

MANIPUR PUBLIC DEMAND RECOVERY ACT, 2003

ENACTED BY AUTHORITY Wedn&day, May 14,' 2003 I 192* GOVERNMENT OF MANIPUR
LAW & LEGISLATIVE AFFAIRS DEPARTMENT NOTIFICATION [Imphal], the 14th May, 2003
No. following Act of the Legislature, Manipur- asseated- of - Rho Governor of Manipur on 7-5-2003 is
hereby kin ithe OGcial 7iGâzette. TH. KUMAR SINGH, Deputy Secretary (Law), Government of
Manipur. EIT; HE MANIPUR PUBLIC DEMAND RECOVERY ACT, (Manipur Act No. 4 of 2003) An
Act 2603 to provide for -speedy recovery of Public Demands in Manipur. littenacted -by Legislature of
Manipur in the Fifty-fourth year of the Republic of India as follows : Part-I PRELIMINARY Title, Extent
and Commencement . (1) This Act may be called the Manipur Public Demand Recovery Act, 2003. 42Y
élit• extends to the whole of the State -Manipur. G, shall cprpp into fgrce 402, such %é-e State.
Gdyernment may* iithe Definitions . In •this Act, • unleâiâ,. (1) "Certificate-debtor" means the- :-person
named as debtor in ficate filed under *his •-âh,ytiepersons whose name is substituted or added as by •they
Certificate-Officer ; (2) "Certificate-holder" means the Government or person in whose favour a certificate
has „been. filed. under .this A.ct; . •and % includes any whose name is substituted or added as creditor- •by
the-• (3) "Certificate-officer" means a Deputy Commissioner, a Sub-Divisional Officer and any officer
appointed by a Deputy Commissioner with the sanction of the Revenue Commissioner appointed under the
Manipur Land Revenue and Land Reforms . Act, •T 960 to perform the functions of a Certificate Officer
under this Act ; (4) "Deputy Commissioner" means. the Chief Officer, in charge of revenue administration
of a district and. includes an Additional Magistrate appointed under sub-section (2) of section 20 of the
Code of Criminal Procedure, } 973; (5) "Movable Property" includes standing crops; "prescribed" means
prescribed by Rules made under this Act; "Public Demand" means any arrear or money mentioned or
referred to in the schedule and •includes any interest which may, by law. chargeable thereon up to the date
on which a. certificate is signed under this Act; (8) ' "Rules" means rules and forms made under section 56.
(9) " Bank" means and includes— (i) a 'bank' included in the Second Schedule to the Reserve Bank of
India Act, 1934; (ii) the 'State Bank of India' constituted under the State Bank of India Act, 1955; (iii) a 'su
bsidiary bank' as defined in the State Bank of (Subsidiary banks) Act, 1959; (iv) a 'corresponding new
Bank' as defined, in section 3 Banking Companies (Acquisition and Transfer of Undertakings) Act, (5.
of :.1970)« and- section of the Banking Companies (Acquisition and Transfer of Undertakings) Act?? -19i() (400öf• 19>0);
• 3 (v) a 'co-operative bank' as defined in section 5 (cc) of the Banking Regulation Act, 1949; (Yi) a
Regional Rural Bank. constituted . under. *the. Regional: Rural Banks Act, 1976 (21' of 1976). (10)
"Financial, . institution" means— (i) a company or a body corporate incorporated under the Companies
Act, 1956 and whose main business is to finance trade, commerce or industrial enterprise; (ii) financial
corporation" as defined in State Financial Corpora- tion: Act, 1951 ; (iii) a society registered under the
Societies Registration Act, 1860 which is engaged- in financing activities or has been constituted by any
law for the time being. in force and which is •either owned by, or in which. the majority shares are held by
the. State, Government. (11) "Financial assistance" means any kind of financial assistance— (i) (ii)• (iii)
(v) (vi) (vii) for establishing, expanding modernising, renovating or running any industrial undertaking; or
for the purposes of vocational training; or for the development of agriculture. horticulture, animal
husbandry or agro-i.ndustry; or for purposes of any other kind of planned development; or for relief
against distress caused by fire or serious drought, flood Or other natural calamities; for the purpose of
carrying out any State sponsored scheme; or for any other prescribed purpose. (12) "Scheme" means a
scheme sponsored by way of financial assistance by the State Government or the Central Government or
the State Government and the Central Government •together under which the State Government either—
(i) advances money to a Government company for the purposes of disbursing loans, advances or grants or
for the purposes of sale of goods on credit or hire-purchase; or or agrees to: guarantee the repayment of a
loan advance om•. grant or, the payment. of price of goods sold on credit or - hire-purchase. 13)- "State
Government" means the State Government of • Manipur. Part—11 Filing •\$rxice. : effect of certifi&te
and hearing of objections thereto. 30 Filing of •:Certificate nPublic Demand Payable to Deputy
Commissioner : When the Certificate Officer is satisfied that any public demand payable to the Deputy
Commissioner is due, he. may.,-sign a...certificate, in the form stating that the demand is due, and cause
it to be filed in his office, • Provided that the certificate-officer (as soon -as he signed a certificate inform

the \$igpiQ.# of a certificato by thin•v -to the• Sub-Regis.trart. under who* jurisdiction the immovable property belonging to; the cemificate debtor situated

