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EXTRAORDINARY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 31st December, 2009/Pausa 10, 1931 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS (TRIBAL COUNCILS)
REGULATION, 2009

No. 1 OF 2009

Promulgated by the President in the Sixtieth Year of the Republic of India.

A Regulation to establish Tribal Councils in the Nicobar District of the Union territory of Andaman and Nicobar Islands to provide greater autonomy for the Nicobari Scheduled Tribes in managing their affairs and for matters connected therewith.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution of India, the President is pleased to promulgate the following Regulation:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Regulation may be called the Andaman and Nicobar Islands (Tribal Councils) Regulation, 2009.

(2) It extends to the District of Nicobar (excluding the Shompen settlement areas) and Nicobari settlement areas in the Union territory of Andaman and Nicobar Islands except the areas to which the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 extends. 1 of 1994.

(3) It shall come into force at once.

Definitions.

2. In this Regulation, unless the context otherwise requires:—

(a) "Administrator" means the Administrator of the Union territory of the Andaman and Nicobar Islands appointed by the President of India under article 239 of the Constitution;

(b) "Assistant Commissioner" means the Assistant Commissioner posted in the respective Sub-Divisions under Andaman and Nicobar Islands Administration and shall include the Sub-Divisional Magistrate, the Additional District Magistrate and the Project Officer, Integrated Tribal Development Project of Nicobar District;

(c) "Building" includes a house, out-house, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other structure, whether of masonry, bricks, wood, metal, or any other material but does not include any temporary structure erected on ceremonial or festival occasions or a tent;

(d) "Chief Captain" means the Chief Captain of an Island Council elected under sub-section (2) of section 53;

(e) "Vice-Chief Captain" means the Vice-Chief Captain of an Island Council elected under sub-section (1) of section 58;

(f) "Deputy Commissioner" means the Deputy Commissioner of the Nicobar District;

(g) "District" for this Regulation means the District of Nicobar (excluding the Shompen settlement areas) including Nicobari settlement areas in the Union territory of Andaman and Nicobar Islands;

(h) "District Judge" means the District Judge of the Andaman and Nicobar Islands;

(i) "Election Commission" means the Election Commission of the Union territory referred to in section 94;

(j) "Election Commissioner" means the Election Commissioner of the Union territory referred to in section 94;

(k) "First Captain" means First Captain of a Village Council elected under sub-section (1) of section 11;

(l) "Island" means such local area in the Union territory of Andaman and Nicobar Islands as the Administrator may, by notification in the Official Gazette, declare to be an Island;

(m) "Island Council" means the Island Council constituted for an Island under section 52;

(n) "Land" means a portion of the earth's surface whether or not under water and includes all things attached to, or permanently fastened to any thing attached to, such portions;

- (o) "Official Gazette" means the Andaman and Nicobar Islands Gazette;
- (p) "Population" means the population as ascertained at the last preceding census for which the relevant figures have been published;
- (q) "prescribed" means prescribed by rules made under this Regulation;
- (r) "public street" means a pathway, road, street, square, court, alley, cart track, footpath or riding path over which the public have a right of way, whether thoroughfare or not, and includes—
- (i) the roadway over any public bridge or causeway;
- (ii) the foot-way over any public bridge or causeway; and
- (iii) the drains attached to any such street, road, public bridge or causeway and the land which lies on either side of the roadway up to the boundaries of the adjacent property;
- (s) "Second Captain" means Second Captain of a Village Council elected under sub-section (1) of section 15;
- (t) "Secretary Tribal Welfare" means Secretary and includes Special Secretary in Andaman and Nicobar Islands Administration, Incharge, Tribal Welfare;
- (u) "Schedule" means a Schedule annexed to this Regulation;
- (v) "section" means section of this Regulation;
- (w) "tax" means a tax, cess, rate or other impost leviable under this Regulation;
- (x) "Union territory" means the Union territory of Andaman and Nicobar Islands;
- (y) "village" means a village in the District specified by the Administrator by public notification to be a village for the purpose of this Regulation and includes a group of villages so specified;
- (z) "Village Council" means a Village Council constituted under section 11.

CHAPTER II

VILLAGE GENERAL BODY

3. The Administrator shall, by notification in the Official Gazette, constitute a Village General Body to be known by such name as may be specified in the said notification for each village or a group of villages notified under clause (v) of section 2.

Constitution
of Village
General Body.

4. A Village General Body shall consist of Nicobari Tribals registered in the electoral roll relating to that village or group of villages comprised within the area of a Village Council:

Composition
of Village
General Body.

Provided that a Nicobari tribal shall be disqualified from being member of the Village General Body if he is—

- (a) not a citizen of India;
- (b) less than eighteen years of age;
- (c) of unsound mind and stands so declared by competent court; and
- (d) not ordinarily a resident within the village for which the Village General Body is constituted.

Explanation.— For the purpose of this Regulation, a person shall be deemed to be ordinarily resident in a village if he has been ordinarily residing in such village or is in possession of a dwelling house therein ready for occupation.

Incorporation
of Village
General Body.

5. Every Village General Body shall be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions as may be imposed by or under this Regulation, have power to acquire, hold, administer and transfer property, both movable and immovable, and to enter into any contract and shall, by the said name, sue or be sued:

Provided that the powers and duties of the Village General Body shall, save as otherwise expressly provided in this Regulation, be exercised, performed and discharged by the Village Council constituted under section 11.

Alteration in
area of Village
General Body.

6. (1) The Administrator may, in consultation with the Village General Body or the Village General Bodies concerned, at any time by notification in the Official Gazette, —

- (a) include any area in a village; or
- (b) exclude any area from a village; or
- (c) declare that any local area shall cease to be a village.

(2) Where any area is so included in the village under sub-section (1), such area shall, thereby, become subject to all rules, notifications and orders made under this Regulation or any other law for the time being in force in the area within the jurisdiction of the Village General Body.

(3) Where under sub-section (1) —

(a) the whole of the area of the village ceases to be a village, the Village General Body shall cease to exist and its assets and liabilities shall be disposed of in such manner as may be prescribed;

(b) a part of the area of a village ceases to be a part of that village, the jurisdiction of the Village General Body shall be reduced to that extent.

Cessation of
membership.

7. (1) A member of a Village General Body shall cease to be a member, if—

- (a) he is disqualified under section 4;
- (b) the area where he resides has been excluded from the jurisdiction of the Village General Body.

(2) Where, any person ceases to be a member of a Village General Body under section 4, he shall also cease to hold any office to which he may have been elected or appointed by reason of his being a member thereof.

Electoral roll
of members.

8. On the constitution of Village General Body, the Assistant Commissioner shall, under the superintendence, direction and control of the Election Commission, cause to be prepared an electoral roll of Nicobari tribals ordinarily residing within the jurisdiction of the Village General Body in such manner as may be prescribed:

Provided that such electoral roll shall, among other things, contain names of all persons who are not disqualified under section 4 to be the members of the Village General Body on the date of its constitution and be revised at least once in a financial year in such manner as may be prescribed.

Meeting of
Village General
Body.

9. (1) Every Village General Body shall hold general meetings in each financial year, one in the month of October or November and the other in the month of April or May:

Provided that the First Captain shall, upon a requisition in writing by not less than one-fifth of members, call an extraordinary general meeting of the Village General Body within thirty days of the receipt of such requisition.

(2) The First Captain or in his absence, the Second Captain or in the absence of both, any member of Village General Body chosen by it shall preside at such meetings.

(3) The notice of the time and place of all meetings of the Village General Body shall be given in such manner as may be prescribed.

(4) One-fifth of the total number of members of the Village General Body shall form the quorum for a meeting.

10. (1) The Village Council shall place before the Village General Body at its meeting in April or May —

Transaction of business at general meetings.

(a) the annual statement of accounts;

(b) the report of the administration of the preceding financial year;

(c) the development and other programmes of work proposed for that financial year; and

(d) the previous audit notes and replies made thereto.

(2) It shall be open to the Village General Body to discuss any or all the matters placed before it under sub-section (1) and the Village Council shall consider the suggestions, if any, so made by the Village General Body.

(3) A Village General Body shall carry out such other functions as the Administrator may, by a general or special order, require.

CHAPTER III

VILLAGE COUNCIL

11. (1) As soon as may be after the constitution of Village General Body under section 3, every such Village General Body shall elect from amongst themselves the First Captain and the members of the Village Council through direct elections.

Constitution of Village Council.

(2) A Village Council shall consist of such number of seats, including the First Captain, not being less than five and more than nine, as the Deputy Commissioner may determine.

(3) The ratio between the population of the territorial area of a Village Council and the number of seats in that Council to be filled by election shall, as far as practicable, be the same throughout the District.

(4) Not less than one-third of the total number of seats in a Village Council shall be reserved for women.

(5) Not less than one-third of the total number of offices of the First Captain shall be reserved for women.

(6) The number of seats to be reserved under sub-sections (4) and (5) shall be determined by the Administrator, by an Order published in the Official Gazette:

Provided that the offices reserved under sub-section (5) shall be allotted by the Election Commission by rotation to different Village Councils and different constituencies in a Village Council in such manner as may be prescribed.

12. (1) Every member of a Village General Body shall, unless disqualified under proviso to section 4 or any other law for the time being in force, be qualified to vote at an election to the Village Council or at a meeting of the Village General Body.

Persons competent to vote and be elected.

(2) Every member of a Village General Body shall, unless disqualified under proviso to section 4 or under any other law, for the time being in force, be qualified to be elected to fill up a seat in the Village Council as a member or as its First Captain or as both:

Provided that where a person is elected to both the offices of a member as well as the office of the First Captain, he shall resign either of the two offices within a period of fourteen days from the date of the publication of the result in the Official Gazette, failing which his seat in the Village Council shall become vacant.

(3) The vacancy so caused under the proviso to sub-section (2) shall be filled by holding a bye-election for the purpose.

Disqualifications.

13. A person shall be disqualified for being chosen as, and for being, a member of a Village Council or its First Captain if he —

(a) has failed to pay any tax, fee or other sum due to the Village General Body within three months from the date on or before which such tax, fee or other sum is required to be paid;

(b) holds any salaried office or office of profit under the Village General Body or Village Council;

(c) has directly or indirectly any share or monetary interest in any work done by or to the Village Council or in any contract or employment with or under or by or on behalf of, the Village General Body or Village Council;

(d) is a servant of the Government or of any Municipality, Panchayati Raj Institution or Tribal Council;

(e) has been dismissed from the service of the Government or Municipality or Panchayati Raj Institution or Tribal Council for misconduct;

(f) has not attained the age of twenty-one years;

(g) has been ordered to give security for good behaviour under section 109 or section 110 of the Code of Criminal Procedure, 1973;

2 of 1974.

