

ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL) REGULATION 1994

ANDAMAN AND NICOBAR GAZETTE EXTRAORDINARY By Authority 154 8 1994 No. 152, Blair, Thursday, December e, 1994 ANDAMAN AND NICOBAR ADMINISTRATION SECRETARIAT NOTIFICATION Port Blair. dated the 8th December, 1994. Regulation No, following published in the Gazztte Df India, Extraordinary Part—II Section I, No. 45 dated 23rd 1994 is hereby re—produced below for the Information of General Public. (1) The Andamn and Nicobar IBlandB(Municipal) Regulatiuon 1994. (Abdul Waseem) Ägsi3tant Secretary(law) . MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department) New Delhi, the dated 23rd 1994/Jyai3tha 2, 1916/(Saka) THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL) REGULATION, 1994 No. 5 of 1994 Promulgated by the President in the Forty—fifth Year of the Republic of India A Regulation to provide for the constitution of Mumncipal in the Andaoan And Nicobar Islands and to define and regulate their powr and functions and to repeal the Andaman and Nicobar islands (Administration) Regulatim 1979. In exercise of the powers conferred by article 240 of the Constitution, the President iB pleased to promulgate the fol lowing Requiation Dade by him:-

2. THE ANDAMAN AND NICOBAR EXTRA NARY GAZITE, CHARIER 1 PRLIMINARY 1, (1) This Regulation be cal led DEC.the 8, 19.04 Andamans & Nicobæ- 131 dB Regulation, 1994. (Municipal) Short title, extent and Coeence— (2) It extends to thp whole of the territory of the Andanan and N*obar Islands. (3) It shall come into f ce at once, Def initions

2. In this Regulation, lees there iB scoething repugnant in the sub ect or context—(1) "AdminiBtrator" the • Lieutena,nt Governor of the Andaman an Nicobar Islands appointed by the President un er article 239 of the constitut ion; (2) "huilding" neans a house, hut shed or other roofed Btructure, for whatsoever purpæe, and of whatsoever naterial and every part thereof, and includes a wd'll and a well, but does not include a tent or Buch portable and nerely temporary ghelterfr and "part ot building" includes any wall, uoger—around or verandah, fixed Xplatform, plinth passage , staircase, or door-steps attaqhed to, or within the compund of, an exist g bui lding or constructed on ground which is o be the Bite or compound of a projected buildi : "bye—law" means a e—law made at a (3) special nweting of a nunicipality in exercise of a power conferred by s this Regulation; i' casual vacancy" ;peans a vacancy (4) occuring other-wise than by ff ux of time in the office of a æmber of the M or any other elective office and cag al election Deans an election haid to fill a casdal vacancy; (5) "l)eouty Canissioner' means the Deputy Coomissioner of the Andamn uid Nicobar Islands and • includes any other officer specifical ly appointed by the Administrator {to Serform all or any of the functions of the Deputy. Ccæåæioner under this Regulation in relation to a Municipal ; "iistrict" Nans the district ot (6) Andaman and Nicobar Islands; THE ANDAMAN AND NICOBÄR DCI%QORDINARY GAZETTE, DE. 8, 1994 (7) "DiBtrict Judge" neans • the District Judge of the Andamn and Nicobar Islands; (8) "drain" includes a sewer, pipe, ditch, crmnel or any other device for carring off sullaae, sewage. polluted water, rain water or sub—soil water t.together with pail-depots, sinks, cisterns. f lush—tanks and other fittings agpertainingq thereto; means the "Election Coniesion" (9) Election Ccmnnggion of the Union territory referred to in Bection 32; (10) "Election CoeiB8ioneri' means Election of the Union territory referred to in Bection 32; ••exolosive" has the meaning given to (11) in clause (1) of section. 4 of the Act. 1884: "foctory" meane a factory as defined (12) in the Factories Act, 1948; "f) fth" includes sewage, dung, dirt, (13) swill , putrid and puterfying sulztancee and all offensive matter: (14) 'G'vernmment" means the of Union territory of the Andamn and Nicobar Islands ; Joint Co—i neang a 'Joint (15) Ccæittee conszited under section 19; 'l infectious or contagious disease" (16) includes cholera, leprosy enteric fever, mall tuberculosis, diphtheria, plague, inf luanza and any other epideic, endemic or infectious disease which the Administrator by notification declare to be an infectious or contagious disease for the purpæes of this Regulation ; in relation to a inhabitant" (17) municipal a! ea means any person ordinarily residing or carring on business, or owing or occupying irnovable property herein, and, in case of any dispute, meane any pereon declared by the Deputy Commisgioner to be an inhabitant; (18) Land" includes land which 4is being build upon or iB build upon or covered with water benefits to irrive out of land, things attached 3 4 of 1884. 63 of 1948. ANDAMAN AND NICODøn Gauzrrg, DEC. 8, 1994 to the or pezmnenti fagacent . to anything attached to the earth and drive, creqted by law or any street ; (19) "layout" meanz a layout fprEd by an individual or

body of whether 4 incorporated or not; (20) "licenced plumber" surveyor' icenced architect" , licenced " I icenced engineer" and "I ioenod Btructura,l designer" respectively zzang a pereon lic ced by the Municipality as plumber surveyor architect, engineer or structural designer G under this Regulation ; (21) 'ilodaing house" includes, a col lection of buildingg or a bui lding or part Of a building used for the acccgilOation of travel lerss (22) "major road" any zurfaced, that is to say metal led and motorable public street not by or on behalf of a municipality out of the municipal fund, which may be declared by the Administrator to be maintainable by the Andaman Public Works Department: (23) i'market' includes any place where pereong assemble for the Bale of, or for the purpose of exposing for sale, livestock, food for vegetables , I ive—Btock , meat, fi3h, flowerg, aniDuls for hunn food or any other articles of human food whatsoever, with or without the consent of the owneF of Buch places, notwithstanding that there may no . common regulation of the conoouree Of buyers and gel lerg and whether or not any exercised over the business of or the persons •frequenting the mrket by the cxner of the pla:e, or any other pereon ; (24) Municipality means u member of a area% any area (25) declared under section 3 to be a area; "notification" meetne a notification (26) publiBhed in the Official Gaz)tte; (27) Inuiøance" includes any act, cmission, place or •thing, which causes or is likely to cause iniury, danger, annoyance, or offence to the sense of Bight. or hearing or disturbance to regt or sleet) Ot which iB to may be dangerous to life or in jxrious to health or property ; 80 of 1934. ANDAMAN AND NICOBAR GAZEITE, DE. 8, 1994 (28) "occupier" inclt&s an cyner in actual of hie land or I ding and any for the tine being paying or liable to pay to the owner ot any land or building the rent any portion of the rent payable in r—pect tlwreof; and in Qnpter Vil includæ a Intel keeper, a ltxiging and any premises are let to Dore than one tenant; (29) offenseice mtter" includes animlg carcusee, dung, dirt, and putrid or mitrefying other tynn sewage: (30) "officer" in relatiat-n to h»nicipaljty æans a person holding an office created or continued by or under thig Regulation but does not include a ag such: (31))fficiai Gantte't means the Andamn and Nicobar islands ; (32) xner" includes the perscm for the time being holding the licence. permit or grant under the Andamn and *Nicobar IBlandg(Land Tenure) Regulaticm, 1926 in reepect of any land algo the person for the tine receiving the rent of any land or bui lding, on his account or as agent or truetee for any pemm or society or for any reliaious charitable purpæ or who would so receive the if the land or building were let to a tenant; (33) "petroleum" means petroleum ag defined in clause (a) of section 2 of the petroleun Act, 1934; (34) "population" Deane the pQulatim ag ascertained at the last preceding ceneus of which the relevant figures rnve been publ ighed; (35) "preiæeei' includes negsuagee, bun ldings and landg to any tenure whether or enclæed, whether built upon or not and whether public or private; (36) jarrescribed'i means prescribed by rules nade under tk.i3 Regulation; (37) ilvriate street" Nang any Street square court alley, paæage or riding path, which is not a public Btreet but dæs not include a path way INde b' the of the premises hie own land to secure access t.o or the convenient use of such praises; 5 6 THE ANDAMAN AND NICOBAR DE. 8, (3B) i iPublic Health Officer" meane the Public Health Officer of tho. apl»inted under gection 24; (39) "public place" meane place in a municipal area not being g•ivate peoperty, which is open to the use or enjoyment of&he public; (40) "pub) ic street" means any Btreet in a municipal area which — (i) has, with the consent* exprege or implied, of the owner ot site thereof, been levelled, paved e metalled, . channel led, sewerred or repaired out of municipal or other public funds, (ii) under t.he provisions ot this Regulation becanes, or is declared by the to be, a public Büeet; (41) "rat eable value" æans.t-he value of any building or land fixed in accordance with the Drovisions of t.hig Regulation and' the rules for the purpze of essse3Qent to property tax; (42) "rubi'ish'l includes dust' Ehes, kroken bricks, oortar broken glass , garden or Btablep refuse and refuse of any kind which iB not offensive matter or sewage; (43) "rule" Leans a rule made in exercise 1994 of a power conferred by this Regulit*tion; in , relntion to "servant" (44) Municipality moang any person in the pay service of the municipality; and • 'sewage" means night spil and other (45) contents of latrines, urinals, caæpools or drains and polluted water from sinks, bathrooms, stables, cattlosheds and other like places and -includeg trade effluents and dægcharaeg fran nanufactories of all kinds; "sewer" means a closed conduit (46) carring of sewage, offensive utter, pol luted water, waste water or gub—soil water ; Ilgtreetlt means any road, bridge: (47) foot—way lane, aquare al ley or paesaae in municipal area along which the public or any portion of the public has a right to pass and includes, the drains, gutters on either Bide, and the land upto the defined bcnnary of any abutting property, notwithstanding the projection over such land of any verandah or other superstructure ; ANDAMAN AND EXTRAORDINARY GAZITE, DEC. 8, 1994 (48) "Btreet align»nt" Dens a line

dividing the land comprised and forming of a street from and adjoining land; (49) "sub—ceittees Nane a established under section 18; (50) "Tax" includes rate, fee or cess levied or imposed by a municipality under any of the provisions of this Regulation; (51) "trade effluent" means any liquid either with or without particles of matter in suspension therein which is wholly or in part produced in the course of any trade or industry carried on at the premises and in relation to any trade premises; (52) "any such liquid as aforesaid which is produced in the course of any trade or industry" means any liquid which is produced in the course of any trade or industry carried on at those premises, but does not include domestic effluent; (53) "trade refuse" means the refuse of any trade or industry; (54) "union territory" means the territory of the Andaman and Nicobar Islands; (55) "Vehicle" includes a bicycle, tricycle and motor car and every other wheeled conveyance which is used or is capable of being used on a public street; and (56) "works" includes all tanks, streams, cisterns, springs, reservoirs, cuts, sluices, pipes, culverts, engines, hydrants, pipes, conduits, and all machinery, lakes, wells, mines, stands, land, and other things for supplying water.

CHAPTER MUNICIPAL AREAS 3. (1) Subject to the provisions in sub—section (2) the Administrator may, by notification, declare any area within the district to be a municipal area, and may, by like notification, extend or otherwise alter the limits of any municipal area, or may declare that any such area shall, from a date specified by him, cease to be a municipal area: ANDAMAN AND NICOBAR GAZETTE, DEC. 8, 1994 8 Provided that no such notification be issued without a draft of the proposed notification together with a notice specifying date after which that draft and the objections and suggestions of the persons likely to be affected thereby, will be taken into consideration by the Administrator has been previously published and posted at the Office of the Deputy Commissioner and one or more conspicuous places within or adjacent to the area concerned; and (ii) the objections and suggestions of the persons likely to be affected by the notification received in writing within the date so specified, to be taken into consideration by the Administrator and have been found by him to be insufficient or invalid. (2) No notification under sub—section (1) shall be issued in respect of (a) any place which has been declared by the Government under section 3 of the Cantonments Act, 1924 to be a cantonment for the purposes of that Act, or (b) any area having an average population of five hundred inhabitants to a square mile calculated in accordance with the latest official census: Provided that the Administrator may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non—agricultural activities, the economic importance, or such other factors as he may deem fit, specify, by notification, any such municipal area as an area for establishing a Nagar Panchayat or Municipal Council, as the case may be, 4. When, by reason of a notification under section 3 the limits of a municipal area are extended to include therein any other area, such other area shall thereby become subject to this Regulation and all notification— rules, bye— orders, directions, issued or made law, there under and enforce the municipal laws in so far as the Administrator may otherwise, by notification direct. Effect of including other area in Municipal area. ANDAMAN AND NICOBAR GAZETTE, DEC. 8, 1994 9 5. (1) When, by reason of a notification under section 3 the limits of a municipal area are contracted to exclude therefrom any area forming thereof, if the area so excluded is immediately placed under the control of any other local authority such portion of the Municipal Fund and property vesting in the Municipality and such portion of the liabilities of the Municipality as the Administrator directs shall be transferred to that other local authority if the area so excluded is not under the control of any other local authority such portion of the Municipal Fund and property vesting in the Municipality shall be transferred to, such other local authority, if the area is not immediately placed under the control of another local authority, such fund and liabilities shall vest in the Government and the liabilities of the Municipality shall be to the Government.