4. Requisitio:n ..f,or cer,,tificate in other cases . any pu'blic deemed payable to any person other than Deputy Cohamissi•oner is due, such person' may send •to the a written requisition in the prescribed form. : Provided that no action shall be taken under this Act on a requisition made •by. a. lancL development bank registered' or: dérngnd - to be registered under the Manipur Co-operative Societies Acti 19%" • (Manipur Act i4 of 1976'), or an assignee of such bank,- unless tho arequisit•ion• countersigned by exe Registrar, Co.op,erative Societies, (2) Every such requis:tion shall be sigr-cd ar;d verified. in the presernzd manner, and .&'écept such .câses : as .may I-he prescribed, shaT}l• •be chargeable with-the fee of the amount .which would be -payable. under, the Court 'Fees Act, 1870 (VII of 1870), in respect of a plaint for the recovery of a sum of money equal to that stated in the requisition as heiqg ...due

5. Filing of Certificate on Requisition .On receipt of any such requisition, the .>atisfied that the demand is recoverable and that .reco,very by suit .is .pot by law, may sign a certificate, lin •the prescribed form, stati.ng.tbat tke tis. Åue; and shall include in the certificate the fee (if any) paid tnder (2) of section 4, and shall cause the certificate to be filed in 9fice. 6 Ser.vige pf nogj.ce ...and•• <Q.py i ef . certifiea\$e• on .ce.rflific.gte-debtor : When a certificate has been •filed •in 'the office of a •Cértificate-officer uqde,r section 3 or *qctiQ.n. 5, he. ssh#l.lcoause to served upon\$hc. certi@cate.- illQt3ice- in. form. and a copy of the certificate. 7. - of s&vice certificate: From and after the service of notice of any coriificate under section 6• QOn a ertmete-«obtor— (i) •-üt6unt from time to time in respect cf t.l.:e... certificate. rshaU be a• charge upon the immovable property of the certificate-debtors.. wherever situated to which' every other charge created subsequently- to the service of the said notice shall be postponed ; (b) any private transfer of delivery of .•an.y. :his property • situated in the district in - •which. the certificate filed., or Of any interest in such .prpperty, shall be void: against:rany .elaim enforceable:• in• execution df the certificate

8. Filing of petition denying liability : (I) The .Certificate-debtor. may, within thirty days. from •the service of chez notice required by section 6, or where the notice ..has .not been. dt.Av the-ti wifbin thirty days from the.. execution of any .process for enforcing the- certificate, present to the Certificate-offcer in whose office. the certificate is fled; Or to the Certificate-cficer who is executing tho cetiificate, a petition, in preSeRbed form, signed •andr verified in the prescribed manner. denyiog his •liability, in white or in part. (2) If any, such. petition is presented to a Certificate-officer other than the Chiifidate-dffeer in whose office the original certificate is filed it shall be • sent to the latter offcer for disposal

9. Hearing •and determining of such petition: The Certificate:öficer -in whose office the original cerificate is filed shall the petition; • •take evidence (if necessary), and determine whether the• - certificate-debtor.is:liable for. the whole •or any part of the amount for which the certifiCate.. was sigqed, and may set aside or modify the certificate ,accordingly; Provided: that, if '-the- Certificate-offcer •is not the Deputy Commissioner * considers that the petition involves claim of right to property, - refer -the petition •to the Deputy Commissioner fcr orders, avid the- "Deputy Commissioner; if he• is satisfied that a bonafide claiF.) of *Vropetty is involved, shall make an order cancelling the certificate. IO. Power to amend certificate by addition, omis• ion cr substit ut ion o? Väfties : Subject to, the provisions cf the. L imitati.on r Act, (36. of 3); and t----upönt appiication made to him by the Certificate-holder,. •tl-.e. .Cettifxeate-offcer may at- any •iimep amend a. certificate by the addition, omission cr substitu•fion. 6 the name of any Certificate-holder Certificate-debtor,•. or •by tha altera; lion of the amouat claimed therein; Provided that when any such amendment is made fresh: notice ani copy o.f amended •certificate shall be served upon the ..certificate&btor QFdiided in section 6. PART—III Who may execute certificate: A {eertiicate- filed under section 3 or section 5 may be executed by— (a) the Cerüficate-6ficer in whose office the original certificate is filed, or (b) the Certificate,,oficer to whom a copy of the certificate is sent for execution under •sub-section (i) of soctioo- 12. Transmi Sion of certificate to another Certificate-officer for execution : (a) A Certificate-officer in whose oGce a certificate is filed may send a copy thereof, ezcution, to au other Certificaie-öücer. (b) When a copy of a certificate is sent to any such officer, he shall cause it to be filed in his office, and thereupon the of with resrect to certificates filed in the omce of a Certificate-offcer shall appiy, as if such copy were an original certificate; Prox ide i that it shall not be necessary to serve a second notice and copy -g•nder 6. 13. certificate may be executed shall be taken until the of thirty No step in execution of a certificate -days has laps:d si nce the date of the servic3 of the notice