(h) has been convicted by a criminal court of any offence involving violence or moral turpitude and sentenced to imprisonment for not less than three months and five years have not elapsed since his release;

(i) is without permission of the Village Council, absent from three of its consecutive meetings;

(j) is of an unsound mind and has been so declared by a competent court;

(k) has been declared by a competent court to be insolvent;

(l) has been disqualified under any law for the time being in force by a competent court for adopting a corrupt practice or for commission of an election offence at an election during the period of such disqualification; or

(m) is subject to clause (f), so disqualified by or under any law for the time being in force for the purpose of elections to the House of the People.

Decision on questions as to disqualification.

14. If any question arises as to whether a person has become subject to any disqualification referred to in section 4, section 7 or section 13, it shall be referred to the Deputy Commissioner who shall record his decision after giving such person a reasonable opportunity to the said person of being heard:

Provided that before recording any decision on any such question, the Deputy Commissioner shall obtain the opinion of the Election Commission and shall act in accordance with such opinion.

Election of Second Captain.

15. (1) On the constitution of a Village Council for the first time under this Regulation or on the expiry of the term of a Village Council or on its reconstitution, the Assistant Commissioner shall call a meeting for the election of the Second Captain who shall be elected from amongst the Elected Members of the Village Council.

(2) The election shall be conducted under the direct superintendence of the Assistant Commissioner concerned.

(3) The meeting shall be presided over by the First Captain of the Village Council who shall not have the right to vote.

(4) No business other than the election of the Second Captain shall be transacted at such meeting.

(5) In case of equality of votes, the result of the election shall be decided by draw of lots by the Assistant Commissioner in such manner as he may determine.

16. The executive powers of the Village Council, the responsibility for the fulfilment of the duties imposed on the Village Council under this Regulation and the responsibility for carrying out the resolutions of the Village Council shall vest in the First Captain.

First Captain to exercise executive powers.

17. (1) The Village Council, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed at its first meeting and no longer.

Duration of Village Councils.

(2) Notwithstanding anything contained in sub-section (1), the members of any Council or body functioning under village tribal traditions immediately before the coming into force of this Regulation shall cease to exist from the date of election to the Village Council under section 11.

(3) An election to constitute a Village Council shall be completed, —

(a) before the expiry of its duration specified in sub-section (1); or

(b) before the expiry of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Village Council would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Village Council for such remaining period.

(4) A Village Council constituted upon the dissolution of a Village Council before the expiry of its duration shall continue only for the remainder of the period for which the dissolved Village Council would have continued under sub-section (1), had it not been so dissolved.

18. (1) As soon as may be after the first meeting of the Village Council, every member thereof, including the First Captain and the Second Captain, shall take the oath of office before the Assistant Commissioner in the form set out in the First Schedule.

Oath of office.

(2) No member who has not taken such oath shall vote or take part in the proceedings of any meeting nor shall he be included as a member of any committee constituted by the Village Council.

19. (1) Any member of a Village Council may resign his office by giving notice in writing to that effect to the First Captain and such resignation shall take effect from the date of its receipt by the First Captain.

Resignation from office.

(2) The Second Captain may resign his office by giving notice in writing to the First Captain, but the resignation shall not take effect unless it is accepted by the Village Council.

(3) The First Captain may resign his office by giving notice in writing to the Assistant Commissioner but the resignation shall not take effect until it is accepted by him.

20. (1) A motion of "no confidence" against the First Captain may be moved by any member of a Village Council after giving a notice thereof in such manner as may be prescribed.

Motion of no confidence against First Captain.

(2) A special meeting of the Village Council shall be convened within a period of fifteen days from the date on which the motion has been moved to deliberate on and decide the no confidence motion.

(3) If the motion of "no confidence" is carried by a majority of the total membership of the Village Council, the Village Council shall recommend to the Village General Body, the removal of the First Captain from his office.

(4) On receipt of the recommendation under sub-section (3), a special meeting of the Village General Body shall be convened with a quorum of not less than one-fifth of the total membership of the Village General Body and the recommendation shall be approved by the majority of members present and voting.

(5) Upon the approval of the recommendation under sub-section (4) the First Captain shall cease to hold office from the date on which the recommendation is approved.

(6) If the recommendation of the Village Council is not approved or there is no quorum in the special meeting of the Village General Body, no fresh motion of "no confidence" shall be moved against the First Captain in the Village Council within a period of one year from the date on which the recommendation fails to acquire approval of the Village General Body or the date on which the recommendations could not be considered for lack of quorum.

(7) Notwithstanding anything contained in this Regulation, the First Captain shall not preside over a meeting of the Village Council convened under sub-section (2) and of the Village General Body under sub-section (4), and he shall not be entitled to vote on such motion or any other matter during such proceedings, but he shall have the right to speak or otherwise take part in the proceedings of such meetings.

Motion of no confidence against Second Captain.

21. (1) A motion of "no confidence" may be moved by any member of the Village Council against the Second Captain after giving notice in such manner as may be prescribed.

(2) A special meeting of the Village Council shall be convened within a period of fifteen days from the date on which the motion has been moved to deliberate on and decide the "no confidence" motion.

(3) If the motion is carried by a majority of not less than two-thirds of the total members of the Village Council, the Second Captain shall cease to hold office from the date on which the motion is carried.

(4) Notwithstanding anything contained in this Regulation, the Second Captain shall not preside over a meeting in which a motion of no confidence is discussed against him, but he shall have the right to speak or otherwise take part in the proceedings of such meeting.

Casual vacancy.

22. Any casual vacancy in the seat of the Village Council or in the office of the First or the Second Captain, shall be filled for the remainder of the duration of the Village Council, by election in accordance with the provisions of this Regulation:

Provided that where a seat or the office of the First Captain has been reserved for a woman, no person other than a woman shall be qualified to be elected to fill such vacancy.

Officers and employees of Village Council.

23. (1) There shall be a Secretary for every Village Council who shall be appointed by the Deputy Commissioner and who shall draw his salary and allowance from the Village Council Fund.

(2) The Secretary shall be in charge of the office of the Village Council and shall perform the duties and exercise the powers conferred upon him by or under this Regulation or any rules or bye-laws made thereunder.

(3) Subject to rules made by the Administrator regarding discipline and control, the Secretary shall act in all matters under the control of the First Captain, through whom he shall be responsible to the Village Council.

(4) The Village Council may appoint such other officers and employees as may be deemed necessary:

Provided that it shall not create any post except with the previous approval of the Administrator.

(5) The terms and conditions of appointment and service of the Secretary and other officers and employees shall be such as may be prescribed.

Meeting of Village Council.

24. (1) The time and place of meetings of a Village Council and the procedure to be followed at such meetings shall be such as may be prescribed.

(2) A member of a Village Council may, at any meeting, move any resolution and put questions to the First Captain or the Second Captain on matters connected with the administration of the Village Council in such manner as may be prescribed.

(3) No resolution of a Village Council shall be modified, amended, varied or cancelled by the Village Council within a period of three months from the date of passing thereof except by a resolution supported by two-thirds of the total number of members of the Village Council.

25. (1) Subject to such control and restrictions as may be prescribed, a Village Council may appoint Committees for exercising such of its powers and discharging such of its duties and functions as it may determine.

Committees.

(2) A committee shall consist of not more than five members and may be dissolved or reconstituted for such reasons and in such manner as may be prescribed.

26. No act or proceeding of a Village Council shall be deemed to be invalid by reason only of the existence of any vacancy or defect in the constitution of the Village Council or of any infirmity in its proceedings.

Proceedings not to be invalidated because of existence of vacancy.

CHAPTER IV

POWERS, DUTIES AND FUNCTIONS OF THE VILLAGE COUNCILS

27. (1) Subject to the availability of Village Council Fund constituted under section 33, it shall be the duty of every Village Council to make reasonable provisions within its jurisdiction, with respect to the matters specified in the Second Schedule.

Duties and functions of the Village Council.

(2) Subject to the provisions of sub-section (1), the Village Council may also make provision for carrying out, within the area of the village, any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social and economic well being of the residents of the village.

28. (1) The Village Council may, in respect of all roads, streets, bridges, culverts and other properties placed under its direction, management and control by the Administrator under sub-section (1) of section 35, do all things necessary for the maintenance and repair thereof, and in particular, may—

Control of Village Council on certain properties.

(a) widen, open, enlarge or otherwise improve any such road, bridge or culvert and plant and preserve trees on the sides of such roads;

(b) deepen or otherwise improve any water course and other property mentioned in clause (c) of sub-section (1) of section 35; and

(c) cut any hedge or branch of any tree projecting on any such public road or street.

(2) The Village Council shall also have control of all roads, streets, waterways, bridges and culverts which are situated within its jurisdiction, not being a private property or the property, for the time being, under the control of the Government and may do all things necessary for the improvement, maintenance and repair thereof and in particular, may—

(a) lay out and make new roads; and

(b) construct new bridges and culverts.

29. The Administrator may entrust to the Village Council the execution, maintenance or repair of any work or the management of any institution on behalf of the Government or any local authority:

Transfer of work or institution to Village Council.

Provided that the necessary funds for such purpose shall be placed at the disposal of the Village Council by the Government or such local authority.

30. (1) Subject to such conditions as may be prescribed, the Administrator may, with the consent of a Village Council, by notification in the Official Gazette, entrust to the Village Council the functions and duties of collecting the land revenue and other dues recoverable as arrears of land revenue.

Collection of land revenue.

(2) Where any functions or duties are entrusted to a Village Council under sub-section (1), the Administrator shall pay to such Village Council collection charges at such rates as he may determine.

Village
Volunteer
Force.

31. (1) Subject to the rules made under this Regulation, a Village Council may organise a Village Volunteer Force consisting of able bodied males residing in the village who are between the ages of twenty-one and forty years and who are willing to join the force and place such force under the command of a suitable person.

(2) The services of the Village Volunteer Force may be utilised for general watch and ward purpose and in case of emergency including fire, floods, out-break of epidemic or any other natural calamity.

(3) No member of the Force shall be held liable for damages on account of any act done by him in the *bona fide* discharge of his duties as a member of such Force.

Execution of
contracts.