6. All property vested in the Government under section 5, shall be applied in accordance with the orders of the Administrator in the first place to discharging the liabilities incurred on the Government under that section and in the second place for the safety, health, welfare or convenience of the area which has to be, or as the case may be, to be the part, of the municipal area. CHAPTER III MUNICIPAL

AUTHORITIES, OFFICE AND POWERS 7. The Administrator shall by notification in the Official Gazette, constitute for every municipal area a Municipality. Every Municipality constituted under section 7 shall be a body corporate having perpetual succession and a common seal and shall be subject to such restrictions and empowered by or under this Regulation or under any Act of Parliament in force in the area from the municipal area. Application of property vested in Government. Constitution of Municipalities. Municipality to be a body corporate. THE ANDAMAN AND NICOBAR EXTRAORDINARY NO. 10, 1994 10. Other for the time being in force shall have power to acquire, hold, alienate land transfer movable and immovable goods to enter into contract and shall by the said name sue or be sued. 9. (1) Save as provided in subsection all persons in a Municipality shall be persons chosen by direct election from the territorial constituency in the municipal area and for this purpose each municipal area shall be divided by the Election Commission into territorial constituencies to be known as 'Wards' in such manner that the ratio of the population of each ward and the number of seats allotted to it shall, so far as practicable, be the same throughout the municipal area. Provided that the total number of such members shall not be less than ten and not more than twenty five (2) The persons to be represented in Municipalities (a) shall be persons who are not less than 25 years of age have special municipal experience knowledge to be nominated by the Administrator in accordance with the provisions of the Regulation that the person nominated under this clause shall not have the right to vote in the meetings of the Municipality (b) the member of the House of the people representing the constituency which comprises wholly or partly, the municipal area. (3) Seats shall be reserved for the Scheduled Tribes, the number of seats being determined by the administrator, by order to be published in the Official Gazette and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total of seats to be filled by direct election in that area as the population of Scheduled Tribes in the municipal area bears to the total population of that area and such seats shall be allotted by rotation to different wards in Municipality. Seats shall be reserved: for women (4) belonging to the Scheduled Tribes among the seats reserved for the Scheduled Tribes, the number of such seats to be determined by the Administrator, by order to be published in the Official Gazette which shall not be less than one-third of the total number of seats reserved for the Scheduled Tribes of Municipalities. THE ANDAMAN AND NICOBAR GOVERNMENT, DEC. 11, 1994 11. Duration of Municipality. (5) Seats reserved for women, the number of seats being determined by the Administrator by order to be published in the Official Gazette, which shall be not less than one-third of the total number of seats and such seats shall be allotted by rotation to different wards in such manner in which the Administrator may, by order, be published in the Official Gazette, direct in this behalf. 10. (1) Every rule made under any law for the time being in force, shall continue for five years, from the date appointed for its first meeting and no longer. (2) Notwithstanding anything contained in subsection (1), the elected and nominated members of the Board functioning immediately before the coming into force of this Regulation shall continue to be members till the expiration of the term prescribed under section 9 or the Andaman and Nicobar Islands (Municipal) Regulation, 1957 in force before its repeal. (3) An election to constitute a Municipality shall be completed, (a) before the expiry of its duration specified in ; (b) before the expiration of a period of six months from the date of its dissolution. Provided that where the remainder of the period for which the dissolved Municipality have continued, is less than six months it shall not be necessary to hold any election under this subsection for constituting the Municipality for such period. (4) Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued had it not been so dissolved. Resignation 11. (1) A member may resign his membership, in writing under his hand addressed to the Administrator and a seat shall become vacant on its acceptance by him. (2) A person nominated by the Administrator under clause (a) of subsection (2) of section 9 may resign in writing under his hand addressed to the Administrator, through the Chairperson, and shall cease to represent in the Municipality on the acceptance of his resignation by the Administrator. 12. THE ANDAMAN AND NICOBAR GOVERNMENT, DEC. 8, 1994 (3) If for a period of thirty days or more, as determined by the Administrator under clause (a) of subsection (2) of section 9, or without permission of the Municipality from all meetings thereof the Municipality declare its seat vacant, Provided that in computing the period of sixty days no account shall be taken of any period during which the Municipality is adjourned for more than four consecutive days. Provided further that he shall be eligible for re-election, if otherwise qualified. (4) If a member becomes subject to any of the disqualifications mentioned in (1) or subsection (2) of section 12, his seat shall thereupon become vacant, 1994 Disqualification 12, (1) A person shall be disqualified for election

member— ship. being chosen as a member of Municipality or to be nominated by the Administrator under clause (a) of sub-section (Z) of section 9, — (a) if he holds any office or profit under the Government of India or the Government of any State or Union Territory in the First Schedule to the Constitution other than an office declared Parliament or the Legislature of that State or that Union Territory by law, not to be disqualified; (b) if he is of unsound mind and stands so declared by competent court; (c) if he is discharged insolvent; (d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State; (e) if he has been convicted by a criminal court for — (i) an offence punishable under the Protection of Civil Rights Act, 1955 unless a period of six years has elapsed from the date of such conviction. Provided that a disqualification under this clause shall not, in the case of a person who commences the date of the conviction take effect until three months have elapsed from that date or, if within that period an appeal or revision is made in the conviction, until that appeal or revision is disposed of by the court: (ii) any other offence and sentenced to imprisonment for a term exceeding six months or has elapsed since the expiry of this sentence; (f) if he directly or indirectly has any share or interest in any work done for the Municipality or any contract or employment, with, by, or on behalf of, the Municipality; Provided that no person shall be deemed to have a share or interest in any such contract or employment by reason only of his — (i) having a share in any company or firm which may contract with or be employed by or on behalf of the Municipality, or (ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Municipality is inserted* or (iii) having a share or interest in any lease, sale, exchange, purchase or sale of movable property or any agreement for the purchase or sale of a share or interest in the (iv) occasional sale to the Municipality to a value not exceeding two thousand rupees in any one financial year, of any article in which he trades; (g) If he has been dismissed from the service under for corruption or disloyalty to the State or from service any Municipality for corruption unless a period of three years has elapsed since is dismissal, (h) if he is disqualified by or under any law made by Parliament for being, chosen as, or for being, a member of either House of Parliament. Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years. Explanation:- For the purposes of this sub-section a person shall not be deemed to hold an office of profit under the Government of India or the Government of a State or Union Territory or to be a member of the House of the people. 13

14. THE ANDAMAN AND NICOBAR (MUNICIPAL) REGULATION, DEC. 8, 1994 (2) A Person shall be disqualified for being a member if he is disqualified for being a member of either House of Parliament under the Tenth Schedule to the Constitution. (3) No person shall be in the service of the Government who shall be eligible for being elected as a member. (4) If a question arises as to whether a member of a Municipality shall be subject to any disqualification mentioned in sub-section (1) or sub-section (1) of section 21 the question shall be referred for the decision of the Administrator and his decision shall be final (5) Before giving any decision on any such question, the Administrator shall obtain the opinion of the Election Commission, and shall act according to the Commission's opinion. 13. (1) Vacancy occurring by reason of the death, resignation, removal or avoidance of the election of an elected member shall be filled at a casual election: Provided that in the case of seat reserved for Scheduled Tribes, person shall not be disqualified unless he is a member of a Scheduled Tribe: Provided further that in the case of seat reserved for women no person other than a woman shall be qualified to be chosen as a member- (2) In the case of a casual vacancy in the office of a nominated member the Administrator may nominate another person in his place. (3) No election to fill casual vacancy shall be held if the vacancy occurs within six months before the expiry of the duration of the Municipality or the term of office of the members. 14. (1) As soon as possible after its constitution, every Municipality shall, at a special meeting, elect one of its members, from among those members, to be the Chairperson of the Municipality. (2) The term of office of a Chairperson shall be one year from the date of his election or the residue of the term of the Municipality, whichever is less. 1994 Filling casual vacancies, Election of Chairperson THE ANDAMAN AND NICOBAR (MUNICIPAL) REGULATION, DEC. 8, 1994 15 Election of Vice-Chairperson of Office of Vice-Chairperson. (3) The office of Chairperson reserved for the first year of the Municipality in favour of a woman. (4) On the occurrence of any vacancy in the office of the Chairperson or the Vice-Chairperson the Municipality shall within one month of the occurrence of such vacancy elect one of its members as or as the case may be. (5) If the vacancy be a casual vacancy in the office of the Chairperson and is reserved for a woman, the vacancy shall be filled by electing one of the members from among the women. 15 Every Municipality shall, at a special meeting, elect one or two of its members to be the Vice-

Chairperson or Vice—chairpersons and Day by resolution regulate the precedence of the Vice—chairpersons. 16. (1) The term of office of a Vice—Chairperson shall be one year from the date of his election or till he ceases to be a member of the Municipality whichever is earlier. (2) A Vice—Chairperson whose term of office has expired, shall, if otherwise qualified, be eligible for re—elected, as such. 17. (1) The Chairperson may resign his office or Vice—Chairperson by writing under his hand addressed to the person . Administrator and the resign his office by writing under his hand addressed to the Chairperson , (2) A resignation under sub—section (1) shall take effect from the date of its acceptance by the Administrator in the case of the Chairperson and by Municipality in the case of a Vice—Chairperson . (3) The Chairperson or the Vice—Chairperson shall vacate his office if he ceases to be a (4) A motion of no confidence against the Chairperson or Vice—Chairpersons. Day be moved by any member at a special meeting convened for that purpose : Provided that no such special meeting shall be convened except in accordance with sub—section (5) .

10. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC.8, 1994 Appointment of sub—committees. (5) A requisition for a special meeting shall be made by not less than one fifth Of the total members of the Municipality and shall be delivered to the Chairperson, (6) On receipt of a requisition under sub—section (5) the Chairperson shall within seven days of its receipt convene a special meeting of the Municipality. held on a (7) The special meeting shall be held not later than fifteen days from the date of issue of notice of the meeting. (d) The special meeting shall be presided over by the Vice—Chairperson if the motion is carried by the Chairperson and by the Chairperson if the motion is carried by the Vice—Chairperson, If the motion is carried by a majority (9) of the total number of members at the special meeting the Chairperson or Vice—Chairperson, as the case may be, shall cease to hold office from the date on which the motion is carried unless he has resigned earlier. (10) If the motion of no confidence against the Chairperson or the Vice—Chairperson is rejected, no motion of no confidence against him shall be brought before the Municipality during his term as Chairperson. 11. (1) There shall be the following Sub—Committees in the Municipality, namely (a) for finance , taxation and accounts. (b) sub—committee for public health and sanitation. (c) sub—committee for works, town (c) planning and improvement. (d) sub—committee for water supply. (e) sub—committee for education and social justice. (2) Each sub—committee shall consist of five members of the Municipality elected at its first meeting after the general election and at the in each first meeting in the month succeeding a year according to the principle of proportionate representation by means of the single transferable vote, THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL) REGULATION 1994 (3) The Chairperson and the Vice—Chairperson shall be ex-officio members of all the Sub—Committees but they shall not have the right to vote. (4) The term of office of the members of the sub—committees shall be one year from the date of their election: Provided that a person shall cease to be a member of the sub—committee if he ceases to be a member of the Municipality or if he absents without the permission of the sub—committee for three consecutive meetings of the sub—committees. (5) Where a casual vacancy occurs in the membership of a sub—committee it shall be filled by the Municipality by the election of another member. The persons so elected shall hold office only so long as the person in whose place he is elected would, but for occurrence or vacancy have held. (6) A member may resign his office at any time by notice in writing addressed to the Chairperson of the sub—committee and delivered to him and his resignation shall take effect from the date on which it is accepted. (7) Each sub—committee shall elect one of its members as Chairperson . (8) The Chairperson of the sub—committee shall hold office until he is elected but shall be eligible for re—election. (9) Notwithstanding the provisions of sub—section (6) the Chairperson shall vacate his office when he ceases to be a member of the sub—committee. (10) If Any casual vacancy occurs in the office of the sub—committee concerned shall be filled by the members of the sub—committee to fill the vacancy and every person so elected shall continue in office so long as the person in whose place he is elected would, but for the occurrence of the vacancy have held. 12. Joint Committee 19. A Municipality may concur with any other Municipality, with more than one Municipality in constituting a joint committee for any purpose Joint Committee . THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL) REGULATION 1994 (TRACED IN THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL) REGULATION 1994, DEC. 8, 1994) In which they are jointly interested and in delegating to any such joint committee any power which might be exercised by either or any of the Municipality concerned. Provided that no joint committee shall be appointed in pursuance of this section without the previous approval of the Administrator. 20. Oath of Allegiance 20. (1) Notwithstanding anything contained in the Oath Act, 1969 every person who is elected to a member of the Municipality under clause (a) of sub—section (2) of section 9 shall before taking his seat, make at the meeting of the Municipality, an oath or affirmation

of his allegiance to the constitution in the following form namely having elected a member or nominated under clause (a) of sub-section (2) of section 9 swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India, and, that I will faithfully discharge the duties upon which I am about to enter". (2) Any person who having been elected as a member or nominated under clause (a) of sub-section (2) of section 9 fails to make in three months of the date on which is term of office or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in ' , shall cease to hold his office and his seat shall be deemed to have become vacant, (3) Any person who has been, elected as a member or nominated under clause (a) of sub-section (2) of section 9 shall not take his seat and meeting of the Municipality or do any act as such member unless he has made the oath or affirmation as laid down in sub-section (1) . (4) Notwithstanding anything contained in sub-section (3) a Chairperson, Vice-Chairperson of the Chairperson or a member of a sub—who has not made) the or cannot, affirmation as shall not be entitled to act as such Chairperson, or member 1994 Oath or affirmation members. THE ANDAMAN NICOBAR EXTRAORDINARY GAZETTE, F. Declaration of etc. e. 1994 19 Dec. Declaration of assets. 21 (i) . Every member shall, not later than thirty days after making and subscribing the oath or affirmation under sub-section (1) of section 20 and before the last day of the same month in each succeeding year file with the Officer a declaration in such form as may be prescribed of all the assets owned by him and any member of his family and such declaration shall form part of the records of the Municipality. (2) person shall be disqualified for being a member if he fails to file a declaration (a) referred to in sub-section (1) or (b) if he files a declaration under that sub-section which is either false or which he knows or believes to be false. This For the purpose of Explanation section "family" means a spouse and dependent children of the member

0. Officers and Servants 22. Every Municipality have a Secretary who shall be a Whole time employee of the Municipality and shall be appointed by the Municipal Commissioner. Remuneration 23. The pay, allowances and other condition of service of the Secretary be such as may be payable to Secretary. A Municipality may, by special Appointment and if required by the Local Body resolution, Health Officer and Engineer leave a low wages and Administrator, self appointed a Public Health Engineer or a Water-work or Officer, Electrical Engineer. (2) Each such and the salary and other conditions attached thereto shall be subject to the approval of the Administrator. (3) If a Municipality when required by the Administrator to do so fails within the reasonable time to appoint any such officers as aforesaid, the Administrator may appoint him and any officer so appointed shall be deemed to have been appointed by the Municipality if an officer or servant of a Municipality is a person in the service of Government. the Municipality shall in ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. B, 1994 (a) if his services are wholly lent to provident fund, it, contribute to his pension, gratuity and leave allowance in accordance with the rules for the time being governing his condition of service under Government; and (b) if it devotes a part of his time to the performance of duties on behalf of Municipality, contribute to his pension, gratuity and leave allowances in such proportion as may be determined by the Administrator. (2) In case of an Officer or servant of the Municipality who is not a Government official the Municipality may subject to such conditions as the Administrator may by rules prescribe, grant him leave, absentee or acting allowance and,— (a) grant him gratuity on retirement; or (b) established and maintain a provident or annuity fund and compel him to contribute thereto; or (c) where such a fund has not been established or where such fund has been established but he has been contributing there to for less than the whole of his service grant him a pension or gratuity or purchase or arrange for annuity for him on his retirement, (3) If the sanction of the Municipality may grant a compassionate gratuity or grant or arrange for the purchase of an annuity to any Officer or servant injured otherwise than by reason of his own default in the execution of his duty or where such injury resulted in his death, to the or other relatives dependent on him. (4) Where an officer or servant dies in circumstances (other than those referred to in sub-section (3) , the Municipality may, with the sanction of the Administrator, grant compassionate gratuity to the widow, children or other relatives dependent on him. (5) A pension, gratuity, or annuity shall not exceed the sum to which under any rule or general or special order made by the Central Government, such officer or servant or his family would be entitled if his service had been continuous under Government. (6) Nothing in this Regulation shall be deemed to prohibit the establishment of provident fund for officers and servants of the Municipality at such rates and under such conditions as the Municipality may, by bye-laws fix and apportion for such performance. ANDAMAN AND NICOBAR GOVERNMENT, DEC. 8, 1994 26. (1) If the person serving or