required by or, when a petition has been duly filed under section 8, until such petition has been heard and determined: Provided that, if the Certificate-officer in whose office a certificate is satisfied that the certificate-debtor is likely to conceal, remove or dispose of the whole or any part of such of his movable property as would be liable to attachment execution of a decree of a Civil Court, and that the realisation of the amount of the certificate would in consequence be delayed or he may at any time direct, for reasons to be recorded in writing an attachment of the whole or any part of such movable property. Provided further that, if the certificate-debtor movable property has been so attached furnishes security to the satisfaction of the Certificate-officer, such attachment shall be cancelled from the date on which such security is accepted at Certificate-office. Mode of Execution : and limitations as may be prescribed. a Certificate- Subject to such officer may order of certificate— (a) by and sale, or by sale (without previous attachment), of any property, or (b) by of any decree, or (c) by the certificate-debtor and detaining him in the civil prison, or by two or all of the methods mentioned in clauses (a), (b) & (c). by whom to be held : a revenue-paying estate or any share therein is liable to sale in execution a certificate, such sale may be held either— (a) by the Certificate-officer exercising jurisdiction in the district to the revenue- roll of which the estate or share appertains, or (b) by the Certificate-officer exercising jurisdiction in the district in which such estate or share is situated

16. Interest, costs and charges recoverable : There shall be recoverable, in the proceedings in execution of every certificate filed under this Act. (a) Interest calculated in such manner as may be prescribed upon the public demand to which the certificate relates, at the rate of six per cent per annum from the date of the certificate up to the date of realization; Provided that— (i) no interest shall be charged if the amount of public demand is less than one hundred rupees, or if the period from the date of signing the certificate up to the date of realisation does not exceed three months ; (ii) no interest shall be charged for the period during which the execution proceedings are stayed under an order passed by the Certificate-officer at the instance of the Certificate holders; and (iii) no interest shall be charged for the period during which the execution (b) proceedings are stayed under an order passed in appeal or in revision or by a Court at the instance of the Certificate holder or any person other than the certificate-debtor; such costs as are directed to be paid under section 42; and all charges incurred in respect of the service of notice under 6, and of warrants and processes; and. (ii) all other proceedings taken realising the demand

17. Attachment of property : Property - liable to attachment and sale in execution of a decree of a Civil Court under section 60 of the Code of Civil Procedure, 1908 (Act V of 1908) may be attached and sold in execution of a certificate under this Act, Payment of money, contrary to attachment, to be void : Where an attachment has been made in execution of a certificate, any payment to the Certificate-debtor of any debt, dividend or other money, Contrary to such attachment, shall be void as against all claims enforceable the attachment

19. Attachment of decree : (1) If the attachment of a Civil Court decree for the payment of money or for the sale in enforcement of a mortgage or charge shall be made by the issue of the Civil Court of a notice requesting the Civil Court to stay the execution of the decree unless and until—(i) the Certificate-officer cancels the notice; or (ii) the Certificate-holder or the Certificate-debtor applies to the Court receiving such notice to execute the decree. (2) Where a Civil Court receives an application under Clause (ii) of sub-section (1), it shall, on the application of the certificate-holder or the certificate-debtor, and subject to the provision of the Code of Civil Procedure, 1908 (Act V of 1908) proceed to execute the attached decree and apply the net proceeds in satisfaction of the certificate. (3) The certificate-holder shall be deemed to be the representative of the holder of the attached decree, and to be entitled to execute such attached decree in any manner lawful for the holder thereof

20. Purchaser's title there shall vest in (1) Where property is sold in execution of certificate, the purchaser merely the right, title and interest of the certificate-debtor at the time of the sale, even though the property itself be specified. (2) Where immovable property is sold in execution of a certificate, and such sale has become absolute, the purchaser's right, title and interest shall be deemed to have vested in him from the time when the property is sold, and not from the time when the Sale becomes absolute. 9 2]. Suit against purchase not maintainable on ground of purchase being made on behalf of plaintiff : (3) No suit shall be maintained against any person claiming title under purchase by the Certificate-Officer in such a