32. Every contract or agreement entered into by a Village Council shall be in writing and shall be signed by the First Captain, Secretary and one other member of the Village Council, and sealed with the common seal of the Village Council.

CHAPTER V

FINANCE, PROPERTY AND ACCOUNTS

Village Council
Fund.

33. (1) There shall be a Village Council Fund for each Village General Body and the same shall be utilised for carrying out the duties and obligations imposed upon the Village General Body or the Village Council under this Regulation.

(2) The following shall be credited to and form part of the Village Council Fund, namely:—

- (a) the proceeds of any tax or fee imposed under section 36;
- (b) the contributions made by the Government or any local authority or person;
- (c) all sums ordered by any authority or court to be credited to the Village Council Fund;
- (d) the income from securities in which the Village Council Fund has invested;
- (e) the share in the collection of land revenue or other dues of the Government;
- (f) all sums received by way of loans or gifts;
- (g) the income derived from fisheries under the management of the Village Council;
- (h) the income from or proceeds of any property of the Village General Body;
- (i) the sale proceeds of all dust, dirt, dung or refuse collected by the employees of the Village Council;
- (j) sums assigned to the Village Council Fund by any general or special order of the Government; and
- (k) all sums received in aid of or for expenditure on any institution or service maintained or financed from the Village Council Fund or managed by the Village Council.

(3) The amount in the Village Council Fund shall be applied subject to the provisions and for the purpose of this Regulation and shall be kept in such custody as may be prescribed.

Grants.

34. The Administrator may, subject to such conditions as he may deem fit, make grants to the Village Council for general purposes or for the improvement of the village and the welfare of the residents therein.

35. (1) The Administrator may, if he deems fit, place all or any of the properties, of the nature specified below and situated within the jurisdiction of the Village General Body, under the direction, management and control of the Village Council, namely: —

Properties placed under the direction, management and control of Village Council.

(a) open sites, waste, vacant and grazing land, not being private property and river beds;

(b) public roads and streets;

(c) public channels, water courses, wells, ponds, tanks (except irrigation tanks under the control of the Government) public springs, reservoirs, cisterns, fountains, aqueducts and any adjacent land (not being private property) appertaining to any public tanks or ponds, and lands appertaining thereto;

(d) public sewers, drains, drainage works, tunnels and culverts and things appertaining thereto and other conservancy works;

(e) sewage, rubbish and offensive matter, deposited on streets or collected by the Village Council from streets, latrines, urinals, sewers, cesspools and other places; and

(f) public lamps, lamp posts and apparatus connected therewith or appertaining thereto.

(2) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Village Council and the Village General Body shall receive to the credit of the Village Council Fund all dues levied or imposed in respect thereof.

36. (1) Subject to the rules made under this Regulation, a Village Council may levy —

Taxes which may be imposed.

(a) a tax on the owners or occupiers of buildings;

(b) a tax on professions, trades, callings and employment;

(c) a tax on vehicles other than mechanically propelled vehicles kept within the limits of the village;

(d) a tax on sale of cattle within the limits of the village;

(e) a theatre or show tax on entertainments and amusements;

(f) a lighting tax;

(g) a drainage tax;

(h) fee for providing sanitary arrangements at such places of worship of pilgrimage, fairs and melas within its jurisdiction;

(i) fee for sale of goods in markets, *melas*, fairs and festivals;

(j) fee for grazing of cattle in grazing land under the management of the Village Council;

(k) fee for providing the watch and ward of crops in the village;

(l) licence fee for plying of public ferry.

(2) The taxes and fees referred to in sub-section (1) shall be imposed, assessed and realised in such manner and at such times as may be prescribed.

37. Any person aggrieved by the assessment, levy or imposition of any tax or fee under section 36 may appeal to the Assistant Commissioner within thirty days of the date of the order imposing such tax or fee.

Appeal against levy of tax, etc.

Suspension of
levy of tax or
fee.

38. The Deputy Commissioner may, by notification in the Official Gazette, suspend the levy or imposition of any tax or fee under section 36 and may at any time, in like manner, rescind such suspension.

Lease of
collection of
fees.

39. It shall be lawful for a Village Council to lease, by public auction or private contract, the collection of any fee on markets and bazaars, if any such fee is imposed under section 36:

Provided that a lessee shall give security for the due fulfilment of the conditions of the lease or contract.

Recovery of
taxes and
other dues.

40. (1) When any tax or fee or other sum due to a Village Council has become payable, the Village Council shall, with the least practicable delay, cause to be sent to the person liable for the payment thereof, a demand notice in the prescribed form for the amount due from him and require him to pay the amount within thirty days from the date of such notice.

(2) Every notice of demand under sub-section (1) shall be served in such manner as may be prescribed.

(3) If the sum for which a notice of demand has been served is not paid within thirty days from the date of such notice, the Village Council may apply to the Assistant Commissioner for its recovery in such manner as may be prescribed.

Accounts.

41. Every Village Council shall maintain account of its receipts and expenditure in such form as may be prescribed.

Annual
estimate of
expenditure.

42. (1) Every Village Council shall, at such time and in such manner as may be prescribed, prepare in each year, a budget of its estimated receipts and disbursement for the following year and shall submit the budget to the Island Council having jurisdiction over the area of the Village Council.

(2) The Island Council may, within thirty days either approve the budget or return it to the Village Council for such modification as it may direct.

(3) If any modifications are made under sub-section (2), the budget shall be resubmitted to the Island Council within fifteen days.

(4) No expenditure shall be incurred unless the budget is approved by the Island Council:

Provided that if the Island Council fails to convey its approval within thirty days of submission or re-submission, the budget shall be deemed to have been approved.

Audit.

43. (1) The accounts of every Village Council shall be audited annually by such authority and in such manner as may be prescribed.

(2) It shall be the responsibility of the Assistant Commissioner to ensure that the annual Audit is carried out in such manner as may be prescribed.

(3) The Assistant Commissioner may, after considering the report and after making such further enquiry as he may consider necessary, order for dropping any such item from the report which appears to him contrary to rules and regulations and surcharge the same on the person making or authorising the illegal payment, and shall —

(a) if such person is a member of the Village Council, proceed against him in the manner specified in sub-sections (2) and (3) of section 48; and

(b) if such person is not a member of the Village Council obtain the explanation of the person and direct such person to pay to the Village Council the amount surcharged within a specified period and if the amount is not paid within the specified period, the Assistant Commissioner shall cause it to be recovered in such manner as may be prescribed.

(4) The Assistant Commissioner shall within one month of the completion of the audit, forward copies of the audit report to the Deputy Commissioner and the Village Council.

(5) Any person aggrieved by an order of the Assistant Commissioner under sub-section (4) may within thirty days of the date of the order prefer an appeal to the Deputy Commissioner whose decision on such appeal shall be final.

44. (1) Every Village Council shall submit to the Assistant Commissioner a report on the administration of the Village Council during the previous financial year, within three months of the close of the previous financial year. Administration report.

(2) The report shall be prepared by the First Captain and after it is approved by the Village Council, shall be forwarded to the Assistant Commissioner with a copy of the resolution of the Village Council thereon.

CHAPTER VI

CONTROL OF VILLAGE COUNCIL

45. The Deputy Commissioner or the Assistant Commissioner shall have power to call for — Power to call for proceedings, etc.

(i) any extract from the proceedings of the Village Council or any book, record, correspondence or documents in the possession of or under the control of a Village Council; and

(ii) any return, plan, estimate statement, account or report for the purpose of inspection or examination.

46. If, at any time, it appears to the Assistant Commissioner that a Village Council has made wilful and persistent default in the performance of any duty imposed on it by this Regulation, he may, by order in writing, fix a period for the performance of that duty: Default in performance of the duty by Village Council.

Provided that where the duty is not performed within the period so fixed, the Deputy Commissioner or Assistant Commissioner may appoint any person to perform it, and direct that the expenses for the performance of such duty shall be paid by the defaulting Village Council within such period as the Deputy Commissioner or Assistant Commissioner may think fit.

47. (1) If, in the opinion of the Deputy Commissioner or Assistant Commissioner, the execution of any order or resolution of a Village Council or the doing of anything which is about to be done or is being done by or on behalf of a Village Council is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend the execution or prohibit the doing thereof. Suspension of execution of order or resolution of Village Council.

(2) When the Assistant Commissioner makes an order under sub-section (1) he shall forthwith send to the Village Council affected thereby a copy of the order together with a statement of the reasons for making it.

(3) The Assistant Commissioner shall forthwith submit to the Deputy Commissioner, a report of the circumstances in which the order was made under this section and the Deputy Commissioner may, after giving notice to the Village Council and making such inquiry as he deems fit, rescind, modify or confirm the order.

48. (1) Every member of a Village Council shall be personally liable for the loss, waste or misapplication of any money or other property of the Village General Body to which he has been a party or which has been caused or facilitated by his misconduct or wilful neglect of his duty as a member, amounting to fraud. Liability of members for loss, waste or misapplication.

(2) If after giving the member concerned a reasonable opportunity for showing cause to the contrary, the Assistant Commissioner is satisfied that the loss, waste or misapplication of any money or other property of the Village General Body is a direct consequence of misconduct or wilful neglect on his part, he shall, by order in writing, direct such member to pay to the Village Council before a fixed date, the amount required to reimburse it for such loss, waste or misapplication:

Provided that no such order shall be made for *bona fide* or technical irregularities or mistake of a member.

(3) If the amount is not so paid, the Assistant Commissioner shall cause it to be recovered in such manner as may be prescribed.

(4) An order of the Assistant Commissioner shall be subject to an appeal to the Deputy Commissioner if made within thirty days of the date of the order.

Dissolution of
Village
Council.

49. (1) If in the opinion of the Administrator, a Village Council—

(a) exceeds or abuses its powers; or

(b) is incompetent to perform or makes wilful and persistent default in performance of the duties imposed on it by or under this Regulation or any other law for the time being in force; or

(c) fails to levy the taxes leviable under this Regulation; or

(d) persistently disobeys the order of the Assistant Commissioner made under sub-section (2) of section 47,

the Administrator may, by order published in the Official Gazette dissolve the Village Council.

(2) No order under sub-section (1) shall be passed without giving to the Village Council a reasonable opportunity to render an explanation.

(3) If a Village Council is dissolved under sub-section (1), the following consequences shall ensue, namely:—

(a) all the members of the Village Council shall from the date specified in the order, cease to be members;

(b) all powers and duties of the Village Council shall during the period of dissolution of the Village Council, be exercised and performed by such person or persons, as may be appointed by the Administrator in this behalf.

