government, when the interest recovered by the latter is equal to the one fixed by said the Bank ―Caixa Economica de Goa‖

31.Expression ―and with the recommendations of the 20 major components, if necessary‖/ with prior hearing of the twenty major shareholders of the comunidade, omitted vide Amendment Act 3 of 1998.

32.See Statute of Overseas Civil Service

33.Inserted vide Amendment Act 3 of 1998.

34.Inserted vide Amendment Act 3 of 1998.

35.Derrama – Compulsory financial contribution from the net revenue to make up the deficit in the budget of the administration office of comunidades.

36.Substituted in place of expression ´ Caixa Economica de Goa´vide amendment Act 3 of 1998

-------235--------

37.Substituted in place of expression ´ Caixa Economica de Goa vide amendment Act 3 of 1998

38.Substituted in place of expression ´ Caixa Economica de Goa vide amendment Act 3 of 1998

39.Substituted in place of expression ´ Caixa Economica de Goa vide amendment Act 3 of 1998

40.Substituted in place of expression ´ Caixa Economica de Goa vide amendment Act 3 of 1998

41.Substituted vide Amendment Act 11 of 1994 dated 15-5-1994published in the Official Gazette Series I No. 8 (Extraordinary-2) dated 27-5-1994 the original expression read as follows:- **Art. 116 –** In each of the talukas of Goa, Salsete and Bardez, there shall be one independent office of administration of comunidades and in other talukas, excepting for that of Satari, the interests of the comunidades shall be entrusted to the respective taluka administration. Sole § For the purposes of the provisions of this article, the comunidades of Satari taluka are included under the administration of the taluka of Bicholim.

42.See Overseas Civil Services Statutes (EFU) & Overseas Administration Reforms (RAU).

43.Substituted vide Amendment Act 11 of 1994 ; published in the Official Gazette Series I No. 8 (Extraordinary-2) dated 27-5-1994; the original expression read as follows;- administration of the comunidades of Goa, Salsete and Bardez

44.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987, published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

45.Expression ―on commission from amongst the persons of well known competence in the field of public administrations preferably Administration of Comunidades‖/ on service commission, from amongst persons of recognized competence, conversant in the study of public affairs, mainly comunidades affairs substituted by present entry vide Amendment Act 3 of 1998.

46.Omitted vide Amendment Act 11 of 1994; published in the Official gazette Series I No. 8 (Extraordinary-2) dated 27-5-1994; the original expression read as follows: - possessing the minimum qualification of the 3rd cycle of Lyceum.

47.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

48.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No.

49.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No.

50.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No.

-------236--------

51.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government.

52.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

53.23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖. 54.For the meaning of emphyteusis see art. 324.

55.For the meaning of long time lease see art. 317.

56.Inserted vide Amendment Act 9 of 1985. This amendment come into force with immediate effect i.e. 17-4-1985 the day assented by the Governor.

57.Inserted vide Amendment Act 15 of 1990. This amendment come into force with immediate effect i.e. 14-9-1990 the day assented by the Governor.

58.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

59.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987, published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

60.Derrama – Compulsory financial contribution from the net revenue to make up the deficit in the budget of the administration office of comunidades.

61.Substituted in place of expression ´ Caixa Economica de Goa´vide amendment Act 3 of 1998

62.Substituted in place of expression ´ Caixa Economica de Goa´vide amendment Act 3 of 1998

63.Inserted vide Amendment Act 22 of 2024.

Provided further that no such suo moto power shall be exercised after a period of one year from the date of such decision which is sought to be reviewed.]

64.Acas-(Acca or hacca) – Is a portion of rent or production payable to hereditary functionary of the District or village in India or pension paid hereditary. Glossario Luso Asiatico by Sebastiao Rodolfo Dalgado, Pg. 6 Vol I.

65.Formas A fixed pension that the comunidade had to pay Ibid Pg. 403 Vol I.

66.Votonas A pension payable to the Watandar who is hereditary interested in a Watan Ibid Pg. 557 by H.H.

67.Tainata Pension payable on account of military service Ibid Pg. 338 Vol II.

68.siza - transference tax due to the Revenue Department.

69.Camotins– were inspectors of paddy fields.

70.Painis– were supervisors of the paddy fields.

71.The word –‗Licitation‘ is defined in the Blacks Law Dictionary

-------237--------

72.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

73.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987, published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

74.Section 436 of the Portuguese Civil Procedure Code. Section 818 of the Portuguese Civil Procedure Code.

75.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

76.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

77.Candil – A measurement of capacity of 20 curos and one curo is equivalent to 8 litres

78.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987, published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

79.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

80.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

81.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

82.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖substituted with word ―Government‖.

83.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor Generalsubstituted with word ―Government.

84.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

85.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

86.Chapter IVA (Article 316A to 316-I inserted vide Amendment Act 22 of 2024. 87.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

88.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

89.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

90.Inserted vide Amendment Act 1 of 1985. This amendment come into force with immediate effect i.e. 14-12-1984 the day assented by the Governor.

91.Inserted vide Amendment Act 3 of 1997
92.Inserted vide Amendment Act 10 of 1993
93.Inserted vide Amendment Act 3 of 1998
94.Inserted vide Amendment Act 10 of 1993
95.Inserted vide Amendment Act 10 of 1993

96.Inserted vide Amendment Act 3 of 1997
97.Inserted vide Amendment Act 24 of 2001
98.Substituted in place of expression ―25‖ by the Amendment Act 9 of 1985. This amendment come into force with immediate effect i.e. 17-4-1985 the day assented by the Governor.