removing served under a Municipality has been or transferred from or to the service of or is partly employed by the Municipality, the Municipality shall contribute to his Pension and leave allowance to such extent as may be required by any rules made by the concerned in this behalf. (2) The Municipality shall not, without the consent of the Administrator, disengage with the services of any person employed as aforesaid without giving the Administrator six months previous notice. 27. (L) A Municipality may, by resolution and not otherwise, remove or remove its Public Health Officer or Water Works or Electrical Engineer: Provided that no such resolution as aforesaid shall be passed until the officer concerned except when he is to be punished, dismissed or removed on the ground of his conviction on a criminal charge has been given a reasonable opportunity or inquiry caused against the action proposed to be taken in regard to him: Provided further that where the officer concerned is in the service of Government and his services have been wholly or partly lent to the Municipality, no such action as aforesaid in respect of him shall be proposed, except with the previous sanction of the Administrator or of the head of his parent Department as the case may be. (2) A resolution withdrawing or removing any of the aforesaid officers shall be communicated to the officer concerned and shall not take effect until the expiration of fifteen days from the date when the communication was served on him, or, in the event of an appeal being filed by him under sub-section (3) until the appeal is decided. (3) Any of the aforesaid officers may, within fifteen days of the receipt of notice of a resolution of removal, appeal to the Administrator, the Chief Secretary and the Administrator. shall there—upon either allow, disallow, or vary the dismissal or. (4) On receiving an appeal under sub-section (3) the Administrator if he thinks fit suspend the officer concerned pending the decision of the appeal. Pension etc., in case of service partly under Government and partly under Municipality. Punishment of the Public Health Officer and Enactments ANDAMAN AND NICOBAR, DEC. 8, (5) Administrator shall have authority to require in accordance the laid down in the regulation the removal of any of the aforesaid officers in the case of proved. 28, Subject to the provisions of the regulations and the rules and bye—laws thereunder a Municipality may employ such other officers and servants belonging to Category of the efficient execution of its duties and may assign to such officers and servants such pay and allowance as it thinks fit Provided that the appointment should not exceed that sanctioned strength as per the Budget approved by the Administrator., 29. No suit shall be maintainable against any officer or servant of a Municipality or any member, or any person acting under the direction of such officer, servant or Zetab in respect of any thing a grievance done or any rule or bye—law made thereunder. Provided that every such person shall be liable for the application of any money or other property belonging to the Municipality if such loss, waste or application is a direct consequence of the neglect or misconduct in the discharge of his duties under this Regulation; and a suit for compensation for the same be instituted against him by the Municipality with sanction of the Deputy Commissioner or the Administrator

30. Every member and every Municipal Officer and servant shall be deemed to be public servant within the meaning of section 21 of the Indian Penal code. if any Municipal Officer. or servant 31. Knowingly acquires, directly or indirectly, by himself or by partner or employer or servant, any share or interest in any work done for the Municipality or in any contract or employment with, by or on behalf of the Municipality he shall be deemed to have committed an offence under section 168 of the Indian Code • Provided that no person shall, by reason of his, or a member of, any company, be held to be interested in any contract entered into between such company and the Employment of other officers—servants, Protection of action taken in good faith. Municipal officers to be public servants, Penalty for acquisition by Municipal officer or servant of interest in contract or work, THE ANDAMAN AND NICOBAR GAZETTE, CHAPTER IV ELECTIONS DEC. 8, 1994 23 Superintendent. direction and control of election. Municipal wards. A. Municipal Wards, Electoral Rolls, Voters and Candidates for Election. 32. (i) The Superintendent, direction and control of the Electoral Roll for. and the conduct of all elections to the Panchayat is vested in the Election Commissioner appointed under section 185 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994, and the Election Commissioner shall be deemed to be the Election Commissioner for the purposes of this Regulation. (2) The Administrator shall when so requested by the Election Commissioner make available to that Commissioner such staffs which the Administrator considers necessary for discharge of the functions of the Election Commissioner by sub-section (1). 33. (1) For the purpose of Election to a Municipal Area every Municipal area be divided into single member wards in such manner that the population of each ward shall, so far as practicable be the same throughout the

area. (2) The Election Commission shall, by order published in the Official Gazette determine (a) the number of wards; (b) the extent of each ward; (c) the ward in which seats reserved for Scheduled Tribes; (d) the wards in which seats reserved for and shall be for (e) the manner in which seats reserved for Scheduled Tribes and shall be rotated (3) For every ward there shall be an Electoral Roll which shall be prepared and published every year under the superintendence, direction and control of the Election Commission and shall contain such particulars in respect of the voters as the Election Commission may from time to time direct

24. ANDAMAN AND NICOBAR ORDINARY GAZETTE, DEC: 8, Provided that the Election Commission may, by notification direct that no new Electoral Roll for any Ward shall be and published in any particular year, and that the Electoral Roll previously published shall continue to be valid until the new Electoral Roll is published. 1994' if it is— 34. (1) A person shall not be deemed to be a person for voter of a Municipal Ward unless he is registered as such in the Electoral Roll for that ward. voter for candidates (2) Subject to the provisions of this in election— (a) Regulation and of any other law for the time being in force, every who — (i) is a citizen of India, (b) has attained the age of 18 years on the first day of January of the year for which the Electoral Roll is being prepared, and (c) has the requisite qualification in respect of residence shall be entitled to be registered as a voter in the Electoral Roll for a Municipal ward. ; Provided that no person shall be entitled to be registered if he — (i) is of unsound mind and stands so declared by a competent court: or (i) is for the time being disqualified for voting under the provisions of section 42 or any other law relating to corrupt practice and other offences in connection with election; Provided further that no person shall be entitled to be registered, the Electoral Roll for more than such ward in a Municipal area or more than once in any electoral roll, (3) For the purpose of, a shall be deemed to requisite person qualifications — (a) in respect of residence, if he has ordinarily resided in a dwelling (other than as an inmate or a patient in a prison or a hospital) in the Municipal ward concerned, for a period of not less than twelve months immediately preceding the 1st day of January of the year which the electoral roll is being prepared: (b) in respect of business premises, if he occupies any business premises in the Municipal ward for a period of not less than twelve months immediately preceding the 1st day of January of the year for which the electoral roll is being prepared; and (c) in respect of taxation, he owns within the limits of the Municipal ward concerned immovable property which is assessed to any tax on the 1st day of April of the municipal year immediately preceding the year of which the electoral is being prepared. (4) Every person who is voter of Municipal ward within a municipal area and who less than six months prior to a period not commencing from the 1st day of January of the year during which an election is to be held has been residing in the Municipal areas subject to the provisions of this Regulation and any other law for the time being in force, be qualified to a candidate for election as a member of the Municipality in that municipal area: Provided that no person shall be qualified to be candidate for election as a member of a Municipality he has not attained the age years, Elect 1 on Petitioning 35. (i) The election of any person as member be questioned by an election petition on ground— (a) that such person has committed corrupt practice in respect of the elections any corrupt practice herein after defined; may the in Power to question election that such person was declared to be elected (b) by reason of the improper rejection or admission for any other of one or more votes or that, reason, he was not duly elected: by a majority voting of lawful votes; or (c) that such person was disqualified for being elected as member under any of the provisions of this Regulation. (2) The election of any person as a member shall not be questioned — (a) on the ground that the name of any person qualified to vote has been from a list in the name of a person not qualified to vote has been included in, electoral roll or in rolls; or (b) on the ground of any non-compliance with this Regulation, or any rule, or any mistake in the form or return there by or any error or irregularity in the part of the officer or charged carrying this Regulation or any rule, unless such non-compliance, error compliance, irregularity materially affected the result of the election.

1951. THE ANDAMAN AND EXTRAORDINARY GAZETTE, DEC. A person shall be deemed to have committed corrupt practice who directly or indirectly, by himself or by any other person — (i) induces or attempts to induce by fraud, intentioned misrepresentation, coercion threat of injury any voter to give or to refrain from giving a vote in favour of any candidate; (ii) With view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money, or any valuable consideration place any consideration or any promise or employment, or

holds out any promise of individual advantage or profit to any person; (iii) gives or procures the giving of a vote in the name of a voter who is not the person giving such vote; (iv) abets the giving of such vote; (v) commits any of the practices specified in section 123 of the Representation of the People Act, 1951, or (vi) commits any of the practices specified in section 171 of the Indian Penal Code) the doing of any of the acts specified in clauses (i), (ii) or (iii); or (v) commits any of the practices specified in section 123 of the Representation of the People Act, 1951, or (vi) commits any of the practices specified in section 171 of the Indian Penal Code.

EXPLANATION—A promise of individual advantage or profit to any person includes promise for the benefit of the person himself, or any one in whom he is interested, but does not extend to vote for or against any particular municipal authority, election petition. An application made to the court for the hearing of any election petition shall be presented to the District Judge within seven days from the date on which the result of the election was notified and shall specify the ground or grounds on which the election is questioned, and shall contain summary of the circumstances alleged to justify the election being questioned on such grounds.

(2) The election petition may be presented by the candidates whose names have been recorded and who claim in the petition to be declared elected in place of the person whose election is questioned or by ten or more voters of the Municipal area.

(3) The person whose election is questioned and there the petitioner claims that any other candidate shall be declared elected in place of such person, every unsuccessful candidate who has polled more votes than such other candidate, shall be a respondent to the petition.

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Recriminatory proceedings in election disputes. Procedure for hearing election petitions. Finding of District Judge, 38. Any respondent give evidence to prove that any in respect of whom he claims is made that such person be declared elected in his place or in priority to him, should not be declared so elected, in the same manner as if he had presented a petition for the election of such person.

39. (1) Save as otherwise provided by this Regulation or by any rule under the order, 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 petitions by the District Judge: Provided that (a) two or more persons whose election is called in question by the same respondents to the same petition and their case 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 of 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 the 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 full payment of all costs incurred or likely to be incurred by any party and the District Judge for the purpose of (d) 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) In order for the payment of costs or an order for the realization of security bond for costs passed by the District Judge shall be executed in the same manner as if the amount to be recovered was an arrear of land revenue.

40. (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 costs. 2B. THE ANDAMAN AND NICOBAR GAZETTE, DECEMBER 8, 1994

Avoidance of election. (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, which ever course appears, in the particular circumstances of the case, to be more appropriate; and in either case the District Judge may award costs in his discretion.

(3) In the event the District Judge declares a casual vacancy to have arisen, he shall direct the Municipality to take proceedings for filling the vacancy.

41. (1) Notwithstanding anything in section 39, 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 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 in the case, calling upon such candidate to show cause why such conditional order should not be made final, (2) Thereupon every such candidate may appear and show cause, any have re-called for the purpose of putting in question to him, any witness who has appeared in the case. (3) The District Judge either cancel the conditional order in which he directs the Municipality to take measures election proceedings, shall thereafter order or make it that he direct the for holding fresh Disqualification—

42. The District Judge may declare any candidate for corrupt practice Conduct of elections and related matters. candidate found to have committed any

corrupt practice to be ineligible for being a Member, or for being appointed or retained in any office or place in the gift or at the disposal of the Municipality or for being registered as a voter, for such period not exceeding five years as the District Judge may determine. C, Election Rules 43. The Administrator after consultation with the Election Commission may, by notification, rules consistent with the Regulation, for the purpose of: regulating all or any of the following matters, namely:— NE ANDAMAN AND NICOBAR GAZETTE, DC. 8, 1994 29 (a) the preparation and revision of electoral roll and the adjudication of claims to be registered as voters and objections to registration; (b) the nomination of candidates; (c) the dates, time and manner of holding elections, general or casual; (d) the number of representatives for each ward and reservation of seats for women; (e) any other matter relating to elections or election petitions in respect of no provision or insufficient provision. And (f) any other matter necessary for securing the due constitution of Municipalities. CHARTER V A. Duties and powers of Municipal Authorities 44. Subject to such exceptions and conditions as the Administrator may from time to time make and impose, It shall be the duty of every Municipality to make reasonable provision within the municipal area for— (a) urban planning including town planning; (b) regulation of land use and construction of buildings, (c) planning for economic and social development: (d) roads and bridges; (e) water supply for domestic industrial and purposes: (f) public health sanitation conservancy and solid waste management; (g) fire services; (h) urban forestry, protection of environment and protection of ecological aspects; (i) safeguarding the interest of weaker sections of the society, including the handicapped and mentally retarded; (j) slum improvement and upgradation; (k) urban poverty (l) provision of urban amenities and facilities such as parks, gardens playgrounds; (m) promotion of cultural, educational and aesthetic aspects; (n) burials and interment grounds; cremations, cremation grounds and electric crematoriums; (o) cattle pounds, prevention of cruelty to animals; (p) vital statistics including registration of births and deaths; (q) public amenities including street lighting, park and playgrounds, bus stops and public conveniences; Duties and powers of municipalities.

30. THE ANDAMAN AND NICOBAR GAZETTE, DEC. 8, 1994 (r) securing or removing dangerous buildings or places; (B) constructing, bearing and maintaining public streets other than for roads other than culverts, drains, latrines, privies, urinals, drains drainage—work and sewerage—work. Subject, to the direction and general control of the Public Work; (t) maintaining the developing the value of property vested in, or entrusted to, the management, of the Municipality; (u) providing such returns, statements and reports as the Administrator requires to submit; and (y) fulfilling any obligation imposed upon it by law. 45. (1) The Administrator may direct that the Municipality shall make provision for any of the following within the municipal area, subject to any exception and condition that be laid down by the Administrator, namely (a) reclaiming unhealthy localities; (b) taking of census and registration of vital statistics; (c) making arrangements for the confinement and destruction of stray dogs; (d) securing, or assisting the securing of, suitable places for the carrying on of any dangerous or offensive trade or manufacture; (e) establishing and ponds and performing such functions and of the State Government and the of the, District may be transferred to the Municipality under section 31 of the Cattle Traction Act, 1871. (f) holding fairs and exhibitions, and arranging entertainments functions and public receptions, with the previous approval of the Administrator; and (g) adopting any measure, other than a measure specified in section 42 or in this sub-section likely to promote the public safety health of convenience. (2) Municipality may, with the previous approval of the Administrator, make provisions for the extension beyond the limits of the Municipal area of the benefits of the municipal undertaking. (3) Municipality may also make provision within or beyond the limits of the Municipal area for the doing of anything wherein expenditure is incurred for the ordinary functions of Municipality. THE ANDAMAN AND NICOBAR MUNICIPALITY ACT, 1994 (RDJNARY GAZETTE, DEC. declared by the Administrator or by Municipality with the sanction of Administrator or by the Municipality with sanction of the Administrator, to be appropriate charge on the municipal Fund. 40. (1) Subject to the provisions of section 63 of the Municipalities Act, 1953, the Administrator may, by bye-law, empower a committee of the Chairperson, any or the Secretary of the Municipality to exercise and perform subject to such conditions, restrictions and limitations as may be imposed by the Municipality all or any of the powers and duties conferred or imposed on the Municipality by any of the provisions of this Regulation. (2) Any bye-law made under sub-section (1) may provide that any order passed under the exercise of the powers or of the duties so delegated shall be subject to appeal to, or revision by, the Municipality. B. Duties of and Vice Chairperson 47. It shall be the duty of the Chairperson of a Municipality, (a) unless prevented by reasonable cause, to convene and

preside at all of the Municipalities and to control' in accordance with the bye—laws made in this behalf. the transaction of business shall be subject to the provisions of this Regulation. Chairperson shall have general powers of administration and may give direction to the Secretary with regard to the implementation of any resolution of the Municipality or a Sub—Committee. In the discharge of any obligatory and discretionary functions of the Municipality and the Secretary shall comply with such directions. The Chairperson may call for any record of the Municipality the Secretary and the same shall be made available to him and shall be returned to him within fifteen days from the date they are made available; (c) the chairperson shall not be eligible to be elected as chairperson of any sub—committee; (d) If he is at the time of his election as chairperson, the chairperson or an elected member of a sub—committee shall cease to hold office as such chairperson or member of such committee. (e) if any vacancy occurs in the office of the chairperson of any sub—committee, the Chairperson shall convene a meeting of such sub—committee for the election of another chairperson.