Disputes
between Village
Councils.

50. If any dispute arises between two or more Village Councils, it shall be referred to the Deputy Commissioner whose decision in the matter shall be final.

Administrator
may call for
proceedings.

51. The Administrator may call for and examine the record of the proceedings of any officer or Village Council for the purpose of satisfying himself as to the legality or propriety of any order passed and may revise or modify the order as he may deem fit.

CHAPTER VII

ISLAND COUNCIL

Constitution
of Island
Council.

52. The Administrator shall by notification in the Official Gazette, constitute for each Island, a Council to be known by such name as may be specified in the said notification.

Composition
of Island
Council.

53. (1) Every Island Council shall consist of such number of seats as the Administrator may, by notification, determine.

(2) The Chief Captain of each Island Council shall be elected through direct election by the registered voters of all Village General Bodies of the concerned Island Council.

(3) All the First Captains of Village Council in an Island shall elect from amongst themselves the Vice-Chief Captain of the Island Council.

(4) The Island Council shall consist of the Chief Captain, Vice-Chief Captain and the First Captains of the village of the concerned Island.

(5) The provisions of sub-sections (5) and (6) of section 11 shall, as far as may be, apply to the Island Council as they apply to a Village Council subject to the modification that for the "First Captain", the term "Chief Captain" shall be substituted.

54. Every Island Council shall be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions imposed by or under this Regulation or under any other law for the time being in force, have power to acquire, hold, administer and transfer property, both movable and immovable and to enter into contract and shall, by the said name, sue or be sued.

Incorporation
of Island
Councils.

55. Every member of the Village General Body constituting the Island Council shall unless disqualified under the provisions to section 4 or any other law for the time being in force, be qualified to vote and be elected at an election to the Island Council.

Persons
qualified to vote
and be elected.

56. No person shall be a member of an Island Council or continue as such, if he —

Disqualification.

(a) has failed to pay any tax, fee or other sum due to the Village Council or Island Council within three months from the date on or before which such tax, fee or other sum is required to be paid;

(b) holds any salaried office or office of profit under the Village General Body or Village Council or Island Council or District Planning Committee;

(c) has directly or indirectly any share or monetary interest in any work done by or to the Island Council in any contract or employment with or under or by or on behalf of the Island Council;

(d) is a servant of Government or any Municipality or Panchayati Raj Institution or Tribal Council;

(e) has been dismissed from service of the Government or Municipality or Panchayati Raj Institution or Tribal Council for misconduct;

(f) has been ordered to give security for good behaviour under sections 109 and 110 of the Code of Criminal Procedure, 1973;

(g) has been convicted by a criminal court for any offence involving violence or moral turpitude and sentenced to imprisonment for not less than three months and a period of five years has not elapsed since his release after undergoing such imprisonment;

(h) has not attained the age of twenty-one years;

(i) is of an unsound mind and has been so declared by a competent Court;

(j) has been declared by a competent court to be an insolvent or has been disqualified under any law relating to elections for the time being in force by a competent court for adopting a corrupt practice or for commission of an election offence, for the period of such disqualification; or

(k) is subject to clause (h), so disqualified by or under any law for the time being in force for the purposes of election to the House of the People.

57. If any question arises whether a person has become subject to any disqualification referred to in section 4, section 7 or section 56 it shall be referred to the Deputy Commissioner, for decision who shall record his decision after giving reasonable opportunity of being heard to the said person:

Decision on
question as to
disqualifi-
cation.

Provided that before recording any decision on any such question, the Deputy Commissioner shall obtain the opinion of the Election Commission and shall act in accordance with such opinion.

58. (1) On the constitution of an Island Council for the first time under this Regulation or on the expiry of the term of an Island Council or on its reconstitution the Deputy Commissioner shall cause a meeting to be convened under the Chairmanship of Assistant Commissioner for the election of the Vice-Chief Captain from amongst the members of the Island Council.

Election of
Vice-Chief
Captain.

(2) The election shall be conducted under the direct superintendence of the Assistant Commissioner concerned.

(3) The meeting shall be presided over by the Chief Captain of the Island Council who shall not have the right to vote.

(4) No business other than the election of the Vice-Chief Captain shall be transacted at such meeting.

(5) In case of equality of votes, the result of the election shall be decided by draw of lots by the Assistant Commissioner in such manner as he may determine.

Executive
powers of
Island Council.

59. The executive powers of the Island Council, the responsibility for the fulfilment of the duties imposed on the Island Council under this Regulation and the responsibility for carrying out the resolutions of the Island Council shall vest in the Chief Captain.

Duration of
Island Council.

60. (1) The Island Council, unless sooner dissolved under any law for the time being in force, shall continue in office for five years from the date appointed at its first meeting and no longer.

(2) An election to constitute an Island Council shall be completed —

(a) before the expiry of its duration specified in sub-section (1);

(b) a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Island Council would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Island Council.

(3) An Island Council constituted upon the dissolution of an Island Council before the expiry of its duration shall continue only for the remainder of the period for which the dissolved Island Council would have continued under sub-section (1) had it not been so dissolved.

Oath of
Office.

61. (1) As soon as may be after the first meeting of the Island Council, every member thereof shall take oath of office before the Assistant Commissioner in the form set out in the First Schedule.

(2) No member of the Island Council who has not taken such oath shall vote or take part in the proceedings of any meeting nor shall be included as a member of any committee constituted by the Island Council.

Resignation
from office.

62. The Chief Captain may resign his office by giving notice in writing to that effect to the Deputy Commissioner, but the resignation shall not take effect until it is accepted by him.

Motion of no
confidence
against Chief
Captain.

63. (1) A motion of no confidence against the Chief Captain may be moved by any member of an Island Council after giving fifteen days notice.

(2) A special meeting of the Island Council shall be convened within a period of fifteen days from the date on which the motion has been moved, to deliberate on and decide the no confidence motion.

(3) If the motion of no confidence is carried by a majority of the total membership of the Island Council, the Island Council shall recommend to all the Village General Bodies of that Island, the removal of the Chief Captain from his office.

(4) On receipt of recommendation under sub-section (3) a special meeting of all the Village General Bodies shall be convened with a quorum of not less than one fifth of the total number of members of the Village General Bodies and the recommendations shall be approved by the two-third majority of members present and voting.

(5) Upon the approval of the recommendation under sub-section (4), the Chief Captain shall cease to hold office from the date on which the recommendation is approved.

(6) If the recommendation of the Island Council is not approved or there is no quorum in the special meeting of all Village General Bodies, no fresh motion of no confidence shall be moved against the Chief Captain of the Island Council within a period of one year from the date on which the recommendation fails to acquire approval of all Village General Bodies or the date on which recommendation could not be considered for lack of quorum.

(7) Notwithstanding anything contained in this Regulation, the Chief Captain shall not preside over a meeting of the Island Council convened under sub-section (2) and of the Village General Body under sub-section (4), and he shall not be entitled to vote on such motion or any other matter during such proceedings, but he shall have a right to speak or take part in the proceedings of such meetings.

64. (1) A motion of no confidence may be moved by any member of the Island Council against the Vice-Chief Captain after giving fifteen days notice.

Motion of no confidence against the Vice-Chief Captain.

(2) A special meeting of the Island Council shall be convened within a period of fifteen days from the date on which the motion has been moved to deliberate on and decide no confidence motion.

(3) If the motion is carried by a majority of not less than two-thirds of the total number of members of the Island Council, the Vice-Chief Captain shall cease to hold office from the date on which the motion is carried.

(4) Notwithstanding anything contained in this Regulation, the Vice-Chief Captain shall not preside over a meeting in which a motion of no confidence is discussed against him, and he shall not be entitled to vote on such motion or any other matter during such proceedings, but he shall have a right to speak or take part in the proceedings of such meetings.

65. Any casual vacancy in the office of the Chief Captain or Vice-Chief Captain shall be filled for the remainder of the term by election in accordance with the provisions of this Regulation:

Casual vacancy.

Provided that, in case of a seat for the office of Chief Captain reserved for women, no person other than a woman shall be qualified to be elected to fill such vacancy.

66. (1) The Administrator shall designate or appoint an officer of appropriate rank of the Andaman and Nicobar Administration to be the Executive Officer for every Island Council.

Officers and employees of Island Council.

(2) The Administrator may, from time to time, post such officers and employees of Group "B" or Group "C" or Group "D" posts or services of the Andaman and Nicobar Administration to serve under the Island Council as the Administrator considers necessary.

(3) Notwithstanding anything contained in this Regulation or any other law for the time being in force, the Administrator or any officer or other authority authorised by him in this behalf, shall have the power to effect transfer of the officers and employees so posted from one Island Council to another or to the Andaman and Nicobar Administration.

(4) The Island Council may appoint such other officers and employees as may be deemed necessary:

Provided that it shall not create any post except with the prior approval of the Administrator.

67. (1) Save as otherwise expressly provided by or under this Regulation the Executive Officer shall -

Functions of Executive Officer and other officers.

(a) exercise all the powers specifically imposed or conferred upon him by or under this Regulation or under any other law for the time being in force;

(b) lay down the duties and supervise and control officers and officials of, or holding office under, the Island Council in accordance with rules made by the Administrator;

(c) supervise and control the execution of all works of the Island Council;

(d) take necessary measures for the speedy execution of all works and developmental schemes of the Island Council;

(e) have custody of all papers and documents connected with the proceedings of the meetings of the Island Council and of its committees;

(f) draw and disburse money out of the Island Council Fund; and

(g) exercise such other powers and discharge such other functions as may be prescribed.

(2) The Executive Officer shall attend every meeting of the Island Council and shall have the right to attend the meeting of a committee thereof and to take part in the discussion but shall not have a right to move a resolution or to vote and if in the opinion of the Executive Officer any proposal before the Island Council is violative of or inconsistent with the provisions of this Regulation, or any other law, rule or order made thereunder, it shall be his duty to bring the same to the notice of the Island Council.

Meeting of
Island Council.

68. (1) The time and place of meeting of an Island Council and procedure for such meeting shall be such as may be prescribed.

(2) A member of an Island Council may, at any meeting, move any resolution and put questions to the Chief Captain or Vice-Chief Captain on matters connected with the administration of the Island Council in such manner as may be prescribed.

(3) No resolution of an Island Council shall be modified, amended, varied or cancelled by the Island Council, within a period of three months from the date of passing thereof, except by a resolution supported by two-thirds of the total members of the Island Council.

Committees.