99.Inserted vide Amendment Act 3 of 1998
100.In place of expression ―Rs.30, 000.00‖ the expression ―Rs.80, 000‖ substituted vide Amendment Act 10 of 1993. In the year 1996 vide amendment Act 3 of 1996 the said limit extended to 1, 25,000 and thereafter vide Amendment Act 24 of 2001 same is extended to 3, 50,000.

101.Inserted vide Amendment Act 10 of 1993
102.Inserted vide Amendment Act 10 of 2016
103.Article 334-C inserted vide Amendment Act 22 of 2023
104.Numbered vide Amendment Act 22 of 2024.

105.Inserted vide Amendment Act 22 of 2024.

106.Inserted vide Amendment Act 22 of 2024

107.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8- 1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government.

108.siza - transference tax due to the Revenue Department.

109.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987, published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

110.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8-1987,published in the Official Gazette Series-I No. 31 (Extraordinary) dated 29-10-1987 the words ―Governor General‖ substituted with word ―Government‖.

111.Inserted vide Amendment Act 11 of 2024
112.Vaigana – Crops planted during the rainy season and ready for harvest in autumn are termed as ―Vaigana‖. In India the kharif season varies by crop and state, with kharif starting at the earliest in May. Rabi – Spring grain harvest in India.

113.Vaigana – Crops planted during the rainy season and ready for harvest in autumn are termed as ―Vaigana‖. In India the kharif season varies by crop and state, with kharif starting at the earliest in May. Rabi – Spring grain harvest in India.

114.Substituted vide Amendment Act 8 of 1986, Original provisions read as follows: The suits that the comunidades may have to file in the courts against those who encroach lands shall be preceded by an administrative inquiry, as per the following article which shall serve as the basis for authorizing the respective civil suit on title.

Sole § The possessory suits are exempted from the provisions of this article. This amendment come into force with immediate effect i.e. 14-10-1986 the day assented by the Governor.

115.Substituted vide Amendment Act 8 of 1986, Original provisions read as follows: All the members of the comunidade and even the non members are competent to denounce the encroachment of land. They shall be, however, liable to the penalty prescribed in the paragraph 2 of the following article, if the complaints proved to be made in bad faith and the denouncement is held as untenable. This amendment

come into force with immediate effect i.e. 14-10-1986 the day assented by the Governor.

116.Inserted vide Amendment Act 46 of 2001

117.Substituted by the Amendment Act 5 of 2002, in place of expression _90 days', this amendment comes in to force w.e.f. 28-9-2001.

118.Substituted by the Amendment Act 5 of 2002, in place of expression _90 days',this amendment comes in to force w.e.f. 28-9-2001.

119.Substituted by the Amendment Act 5 of 2002, in place of expression _one year', this amendment comes in to force w.e.f. 28-9-2001.

120.Votonas A pension payable to the Watandar who is hereditary interested in a Watan Ibid Pg. 557 by H.H. Wilson.Pg 116 Terminology in Indian Land Reform by P. T. George.

121.Substituted vide Amendment Act 11 of 2024.

122.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8- 1987,published in the Official Gazette Series-I No.

123.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8- 1987,published in the Official Gazette Series-I No.

124.As per Dictionary Jayme de Seguier, the word ―**pertence**‖ means: declaration which is made in some little documents indicating the person to whom the ownership of the same is transfered.

125.To use the word ―**transmission**‖ instead of transfer and word ―**transmitter**‖ (instead of transferor). Because as per Indian law there is difference between ―**transfer**‖ and ―**transmission**‖. First is **intervivos** and other is causa mortis. Such differentiation is not there under the Portuguese law.

126.**averbar**‖ as per the said Portuguese Dictionary of Jayme de Seguier means: ―to write in the form of a note on the margin of the deed‖, ―register.

127.Art. 853 of Civil Code

128.Art. 2197 of Civil Code

129.Art. 873 of Civil Code

130.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8- 1987,published in the Official Gazette Series-I No.

131.Inserted vide Amendment Act 3 of 1998

132.Substituted in place of expression ´ Caixa Economica de Goa´vide amendment Act 3 of 1998

133.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8- 1987,published in the Official Gazette Series-I No.

134.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8- 1987,published in the Official Gazette Series-I No.

135.The above mechanism is similar to that of the articles 45, 46 and 52 of the Portuguese Civil Procedure Code. See also Chapter X of the Land Revenue Code Sect. 122(2) relating to the recovery of arrears of the Land Revenue.

136.See article 818 onwards of the Civil Code.

137.See article 888 onwards of the Civil Code.

138.See article 812 w.r.t. 813 of Portuguese Civil Procedure Code.

139.See article 812 w.r.t. 816 of Portuguese Civil Procedure Code

140.See article 1036 of Portuguese Civil Procedure Code.

141.See article 564 of Portuguese Civil Procedure Code.

142.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8- 1987,published in the Official Gazette Series-I No.

143.By the Goa Legislative Diploma No. 2070 dated 15-4-1961 Adaptation of Laws Order, 1987 No. 16/14/87-RD dated 23-8- 1987,published in the Official Gazette Series-I No.