manner as may be prescribed on the ground the purchase was made on behalf of the plaintiff or on one through whom the plaintiff claims. (2) In this, the plaintiff may, at any time within thirty days from the date of the sale, apply to the Certificate-officer to set aside the sale on the ground that the plaintiff was not served with notice under section 6 or on the ground of a material irregularity in the certificate proceedings or in publishing or conducting the sale. Provided that— (a) no sale shall be set aside on any such ground unless, the Certificate-officer is satisfied that the applicant has sustained substantial injury by reason of the non-service or irregularity; and (b) an application made by a certificate-debtor under this section shall be disallowed unless the applicant either deposits the amount recoverable from him in execution of the certificate or satisfies the Certificate-officer that he is not liable to pay such amount. (2) Notwithstanding anything contained in sub-section (1), the Certificate-officer may entertain an application made after the expiry of sixty days from the date of the sale if he is satisfied that there are reasonable grounds for so doing. 24; Application to set aside sale on ground that certificate-debtor had no saleable interest or that property did not exist : The purchaser at any sale of immovable property in execution of a certificate may, at any time within sixty days from the date of the sale, apply to the Certificate-officer to set aside the sale on the ground that the certificate-debtor had no saleable interest in the property sold, or that the property did not exist at the time of the sale.

25. Sale when to become absolute or be set aside : (1) Where no application is made under section 22, section 23 or section 24 or where such an application is made and disallowed, the Certificate-officer shall make an order confirming the sale and thereupon the sale shall become absolute. (2) Where such an application is made and allowed and where, in the case of an application under section 22, the deposit required by that section is within thirty days from the date of the sale, the Certificate-officer shall make an order setting aside the sale; Provided that no order shall be made, unless notice of the application has been given to all persons affected thereby. 26.- Disposal of proceeds of execution Whenever assets are realized by sale or otherwise in execution of a certificate, they shall be disposed of in the following manner— (a) there shall first be paid to the certificate-holder the costs incurred by him; (b) there shall, in the next place, be paid to the Certificate-holder the amount due to him under the certificate in execution of which the assets were realized; if there remains a balance after these sums have been paid, there shall, be paid to the other, amount recoverable under the procedure provided in the Act which may be due to him upon the date upon which the assets were realised; and (d) the balance (if any) remaining after the payment of the amount (if any) referred to in clause (c) shall be paid to the certificate-debtor. (2) If the certificate-debtor disputes any claim made by the certificate-holder for receipt of any amount referred to in clause (c) of sub-section (1), the Certificate-officer shall determine the dispute. RESISTANCE TO PURCHASER AFTER SALE Application by purchaser resisted or obstructed in obtaining possession of immovable property : If the purchaser of any immovable property sold in execution of a certificate is obstructed by any person in obtaining possession of the property, he may apply to the Certificate-officer. (2) The Certificate-officer shall fix a day for investigating the matter and shall

summbn.the:party against.whom the application. is. made. to-appear.. and. answer the _:säino•; Procedure on such. application : (1) *Ifthe: Certificate-offceec is satisfied that the. resistance or obstruction... .was without any just cause by the- certificate-debtor or by somo person on cfiöbéhålf:;• direct that the applicant -be:put into possession of: the property; is •still' resisted or obstructed in obtaining possession, the Certificate-offcer may also, at the instance of the applicant,, order" the certi- such other personeto be detained in the civil prison-for a term which torthirty. days. Ifthe 'Certificate-omeer is satisfied' Chat the resiStance or obstruction was by any person (other than the certificate-debtor)' claiming in good faith 12 to be in possession of the propotty on his ot&er than cue certiAE4te-debtterv thg Cenift2te-ofiqer shall a4*qrdre dismissing the application. A*REST, ANP,REEEASE 29. Power to arrest and" detentidn . (1) No order for the arrest and deteption in civil prison ofa cgetifigate-debtor in execution ofa certificate•shålf be : made, uiilöés • the Certifiqgte-offce± has issued and• served' a notice•upon the Certific9!e2dëbtor Calling upon him.t,o appear before• mm On a day specified "'in: the nptice -å•nd- to show cause w!iy he should not be committed-to civil prison and unless the Cektifioate-offcer for reasons recorded in; writing; - is.sat:isfiedc— (a) that the certifiplate-debtpr, with the object. or of or • delaying the executiOn of the certifiöate•? has; aftéFthe filing of the certificate- in the omce of the Certificate-offcer, dishonestly •transferred, ,capcelled:, QI" removed any part of his property; or (b) that the certificate-debtor has or has had since the date of the filing- of the !he,. VA!ich the certificat& has been issued, or some. substantial part of such amount and refuses. or neglectedfo pay the •same. : thq- (qr thi> Whigbm. by or under any law or custom - having the force . is exempted from actachment in executioqo(the certificate. (2)t anything:.. contained in arrest of the certificate-debtor may be issued by the Certificate-offcer, Certificate-offcer is satisfied by affdavit or othe!Yise that, with the objept effect of delaying the execution of the certificate, the certificate-debtor is - likely to, leav.e the jürisdiction öfthÜ ' Certificate-offcer. in tq issued may: issue, i g,wa.vrapg, Every person arrested* in pursuane• warranW•oFarreSt "issued-ündei sub-section (2) or sub-section (3), shall be brought befoÉe.the,- Certificate-onceraå .axse# for 13 Provided that, if the certificate-de.btor- pays the: amount entered- in•the warrant of arrest as due under certificate, and the cost of arrest, to the officer arresting him, such officer shall at once release him. (5) When a certificate-debtor . appears; before the Certificate-offcer in obedience to a notice eo show cause or is brought before the • certificate-offcer under sub-section (4), the Certificate officer shall proceed to hear the certificate-holder and take all such evidence as may be produced by him in support of his application: for execution, aiid Shall then give the certificate debtor an opportunity of showing cause why he-should' not be committed to the civil prison. (6) Notwithstanding anything contained in the Criminal Procedure Code, 1973, pending the conclusion of the inquiry under sub-section (5), the Certificate- officer may, iti his discre\$ion, order the certifiéate-debtor to be detained in the custody of such officer, as -the Certificate-officer may thing fit or release him on bir furnishing security to the satisfaction of the Certificate-offcer for his appearance when- required. (7) Upon the conclusion of the inquiry under the sub-section (5), the Certificate-omcer• may subject to the provision of section 31 make an order for the detention of; the certificate-debtor in the civil prison and shall in that event cause him to be. arrested, if he is not already under arrest : Provided that in order to give the certificate-debtor an opportunity of satis- fying the certificate-debt, the Certificate-omcer may, before making the order of detention, leave the certificate-debtor in the custody of the offger arresting him or of any other omcer for period not exceeding fifteen days of releasing him on furnishing security to the satisfaction of the Certificate-offcer for his appearance at the • expiration of the specified period, if the certificate. debt be not sooner satisfied. (8) When the Certificate-offcer does not make on order of detention under sub-section (7), he shall, if the certificate-debtor is under arrest, his release