69. (1) Subject to such control and restrictions as may be prescribed, an Island Council may appoint committees for exercising such of its powers and discharging such of its duties and functions as it may determine.

(2) A Committee may consist of not more than five members and may be dissolved or re-constituted for such reasons and in such manner as may be prescribed.

Proceedings
not to be
invalidated for
existence of
vacancy.

70. No act or proceedings of an Island Council shall be deemed to be invalid by reason only of the existence of any vacancy or defect in the constitution of the Island Council or of any infirmity in its proceedings.

Duties and
functions.

71. (1) The Island Council shall have such power and authority as the Administrator may, by order published in the Official Gazette, specify so as to enable it to function as an institution of Self Government in respect of the preparation of plans for economic development and social justice in relation to matters listed in the Third Schedule.

(2) The Island Council may also make provisions for carrying out within the area of its jurisdiction any other work or measure which is likely to promote the health, safety, education, comfort, convenience, social or economic well being of the persons residing in its jurisdiction and may do all things necessary for the maintenance and repair thereof, and in particular may—

(a) widen, open, enlarge or otherwise improve any such road, bridge or culvert and plant and preserve trees on the sides of such roads;

(b) deepen or otherwise improve any water course and other property mentioned in clause (c) of sub-section (1) of section 77; and

(c) cut any hedge or branch of any tree projecting on any such road or street.

(3) The Island Council may also have control of all roads, streets, waterways, bridges and culverts which are situated within its jurisdiction not being private property or not

being the property for the time being under the control of Government and may do all things necessary for improvement, maintenance and repair thereof, and in particular may lay out and make new roads and streets and construct new bridges and culverts.

72. The Administrator may entrust the Island Council with the execution, maintenance or repair of any work or the management of any institution on behalf of the Government or local authority:

Transfer of any work or institution to Island Council.

Provided that the funds necessary for the execution or repair of the work or the management of the institution so entrusted to the Island Council shall be placed at the disposal of the Island Council by the Administrator or such local authority.

73. Every contract or agreement entered into by an Island Council shall be in writing and shall be signed by the Chief Captain, Executive Officer and by one other member of the Island Council and sealed with the common seal of the Island Council.

Execution of contract.

74. (1) There shall be an Island Council Fund for each Island Council for crediting moneys by or on behalf of the Island Council or for withdrawal of such moneys therefrom.

Island Council Fund.

(2) The following shall be credited to and form part of Island Council Fund, namely:—

- (a) the proceeds of any tax or fee imposed under section 75;
- (b) the contribution made by the Government or any local authority or person;
- (c) all sums ordered by any authority or court to be credited to the Island Council Fund;
- (d) the income from securities in which the Island Council Fund is invested;
- (e) the share in the collection of land revenue or other duties of the Government;
- (f) all sums received by way of loans or gift;
- (g) the income derived from fisheries under the management of the Island Council;
- (h) the income from or proceeds of any property of the Island Council;
- (i) the sale proceeds of all dust, dirt, dung or refuse collected by the employees of the Island Council;
- (j) sums assigned to the Island Council Fund by any general or special order of the Administrator;
- (k) all sums received in aid of or for expenditure on any institution or service maintained or financed from the Island Council Fund or managed by the Island Council; and
- (l) grant-in-aid from the Consolidated Fund of India.

(3) The amount of the Island Council Fund shall be applied subject to provisions and for the purposes of this Regulation and shall be kept in such custody as may be prescribed.

75. (1) The Island Council shall levy, collect, assess and appropriate the following taxes, duties, tolls, cess and fees in accordance with the procedure and subject to such limit as may be prescribed, namely:—

Levy of taxes, duties, etc.

- (a) toll on persons, vehicles or animals of any class at any toll bar established by it on any road other than a *kutchra* road or any bridge vested in it or under its management;
- (b) toll in respect of any ferry established by it or under its management;
- (c) fees on the registration of vehicles;
- (d) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and *melas* within its jurisdiction;

(e) a fee for licence for a fair or market;

(f) a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Island Council within its jurisdiction;

(g) a lighting rate, where arrangement for lighting on public streets and places is made by the Island Council within its jurisdiction:

Provided that the Island Council shall not undertake registration of a vehicle or levy fee thereon, and shall not provide sanitary arrangements at places of worship or pilgrimage, fairs and *melas* within its jurisdiction or levy fee thereon, if any such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any local authority.

(2) The scale of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be prescribed.

Grants for
general
purposes.

76. The Administrator may, subject to such conditions as he may deem fit, make grants to the Island Council for general purposes or for the improvement of areas falling under the jurisdiction of the Island Council, and the welfare of the residents therein.

Transfer any
work or
institution to
Island Council.

77. (1) The Administrator may, if he deems fit, place any of the properties, of the nature specified below, and situated within the jurisdiction of the Island Council, under the direction, management and control of the Island Council, namely: —

(a) open sites, waste, vacant and grazing lands not being private property and river beds;

(b) public roads and streets;

(c) public channels, watercourses, wells, ponds, tanks (except irrigation tanks under the control of the Government), public springs, reservoirs, cisterns, aqueducts and any adjacent land (not being private property) appertaining to any public tank or pond and lands appertaining thereto;

(d) public sewers, drains, drainage works, tunnels and culverts and things appertaining thereto and other conservancy works;

(e) sewerage, rubbish and offensive matters deposited on streets or collected by the Island Council from streets, latrines, urinals, sewers, cesspools and other places; and

(f) public lamps, lamp posts and apparatus connected therewith or appertaining thereto.

(2) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Island Council, and dues levied or imposed in respect thereof shall be credited to the Island Council.

Lease of
collection of
fees, etc.

78. It shall be lawful for an Island Council to lease by public auction or private contract the collection of any fee on markets and *bazars*, if any such fee is imposed under section 75.

Recovery of
tax and other
dues.

79. (1) When any tax or fee or other sum due to an Island Council has become payable, the Island Council shall, with the least practicable delay, send or cause to be sent to the person liable for the payment thereof a demand notice in the prescribed form for the amount due from him and require him to pay the amount within thirty days from the date of such notice.

(2) Every notice of demand under sub-section (1) shall be served in such manner as may be prescribed.

(3) If sum for which a notice of demand has been served is not paid within thirty days from the date of such notice, the Island Council may apply to the Assistant Commissioner concerned for its recovery in such manner as may be prescribed.

80. Every Island Council shall maintain accounts of its receipts and expenditure in such manner as may be prescribed. Accounts.

81. (1) Every Island Council shall at such time and in such manner as may be prescribed prepare in each financial year a budget of its estimated receipts and disbursements for the following financial year and submit the budget to the Deputy Commissioner. Budget of the Island Council.

(2) The Deputy Commissioner shall, within thirty days either approve the budget or return it to the Island Council for such modifications as he may direct.

(3) If any modifications are made under sub-section (2), the budget shall be re-submitted to the Deputy Commissioner within fifteen days.

(4) No expenditure shall be incurred unless the budget is approved or deemed to have been approved by the Deputy Commissioner:

Provided that if the Deputy Commissioner fails to convey his approval within thirty days of submission or re-submission, the budget shall be deemed to have been approved.

(5) The Island Council may prepare in each financial year a supplementary estimate providing for any modification of its budget and may submit it to the Deputy Commissioner for approval within such period and in such manner as may be prescribed.

82. (1) The accounts of every Island Council shall be audited annually by such authority and in such manner as may be prescribed. Audit.

(2) It shall be the responsibility of the Deputy Commissioner to ensure that the annual Audit is carried out in such manner as may be prescribed.

(3) The Deputy Commissioner may, after considering the report and after making such further enquiry as he may consider necessary, order for dropping any item from the report which appears to him contrary to law and surcharge the same on the person making or authorising the illegal payment, and shall —

(a) if such person is a member of the Island Council, proceed against him in the manner specified in sub-sections (2) and (3) of section 87; and

(b) if such person is not a member of the Island Council, obtain the explanation of the person and direct such person to pay to the Island Council the amount surcharged within a specified period and if the amount is not paid within the specified period, the Deputy Commissioner shall cause it to be recovered in such manner as may be prescribed.

(4) Any person aggrieved by an order of the Deputy Commissioner under sub-section (3) may, within thirty days of the date of the order, prefer an appeal to the Secretary, Tribal Welfare.

83. (1) Every Island Council shall submit annually to the Deputy Commissioner a report on the administration of the Island Council during the previous financial year within three months of the close of the previous financial year. Administration Report.

(2) The report shall be prepared by the Chief Captain and after it is approved by the Island Council, shall be forwarded to the Deputy Commissioner with a copy of the resolution of the Island Council thereon.

84. The Deputy Commissioner or Assistant Commissioner shall have power to call for — Power to call for proceedings.

(i) any extract from the proceedings of an Island Council or any book, record, correspondence or document in possession of or under control of an Island Council;

(ii) any return, plan, estimate, statement, account or report, for the purpose of inspection or examination.

Default in
performance
of duty by
Island Council.

85. If, at any time, it appears to the Deputy Commissioner that an Island Council has made wilful default in the performance of any duty imposed on it by this Regulation, he may, by order in writing, fix a period for the performance of its duty and if the duty is not performed within the period so fixed the Deputy Commissioner may appoint any person to perform it and direct that the expenses of the performance of the duty shall be paid by the defaulting Island Council within such period as the Deputy Commissioner may think fit.

Suspension of
execution of
order or
resolution of
Island Council.

86. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of an Island Council or the doing of anything which is about to be done or is being done by or on behalf of an Island Council is causing or is likely to cause injury or annoyance to the public or to lead to breach of the peace or is unlawful, he may, by order in writing, suspend the execution or prohibit the doing thereof.

(2) When the Deputy Commissioner makes an order under sub-section (1), he shall forthwith send to the Island Council affected thereby a copy of the order together with a statement of the reasons for making it.

(3) The Deputy Commissioner shall forthwith submit to the Secretary, Tribal Welfare a report of the circumstances in which the order was made under this section and the Secretary, Tribal Welfare may, after giving notice to the Island Council and making such inquiry as he deems fit, rescind, modify or confirm the order.

Liability of
members for
loss, wastage
or misapplica-
tion.

87. (1) Every member of an Island Council shall be personally liable for the loss, wastage or misapplication of any money or other property of the Island Council to which he has been a party or which has been caused or facilitated by his misconduct or wilful neglect of his duty as a member amounting to fraud.