Delegation of powers of Municipality. Duties of Chairperson . 32. t. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 33 50. (1) to perform such other duties as are required for or be imposed upon him by or under this Regulation. 48. (1) it shall be the duty of the Vice Chairperson present— (a) to perform, during the continuous absence of the chairperson for more than eight days, or in incapacitated for more than eight days or during a vacancy in the office of Chairperson, the duties of the chairperson described in section 45; and (b) to perform such other duties as are required of or imposed upon him by or under this Regulation. (2) A Vice Chairperson performing of the duties of the Chairperson in the circumstances stated in clause (a) of sub—section (1) shall have all the powers conferred on the Chairperson by or under this Regulation. C. YNRGENCY 49. (1) In case of emergency, the Chairperson of the Municipality may direct the execution of any work or the doing of any act which the municipality is empowered to execute or do; and the immediate execution or doing of which is, in his opinion, necessary for the preservation of the valuable property or for the safety of the public, and may also direct that the expense of executing such work or doing such act shall be paid from the Municipal fund. Provided that every direction given under this section shall be reported to the Municipality at its next following meeting. (2) Chairperson shall not act in contravention of any express order of the Municipality. (3) The Chairperson shall not, until he is considered by the Municipality, the doing of any act which is, in his opinion, undesirable or in the public interest, provided that the act is one which the municipality has power to prohibit, (4) No direction given under this section shall be questioned in any court on the ground that the case was not one of emergency. Duties of Vice—Chairperson. ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 33 50. (1) sub—committee for taxation and finance shall deal with all matters relating to finance, taxation, accounts and audit and all other matters not assigned to sub—committee for public health or the works which are required to be dealt with by or under this Regulation. (2) The standing committee for public health shall deal with all matters relating to public health sub—committee for works shall deal with all matters relating to public works, town planning and improvement. (3) The Municipality shall, by bye—law framed for the purpose, determine the and, not each duties of specially, provided for in this Regulation and may, by bye—law, provide for a conference of two or sub—committees or either of such committee or a joint committee for any purpose in respect of which they may be jointly interested. 4) The for taxation and finance, in addition to the powers and duties assigned to it under the bye—laws— (a) shall supervise the utilisation of the budget grants; (b) shall have access to the accounts of the Municipality and require the Secretary to furnish any clarification which it considers to be necessary as to the receipt and of the Municipal Fund; (c) may conduct a monthly audit of the Municipal accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceding year furnished by the Secretary; (d) subject to the approval of the Municipality, may write off the amount of any loss, or depreciation caused to the Municipality property which appears to the committee to be irrecoverable; and provided that where the amount of any such loss or depreciation exceeds rupees one thousand, it shall not be written off except with the previous sanction of the Municipality. (b) The Municipality shall sanction such staff as may reasonably be required by the sub—respective committees to discharge their functions. Functions of Sub—Committees.

34. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 51, (1) Wherever it is provided by the Regulation or any other law for the time being in force that the Secretary take any action subject to the approval, sanction, consent or concurrence of a sub—committee, the Secretary, by regulation in writing, may authorise him to take any such action in anticipation of its approval, sanction or consent or concurrence subject to such condition, if any as

be specified in such resolution. (2) Whenever the Secretary, In pursuance Of such resolution, takes any action in if the approval , sanction, conænt or concurrence of a sub—committee. ho shall forthwith inform the ccunittee of the action 30 taken. 52. (1) Subject , Whenever it is in this Regulation Expressly so directed, to the approval br sanction of the or the gub:- ccannittee consent and gub ject 4130 to all other restriction, i imitation and condition impæed by . this Regulation or by any other law for the time being in force, the executive power for the purpæe of carrir,a out the provisions OE this Regulation . and of any other lav for the time being in force which impegeg any duty or confers any power on the Municipnlty shall vest in the Secretary, who Sha] I also — (a) perform a) I the duties and pxercise all the powers specific:ally impoeed or conferred upon him by or under this Regulation or by any other law for the time being in force; (b) in any emergency take such imediate action for the service or safety ot the pu.blic or the protection of the property of the Municipality as tho emergency Bhall appar to him to justify or to require, notwithstanding such action cannot be taken ussder this Regulation without the sanct.uon, approval or authority of scae other municipal authority or of • the Administration : Provided that the Secretary shall report forthwith to the sub—ccanittee concerned and to the Ml.micipality the action he h4S taken and the reasons for taking the game and the amount of cost, if any, incurred or likely to be incurred in consequence ot such action which iB not covered by a current budget grant W)der the provisiong of this Regulation. 1994 Delegation of powers to Secretary by sub- CGIni ttees. yunctions of the Secretary. ANDAMAN AND NICOBAR ATRAORD.INARY GAZITE, DEC. B, 1994 (2) Any W.eerg, dutiæ and functions cufferrell or imposed upon or vested in the by any other •law for the tine being in force shall gub ject to the Provisimg of such law, be exercised performed or discharged the Secretary. (3) 1.11 correspondence relating to any natter dealt wit h, by or under this Regulation or Under any other law between the and the Government or other autmrity shall be by the Secretary and the Secretary Bhall send copies oi such correspondence to the Chairperson

53. Subject to the rules under the Delegation of Secret—Regulation, the Secretary may delegate to any 35 tary ' s ordinary powers . officer of the Municipality subordinate to him, any of his powers other than the powers I.mnder clause (E) of sub—section (I) of section 52. 54. "The Secretary shall, be reponsible for the (Custody of records. Ordinary and spe- Cial meetings. Quorum. custody of all records of the Municipality including all and documentB connected with the proceedings of the Municipality and other

CHAPTER VI TRANSACTION OF MUNICIPAL BUSINESS A. Meetings 55. (1) Every Municipality

CHAPTER VI TRANSACTION OF MUNICIPAL BUSINESS A. Meetings 55. (1) Every Municipality shall meet for the transaction of business at least once in every month at such time as may be fixed by the bye-laws. (2) The Chairperson, or, whenever he thinks fit, and in writing in this behalf by not less than one-fifth of the members, convene, an ordinary or a special meeting at any other time. (3) Every meeting of . shall be either ordinary or special . (4) Any business of the, Municipality may be transacted at an ordinary meeting unless required by this Regulation or the rules made thereunder to be transacted at a special meeting. 56. (1) The quorum necessary for the transaction of business at a special meeting of Municipality shall be one-half of the number of elected members serving for the time being, but shall not be less than three. 36 . THE ANDAMAN AND NICOBAR EXTRAORDINARY DL e, (2) The quorum necessary for the transaction of business at an ordinary meeting Of Municipality shall be one-third of the number of members serving for the time being, but not be less than three. (3) any motion or meeting quorum is not, (-%-xent. adjourn the meeting to the day he may think fit, and that the business which would have been brought the original meeting if there had been a quorum present , shall be brought before, and transacted at the adjourned meeting whether there be a quorum present thereat or not. Chairperson 57. (1) At every of a Municipality, meeting. Vote of majority, the Chairperson, present, shall preside. (2) if the Chairperson is not present, his place shall be taken by the Vice—Chairperson and if there be two then the senior Vice—Chairperson and if he is absent by the junior Vice—Chairperson. (3) If there be no Chairperson or Vice—Chairperson present such one of members as the members present may elect, shall preside as Chairperson , 5B. Save as otherwise provided by this Regulation or any rule, all questions which at meeting of the Municipality, shall be decided by a majority of the votes of the members present, the Chairperson of the meeting, in case of an equality of votes, having a second or casting votes. 59. Any meeting of a Municipality may, with the consent of a majority of the members present thereat be adjourned to some other time and business left undisturbed at such meeting shall be carried over with priority to the adjourned 60. No resolution of a Municipality shall be cancelled within six months after the passing thereof — (a) unless previous notice has been given to the

members setting forthful ly the resolution it is proposed to modify or cancelled and Che motion or proposation for its modification cancellation; and (b) otherwise than by a resolution by not less than one—half of the total number of meLbers serving at the time. 1994 Ad journment of meeting. Cancel la— tion of resolutions. ANDAMAN AND NICOBAR EXIRAORDINARY GAZITE, DL 8, 1994 37 61. (L) Minutes of the at each meeting of the Municipality shall drawn up and recorded in to be kept for the gn-poece shall be signed by the of •the Deeting or of the next ensuing æetina, Bhall be publshsed in such manner as the Administrator nay direct, and Bhall, at all reasonable times and without charge, be open to inspection by any inhabitant of the Municipal area. (2) of every resolution passed at any meeting of a Municipality shall, within •ten days frca the date of the meetina, be forwarded to the Deputy C(Üliæioner. A Municipality Day mke bye—laws 62. congistance with this Reqpiation and with the rules nyade thereunder to provide for all or any of the following natter, narely — (a) i.he time and place of its meeting: (b) the Danner in which nOtice of ordinary and specyal meetings and ad journed meeting shall be given (c) the conduct of præeedinqs of meetings and ad 00'ernment of meetings; (d) the custody of the cc—on seal and the purpæes for which it shall, be used; (e) t he procedure ot apli)inted under sec tion ld the fillinâ of casual vacancies therein, the number necessæy to form a quorum at meetings thereof and other matters relating to such comfitteeg. (f) the person by whæ receipts Day be granted on behalf of the Municißhlity for mney recei ved under this Regulation. execut i ve duties, (g) the appointment, powers, leave, suspension and remval of its off icers and servants; and (h) ell other s imi lar tiers. B. Contracts and Conveyances 63. (J) A my, sub iect to the provisions of this Regulation, delegate to one or more of Its IDEuybers or to t.he Secretary of the Municipal ity the power of entering on its behalf Into any particular contract whereof the value or amount rices not exceed two hundred or into any class of such contracts Minutes of the meeting. Bye—law for conduct of bus ne38 . Authority to contract . 1994 Bbde of executing contracts and tranfer of property. budget. 'IUE ANDAMAN AND NICOBAR m-RAORDINARY GAZETrE, DEC. 8, (2) No contrnset by or on behalf of MpnicipÄI*ty whereot• the value or ount exceeds tvo hundrad rupees, Bhall be entered into until it hag been sanctioned at a meeting ot the Municipality. 64. (I) Every contract Dade by or orr of a Municipality whereof the value of amount exceed one hundred rupees Bhall be in writing and Bhai i be Bigned by two æenbers, of whu the Chairperson or a Vice—Chairpereon be one and countersigned by the Secretary: Provided that when the powers of entering into any contract on behalf the Municipality has been delegated under section 63, the signature or signatures of the Lenbers or (or the signature of the Secretary) to uhm the power has been delegated Bhell be sufficient. (2) Every tx ansfer of innovable belonging to a Municipality other than a lease for a term not exceedina one year shall be made by an instrument, in writing, executed by the Chairperson or a Vice-Chairperson and by atleast two æabers of the Municipality whose execution thereof Bhall be attegted by the Secretary. (3) No contract or transfer executed otherwise than xn conformity with the provisions of this section shall be binding on a Municipality. C. MUNICIPAL BUDGET 65. (I) Every Municipality shall, have prepared and laid before it, at a meeting to be held ""in every year before such date as is f •xed by rules in this behalf, complete account the actual and expected receipts and expendi±l.u-e for the year ending on the thirty first day of March next fol lowina such date, together with a budget estimte of the •jnccoe and the expenditure of the Mimiciaplity for thå year conencing on the first day of April next, following. (2) lhe Mun .cipality shall at such Deeting decide upon the appropriations and the wayg and means contained in the budget and by Bpecial resolution, eanction a budget which shall be subbitted to zhe Administrator. (3) The MuniciFÄlity nay vary or alter fru time to time as render desirable, by special resolution, the budget sanctioned under gub—section (2) . THE ANDAMAN NICOBAR GAZITE, DC. B, 1994 of be as 39 Revised budget . Special visimg as to budget

66. As ag nay be afæer tre first day October, a revised h.idget fêr the year Bhall framed and Buch revised budâet shali BO far nay be subject to all the ppvisicns to a budget Nde under sectim 65. in framing a budâet the kunicipality pro— 67. (i shall provide for the minteaace of such ninima.m closing balance (if any) as he Administrator may by order in writing prescri (2) NotwittBtanding anything contained in this Regulation the b.idqet lof the kmicipality shall b3 subject to thê sanction of the AdministrAtor and that the to vary or to alter the budget under sub—eection (3) of section 65 Bhall be subject to such ag my be imposed by the Administrate Expenditure 68. (1) Where a budget has been paesed, the not to exceed budget al lot— ment. Municipal ity shall not incur any expenditure under any of the heads of the budget, other than a head providing for the refund of taxes. in excus cf the paed under that head, without making provision for Buch excess by the variation of alteration of the budget. (2) Where any expenditure l.mder

any head providing for the refund of taxes is incurred in excess of the amount passed under that head, provision shall be made without delay for such expenditure by the variation or alteration of the budget . VII MUNICIPAL FINANCE, A. MUNICIPAL FINANCE AND TAXATION 69. (1) There shall be provided for each Municipal Municipality a fund to be called the Municipal Fund. Fund, and there shall be placed to the credit thereof , (a) the proceeds of taxes, fines (other than the fines by a court). penalties and fees levied under this Regulation; (b) all SULB received by; or behalf the Municipality under this Regulation; (c) all sums transferred or carried to credit of the Municipality under any provisions of the Regulation or any other for the time in force: the law