30. Release from arrest and re-arrest : (1).The Deputy Commissioner may order the release of a certificate-debtor who has been arrested in execution ofa certificate, upon being satisfied that he has disclosed the whole of his property and has placed it at the disposal of the Certificate-offcer• and that he has not committed any act of- bad faith. (2) If the Certificate-omcer has ground for believing the disclosure made by a . certificate-debtor under sub-section (1) to have been incorrect, he order the re-arrest of the certificate-debtor • in execution of the certificate, .bütt:the:: period of his detention in the civil prison shall not in the aggregate exceed- that authorized by sub-section (1) of section 31. 14 31. Detention fn and release from prison : (1) Every person detained in thé civil öriSon in execution of a certifiqat9 may be. so detained— (a) where the certificate is for a demand of an amount exceeding ona thousand rupees for a

period of • three months, alid (b). .in. any orther case — for a period of six weeks : Provided that-he shall be released from such detention — (i) on the amognt mentioned in the warrant- form bis detentiom being paid to . offger in: charge of the- prison; or (ii) on the certificate being otherwise full *atisfied, or cancelled ; or (iiiy on the request of the person (if any) on. • whose. requisition the certificate was filed, or of the Deputy Commissioner; or '(iv) on the omission by the person (if any)- on whose requisition the certificate was filed to, pay the subsistence allowance fixed by •the Certificate-omcer. Provided further that he shall not be released from such detention under clause (ii) or clause (iii) without the order of the Certificate-offcer. (2) A certificate-debtor released from . detention under this section shall not, merely by reason of his release, be. discharged from his debt; but he shall not be liable to be re-arrested under the certificate in execution of which he was detained in the civil prison

32. Release on ground of illness (1) At any time after a warrant for the arrest of certificate-debtor •has been issued, the Certificate-offcer may cancel it on the ground of his serious illness.(2) Where a certificate-debtor has been arrested, the Certificate-omcer .may release him if in the opinion of the Certificate-offcer, heis not in a fit state of health to be detained in the civil prison. (3) Where a certificate-debtor has been committed to the civil prison, he may be released therefrom— (a) by the Deputy Commissioner, on the gound of the existence of any infections contagious desease•, or (b) by the Certificate-offcer, or the Deputy Commissioner on the ground of the suffering from any serious illness