(2) If after giving the member concerned a reasonable opportunity for showing cause to the contrary, the Deputy Commissioner is satisfied that the loss, wastage or misapplication of any money or other property of the Island Council is a direct consequence of misconduct or wilful neglect on his part, he shall by order in writing, direct such member to pay to the Island Council before a fixed date, the amount required to reimburse it for such loss, wastage or misapplication:

Provided that no such order shall be made for *bona fide* or technical irregularities or mistakes of a member.

(3) If the amount is not so paid, the Deputy Commissioner shall recover it in such manner as may be prescribed, and credit it to the Island Council Fund.

(4) An order of the Deputy Commissioner shall be subject to an appeal to the Secretary, Tribal Welfare if made within thirty days of the date of the order.

Dissolution of
Island Council.

88. (1) If, in the opinion of the Administrator, an Island Council —

(a) exceeds or abuses its powers; or

(b) is incompetent to perform, or makes wilful and persistent default in the performance of the duties imposed on it by or under this Regulation or any other law for the time being in force; or

(c) fails to levy the taxes leviable under this Regulation; or

(d) persistently disobeys the order of the Deputy Commissioner made under sub-section (2) of section 86,

he may, by order published in the Official Gazette, dissolve the Island Council and direct that it shall be re-constituted in the manner provided in section 60.

(2) No order under sub-section (1) shall be passed without giving the Island Council a reasonable opportunity to render an explanation.

(3) If an Island Council is dissolved under sub-section (1), the following consequences shall ensue, namely: —

(a) all the members of the Island Council shall, from the date specified in the order, cease to be members;

(b) all powers and duties of the Island Council shall, during the period of dissolution of the Island Council, be exercised and performed by such person or persons as the Administrator may appoint in this behalf;

(c) the committees of the Island Council shall be deemed to have been dissolved and all the members of the committees shall vacate office from such date.

89. If any dispute arises between two or more Island Councils, it shall be referred to the Secretary, Tribal Welfare whose decision in the matter shall be final.

Disputes
between Island
Councils.

90. The Administrator may call for and examine the records of the proceedings of any officer or Island Council for the purpose of satisfying himself as to the legality or propriety of any order passed and may revise or modify the order as he may deem fit.

Administrator
may call for
proceedings.

CHAPTER VIII

DISTRICT PLANNING COMMITTEE

91. The Administrator shall constitute for the District, a District Planning Committee under the Chairmanship of the Deputy Commissioner with such composition as may be prescribed and the Chief Captains of Island Councils shall be *ex officio* members of such Committee.

Constitution of
District
Planning
Committee.

92. The District Planning Committee shall prepare Five Year Plans and Annual Plan, in co-ordination with the Government Departments and other agencies in the District for the development of the area under its jurisdiction and the Chairperson of District Planning Committee shall forward the development plan for the District as recommended by the Committee, to the Secretary, Tribal Welfare.

Preparation of
plans by the
District
Planning
Committee.

93. The District Planning Committee shall follow such procedure as may be prescribed

Procedures to
be followed by
District
Planning
Committee.

CHAPTER IX

ELECTION COMMISSION AND FINANCE COMMISSION

94. (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Village Councils and Island Councils in the Union territory of Andaman and Nicobar Islands shall be vested in the Election Commissioner appointed under section 185 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 and the Election Commissioner appointed under that section shall be deemed to be the Election Commissioner for the purposes of this Regulation.

Election
Commission.

(2) The Administrator shall, when so requested by the Election Commissioner make available to the Election Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commissioner under sub-section (1).

95. The Finance Commission constituted under section 186 of the Andaman and Nicobar Islands (Panchayats) Regulation 1994, shall review the financial position of the Village Councils and Island Councils and make recommendations to the President of India as to:—

Finance
Commission.

(a) the principles which should govern—

(i) the determination of taxes, duties, tolls and fees which may be assigned to or appropriated by the Councils;

1 of 1994.

1 of 1994.

- (ii) the grant-in-aid to the Councils from the Consolidated Fund of India;
- (b) the measures needed to improve the financial position of the Councils;
- (c) any other matter referred to the Finance Commission by the President of India in the interest of sound finances of the Councils.

CHAPTER X

MISCELLANEOUS

Election
petitions.

96. (1) If the validity of any election of a member of a Village Council or Island Council or the respective Captains is called in question by any person qualified to vote at the election to which such question relates, such person may, at any time within fifteen days after the date of declaration of the results of the election, apply to the District Judge in such form as may be prescribed for the determination of such question.

(2) Every petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the petition is presented to the District Judge.

Procedure for
hearing of elec-
tion petitions.

97. (1) Save as otherwise provided by this Regulation or by any rule made thereunder, the procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall, in so far as it may be applicable, be followed in the hearing of election petition by the District Judge:

5 of 1908.

Provided that—

(a) two or more persons whose election is called in question may be made respondents to the same petition and their cases may be tried at the same time and any two or more election petitions may be heard together but so far as is consistent with such joint trial or hearing, the petition shall be deemed to be a separate petition against each respondent;

(b) the District Judge shall not be required to record or have recorded the evidence in full, but shall make a memorandum of evidence sufficient in his opinion for the purpose of deciding the case;

(c) the District Judge may, at any stage of the proceedings require the petitioner to give security or further security for the payment of all costs incurred or likely to be incurred by any respondent; and

(d) the District Judge, for the purpose of deciding any issue shall only be bound to require the production of or to receive such evidence, oral or documentary, as he may consider necessary.

(2) An order for the payment of costs, or an order for the realisation of a security bond for costs passed by the District Judge shall be executed in such manner as may be prescribed.

Findings of
District Judge.

98. (1) If the District Judge, after making such inquiry as he thinks necessary, finds, in respect of any person whose election is called in question by a petition that his election was valid, the petition shall be dismissed against such person with cost.

(2) If the District Judge finds that the election of any person was invalid, he shall either, —

(a) declare a casual vacancy to have arisen; or

(b) declare another candidate to have been duly elected,

whichever course appears, in the particular circumstances of the case, to be more appropriate, and in either case the District Judge may award costs at his discretion.

(3) In the event of the District Judge declaring a casual vacancy to have arisen, he shall direct the Election Commission to take proceedings for filling the vacancy.

99. (1) Notwithstanding anything contained in section 98, if the District Judge, in the course of hearing an election petition, is of the opinion that the evidence discloses that corrupt practices at the election proceedings in question, have prevailed to such an extent as to render it advisable to set aside the whole of the election proceedings, he shall pass a conditional order to this effect and give notice thereof to every candidate declared elected who has not already been made a party to the case, calling upon such candidate to show cause why such conditional order should not be made final.

Avoidance of Election.

(2) Thereupon every such candidate may appear and show cause, and may recall for the purpose of putting questions to him, any witness who had appeared in the case.

(3) The District Judge shall thereafter either cancel the conditional order or make it absolute in which case he shall direct the Election Commission to take measures for holding fresh election proceedings.

100. The District Judge may declare any candidate found to have committed any corrupt practice to be ineligible for being a member of Village General Body or for contesting an election under this Regulation or for being appointed or retained in any office or place in the Government or any local authority or for being registered as a member of any Village General Body for such period not exceeding five years as the District Judge may determine.

Disqualification for corrupt or illegal practice.

101. (1) Notwithstanding anything contained in this Regulation, the validity of any law relating to delimitation of constituencies or allotment of seats to such constituencies made or purporting to be made under this Regulation shall not be called in question in any court.

Bar to interference by courts in election matters.

(2) Save as otherwise provided in sections 96, 97, 98, 99 and 100, no civil court shall have jurisdiction to question the legality or validity of any action taken or decision given by the Election Commission or the Secretary, Tribal Welfare or the Deputy Commissioner in connection with the conduct of elections under this Regulation.

102. The Deputy Commissioner or Assistant Commissioner may in the case of Village Council and Island Council, authorise any of his officers to enter in and inspect or cause to be entered and inspected any immovable property occupied by any Village Council or Island Council or any work in progress under the direction of such Village Council or Island Council, as the case may be.

Power to enter.

103. (1) No action shall lie against any member, officer, employee or agent of a Village Council or an Island Council acting under the direction of such Village Council or Island Council in respect of anything done in good faith under this Regulation or any rule or bye-law made thereunder.

Bar of action against Council, etc., and previous notice before institution.

(2) No action shall be brought against any Village Council or an Island Council or a First Captain or Second Captain or Chief Captain or Vice-Chief Captain or any of their members, officers, employees or agents for anything done or purporting to be done under this Regulation and the rules framed thereunder, until the expiry of two months next after notice in writing has been left or delivered at the office of such Village Council or Island Council and also at the residence of such of their members, officers, employees or agents against whom action is intended to be brought and such notice shall state the cause of action, the nature of the relief sought, the amount of compensation, if any, claimed and the name and place of residence of the person who intends to bring the action.

(3) Every such action shall be commenced within six months after the accrual of the cause of action and not afterwards.

104. Every member of the Village Council or an Island Council and every officer and employees maintained by or employed under a Village Council or an Island Council shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Members, etc., of Councils to be public servant.

105. No member of a Village Council or an Island Council or any of their officers or employees having any duty to perform in connection with any sale under this Regulation, shall directly or indirectly bid for, or acquire any interest in any property sold at such sale.

Members, etc., to refrain from taking part at sale.

Power and duties of police in respect of offences and assistance to Councils.

106. Every police officer shall give immediate information to the Village Council and Island Council of an offence coming to his knowledge which has been committed against this Regulation or any rules made thereunder and shall assist all members and employees of the Village Council and Island Council in the exercise of their lawful authority.

Classification and preservation of records.

107. Every Village Council and Island Council shall classify and preserve its records in the manner prescribed.

Inspection and copies of records.

108. Every Village Council and Island Council shall, on an application made to it by any person interested, allow inspection of its records and grant certified copies thereof on payment of the prescribed fee.

Removal of difficulties.

109. (1) If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by order published in the Official Gazette make such provisions not inconsistent with the provisions of this Regulation as appear to him to be necessary or expedient for removing of that difficulty:

Provided that no such order shall be made after expiry of two years from the commencement of this Regulation.

(2) Every order made under this section shall as soon as may be after it is made, be laid before each House of Parliament.

Power to make rule.