40. NE ANDAMAN AND NICOBAR 8, 1994 (d) all rents and profits, accruing from property vested in the Municipality or managed by it; and (e) all assigned to the Fund by the Administrator or by any other authority and all donated contributed thereto by any committee, authority or private person. (2) The Municipal Fund shall vest in Municipality, and the balance at its credit shall be kept in the State bank of India, or with the previous sanction of the Administrator in any Scheduled bank has defined in the Reserve Bank of India Act, 1934; Provided that any portion of such balance with the previous sanction of the may , Administrator be kept in the Post Office Saving Bank or be invested in such ' Government as be approved by the Securities Administrator ; Provided further that such sum, not exceeding a amount specified in this behalf by the Administrator as is required for day to day expenses of a Municipality may be kept by the Municipality at the Municipal office in safe custody. Certain sums the Central Government may, b, ' 70. may be notified that all fines and any carried to other sums recovered from person convicted of offences committed within the municipal area Municipality ' against this Regulation or any rule; of bye—laws made thereunder, or • against any other law for the time being in force, shall be carried to the credit of the Municipality of that area. Application 71. (1) 'The Municipal Fund shall be charged of Municipal with the payment of expenses on Funds , (i) fulfilment of any liability or obligation arising from trusts legally imposed upon or accepted by the Municipality; (ii) the Municipal establishment including such subscriptions and contributions as are payable by the Municipality under this Regulation and the rules made thereunder , the (iii) audit of the Municipality; (iy) Such other matters as may be specified by the Administrator from time to time. ANDAMAN AND NICOBAR ATTRAORDINARY DE. 8, 1994 41 (2) . Subject to the charges specified in Rule— (1) and to such rules as may be made by the with respect to the priority to be given to the several duties of the the Municipal fund • be Municipality. applicable to the payment of expenses incurred for the purpose of any object or duty which is to be or be undertaken by the Municipality in the provisions of this accordance with I Regulation. 72. (i) same Finance constituted under section 186 of the Andaman and Nicobar Islands (Panchayat) Regulation 1994, shall review the financial position of the Municipalities and make recommendations to the President as to, (a) the principles which should govern, — (i) the determination : of taxes, duties , tolls and fees which may be assigned to or appropriated by the Municipalities; the grants—in—aid to Municipalities from the consolidated Fund of India : (b) the measures to improve • the financial positions of the Municipalities; (c) any other matter referred to the Finance Commission by the President in the interest of sound finances of the Municipalities. 73. (1) Subject to the provisions of this or any rule or bye—law made Regulation, thereunder, every Municipality shall keep and maintain a detailed account of its receipts and expenditure . (2) The accounts of receipts and expenditure kept and maintained by a Municipality shall be examined and audited in such manner the Administrator by rules prescribed in this behalf . B- MUNICIPAL PROPERTY 74. (1) Subject to any special reservation made; or to any special condition imposed, by the Administrator, all property of the nature hereafter in this section, and situated within, or, where expressly so provided beyond any municipal area, shall vest in and be under the control of the Municipality and shall be held and applied by it for the purposes of this Regulation, that is to say — Construction of Finance Accounts and audit. Property vested in Municipalities. ANDAMAN AND NICOBAR GAZETTE, DE. (a) all public market, slaughter—house and other buildings of every description (whether within or beyond the municipal area) which have been constructed or are maintained out of the funds. (b) all public streams, tanks, well, springs and (whether within or beyond the area) for the supply storage or distribution of water for public purposes within the Municipal area, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto and any adjacent land (not being private property) appertaining to any public tank or well; (c) all public sewers drains, and all sewers, drains culverts and water courses in or alongside, or under any street and works materials and things

appertaining thereto (d) all 'dust, dirt, dung, ashes, refuse, animal matter or other rubbish of any kind or dead bodies of animals, collected by the Municipality from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the Municipality under this Regulation ; (e) all public lamps, lamp posts and apparatus connected therewith or appertaining thereto ; (f) all land or other property, within beyond the municipal area, transferred to the Municipality by the Central Government or acquired by gift purchase, or otherwise for local public purposes; and (g) all public ground (other than major roads) not being open spaces or lands owned by Government and the pavements stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets. (2) . Where any immovable property is transferred otherwise than by gift by the Central Government to a Municipality for public purposes, it shall be deemed to be a condition of such transfer unless specially provided to the contrary, that should the property at any time resumed by or under the authority of the Central Government, the compensation payable therefor shall, notwithstanding anything to the contrary in any law for the time being in force, be no less than the amount, if any, paid to the Central Government for the transfer, together with the interest thereon at the rate of five per cent per annum from the date of the transfer, together with the cost of the present value, whether by lease, of any buildings erected or otherwise executed on the land the Municipality. (1) The control and administration of every public institution maintained out of Municipal Fund shall be in the Municipality. (2) When any public institution has been placed under the direction, management and control of a local authority, endowments and funds belonging thereto shall be held by the Municipality in trust for the purposes to which such property, endowments and funds were lawfully at the time when the institution was so placed: Provided that the extent of the independent authority of the municipality in respect of any such institution may be defined by the Administrator: further nothing in this section shall be held to prevent the vesting of any trust—property in the Treasurer of Charitable under the Charitable Endowments Act, 1890. Section 76. When any land, whether within or without of land. The transfer of property vesting in the limits of a municipal area is required for the purposes of Regulation, the Administrator may, at the request of the Municipality, take suitable steps under the provision of law for the time being in force, to make such land available to the municipality and pay therefor by the sale of such changes as be determined by the Administrator the land shall vest in the Municipality. When any land is required for a new street or for the improvement of an existing street, the land required for, in addition to the land to be occupied by the street, the land and necessary for the buildings to be erected on both sides of the street and such land shall be deemed to be required for the purposes of this Regulation. (1) A Municipality may, subject to rules made in that behalf by the Administrator, transfer by lease, gift, exchange or otherwise any property vested in it, not being property held by it on any trust of which are inconsistent with the right so to transfer.

44. THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL) REGULATION, 1994 Saving of Act 9 of 1914. Definition of "annual Value" . (2) Notwithstanding anything contained in sub-section (1) a Municipality with the sanction of the Administrator, may transfer to Government any property vesting in the Municipality under section 74 or section 75 but not so as to affect any trust or public rights subject to which the property, is held

78. Nothing in this Regulation shall affect the provisions of the local Authorities Loans Act, 1914. ONI C. MUNICIPAL TAXATION 79. For the purpose of this Regulation "annual value" (a) in the case of land the gross annual rent at which it may reasonably be expected to form year to year: Provided that in the case of land to land—revenue or otherwise which the land—revenue has been wholly or in part exempted or re-rated the Administrator may direct the value be deemed to double the amount of the land—revenue for the purpose of being on the land, whether such assessment is leviable or not, or, when the land—revenue has been wholly or in part exempted or re-rated, the amount which, but for such exemption or re-rating, would have been leviable: (b) in the case of any house or building the gross annual rent at which such house or building, together with its appurtenances any furniture let for use or enjoyment therewith, may reasonably be expected to let from year to year the subject to the following deductions, namely:— (i) Such not more than twenty per centum of the gross annual rent as the Municipality consider a reasonable allowance on account of the furniture let with house or building; (ii) a deduction of ten per centum of the balance of the gross annual rent after allowing the deduction (if any), under sub-section (1) for cost of and for all other expenses necessary to maintain the building in State to command such gross annual rent; (iii) where land is let with a building, such deduction, not exceeding twenty per centum of the gross annual rent, as the Municipality may consider reasonable on

account of the actual TIE ANDAMAN AND NICOBAR ATRAORDIURY GAZETIE, DEZ. B, 1994 expenditure, (if any) annually incurred by the owner on the upkeep of the land a State to coend such groea annual rent; (c) in the case of any house or building the gross annual rent of which cannot be determined under clause (b) five tenths of the sum 45 obtained by adding the estimated present cost of erecting the building less such amount as the Municipal it-y may deem reasonable to be deducted on account of depreciation (if any) to the estimated market value of the site, and any land appertaining to the house or building; Provided that — (i) in the calculation of the annual value of any premises, no account shall be taken of any machinery thereon; and (ii) where, in the opinion of the Municipality the annual value of any building would by reason of exceptional circumstances be if calculated accordance with the excess value, foregoing provisions of this section, the Municipality may fix the annual value at such less amount as appears to it equitable. Explanation 1. — For the purpose of clause (b), it is immaterial whether the house or building, and the furniture and the land let for use or enjoyment therewith, are let to the same contractor by different contracts and, if by different contracts, whether such contracts are made simultaneously or at different times. Explanation 11. — The expression "gross annual rent" does not include any tax payable by the owner in respect of which the owner and tenant have agreed that it shall be paid to the tenant. 30. (1) Subject to such general or special orders as the Administrator may make, a Municipality in the manner provided by this Regulation impose any of the following taxes in the whole or any part of the municipal area, namely: (a) a tax on building or lands or both, payable by the owner, not exceeding, (1) ten per centum of the annual value; or (ii) rupees per square metre of the ground area per annum; or (iii) rupees three per running of frontage in streets and bazars per annum. Taxes which are imposed,

46. THE ANDAMAN AND NICOBAR EXTRAORDINARY DE. B, (b) a tax on persons practising any profession or art, or carrying on any trade or calling within the Municipal area; Provided that the total amount of such tax payable by any one person, shall not exceed two hundred and fifty rupees per annum, (c) a tax, payable by the owner, on or any class of vehicles, all or any class of animals or dogs. when the vehicles, animals or dogs, as the case be, are kept within the municipal area; (d) a tax of the nature of a toll on vehicles and animals used for riding, driving, draught or burden and entering the municipal area; Provided that — (i) no tax shall be levied in respect of any vehicle or animal for which tax is paid under clause (c); (ii) any owner of such vehicle or animal may pay for the tax by paying the corresponding tax under clause (c) if such tax is in force in the municipal area, (e) an octroi or a terminal tax on animals or dogs or goods brought into or sent out of the municipal area: Provided that no tax under this clause shall be imposed except with the previous sanction of the Administrator to the proposal for the imposition thereof; (f) a tax to meet the cost of constructing or maintaining works for supply of water to the municipal area payable by the occupier or, if there be no occupier, by the owner, on the annual value of such buildings or lands are as so situated that their occupiers can benefit by the works: Provided that the rate of tax payable by any such occupier or owner as the case may be, shall be determined having regard to among other considerations, to the distance of the building or lands from the nearest point at which the water can be delivered from the works to their level: Provided further that no such tax shall be leviable in respect of building or lands which assessed to the general water-rate or the special water-rate as hereinafter provided; 1994 THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DE. B, 1994 (g) a general water-rate payable by the inhabitants of the municipal area, or a special water-rate for meter supplied by the Municipality under section 102 which may be assessed in any form including that of charge for such supply: Provided that no such rate shall exceed that limit or limits prescribed by the Administrator from time to time; (h) a lighting rate not exceeding three per centum of the annual value of holding: Provided that such rate shall not be levied in an area where lighting arrangements have not been made; (i) rates for general conservancy or house scavenging on such scale and conditions as may be approved by the Administrator from time to time; (j) tax on (k) a fee for grant of permission to erect a building other than a hut; (l) a fee for parking of buses, lorries, taxis and other vehicles where parking facilities or terminus for buses, lorries, taxis and other vehicles are provided by the Municipality; and (m) any other tax which be authorised by the Administrator. (2) Notwithstanding anything contained in this Regulation or any other law for the time being in force, the belonging to the State shall be exempt from all taxes government mentioned in clauses (a), (c), (d), and (h) of sub-section (1). (3) Notwithstanding anything contained in this Regulation, all taxes, rates, fees, or cesses which were being lawfully levied before the commencement of this Regulation shall until other provision is made under this 47 Procedure imposing

taxes. Regulation, continue to be levied and collected in the same manner in which they were being levied and collected before such commencement. 81. (1) Every Municipality shall follow the procedure imposing any tax, prescribed in this section. THE ANDAMAN AND NICOBAR GOVERNMENT, DEC. 3, 1994. (2) Municipality shall, by a resolution passed at a special meeting frame: Draft specifying the following (a) the nature of the tax having regard to the provisions of section 80; (b) the persons or class of persons on whom, and the description of property or other taxable things or the circumstances in respect of which, the tax is proposed to be levied; (c) the amount or scale of the tax; (d) the rules regulating the levy of the tax; and (e) any other matters which the Administrator general or special order require to be specified. (3) The Municipality shall publish the proposals in such manner as may be prescribed by the Administrator and shall also publish notice inviting the objections and suggestions in writing of the persons likely to be affected by such proposals, Within a period of not more than one month of the date of such publication, (4) After the expiry of the period referred to in sub-section (3), the Municipality shall at a special meeting, take into consideration the objections and suggestions of the aforesaid persons received (if any) and shall then either confirm its resolution referred to in sub-section (2) with or without alterations, or abandon such resolution, (5) When a resolution has been passed by the Municipality under sub-section (4), it shall be presented to the Administrator who may — (a) give his approval to the resolution after making any change in its form which to him to be necessary; or (b) refuse to give his approval to the resolution; or (c) return the resolution to the Municipality for reconsideration in the light of such suggestions as may be made by him. 1994 ANDAMAN AND NICOBAR EXTRAORDINARY GOVERNMENT, DEC. 8, 1994. (6) If the Administrator gives his approval to his resolution, he shall notify the resolution together with any rules which he may make under section 203 in respect of the tax and shall also specify a date, not earlier than three months from the date of such notification, which the tax shall come into force and be levied; Provided that a tax leviable by the year shall not come into force except on the first day of January, April, July or October in any year: and if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing. (7) When the Administrator refuses to give his approval to a resolution, it shall be returned to the Municipality. (B) When the Administrator returns a resolution to the Municipality, he may either abandon such resolution or may, after reconsideration, amend, alter vary such and the resolution so amended, resolution; altered or varied shall be presented to the Administrator and be disposed of by him in the manner provided in sub-section (5) (9) The procedure prescribed in this section shall apply to any proposal to increase or decrease the amount of, to extend or curtail the scope or effect of any tax. (10) A notification under sub-section (6) in respect of a tax shall be conclusive evidence that such tax has been imposed in accordance with the provisions of this Regulation. 82. notwithstanding anything contained in this Regulation, if at any time it appears to the Administrator on a complaint that any tax imposed under this Regulation is unfair in its incidence or that the levy thereof or of any part thereof is injurious to the interest of the general public, he may require the Municipality to take within a specified period, steps to remove the objection indicated by him; and, if within that period, the requirement is not complied with to the satisfaction of the Administrator, he may, by notification suspend the levy of such tax or of such part thereof, as the case may be, until the objection has been removed. Power of Administrator to suspend tax. 50, THE ANDAMAN AND NICOBAR EXTRAORDINARY GOVERNMENT, DEC. 8, 1994. 83. (1) Every Municipality shall cause an assessment list of all buildings and land on any tax imposed to be prepared, containing — (a) the name of the street or munnalla in which the property is situated; (b) a description of the property sufficient for the identification thereof; (c) the names of the owner and occupier if known; (d) the annual value and the particulars on which the annual value is based; and (e) the amount of the tax assessed thereon by the Municipality. When the assessment list has been completed the Municipality shall give public notice thereof, and of the places where list of a copy thereof may be inspected: and every person claiming to be either the owner or the occupier of the property included in list, and any authorised agent of such person shall be at liberty to inspect the list and to make extracts therefrom without charge, 54. (1) The Municipality shall, at the time of the publication of the assessment list, give public notice of a time, not less than one month thereafter, when it will proceed to revise the valuation and assessment and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or the occupier of the property. (2) Every objection to a valuation or shall be in writing setting forth the grounds on which the valuation or assessment is disputed and shall be left at the office of the Municipality before the time