33. Prohibition of arrest or detention of minor and persons under disability . (1) Notwithstanding anything contained in this Act, Certificate-offcer shall not order arrest or detention in civil prison of—. (a) a minor; or (b) any person who, in his opinion, is of unsound mind. (2) Whenever it is necessary to arrest a women, no such- arrest shall be made between sunset and sunrise. PART—IV REFERENCE OF CIVIL COURT Suit in civil. Court to have certificate cancelled or modified : -The. Certificate-debtor may, at' any time within six months— e(l) from the service upon him -of the notice .r.equirgd by section 6, or -if he files in accordance with section- 8, denying liability from the date. of determination of. the petition; or •ifhe appeals, in accordance with section 50 from an order passed under section 9-from the date of the decision Of such appeal, bring a suit in the Civil Court to h#V9 the certificate cancelled or modified, and fov any furthery consequential relief to which he may be entitled: Provided that no such suit shall be entertained. (a) in any case, if the certificate- debtor has omitted to file, in accordance with section 8, a petition denying liability, or to state in his petition denying liability the ground upon which he claims to have certificate cancelled or modified, and cannot satisfy the Court that there was good reason for the omission, or (b) in the case of a certificate for a demand mentioned in Article 1 or Article 2 of -the Schedule appended to this Act, if the certificate debtor has not paid the amount due under the certificate to the Certificate-offcer : (i) within thirty days fronv the service of the notice required by section 6, or if he has filed in accordance. with section 8b a petition denying liability-then within : -thirty days from the date of determination of the petition, or (iii) if he has appealed in accordance with section 50—then within thirty days from the decision of the appeal. Provided thatno • sale in execution of-a certificate shall be set aside in such a suit; unless:the purchaser -has been •made a party to the suit and until a direction is made for the refund of the amount of the purchase-money with such interest (if any) as the Court may allow not exceeding six per cent annum. -.Gr.ounds for Cancellation or .modification of certificate by civil court: NG, certificate duly filed under this Act shall be cancelled by a Civil Court except on one of the followings, grounds, .namely— 16 (a) that tho amount stated in the certificate was actually paid or discharged before the signing of the cartificate; 01 (b) that no part of the . stated in certificate was due by the certificate-debtor to the certificate-holder; or (e) that, in. the case of fines imposed or cost, charges, expanses, damages, duties Or fees adjusted by a Deputy Commissioner or a public officer. under any •law or-any rule having the force of law, the proceedings of, such •Deputy Commissioner or public omcer wore not in substantial conformity with the -provisions •of such law or -rule,- and that in consequence the certificate-debtor suffered substantial • injury from some error, defect or irregularity in- such proceedings. (2) No certificate duly filed under this Act shall be modified by a Civil Court except on one of •the following grounds, namely- (i) that a portion of the alleged debt was not due; or (i) that the certificate-debtor has not received credit for any portion which. he has paid. (3) Nothing contaioed in this section shalt- interfere with' the ordinary original' jurisdiction of the Gauhati High Court

36. Suit to recover possession of or io set aside sale of immovable property where notice of certificate not sewed : Notwithstanding anything herein before contained, .a sale of immovable property in

execution of a certificate shall not be void on the ground that the notice required by section 6 has not been served, but a suit may be brought in a Civil Court to recover the possession of such property or to set aside such sale on the ground that such notice has not been served and that the plaintiff has sustained substantial injury by reason of such irregularity, Provided that no such suit shall be entertained— (a) if instituted more than one year from the date on which possession of the property was delivered to the purchaser, or (b) if the certificate-debtor has made appearance in the certificate proceeding or has applied to the Certificate Officer under section 22 or section 23 to set aside the sale, or (c) if instituted after one year from the date of having the fact of delivery of the property by the plaintiff in case the fact of such delivery was not known to the plaintiff. 17 37. General Bar to jurisdiction of Civil courts, save where fraud alleged; Except as otherwise expressly provided in this Act, every question arising between the certificate-holder and the certificate-debtor, or their representatives, relating to the making, execution, discharge or satisfaction of a certificate duly filed under this Act, or relating to the Confirmation or setting aside by an order under this Act of a sale held in execution of such certificate, shall be determined not by suit, but by Order of the certificate-officer before whom such question arises, or of such other as he may determine; Provided that a suit may be brought in a Civil Court in respect of any such question upon the ground of fraud. PART—V 38. Persons Under Disability. Where the Certificate-officer is satisfied that the certificate-debtor is a minor or of unsound mind, he shall, in any proceeding under this Act, permit to be represented by any suitable person

39. Continuance of Certificates : No certificate shall cease to be in force by person of—(a) the property to which the demand relates ceasing to be under the charge or management of the Court of Wards or Revenue authorities; or (c) the death of the certificate-holder 40. Procedure on Death of Certificate-Debtor : Where a certificate-debtor dies before the certificate has been fully satisfied, the certificate-officer may, after Serving upon the legal representative of the deceased a notice in the prescribed form, proceed to execute the certificate against such legal representative; and the provisions of this Act shall apply, as if such legal representative were the certificate-debtor and as if such notice were a notice under section 6. Provided that, where the certificate is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of; and for the purpose of ascertaining such liability, the Certificate-officer executing the certificate may, of his own motion or on the application of the certificate-holder, compel such legal representative to produce such accounts as the Certificate officer thinks fit.