110. (1) The Administrator may, subject to the condition of previous publication by notification in the Official Gazette, make rules to carry out the provisions of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner of disposal of assets and liabilities of a Village General Body under clause (a) of sub-section (3) of section 6;

(b) the manner of preparation of electoral rolls of members of Village General Body and the particulars which it shall contain and the manner in which it shall be revised under section 8;

(c) the manner of giving notice of the meetings of the Village General Body under sub-section (3) of section 9;

(d) the manner in which seats reserved for women and First Captain shall be allotted by the Election Commission by rotation to different Village Councils and different constituencies in a Village Council under proviso to section 11;

(e) the notice required to be given for moving a no confidence motion against First Captain under sub-section (1) of section 20;

(f) the period for which notice is required to be given for moving a no confidence motion against the Second Captain under sub-section (1) of section 21;

(g) the terms and conditions of service of the Secretary and other officers and servants under sub-section (5) of section 23;

(h) the time and place of meetings of Village Council and the procedure to be followed at such meetings under sub-section (1) of section 24;

(i) the procedure for moving resolutions and putting questions under sub-section (2) of section 24;

(j) the controls and restrictions subject to which a Village Council may appoint committees under sub-section (1) of section 25;

(k) the reasons for and the manner in which committees may be dissolved or reconstituted under sub-section (2) of section 25;

(l) the conditions subject to which the Administrator may entrust to the Village Council the functions and duties of collecting land revenue and other dues recoverable under sub-section (1) of section 30;

(m) the custody in which the Village Council Fund shall be kept under sub-section (3) of section 33;

(n) the manner in which the taxes and fees shall be assessed and realised under sub-section (2) of section 36;

(o) the form in which the demand notice shall be sent under sub-section (1) of section 40;

(p) the manner in which a demand notice shall be served under sub-section (2) of section 40;

(q) the form in which account of receipts and expenditure shall be maintained under section 41;

(r) the time at which and the manner in which budget shall be prepared by the Village Council under sub-section (1) of section 42;

(s) the manner in which accounts of Village Council shall be audited under sub-section (1) of section 43;

(t) the manner of recovery of amount surcharged under sub-section (4) of section 43;

(u) the manner of recovery of loss caused to the Village Council under sub-section (3) of section 48;

(v) the manner in which offices reserved for women shall be rotated under sub-section (3) of section 53;

(w) the notice for moving a motion of no confidence against Chief Captain or Vice-Chief Captain under sub-section (1) of section 63;

(x) such other powers and functions under clause (g) of sub-section (1) of section 67;

(y) the time and place of meeting of Island Council and the procedure for such meeting under sub-section (1) of section 68;

(z) the manner in which a member of Island Council may move resolutions and put questions to the Chief Captain or Vice-Chief Captain under sub-section (2) of section 68;

(za) the controls and restrictions subject to which an Island Council may appoint committees under sub-section (1) of section 69;

(zb) the reasons for which committees may be dissolved and the manner in which committees may be reconstituted under sub-section (2) of section 69;

(zc) the custody in which Island Council Fund shall be kept under sub-section (3) of section 74;

(zd) the procedure and limits subject to which taxes, duties, tolls, cess and fees shall be levied under sub-section (1) of section 75;

(ze) scale of tolls, fees or rates and the terms and conditions for the imposition thereof under sub-section (2) of section 75;

(zf) the form in which demand notice shall be sent under sub-section (1) of section 79;

(zg) the manner in which notice of demand shall be served under sub-section (2) of section 79;

(zh) the manner of recovery of tax or fee or any other sums under sub-section (3) of section 79;

(zi) the manner in which accounts of receipts and expenditure shall be maintained under section 80;

(zj) the time and manner in which the Island Councils shall prepare budget under sub-section (1) of section 81;

(zk) the period and manner of supplementary estimates under sub-section (5) of section 81;

(zl) the manner in which accounts of Island Councils shall be audited under sub-section (1) of section 82;

(zm) the manner and recovery of the amount of surcharge under clauses (a) and (b) of sub-section (3) of section 82;

(zn) the composition of the District Planning Committee under section 91;

(zo) the procedure to be adopted by the District Planning Committee under section 93;

(zp) the form for applying to the District Judge regarding validity of the election procedure under sub-section (1) of section 96;

(zq) the manner of execution of order passed by the District Judge regarding payment of costs under sub-section (2) of section 97;

(zr) the manner in which records shall be classified and preserved under section 107;

(zs) the fee to be paid for inspection of records and grant of certified copies under section 108.

Laying of
rules before
Parliament.

111. Every rule made under this Regulation shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Regulation not
to have
overriding
effect.

112. Wherever any of the provisions of this Regulation come in conflict with the provisions of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956, the latter shall prevail.

THE FIRST SCHEDULE

(See sections 18 and 61)

I having been elected as Member/First Captain/Second Captain / Chief Captain / Vice-Chief Captain of Village Council / Island Council, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duties of my office to the best of my ability, knowledge and judgment without fear or favour or ill-will.

THE SECOND SCHEDULE

[See sub-section (1) of section 27]

MATTERS IN RESPECT OF WHICH AN VILLAGE COUNCIL WILL HAVE AUTHORITY SO AS TO ENABLE IT TO FUNCTION AS AN INSTITUTION OF SELF GOVERNMENT

1. In the sphere of Sanitation and Health,—

- (a) supply of water for domestic use and for cattle;
- (b) construction and cleaning of public roads, drains, ponds, tanks and wells other than tanks, and wells used for irrigation purposes and other public places;
- (c) sanitation, conservancy, the prevention and abatement of nuisance;
- (d) preservation and improvement of public health, maintaining dispensaries providing public relief;
- (e) regulation by licensing or otherwise of tea, coffee and milk shops;
- (f) provision, maintenance and Regulation of burning;
- (g) ensuring systematic disposal of carcasses, provision of definite place for the disposal of unclaimed corpses and carcasses;
- (h) construction and maintenance of public latrines;
- (i) taking of measures to prevent the outbreak, spread and recurrence of infectious diseases;
- (j) reclaiming of unhealthy localities;
- (k) removal of rubbish heaps, jungle growth, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, the prevention of water logging in irrigated areas and other improvements of sanitary conditions;
- (l) maternity and child welfare;
- (m) the encouragement of human and animal vaccination;
- (n) the provision and maintenance of compost pits;
- (o) regulating the keeping of cattle and taking necessary steps against stray cattle and dogs;
- (p) regulating, checking and abating of offensive or dangerous trades or practices;
- (q) watering public streets and places;
- (r) cleaning public streets, places and sewers, removing noxious vegetation and abating all public nuisances from all spaces not being private property, which are open to the enjoyment of the public, whether such places are vested in the Council or not;
- (s) extinguishing fires, and protecting life and property when fires occur;
- (t) removing obstructions and projections in public streets or places and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Village Council or not;
- (u) securing or removing dangerous buildings or places;
- (v) constructing, altering and maintaining public streets, culverts, council boundary marks, markets, slaughter houses, urinals, drains, sewers, drainage works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams and the like;

(w) obtaining supply of or additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply when such supply or additional supply can be obtained at a reasonable cost;

(x) paying the salary for, and the contingent expenditure on account of such police or guards as may be required by the Village Councils for the purposes of this Regulation or for the protection of any Village Council property;

(y) giving relief and establishing and maintaining relief works in times of famine or scarcity, to or for destitute persons, within the limits of the Village Council.

2. In the sphere of Public Works—

(a) preventing and removing of obstructions and projections in public streets or places and in sites, not being private property, which are open to the public whether such sites are vested in the Village Council or belong to Government;

(b) construction, maintenance and repair of public roads, drains, bunds and bridges provided that such roads, drains, bunds and bridges are not vested in any other public authority and if so vested, then such works shall not be undertaken without the consent of that authority;

(c) maintenance and Regulation of the use of buildings handed over to the Village Council or of Government buildings under the control of the Village Council, grazing lands, tanks and wells (other than tanks and wells for irrigation);

(d) lighting of the village;

(e) control of fairs, *bazaars* and car parks;

(f) construction, maintenance and control of slaughter houses;

(g) planting of trees in market places and other public places and their maintenance and preservation;

(h) construction and maintenance of community assets;

(i) management and control of bathing and washing *ghats* which are not managed by any authority;

(j) establishment and maintenance of markets;

(k) construction and maintenance of houses for conservancy staff and village functionaries of the Village Council;

(l) establishment, control and management of cattle pounds;

(m) establishment and maintenance of works for the provision of employment particularly in times of scarcity;

(n) extension of village sites and the Regulation of building and housing schemes;

(o) construction and maintenance of buildings for warehouses, shops and such others;

(p) construction and maintenance of buildings for common use and for development activities.

3. In the sphere of Primary and Nursery Education and Culture—

(a) visits to educational institutions;

(b) check on attendance and other registers to enquire and report to concerned authorities on educational deficiencies and requirements in the village;

(c) submission of recommendations on the annual budget of Primary and Pre-primary Schools.

(d) construction and repair work of educational institutions entrusted to the Village Council;

(e) submission of reports on regularity of students, teachers attendance and school functioning.

4. In the sphere of Self Defence and Village Defence—

(a) watch and ward of the village and of crops therein and raising voluntary organisations or organisations of any other kind, encouraging and assisting such organisations;

(b) providing training facilities to the youth of the village for the purpose of self defence and village defence and assisting such training that may be organised by the Government;

(c) preventing of fires, rendering assistance in extinguishing fires and protecting life and property when fire occurs.

5. In the sphere of Planning and Administration—

(a) the preparation of plans for the development of the village;

(b) assisting the implementation of soil improvement projects of the State Government;

(c) economic survey of the village accompanied by the provisions of employment to the unemployed or unemployed residents thereof;

(d) preparation of budget, collection and maintenance of accounts, custody and utilisation of funds, assessment and collection of taxes and maintenance of an Account Code;

(e) use of assistance given by the Central Government or the State Government for any purpose of the village;

(f) making independent surveys of the village or assisting such survey undertaken by the Central or State Government;

(g) recruitment, training and management of staff to be employed by Village Council;

(h) control of cattle-stands, threshing floors, grazing grounds and community lands;

(i) establishment, maintenance and Regulation of fairs, pilgrimages and festivals;

(j) reporting to proper authorities of such complaints which are not resolved by the Village Council;

(k) preparation, maintenance and upkeep of the Village Council records;

(l) registration of births, deaths and marriages in such manner and in such form as may be laid down by the Administrator by general or special order in this behalf;

(m) numbering of premises.