fixed in the note, (3) The Municipality, or such committee or officer of the Municipality or of Govt. as it may by special resolution appoint in this behalf, shall consider every objection duly made and shall, after giving the objection an opportunity of being heard in support thereof either in person or by duly authorised agent, discuss it and make such consequential amendment (if any) as is necessary in the assessment list. 85. (1) When the Municipality or the sub-committee or the officer appointed in that behalf under sub-section (3) of section 84, has disposed of the objections and made the necessary amendments in the assessment list in the manner prescribed in that sub-section, on the 1994 Preparation and publication of Disposal of objections. Authentication of list. Further amendments of assessment list and annual revision. ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL) REGULATION, 8, 1994 (hereinafter referred to as the 'Regulation') or the officer as aforesaid, as the case may be, shall authenticate it and at the same time certify that no valid objection has been made to the valuation and assessment in the list except in the cases in which amendments have been entered therein; and, subject to such agreement as may be duly made, the tax assessed shall be deemed to be the tax for the year commencing on the first day of April next ensuing and, in the case of a tax imposed for the first time, the period from the date on which the tax comes into force and such first day of April. (2) The list when so authenticated shall be deposited in the office of the Municipality and a copy thereof shall be given to all or some of the occupiers of the property included therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published. 86. (1) The Municipality, after giving notice to any person affected by the amendment of a tax not less than one month from the date of service, at which the amendment is to be made, at any time amend the list by inserting the name of any person whose name ought to have been or ought to be inserted, or inserting any property which ought to have been or ought to be inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether the part of the Municipality or of the assessee or, where in the case of a tax payable by the occupier change in the tenancy taken place by altering the name of occupier. (2) Any person interested in any amendment may tender an objection to the Municipality in writing before the time fixed in the notice, and shall have an opportunity of being heard in support of the same in person, or by authorised agent, as he may think fit. (3) It shall be in the discretion of the Municipality to prepare a new assessment list every year, or to adopt the valuation and assessment contained in the list for any year, with such alteration as may, in any case, be deemed necessary, as the valuation and assessment for the year following, giving to persons affected such alteration the notice of the valuation and assessment as if a new assessment as if a new assessment list had been made. 51-52, Notice to be given to Municipality of all transfer of title of persons primarily liable to payment of property tax, Remission of tax on unoccupied Immovable property. NICOBAR ISLANDS (MUNICIPAL) REGULATION, DEC, 8, 1994 87. (1) Whenever the title to or over any immovable land of any person liable for the payment of taxes on such property is transferred, within one month of registration of the deed of transfer if it is registered, or if it is not registered within three months of its execution, or if not executed within three months of the actual transfer, give notice in writing of such transfer to the (2) Every person primarily liable for the payment of tax on any immovable property who transfers his title to or over such property within giving notice of such transfer to the Municipality as aforesaid, shall, in addition to any other liability which he may incur by such neglect, continue to be liable for payment of all such taxes till the tax is payable in respect of the time when it gives such notice, or until the transfer shall have been recorded in the Municipalities books, (3) Nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the transferor for the recovery of the taxes due on any immovable property. 88. (1) When immovable property assessed to a tax under clause (a), (g) or (i) of sub-section (1) of section 80 which is payable by the year or by instalments, has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable the Municipality shall remit the tax or of the instalment, as the case may be: Provided that no such remission shall be granted unless notice in writing is given to the Municipality within one month after the expiry of the period in respect of which it is claimed. (2) When any such property as aforesaid has not been occupied or productive of rent for any period of not less than ninety consecutive days; or (b) comprised of separate tenements, one or more of which has or have not been occupied or productive of rent for any such period as aforesaid; or THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL) REGULATION, DEC. 8, 1994 (c) wholly or in greater part destroyed by fire or otherwise, the Municipality may remit such (if any) of the tax or instalment as it may think equitable, but the portion so remitted shall not exceed one half of the tax or instalment payable. (3) The burden of

proving the facts entitling any t.o claim relief under the section shall lie upm him. (4) For the purposes of the section neither the presence of a caretaker not the mere retention in an otherwise unoccupied I inq house of the furniture habitually used in it Bhall constitute of t2p house. (5) For the p.mpoees of thie section a house shall be decoed to be productive of rent if let to a tenant who haB continuing right of occupation thereof, whether it ig actual ly occupied by such tenant or not. 89. (1) When any iB due on accoant of a tax under this in respect of any imovable prxperty by the cyner thereof the Municipal ity shall cause a bill tor the uount stating the property and the period for which the charge i3 Bde, to be delivered to the liable to pay the Bar. Ef the bill iB not paid within ten days (2) from the deliver thereof the hmicipality nay cause a notice of to be served on the person I iAble to pay the ea.me and if he does not within seven days froo the service of the notice pay the gum due with any fee liable for the notice or show sufficient cause for the sun Aue with the fee, Bhai i be to be an arrear of tax. (3) Che awant of every Buch arrear Bhall , subject t any claim on behalf of governænt, be a first charge on the in respect of which it is payable, and Bhall bæidee been recoverable in any other mnner provided by thie Regulation, be recoverable on application in this behalf by the Municipality to the Collector, as if the property were an estate aææsed to land—revenue and the arrær were and an-ear of such revenue due thereon: 53 Recover,' of property taxes payable by owner.

54. THE ANDAMAN AND NICOBAR GAZITE, DEC.8, 1994 Provided that nothing in this sub—section shall authorise the arrest of a defaulter. (4) If any tax or. gum liable under this Regulation the Nner is from the ocej.vier, puch occupier shall, in the @eence of any cmgract to tne contrary) be entitled to recover the ft-cn the owner ' geduct sue fran the rent than or thereafter .due by him to the Nner. 90. (i) E&ery person bringing or, receiving Power to within the octroi or teminal tax limits of examine Municiml area article on which octroi or article terminal tax iB payable Bhall when required by an liable to octroi or officer duly autmrigned by the Municipality in terminal this behalf and 30 far as may be necessary ascertaining the amount of tax chargeable — tax and to search. (a) permit thot officer to ins* examine, weigh or otherwise deal with the artie)e; and (b) comunice.te to that officer any and exhibit to hin any bill, infomation, invoice or document. of a like nature which he pæesg relating to the article. (2) If any person bringing or receiving within the octroi or terminal tax of a area a s;onveyance of on which octroi or terminal tax ig or is believed to be liable, refuges on the of an officer authorised by the Municipality in the behalf, to permit the officer to inspect, weigh .or otherwise exauino. the contents of the conveyance or package for the purpose of oscertaining whether wit containg any articles in respect of Which octroi or teminal tax is payable, or. refuses to ccmunicate to that officer any information or to exhibit to him. any bill invoice or docuuent of a like nature, which he may possess relating to the article, or with the intention of defrauding the Municipality, cæunicates any. such informtions which is false or exhibits any such 'bill, invoice or document of like nature which is false, forged9d or fraudulent, he shall be punishable Vith fine which my extent to rupees fifty, (3) Any gucn pargon demand that the conveyance or package of both, ag the case my be, Bhall be taKen without unnecessary delay before a Lembar or the Secretary or who shall cause the inspection to be in hiB presence. THE ANDAMAN AND NICOBAR EXTRAORDI y GÄZEITE. DEC. 8, 1994 55 Penalty for evasion of octroi or terminal tax. SIDIBry recovery of octroi or terminal tax. Appeal against taxation. 91. if goods passing tre octroi or terminal tax boundary of a Municiapll area liable to the payment of octroi or terni»al tax, than every person who, with intensgon to defraud the nunicxpai ity, introduces or Attnpts to introduce within the said octroi or Cerminal tax any such goods upon which of the Octroi or .teniaal tax due h introduction has neither oeen mde nor tend or causes such int-oduction ghali be unishable with fine which may extend either to tines the value of such octroi or terminal tax, or to fifty rupees, whichever amount is greater. In the case of ? of any 92. (! octroi or terminal tax, or! deunnd the officer empowered co col lect the game my seize any article nn which the octroi or terminal tax or any part of its burden of chargeable , sufficient. value to satisfy {the demnd under the cover of seizure memo in presence of witness. A copy thereof be handed over to the concerned person of the after obtaining his acknowledgement on the bocor' ot original seizure memo. (2) Tle Municipality. after the lapse of five days from the seizure and after the issue of a proclamatien fixing the t)ming and piace of sale, cause any property so seized, or so much theleof as my be necessary to be sold by public auction to satisfy demand and the expenses occasioned by the geizure. custody and sale thereof , unless the damage and expenses are in the meantime paid: Provlced that, by order of the Ctmrperson or a Vice—Cha irperson. articles or perishable nature which car not be kept torv tave days without serious risks of damage,

be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

93. (i) An appeal against the assessment or levying of, or against the refusal to refund any tax lies to the under this regulation. The Administrator or such officer may be empowered by him in this behalf. (2) On the hearing of an appeal under this section, any question as to the liability to pay or the principle of assessment of a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may either of his own motion or on the application of any person interested, draw up a statement of the facts of THE ANDAMAN AND NICOBAR GAZETTE, DEC. 8, the case and the point on which doubt is entertained, and refer the same to the Administrator for the decision of the Administrator, (3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Section 113 of the Code of Civil Procedure, 1908 and order XLVI in the first schedule to that Code. (4) In every appeal, the cost shall be in the discretion of the officer deciding the appeal. (5) Costs awarded under this section to Municipality shall be recoverable by the Municipality as if there were arrears of a tax due from the appellant, (6) If a Municipality fails to pay any costs awarded to an appellant within 10 days after the date of the order for payment thereof, the officer awarding the costs may order the person having custody of the balance of the Municipal Fund to pay the amount. Citation

94. No appeal. shall be entertained under section 93 unless the appellant has paid all other municipal taxes due to the Municipality up to the date of such appeal and unless it has been preferred — (a) where it relates to a tax on any land or building, within one month of the publication of the notice prescribed by section 85 or sub-section (3) of Section 66 of the date of the final order under section 86, as the case may be; or (b) where it relates to any other tax, within one month of the date on which a demand was made therefore: Provided that an appeal may be entertained after the expiry of the period referred to in clause (a) or clause (b), as the case may be, if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period, 1994 THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 57 Tax not invalid for defect of form

95. No assessment and no charge of the demand of any tax made under this Regulation, shall be or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of Form; and it shall be enough in any such tax on any property or any assessment of value for the purpose of any such tax if the property taxed or is so described to be generally known; and it shall not be necessary to state the name of the occupier thereof.

Remissions 96. (1) Municipality may exempt, in whole or in part, for any period not exceeding one year, from the payment of any tax, any person who by reason of poverty is, in its opinion, unable to pay the same, and may renew the such exemption as often as may be necessary. (2) A Municipality, by a resolution passed at a special meeting may — (a) provide that any person or all persons may be allowed to compound for any tax imposed under clause (e) of sub-section (1) of section or (b) to the control of the Administrator (i) may suspend or reduce in amount any tax imposed under section 60; or (ii) for special reasons exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property, (d) the Administrator may by order in writing exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property. (3) Every person on the demand of an officer duly authorised by the Municipality in this behalf to furnish such information as may be necessary in order to ascertain whether such person is able to pay any municipal tax; and every hotel or lodging-house keeper or Secretary of a residential club shall also on demand make as aforesaid furnished a list of all persons residing in such hotel, lodging-house or club. Duty of furnishing true information regarding liability to Municipal taxation. 5B. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8. (2) If any person who is called upon to furnish such information omits to do so or furnishes which is untrue he shall be punishable with fine, which may extend to one hundred rupees. 9B. Subject to the provisions of sub-section (6) of section 8 and sub-section (1) of section 85, any tax imposed under this chapter and periodically shall be on such dates and in such instalments (if any) the Municipality direct. 99. No objection shall be taken to valuation or assessment, nor the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Regulation

100. No refund of any tax shall be by any person otherwise than in accordance with the provisions of this Regulations and the rules. CHAPTER VIII Public Health and Safety Water Supply 101. (1) In a municipal area in which a general water-rate is levied clause (g) of sub-section (1) of section 80 shall, and in any other case a Municipality may, provide a supply of drinking water within the Municipal area and shall cause such tanks, reservoirs, engines, pipes, taps and other works as may be necessary for the said purpose, to be constructed and maintained, whether within or without the Municipal area and shall erect sufficient stands—pavements or other conveniences for the gratuitous supply of water to the public, (2) The Municipality shall, as far as possible, make adequate provision to ensure that such supply is continuous throughout the year, and that the water is at all times pure and fit for human consumption. 102. (1) A Municipality may, on application by the owner or occupier of any building, arrange for supplying water from the nearest main to the premises for domestic purposes, in such quantity as it considers thinks reasonable. And may, if necessary, limit the amount of water to be so supplied. 1994 Taxes when payable. Taxation not to be questioned except under Regulation. Refunds, Provision of water, Supply of water. ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE. DC. 8, 1994 59 Making connection with municipal water works. supply of water for domestic shall not be deemed to include (a) for any trade, manufacture or business; (b) for gardens or for purposes of irrigation; (c) for halting purposes; (d) for fountains, fountains or for any ornamental or mechanical purposes; (e) for they are kept for sale or hire or the sale of their produce or any preparation thereof; (f) for watering roads or paths. (2) A Municipality may with the sanction of the municipal committee supply water for any purpose other than a domestic purpose on receiving an application specifying the purpose for which the supply is and the quantity likely to be provided. And that the Municipality may withdraw such supply at any time if it should appear necessary to do so in order to maintain a sufficient supply of water for domestic (3) For all water supplied under this section, payment shall be made to the Municipality at such special rate or rates as may be prescribed under clause (g) of sub-section (i) of section 80

103. Where water is to be supplied under section 102, all necessary communication pipes and fittings shall be supplied free of cost and the working of laying and applying such communication pipes and fittings shall be the Municipal agency under executed the orders of the Municipality. Provide that the cost of making any such connection and all communication pipes and fittings so supplied and of all work so executed shall be paid by the person or the person making the application for water supply: further that the Municipality may, if it thinks fit, provide a meter and charge rent for same, may require the owner or applicant to provide a plot of such size, material and description as it may approve.

60. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 104, (1) Any owner or occupier of any building shall be liable to pay to the Municipality the cost of the water supply. Equipment for rendering assistance in extinguishing fires, Power of certain persons for suppression of fire. or (land in or on which water supplied under this Regulation misused due to negligence or other circumstance under his control or is used without permission in excess or the quantity fixed under section 102 or in which the pipes or other works are out of repair to}. Such an extent as to pass waste of water, when if he has knowledge thereof, he shall give notice of the same to such officer as the Municipality may appoint in this behalf (2) if any person whose premises are supplied with water neglects to pay the water rate or any sum payable in respect of the water supplied there as under this Regulation, or to give provided under, sub-section (1) willfully or negligently or causes waste of water the Municipality may, after giving him such notice as it deems reasonable in the circumstances cut off the supply of water from his premises. B. Protection from fire 105. A Municipality may equip itself with such implements, appliances and other apparatus as it may think necessary for rendering assistance in extinguishing fires and protecting life and property when fires occur. (1) On the occasion of a fire in a municipal area, any member of the fire brigade or any member of the Municipality or any member of a fire brigade then and there directing the operations of the fire brigade or any police officer directed by a Magistrate may— (a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property (b) any street or passage in or near which any fire is burning; for the purpose of extinguishing the fire, break into or go through or pull down any premises, or cause any premises, to be broken into or thrown down or to be pulled down or used for the purpose of house or other appliances; (d) cause mains and pipes to be shut off so as to cause greater pressure of water in or near the place where the fire has occurred; ANDAMAN AND

ATRAORDINARY IGAZEITE, DEC. a. 1994 (e) call on the persons in charge of any fire engine to render such assistance as may be possible; and (f) generally, take such measures as appear necessary for the preservation of life or property. (2) When any Government building is endangered by fire, the officers of the public Works Department for the time being in charge of the building may exercise the powers conferred on the Municipality in respect of drains, privies, etc. on a rate by (1). (3) No person shall be liable to pay for any act done by him in good faith under this section. (4) Any damage done in the exercise of a power conferred or a duty imposed by this section shall be deemed to be damaged by fire within the meaning of any policy of insurance against fire. (5) The powers conferred by this section shall be subject to any conditions of restrictions which may be imposed by the Administrator. C. Drains and privies 107. (1) A Municipality by notice require the owner of any building or land in the municipal area— (a) to provide or remove any drain, urinal or other privy latrine, receptacle for fifth or refuse or provide any additional drains, privies, latrines, urinals, cesspools or other receptacles as aforesaid which should in its opinion be provided for the building or land in such manner and of such pattern as the Director; (b) to have any privy, latrine or urinal provided with a secure shut out by a sufficient roof, wall or fences from the view of persons passing by or dwelling in the neighbourhood or to remove or alter any door or trap—door of a privy latrine or urinal opening on to any street or road; or (c) to repair, alter or put in good order any drain, privy latrines, urinal cesspool or receptacle for any fifth or refuse.

62. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. B, (2) A Municipality may by notice require any person who constructs in the municipal area any new drain, privy, latrine, urinal, cesspool or receptacle for fifth or refuse without its permission in violation or contrary to its directions or to the provisions of this Regulation or of any bye-laws or Who constructs, rebuilds or opens any drain, privy, latrine, urinal, cesspool or receptacle for fifth or refuse which it has ordered to be closed or not to be made to demolish the drains, privy latrine, urinal or receptacle or to make such alteration therein as it thinks fit, (3) A Municipality may by notice, require any person who without its permission in writing newly erects or rebuilds any building over any sewer drain, culvert, water-course or water-pipe vested in the Municipality to pull down or otherwise deal with the same as it may think fit. 10B. (1) A Municipality may by notice require the owner or occupier of any land on which any drain, privy latrine, urinal, cesspool or other receptacle for fifth or refuse for the time being exists within fifty feet or any spring, well, tank; reservoir or other source from which water is or be derived for public use to or close the same within one week from the service of such notice. (2) Whoever without the permission of the Municipality fails to comply with the requirement of the notice referred to in sub-section (1) shall be liable to a fine which may extend to twenty rupees and with a further fine not exceeding ten rupees for each day during which the offence is continued after the lapse of the period allowed for compliance therewith.

109. Whoever without the permission of the Municipality—(a) causes or knowingly or negligently the water on any sink, sewer or cesspool or any other offensive matter to flow into, drain or be put upon any street or public place or into any sewer or drain, not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees. (b) makes or causes to be made, or alters or causes to be altered any drain leading into any sewer or drain vested in the Municipality shall be punishable with fine which may extend to fifty rupees. 1994 Removal of latrines, etc., near any source of water supply. Improperly discharging sewage and making or altering drains without authority. **THE ANDAMAN AND NICOBAR EXTRAORDINARY DE. 8. D. Laying and connecting pipes, sewers and the like 1994 0 110.**(1) A Municipality may lay or carry any main pipe, drain, sewer or channel of any kind for the purpose of carrying or maintaining any system of water supply, drainage or sewerage through, across under or over any road or street or any place laid out or intended as a road, a street or after giving not less than fourteen days notice in writing to the owner or occupier in to through, across under or over any land or building situated within the municipal area and may at all times do all acts and things which may be necessary or expedient for repair or maintaining any such main, pipe, drain, sewer or channel as the case may be in an effective state for the purpose for which the same may be used or intended to be used: that no nuisance or interference with the right of the owner or occupier to the enjoyment of such land or building, shall be created by any such operation to any larger extent than what is absolutely necessary for the proper execution of the work, Provide further that no, such operation through, across under or over any major road or Government building or Land, shall be carried out except with the permission in writing of the Public Works Department: Provide also that compensation shall be paid to the owner or occupier for any damage at the

time sustained e by' him on account of or direct »ccasioned by the carrying out ot any such operat Lon: without the 111. (1) No person shall, pemiBBion of the Municipal naty at any tiæ mke or cause to be made any connectia-i or conunication with any min, e pipe, drain, sewer, or channel constructed or Nflntained by or vested in a Municioality for any whatsoever, (2) A Filtnicipaiity may prescribe the size of the feeru)es to be used forthe supply of water and nay egt, ibl iSh meters or other arplianceg for the purpose of testing the quantity of quality of any water s iplied to the premises of any per3T1 or to or fo• the use of any person or business. The ferrules, couunication pipes , (3) connectzons meters, stand—p..pes and all fittingg thereon or connected therewith leading from mains. par E , drains, sewers or channels in to any buildi lg or land and the pipes tittinqs and 63 Power to lay or carry mains, pipes, drains or sewers for water supply Connection mains etc. THE ANDAMAN AND NICOBAR EXIRÅORDINARY GAZITE, DEC. 8, 1994 Troughs and pipes for rain water. Bathing and washing places. works ingide any such building or within the limit of any such land, shall in a-ll cases be executed sub ject to the ingepection by and to the gatiBfication of the Municipality, (4) A Municipality fix the fees to be charged for the egtblaa)nent by or through ite agency of conunication fran and connections with mains or pipes for the supply of water and nay levy such fees. E. Dispæal 0) surface water 112. (1) The Municipality by notice require the owner any building or Innd to put up and keep in gocon condition proper throughB and pipes for receiving and carrying the water including the rain water frca the bblding or land and for dischargina the same 30 as not to inconvenience persons passing along the street. (2) For the purpos•) of efficiently draining any building or land in the municipal area a Municipality by not ice in writing (a) require any court -yard alley -or passage between two or builQinrgs to be paved with such materials and in such nanner as nay be approved by it; and (b) require such ng to be kept in proper repair. F. mthina a: d Waghing places 113. (1) A Municipality nay set apart suitable places in the municipaj area tor the purposes of bathing and may specify the times at which and the sex of the person whom persons such placee my be used and nay also act suitable places for washing animals or clothes or -for any other purposes connected with the health cleanl iness or cõmfort of the inhabitants of the municipal area; and any public notice prohibit the bathing or washin.(of animal or clothes in any public place not BD set apart or at times or by persons other than specified ande• any other act by which wat*r in public placee my be rendered foul or unt it tor use and uay charge fees for the use of such places by any specified clagg or cluses of oergong or by the public general lye THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZEITE. DEC. 8. 1994 65 Remova I and d#xeit offen— Sive matter. Fai lure remove of fens Ive matter - Penal ty for nuisance. (2) Municipality my fix by notice place at which articlæ or clothing, or other articles which have been to infection Bhall be washed and no persons shall wash any such articles at any place in the Municipal area not BO fixed. G. Cleaning 114. Municipality may fix places within or with the approval' of the Deputy Ceissioner beyond the I imits of the Municipal area for the depæit of refuse rubbish or offensive mttter of any kind jr for the dispæal of the dead bodies of animas and my by public notice aive directions os to the tiæ mnner and conditions at in ari< under which Buch rubbish offensive miter or dead bodies of any animals nay be removed ong any street and deposited at. such pl aces

115. Whoever being the owner of occupier of any buildina or land in a municipal area, keepe or knowingly or nqligently to be kept for more than twenty four hours or otherwise than in some proper receptacle or pit any dirt dung bones ashes night—soil or filth or any noxious or effensive rmttter in or upon such bui lding or land or suffers •ny such receptacle or pit to be in a f i ithy or noxious state or neglects to employ proper mean%) to cleanse and mzrify the sane shall be punishaoæ with fine which my extend to fifty rupees , 116. Kni ever cc—its or permits any servants or for meuber of his house hold or any person under his control to whæ the provigiong of section 82, section 83 or section 84 or the Indian Panel Code or applicable to cæmit a nuiance upor any street or into any public sever or drain c r any drain ccanunicating therMith shall be punishable with fine which my extend to twenty rupees. H. House Cleaning 117. For the pupoge of this Regulation house— Def ination of house cleaningq means the retX)val of filth rubbieh odour cleanina. or other of tensive matter from a privy latrine, urinal , cesspool or other coeon receptacle for such mttter in or pertaining to a mi lding including .ltt3 appurtenances. 118.(10 Undertaki nq of house cleaning by Muni— cipal ity. Municipal it-y cleaning as It shall be the duty of every to Dake such arrangements in to system of such servants for house— t my deem fit.

66. THE ANDAMAN AND NICOBAR EXTRAORDINARY GLTTE, DEC.B, (2) The Municipality Bhall charge each rate or rates for house—cleaning as be Ipreacribed under clause(i) of Bub-gection (1) of

section 80. (3) Any servant of a Municipality who is employed in house—cleaning may at all able times do all things necessary for the proper performances of any house—cleaning tender taken by the Municipality. (4) All matter removed by the servant of a Municipality in the course of house—cleaning shall belong to the Municipality

119. Whenever any animal in the charge of any person in a municipal area dies otherwise than by slaughter the person in charge thereof shall within twenty four hours either (a) convey the carcasses to a place (if any) fixed by the Municipality under section 114 for the disposal of the dead bodies of animals if no such place has been fixed to suitable at least one mile beyond the limits of the municipal area; or: (b) give notice of the death to the Municipality whereupon the Municipality shall cause the carcasses to be disposed of, (2) In respect of the disposal of the dead bodies of an animal under clause (b) 1 of sub-section (b) the Municipality may charge such fees as it may by public notice prescribe in this behalf. (3) For the purpose of this section means and includes horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine and other large animals. (4) Any person who fails to comply with the provisions of sub-section () shall be punishable with fine which may extend to ten rupees. I. Slaughter Place 120. A Municipality with the approval of the Deputy Commissioner, appoint premises for the slaughter of animals for sale or of any specified description of such animals and may with the like approval grant licence for the use of such premises or if they belong to the Municipality charge rent or fees for the use of the same, 1994 Disposal of dead animals. Place for slaughter of animals for sale. ANDAMAN AND NICOBAR GAZETTE, DEC. 8, 1994 121. (1) Where a Municipality has appointed any premises under section 120 no person shall slaughter any animal for sale; at any other place within the municipal area. (2) Any person who contravenes the provision of sub-section (1) shall be punishable with fine which may extend to twenty rupees. J. Food 122. A Municipality may regulate by bye-laws the keeping of any place in the municipal area as a restaurant, lodging house, eatery, hotel, bakery, confectionary or aerated water factory, or as a market of shops for the sale of fruit, vegetables, sweetmeats, milk, animals, eggs, fowls, or any thing intended for human food and such bye-laws may prohibit the keeping of any place for any such purpose save under and in accordance with the condition of a licence granted in that behalf by the Municipality. 123. never, feeds or to be fed any deleterious substance filth or refuse of any kind any animal which is kept, or is intended to be used, for the supply of milk or food to the inhabitants of a municipal area, shall be punishable with fine which may extend to fifty rupees. K. Dangerous diseases 124. Whenever (a) being the owner or occupier of any dwelling other than a public hospital in a municipal area, and being cognizant of the existence of any infectious or contagious disease therein; or (b) being the person in charge of, or in attendance on, any person suffering from any such disease such dwelling and being cognizant of the existence of such disease therein, fails to give information to such officer as the Municipality may prescribe in this behalf, or gives false information respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees: Provided that a person such as is referred to in clause (b) shall not be punishable if he had reasonable cause to believe that the information had been, or would be, duly given by a person such as is referred to in clause (a). 67 Animals to be slaughtered for sale at authorised places only. Control of sale of food. Penalty for feeding animals on deleterious substances. Information to be given on infectious or contagious diseases,

68. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 Disinfection— Erection of buildings and articles. Provision of places and appliances for disinfection. 125. (1) If a person is of opinion that the cleaning or disinfecting of a building in the municipal area or any part thereof, or of any article therein, which likely to retain infection will tend to prevent or check the spread of any disease, or is otherwise necessary it may, after giving a notice to the owner or occupier, cause the building to be cleansed or disinfected in such manner as it may deem fit. (2) Whoever knowingly lets a house or other building, in a municipal area or part of such a house or building, in which any person has been suffering from an infectious or contagious disease without having such house or building or part thereof and all articles therein liable to retain infection disinfected to the satisfaction of the Municipality, shall be punishable with fine which may extend to two hundred rupees

126. In any municipal area, the Municipality may —(a) provide proper places with all necessary attendants and apparatus, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection; (b) cause conveyance, clothing, bedding or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by it; or (c)

direct any clot hing, bedding, or other. articles likely to r etain infection , to be destroyed ; Provided that the Municipality shall give canpensation for any art icle destroyed under thig section

127. Whoever, whi le Buffering from an Penalty for acts done by persons suf fering t rom certain disorders , infectious, contagious Dr loathsane disease or d isorder ,—(a) makes or offers for sale any article of food or drink for hunan consumption or any medicine or drug; or (b) wilfully toucned any such article, medicine or drug, when or sale by others, or (c) takes any the buisneas of washina or carring goi led clotas, shall be punishable with fine which may exte to twenty rupees. THE ANDAMAN AND NICOBAR DEC. B, 1994 Prohibition 128. If a hapticapality, on the report Of the 69 by Muni— cipal ity of use of unwhoie— water. Senior Medical Officer or Health Officer, considers that the water in any WII, tank or other places in the municipal area likely, if used for drinking, to generate or cause the spread of any dangerous disease, it may— (a) by Dubiic notice prohibit the remval or use of Buch water for drinking; (b) by notice require the owner or person having conrol of Buch well, tank or place to take such stepe as be specified in the notice to prevent the mtblic from Ynving acceæ to or using such water; or (c) takH such steps as it my, on the advice of the Sen-tor Medical Officer or Health Officer, consider to prevent the generation or spread of any euch disease. L. Burial and Burning—Places 129. (1) A Municipality shall with the Appointment of placeg as burial or burn— inq grounds. Control over re— moval of corpses. previous approval of the Senior Medical Officer, by public notice, appoint placee which shell be used ag. burial or barning—grounds, and shall also define the imitg of such places. (2) No burial or burning—ground, whether public or private, Bhall be mde formed in a municipal area or within me mile thereof without the permiaæ•n in writing of the Muniapiity. (3) No Dereon Bhall , without the permission of the Municipality, bury or burn, or cause or permit to be buried or brunt, any corpse at any place in tae municipal area except a place by the as a burial or burning ground. (4) Whc»ver contravenes the provigione ot sub—section (2) or gub—section (3) , shall be •punishable with tine which extend to fifty rupees. 130. (1) Municipality may, by public notice, prescribe routes for the removal of to burial or binning—grounds. (2) Whoever carries a corpse alona a route prohibited Jy the Municipality, or in a mnner likely to cause annqrance to public, shall be punishable v ith fine which my extended to ten rupees .