41. Cancellation of Certificates : (1) The Certificate-officer shall cancel any Certificate at the of the certificate-holder.(2) The Certificate officer may cancel any certificate filed under section 5, if the Certificate-holder is not reasonably diligent

42. Costs Subject to such limitation as may be prescribed, the award of any cost of and incidental to any proceeding under this Act shall be in the discretion of the officer presiding and he shall have full power to direct by whom and to what extent such costs shall be paid

43. Compensation : If the Certificate-officer is satisfied that any requisition under section 4 was made without reasonable cause, he may award to the certificate-debtor such compensation, as the Certificate-officer thinks fit; and the amount so awarded shall be recoverable from the certificate-holder under the procedure provided by this Act for recovery of costs

44. Entry Into Dwelling House : (1) No person executing any warrant of arrest issued under this Act or any process issued under this Act directing or authorizing the attachment of movable property, shall enter any dwelling-house after sunset or before sunrise.(2) No outer door of a dwelling-house shall be broken open, unless the dwelling-house or a portion thereof is in the occupancy of the certificate-debtor and he or any other occupant of the house refuses or in any way prevents access thereto; but when the person executing any such warrant or other process has duly gained access to any dwelling house, he may break open the door of any room and enter, if he has reason to believe that entering into the room is necessary in order to enable him to execute the process. (3) Where a room in a dwelling house is in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the person executing the process shall give notice to her that she is at liberty to withdraw; and after allowing a reasonable time for her to withdraw and giving her reasonable facility for withdrawing, he may enter such room for the purpose of executing the process; and if the process be for the attachment of property, he may

at the same time use every precaution, consistent with this section, to prevent its clandestine removal. 19
 45. Application of Act-XVIII of 1850 : 'Every Certificate-officer shall, in the discharge of his functioning under this Act, be deemed to be acting judicially within the meaning of the Judicial Officers' Protection Act'; 1850. 46. Officers to have Powers of Civil Court for Certain Purposes • Every Certificate-officer shall have the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses and compelling the production of documents

47. Control Over Officers • A Certificate-officer (not being Deputy Commissioners) shall, in the performance of their duties under this Act, be subject to the general supervision and control of the Deputy Commissioner. Appeal • (1) An appeal from any original order made under this Act shall lie—
 (a) if the order was made by a Certificate-officer not being the Deputy Commissioner, to the Deputy Commissioner, or (c) if the order was made by the Deputy Commissioner, to the Revenue Commissioner; Provided that that no appeal shall lie from any order made under section 22. (2) Every appeal under subsection (1) shall be presented, in case of clause (a) within fifteen days or in case of clause (b) within thirty days, from the date of order (3) Pending the decision of any appeal, execution may be stayed, if the appellate authority so directs, but not otherwise

49. Bar to Second Appeals • No appeal shall lie from any order passed on appeal under section 48

50. Revision (1) Any order passed by a Certificate-Officer other than Deputy Commissioner may be revised by the Deputy Commissioner and the Revenue Commissioner may revise any order passed by a Deputy Commissioner under this Act. (2) The period of limitation for an application for revision under this section shall be thirty days from the date of the order of revision whereof is applied for excluding the time occupied in obtaining a copy of the order ; Provided that such an application for revision may be admitted after the period aforesaid, if the applicant satisfies the Deputy Commissioner or the Revenue Commissioner, as the case may be, that he has sufficient cause for not making the application within the period. 51. Review : Any order passed under this Act may, after notice to all persons interested, reviewed by the officer who made the order or by his successor in office on account of mistake or error either in the making of the certificate or in the course of any proceeding under this Act. Saving or other Acts : The powers given by this Act shall be deemed to be in addition to, and not in derogation from, any powers conferred by any other Act now in force for the recovery of any due, debt or demand to which the provisions of this Act apply. Where expressly so provided, no legal remedy shall be affected by this Act

53. Application of the Indian Limitation Act, 1963 : The provisions of the Limitation Act, 1963, except sections 6 to 9, shall apply to all proceedings under this Act, as if a certificate filed hereunder were a decree of a Civil Court

54. Certificate-Officer Deemed To be a Court A shall be deemed to be a Court and any Proceeding before him shall be deemed to be a civil proceeding within the meaning of section 14 of the Limitation Act, 1963. Penalties : Whoever fraudulently removes, conceals, transfers or delivers to any person any property or any interest therein, intending thereby to prevent that property or interest therein, from being taken in execution of a certificate, shall be deemed to have committed an offence under section 206 of the Indian Penal Code (Act XLV of 1860). RULES 56. Power to Make Rules . (1) The State Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for the purpose of carrying into effect the provisions of this Act. (2) In particular, and without prejudice to the generality of the power, such rules may provide for all or any of the following matters, namely:-- (a) the signature and verification of requisitions made under section 4; (b) the Certificate-officers to whom such requisitions should be addressed; (c) the cases in which such requisitions shall not be made; (d) (e) (f) (g) (i). (k) (1) The service of notices issued under section 6, the service of other notices or processes issued under this Act, and the manner in which service may be proved ; the signing and verification of petitions under section 8, denying liability; the transfer of certificates; proceedings in execution of certificates and petitions under section 8 denying liability from one Certificate-officer to another for disposal ; the manner of calculating interest referred to in clause (a) of section 16; the scale of charges to be recovered under clause (c) of section 16; the maintenance and custody, while under attachment, of live-stock and other movable property and the disposal of the proceeds of such sale ; the registers, books and accounts to be kept by the Certificate-officer and the