6. In the sphere of Community Development —

(a) relief of the crippled, destitute and sick;

(b) organising, encouraging and assisting co-operative activities in the economic and social fields;

(c) propagation of family planning;

(d) organising voluntary labour for community works and works for the upliftment of the village;

7. In the sphere of Agriculture, Preservation of Forests and Pasture lands—

(a) planned improvement of agriculture;

(b) securing minimum standards of cultivation in the village with a view to increasing agricultural production;

(c) ensuring conservation of manure resources, preparing compost and sale of manure;

(d) production of improved seeds, the establishing of nurseries of improved seeds and promoting the use of improved seeds;

(e) promoting the use of improved agricultural implements and making such implements easily available;

(f) the promotion of co-operative farming;

(g) crop-protection and crop experiments;

(h) minor irrigation, construction and maintenance of field channels and distribution of water, treatment of drainage lines by dugouts with vegetative drains, loose boulder dams, filter steps and other measures for improving water conservation and preventing soil erosion;

(i) raising, preservation and improvement of village forests, pastures and orchards;

(j) taking steps against harmful animals with a view to protection of crops.

8. In the sphere of Animal Husbandry—

(a) improvement of cattle and cattle breeding;

(b) general care of livestock;

(c) providing and maintaining stud bulls for purposes of cattle breeding;

(d) promotion of dairy farming;

9. In the sphere of Village Industries—

(a) surveying and harnessing tiny and village industrial and other employment potential of the village;

(b) providing necessary raw materials for cottage industries and arts and crafts;

(c) making efforts for the production by the village craftsmen of modern and improved tools for cottage industries and making such tools easily available to them;

(d) encouraging and assisting artisans for training in cottage industries and handicraft;

(e) providing for the organisation, management and development of cottage industries on a co-operative basis.

10. In the sphere of Social Welfare—

(a) regulating the sale and consumption of any intoxicants, as per the policy of Andaman and Nicobar Islands Administration;

(b) preventing alienation of land in the Village and taking appropriate action to restore any unlawfully alienated land of Scheduled Tribes;

- (c) managing village markets by whatever named called;
- (d) exercising control over money lending to the Scheduled Tribes;
- (e) exercising control over institutions and functionaries in all social sectors;
- (f) the control over local plans and resources for such plans.

11. Planning and Management of minor water bodies in the villages.

12. Subject to the conditions of Grants under section 34, maintenance of records relating to land revenue in such manner and in such form as may be prescribed, from time to time, by or under any law relating to land revenue.

THE THIRD SCHEDULE

[See sub-section (1) of section 71]

MATTERS IN RESPECT OF WHICH AN ISLAND COUNCIL WILL HAVE AUTHORITY SO AS TO ENABLE IT
TO FUNCTION AS AN INSTITUTION OF SELF GOVERNMENT

1. In the sphere of Sanitation and Health—

- (a) controlling epidemics and expansion and maintenance of health services;
- (b) family planning;
- (c) providing facilities for pure drinking water;
- (d) maintenance of dispensaries, pharmacies, maternity homes and primary health centres;
- (e) cultivating opinion on following methods for the preservation of health and sanitation—
 - (i) nourishment;
 - (ii) maternity and child welfare;
 - (iii) control and eradication of contagious diseases;
- (f) providing help and protection to people against epidemics.

2. In the sphere of Communication—

- (a) Construction and maintenance of village link roads;
- (b) providing necessary assistance for construction and maintenance of village approach road.

3. In the sphere of Middle and Secondary Education and Culture—

- (a) visits to educational institutions;
- (b) check on attendance and other registers to enquire and report to concerned authorities on educational deficiencies and requirements in the village;
- (c) submission of recommendations on the annual budget of Middle and Secondary schools;
- (d) construction and repair work of educational institutions entrusted to the Village Council;
- (e) submission of reports on regularity of students, teachers attendance and school functioning;

4. In the sphere of Social Education—

To cultivate a new outlook amongst the people to make them self-reliant, industrious and co-operation minded and specially—

- (a) establishing and maintaining information centres, community educational centres and recreation centres;
- (b) establishing institutions for rendering social service such as youth clubs, women's club and farmers' associations and encouraging any such institutions if already established;
- (c) establishing a village defence corps;
- (d) encouraging physical and cultural activities;

- (e) establishing voluntary health associations;
- (f) training *gram sevaks* and utilising their services;
- (g) promoting children's activities.

5. In the sphere of Community Development—

- (a) planning for increased employment and production as well as for coordination of village institutions;
- (b) training in self-help and self-sufficiency in the village community on the principles of mutual co-operation;
- (c) utilising the surplus energy, resources and time of the village for benefit of the community;
- (d) providing for the implementation of development programmes entrusted to it by the Administrator.

6. In the sphere of Agriculture and Irrigation—

- (a) planning for agricultural improvement in the Island;
- (b) use of land and water resources and propagation of improved agricultural methods according to the latest research;
- (c) construction and maintenance of irrigation works in the Island;
- (d) reclamation and conservation of agricultural land in the Island;
- (e) maintenance of seed multiplication farms, assisting registered seed producers and distribution of seeds in the Island;
- (f) raising the production of fruits and vegetables;
- (g) conservation of manurial resources, preparing compost, manure, organic manure and mixture and arranging for their easy availability;
- (h) promoting the use of improved agricultural implements and arranging to make them easily available;
- (i) the protection of crops, fruits, trees and plants against disease;
- (j) providing credit and other facilities for irrigation and agricultural development;
- (k) increasing the area of land under irrigation by construction and repair of wells, digging and repairs of private ponds by undertaking minor irrigation works and by supervision of field channels;
- (l) providing for the timely and equitable distribution and full use of water available under irrigation schemes.

7. In the sphere of Animal Husbandry—

- (a) improving cattle breed by introduction of stud bulls;
- (b) by castration of stray bullocks and establishing and maintaining artificial insemination centres;
- (c) introducing improved breeds of cattle, sheep, poultry, etc., giving grants therefor and maintenance of small breeding centres;
- (d) controlling and checking infectious diseases;

- (e) introducing improved grass and cattle feeds and providing for their storage;
- (f) starting and maintaining first-aid centre and veterinary dispensaries;
- (g) providing for milk supply;
- (h) solving the problem of stray cattle.

8. In the sphere of Village and Small Scale Industries—

to promote cottage, village and small-scale industries with a view to providing increased employment and raising peoples standard of living and especially—

- (a) to establish and maintain production and training centres;
- (b) to improve the skills of artisans;
- (c) to popularise improved implements;

(d) to ensure the implementation of schemes of Cottage, Village and Small Scale Industries run by the Khadi and Village Industries Board and other All India Associations.

9. In the sphere of Co-operation—

to promote the idea of co-operation in different fields of life and to organise and encourage co-operative institutions in the economic and social fields and especially—

- (a) to establish and promote the development of multipurpose co-operative societies for credit, sale, industry, irrigation and agriculture; and
- (b) promoting saving through thrift, small saving and Insurance Schemes.

10. In the sphere of Women's Welfare—

implementing of schemes for women's and children's welfare and maintaining women's and children's welfare centres, education centres, crafts centres and tailoring centres.

11. In the sphere of Social Welfare—

- (a) implementing schemes of rural housing;
- (b) maintaining decrepit beggars;
- (c) sponsoring voluntary institutions of social welfare and co-ordinating and assisting their activities;
- (d) propaganda for prohibition and against drug addiction.

12. In the sphere of Relief—

providing immediate relief in case of floods, fires, epidemics and other natural calamities on a small or large scale.

13. In the sphere of Collection of Statistics—

collecting and co-ordinating statistics that may be required by the Village Councils and Island Council or by the Administrator.

14. In the sphere of Trusts—

managing trusts in furtherance of the subject of any programme that may be carried out with the Island Council Fund.

15. In the sphere of Rural Housing—

development of village sites with the co-operation of the Village population and planning of rural housing.

16. In the sphere of Information—

- (a) community radio listening programmes;
- (b) arranging exhibitions;
- (c) publications.

PRATIBHA DEVISINGH PATIL,
President.

V. K. BHASIN,
Secy. to the Govt. of India.

CHAPTER III

LICENCE AND PERMIT FOR MANUFACTURE,
POSSESSION, SALE, ETC., OF INTOXICANTS

Prohibition
of
manufacture,
import,
export, sale,
etc., of
intoxicants.

12. (1) No person shall construct or establish any manufactory or warehouse or manufacture, bottle, import, export, transport, transit, collect, possess, sell, or purchase any liquor or use, keep or have in his possession any still, utensil, implement, apparatus, label, cork, capsule or seal for manufacture of any liquor and other intoxicants except under the authority and in accordance with the terms and conditions of a licence or letter of intent or permit granted under this Regulation and rules framed thereunder:

Provided that possession of labels, corks or capsules by its printer or manufacturer, as the case may be, will not amount to illegal possession constituting an offence if the label, cork or capsule is printed or manufactured under the authority from the holder of licence to manufacture liquor and other intoxicants under this Regulation.

(2) No person shall engage in manufacture of alcohol exclusively for industrial use unless he is registered with the Excise Commissioner in such manner as may be prescribed.

Grant of letter
of intent,
licence or
permit.

13. Every letter of intent, licence or permit under this Regulation shall be granted on payment of such fees for such period and subject to such terms and conditions and in such form and shall contain such particulars as may be prescribed.

Qualification
for grant of
licence.

14. (1) While considering an application for grant of a licence or permit, the authorised officer shall ensure that the applicant—

- (a) is a citizen of India;
- (b) is above twenty-one years of age;
- (c) is not a defaulter or blacklisted or debarred from holding an excise licence;
- (d) submits an affidavit as proof for the following, namely:—

(i) that he possesses or has an arrangement for taking on rent a suitable premises for conducting the business and the said premises is located more than fifty metres away from any medical institution, educational institution, religious institution, women hostel, orphanage, hospital, primary health centre or community health centre;

(ii) that the premises have not been constructed in violation of any law or rules;

(iii) that he possesses good moral character and has no criminal background nor has been convicted of any offence punishable under this Regulation or any other law for the time being in force;

(iv) that he shall not employ any salesman or worker or representative who has criminal background or suffers from any infectious or contagious diseases or is below twenty-one years of age;

(v) that he does not owe any public dues or dues to the Administrator;

(vi) that he is solvent and has the necessary funds or has made arrangements for the necessary funds for conducting the business;

Provided that the details of such funds shall be made available to the authorised officer, if so required.

(2) The licence or permit shall be liable for cancellation if any statement made in the affidavit or any document produced with the application is found to be false or forged.

Power to
take security
and
counterpart
agreement.

15. Subject to such conditions as may be prescribed, the authority granting a licence under this Regulation may require the licensee to—

- (a) give security for the observance of the terms of his licence; and