inspection thereof by the public; the fee to be charged for the inspection of the register of certificates maintained; the recovery of expenditure on the certificate establishment by the of costs under clause (b) or section 16 and section 43; (m) the recovery of poundage fees; (n) the forms to be used under this Act. (3), All rules made under this Act shall, as soon as may be after they are made, be laid before the Legislature, while it is in session, for a total period of not more than fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the official Gazette, subject to such modifications or annulments as the Legislature may agree to, make. However, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

57. Power to remove difficulties : If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official Gazette as the occasion may require, do anything (not inconsistent with the provisions of this Act) which appears to it to be necessary to remove the difficulty: Provided that no such order shall be made under this section after the expiry of three years from the date of commencement of this Act.

58. Protection of action taken in good faith or intended to be done by the Rules made thereunder. No prosecution or other legal proceeding shall lie against any officer of the Government or any person for anything which is done in good faith or intended to be done by the Rules made thereunder.

SCHEDULE PUBLIC DEMANDS. 1. Any arrear of revenue which remains due in, the following circumstances, namely:—When the land of the Manipur Land Revenue and Land Reforms Act, 1960 (No. 33 of 1960), or, any other law for the time being in force, an estate or tenure, or any share of an estate or tenure; has been sold for the recovery of arrears of revenue due thereupon and after deducting the expenses of such sale, the balance of the proceeds remaining is insufficient to liquidate the debt discharge of which such sale proceeds may, under said provisions, be applied.

2. Any arrear of revenue which is due from a farmer on account of an estate held by him in farm and, is not paid on the latest day of payment fixed under the said Manipur Land Revenue and Land Reforms Act, 1960 (No. 33 of 1960)

3. Any money which is declared by any law for the time being in force to be demand or a public demand, or to be recoverable as arrears of a demand or public demand, or to be recoverable under the Manipur Land Revenue and Land Reforms Act, 1960. And money due from the surpluses of a farmer in respect of the revenue estate, furnished by him. Any money awarded as fees or costs to a Revenue authority under any law or any rule having the force of law

7. Any demand payable to the District Commissioner by a person holding any interest in pasturage, forest rights, fisheries or the like, whether such interest is or is not transferable, when such demand is a condition of the use and enjoyment of such lands, pasturage, forest rights, fisheries &c. In the property of which, under the provisions of any law for the time being in force, is under the management by the District Commissioner or the Revenue authorities on behalf of a private individual—any arrear of rent of any demand which is recoverable as rent, whether such arrear became due before or after management devolved upon such court or such authorities.

9. Money due to Government or to an officer of Government in repayment of a loan in cash or in kind, in respect of which money, the to whom the loan in cash or in kind was advanced, as agreed by a written instrument that such money shall be recoverable as a public demand.

10. Any money payable to a society registered or deemed to have been registered under the Manipur Societies Registration Act, 1989, when such money is financed jointly by the State Government and the Central Government and is granted by such society as subsidy or loan to a person who agrees by a written instrument, registered or unregistered, that such money shall be recoverable as a public demand.

11. Any sum due to a land mortgage bank registered under the Manipur Co-operative Societies Act, 1976 or any sum due to an assignee of such bank in respect of any principal sum or any interest thereon under a mortgage made to the bank.

12. Any money due from a purchaser at a sale held in execution of a certificate under this Act, whether the sale is subsisting or not.

13. Any money payable to a local authority

14. Any money awarded as costs by the High Court at Guwahati/Imphal , Bench in proceedings under article 226 of Constitution of India relating to matters arising outside its ordinary original civil jurisdiction

15. Any sum payable to the Government by a person on account of use or occupation.by such person of any house, tenement or room belonging to the Government

16. Any money payable to a Government company wholly owned either by the State Government or by the Central Government or jointly by the State Government and the Central Government

17. Any money fixed as water rate, electricity tariff, motor vehicles taxes, professional tax, sales tax etc.by the Government under any statutory Act or Rule in force in the State

18. Any amount due to a bank or a financial institution from any person of any amount advanced or granted under any scheme in the form of financial assistance shall, apart from any other mode of recovery, be recoverable under provisions of this Act.that no proceeding under this Act shall be proceeded with simultaneously any other forum for recovering the amount that is the subject matter of the certificate. Explanation—The dues to above shall also apply to any amount advanced or granted by way of any such loan before the date on which this Act comes into force and remaining unpaid on such day. Printed at the Directorate of Ptg. & Sty., Govt. of Manipur 31042/14-5-2003.