70. THE ANDAMAN AND NICOBAR EXÅRAORDINARY GAZETTE, DEC.8, M, Dangerous to Insanit.ary Bui Iding and Places 131. If any building, tank reservouir, pool depreegion or excavation in a nuncipal ex.ea, is, for want of gufficient. repair, protection or enclosure, danaerous to the persons dwe\ling or working therein or in the neighbourhood thereof or to persons pasginU By, the Municipality my, by notice, require the owner or occupier thereof to repair, protect or unclæe the same, and if the requireænt of such notice is not with. the Municipal ity Bhall forthwith • take at the expense ot the owner, any Stepa which it thinks necessary for the purpcse of imminent danger , 132. If in any mun f cipal area any building, wall or structure or any thing affixed 'thereto, or any bank or tree, is deemed 'by the Municipality to be in ruinoue state or in any way dangerous, the Munieipality,-may, by' notice, requira the owner thereof forthwith either to remove the same or to cause such repair-O to be made to the building, wall structure or bank as the Municipality may nsider necessary 't,for the public safety, and, if the requirement {'Of Buch notice is not complied with, the Mun;cipal ity Bhall forthwith take, at the expense ' of the owner, any which it thinkB necesoary for the purpge of averting imminent danger, 133. It the owner 0.1* occupier of any I building or land in a municipal area Buffers the same to be ina filthy or unwholeæe st\$te the Municipality may by n)tice require hin within twenty—four hours to cleanse the .game or otherwise put it in a proper state and tpereafter to keep it in a clean and proper state and if it appears to the Municipltity to be neceg.qary for sanitary purpczes to do go it nay at any J time by notice, direct the occupier of any bui ".ding in the municipal •area to lime—wash or etherwise cleanse that building inside or outsidei in Buch Danner and within Buch Period as may be 'Specified in the motice

134. A Municipality may, by notice, require the owner or occupier of any in the municipal area to clear away and remove Zherefroo any thick vegetation undergrowth v•aich nay appear to the Municipality to be iniurious to health or offensive tc persons regidiny!" in the neiah-bourhood.1994 Powers to require bui Idina , wells, tanks, etc. , to be Becured , Powers to order re— moval or repair of bui Idinqs , etc. in dangerous state. Powerg to order clen— sing of filthy buildingq or land. Power to require owner to clear away noxious vegetation. THE ANDAMAN AND NICOBAR ATRAORDINARY GAZETrE, psc. 8, 1994 71 135, Municipality by notice, require the owner (tr occupier of any land in the municic»l axea to cut or trim within three days the hedges orowing thereon and uxdering on any branches

Of trees thereon which overhang any street and obstruct the same or cause damage or which overhang any well than or other source from which water is derived for public use as to be likely to pollute the water thereof

136. If the Senior Medical Officer certifies that the cultivation of any description of crop or the use of any kind of manures or the irrigation land in any specified manner (a) in any place within the limits of the municipal area is injurious or facilities practices which are injurious to the health of person dwelling in the neighbourhood; or (b) in place within or beyond the limits of the municipal area, likely to contaminate the water—supply of the municipal area or otherwise renders it unfit for drinking purposes the Municipality may with the approval of the Administrator, by public notice, prohibit the cultivation (of such crop the use of such manure, or the use of the method of irrigation so reported to be injurious or impose such conditions with respect thereto as may prevent such injury or contamination: Provided that when on any land to which such notice applies the act prohibited has been practised during the five years immediately preceding the notice in the ordinary course of husbandry compensation shall be paid from the Municipal Fund to all persons interested therein for any damage done. 137. (1) (a) (b) (c) (d) caused to them by the effect of such Nuisance or Offensive Trades No person within a municipal area shall be used for collecting tallow or fat; for boiling or drying bones offal or blood; as soap—household, or barber's shop; as a brick-field, brick-kiln, pottery or lime kiln; as a other manufactory, engine—house or place of business from which offensive or unwholesome smells, noises, fumes or smoke Power to require hedges and trees to be planted. Prohibition of cultivation, use of manure or irrigation injurious to health. Regulation as to offensive and dangerous trades.

72. THE ANDAMAN AND NICOBAR EXORDINARY DEC.8, 1994 (f) as a yard or depot for trade in hay, straw thatching grass, dry wood charcoal, or coal of other dangerously inflammable material; or (g) as a store-house for any explosive or for petroleum or any inflammable oil or spirit, except under a licence granted by the Municipality which shall be renewable annually (2) 'file licence shall not be withheld unless the Municipality considers that the business which is intended to be established or maintained would be the cause of annoyance, offence or residence in the immediate neighbourhood or that reasons the establishment of such business in the (3) the Municipality may charge fees according to a scale be fixed by for such licences and may impose such conditions in respect thereof as it may think necessary. (4) Whoever, without, a licence or in contravention of the condition of any such licence, uses any place for any such purpose as is specified in this section shall be punishable with fine which may extend to fifty rupee and in the case of continuing offence, with further Penalty for negligence in quarrying blasting, cutting timber or building. Provision of police protection at fairs. Fine which may extend to ten rupees every subsequent day during which the offence is continued

138. Whoever in a municipal area quarries, bleats cuts timber or carries on the building operations in such manner as to cause to be likely to cause danger to persons passing by or dwelling in or working in the neighbourhood, shall be punishable with fine which may extend to rupees fifty. U

Fairs 139. The Administrator may provide special protection of a fair protection on agricultural show or industrial exhibition managed by a Municipality or for the purpose of guarding houses in a municipal area evacuated on account of epidemic and the Municipality shall pay such charges in respect of such protection as the Administrator may determine in his behalf. THE ANDAMAN AND NICOBAR GAZETTE, DC. 8, 1994 73 Power to levy fees at fairs. Powers over digging—order of houses and prostitutes. powers to close down brothels

140. Municipality may, levy fees, not exceeding such amounts as the Administrator may fix in this by notification, on persons attending a fair on which the Municipality incur expenditure and on person exposing goods for sale or pursuing any occupation for gain. P. brothel (J) A Municipality may, by notice, prohibit in any specified part of the municipal area— (a) the keeping of a brothel; or (h) the residence of a prostitute. (2) Whoever fails to comply with a notice issued under sub-section (i) shall be with imprisonment for a term which may extend to eight days or with fine which may extend to rupees one hundred and in the case of a continuing failure, with a further fine which may extend to ten rupees for every subsequent day during which the failure continues

142. On complaint. If one or more inhabitants of a municipal area that a house in the municipal area is used as a by directly of any brothel, disreputation or the annoyance of the respectable inhabitants of the

vicinity, or that any such house is used as a brothel in the neighbourhood of any educational institution, boarding—house or place of Worship, any Magistrate of the First Class having jurisdiction in the place Where the house is situated, may direct the owner or tenant of the house, and on being satisfied that the house is so used and it is a source of annoyance or interference to the neighbours, or that it is in the neighbourhood of any educational institution, may order the owner or tenant to discontinue such use of the house and if such owner or tenant fails to comply with order Within five days, the Magistrate may impose a fine on him of such amount as the house has been so used. Disposal of mad and stray dogs and other animals. 143, (1) The Municipality may— (a) authorise any person— (i) to destroy or cause to be destroyed or to confine or cause to be confined, for such period as may be necessary, as the Municipality may direct any dog or other animal found in the municipal area suffering or

74. THE AND NICOBAR EXTRAORDINARY 8, reasonably suspected to be suffering from rabies or bitten by any dog or other animal suffering or suspected as aforesaid; (ii) to continue, or cause to be confined any found wandering about streets of public without collars or other marks places distinguishing them as private property; (b) charge a fee for any dog confined under sub—clause (ii) of clause (a) and destroy or otherwise dispose of any such dog if the fee; dog is not claimed and the fee not paid within one week; (c) by public notice issue a temporary or standing order that any dogs without collars or other marks distinguishing them as private property found straying on the street or in the enclosures of the houses of the owners of such dogs may be destroyed and destroy or cause them to be destroyed accordingly. (2) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section 144. Whoever, in a municipal area, keeps any swine in disregard of any orders which the municipality may give to prevent them from becoming a nuisance or keeps any other animal so as to be injurious to the health of the inhabitants or of animals or goes to become a nuisance, shall be punishable with fine which may extend to five rupees and in the case of a continuing offence with further fine which may extend to five rupees for every subsequent day during which the offence is continued, R. Other Nuisances 145. Whoever, in contravention of any general or special prohibition issued by a Municipality without the permission of the Municipality beats a drum or tom-tom, blows a horn or trumpet or beats or sounds any brass or other instrument or utensil, shall be punishable with fine which may extend to twenty five rupees. In the case of offence committed by a band, each individual member of such band shall be also punishable

146. Whoever in a municipal area, discharges fire arms or lets off fire works or fire balloons or detonator, or engages in any game in such a manner as to cause or be likely to cause danger 1994 **Penalty for keeping animal so as to be injurious to health.** Penalty for beating drums, etc. Penalty for discharging fire arms, etc. **THE ANDAMAN AND NICOBAR EXTRAORDINARY** 8, 1994 75 **Penalty for allowing any person to pass by or dwell in the neighbourhood or risk of injury to property** shall be punishable with the which may extend to twenty rupees

147. Municipality may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit the stacking or collecting of timber, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting a fire in any place, or within any limits in the municipal area which may be specified in the notice: Provide that no such notice shall be issued except with the previous approval of the Deputy Commissioner

CHAPTER IX 148. A person may with the previous approval of the Administrator (a) close temporarily any public street or any part thereof for any public purpose; (b) direct to close permanently any public street other than a major road: or (c) lease its interest in the land forming a public street other than a major road or any part thereof, if not required for the purposes of this regulation

149. A Municipality may grant permission in writing for the temporary occupation of any street or land vested in it for the depositing of building materials or making any temporary excavation therein or erection thereon, subject to such condition as it may prescribe for the safety or convenience of persons passing by or dwelling in or working in the neighbourhood may charge fees for such permission : Provide that in the case of a major road, no such permission shall be granted except with the previous approval of the public works Department. b. Encroachments and Obstructions written 150. (1) Whoever without the permission of the Municipality builds or erects any movable

encroachment upon the ground level of any street or on a sewer, drain or water—course in municipal area. or builds or makes Prohibition of collecting inflammable materials, etc. Power streets. Power of permitting temporary occupation of streets etc • 76 . THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 encroachment upon streets. Removal of projections and obstructions in streets. Removal of projections any immovable overhanging structure projecting into a street at a point above the ground level. shall be punishable with fine which extend to fifty rupees, (2) the Municipality may, by notice, require the owner or occupier of any building to remove or alter such immovable or overhanging structure as aforesaid and so compensation shall be claimable in respect of such removal or alteration. 151. (1) Whoever in a municipal area, without the written permission of the Municipality.. (a) places in front of any immovable encroachment the ground level of any street or over or on any sewer, drain or water course or erects any movable overhanging structure projecting into the street at a point above the said ground level; or (b) takes up or alters the pavement or other materials or the fences or posts of any street; or (c) deposits building materials, goods or other article or merchandise or any article; or (d) makes any hold or excavation in or under any street, or removes material beneath any street so as to cause risk of subsidence shall be punishable with fine which may extend to fifty rupees. The Municipality may— (i) summarily remove or cause to be removed by the police any such movable or overhanging structures and any such material goods or articles of merchandise: and (ii) take action summarily to restore the street to the condition it in before any such alteration, excavation or damage. was in expences or such restoration be recoverable from the offender. Explanation:— For the purposes of this section movable encroachment' includes a seat or settee, and movable overhanging' structure includes 'awning or any 152. In case to which the provisions of section 150 or section 151 do not apply the Municipality may, subject to the payment of ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 and payment of compensation. Power to regulate line of building in streets. Power to attach brackets for lamps houses . reasonable compensation by notice require the owner or occupier of any building in the municipal area to remove or alter any projection, structure or verandah overhanging any street or projecting into or on any street, or any drain sewer or aqueduct therein. 153. (1) If any building or part of a building projects beyond the regular line of a street, either existing or determined on for the future. or behind the front of the building on either side thereof, the owner when ever building or part has been either entirely or in greater part taken down or has fallen down before notice, require such building or part when being rebuilt to be set back to or towards the said regular line or the front of the adjoining building: and the portion of the land added to the street by such setting back shall become part of the street and shall vest in the Municipality : Provided that the Municipality shall make full compensation to the owner for any damage which he may sustain in consequence of his building or any part thereof being set back. (2) The Municipality may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street. (3) The provisions of this Section shall apply to the rounding off of dangerous or inconvenient street corners. C. Miscellaneous provisions as to streets 154. A Municipality may attach to the outside of any building in the municipal area brackets for lamps in such manner as not to occasion any injury to such building or other inconvenience 155. Whoever, without being authorised by the Municipality, defaces or disturbs any municipal direction; or lamp, or extinguishes any light in any public place, punishable with fine which may extend to ten rupees

156. Whoever without the consent of the owner or occupier or other person for the time being in charge affixes any posting bill notice placard or other paper or means of advertisement against or upon any building wall tree board fence or pole in municipal area or writes upon soil or marks any building wall tree board fence or Penalty destroying (fire) lamp-post etc. Penalty for bill-sticking without permission.

78. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 pole with chalk or paint or in any other way whatsoever shall be punishable with fine which may extend to twenty rupees 157. (1) A Municipality cause a name to be given to any street and a name-plate to be affixed on any building therein in such place as it may think fit and may also cause number plate to be fixed to buildings in the municipal area. Whoever destroys, pulls down or defaces any name or number affixed to any street or building under this section or puts up any different name or number from that put up by other of the shall be punishable with fine which extend to twenty rupees. D, Street Nuisance 158. Whoever without the permission of the municipality picks up animals or collects carts on any street or uses any street as a haltina

place for vehicles or animals of any description or as a place or or causes or poruitß. anim13 to Btray therein shall be punishable with fine which extend to twenty rupees. 159, Whoever between such hours as may be prescribed by bye—laws drives or propels in any streets any vehicle which is not properly supplied with light shall be punishable with fine Which may extend to twenty rupeeB. 160. (I) Whoever in a street— (a) exposes goods for sale so as to cause obstruction (b) negligently lets loose any or suffers any ferocious dog to be at large without a muzzle or gets on or urges any dogs or any animal to attack woman or put in a fear any person or cattle; (c) begs inopportunately for alms or exposes or exhibits with the object of exciting charity or of exhorting alms any sores wounds bodily ailment or deformity; (d) willfully and indecently exposes his person or commits a nuisance by enticing children or omits to prevent any child under his care or custody from committing such nuisance; or (e) is found drunk and incapable of taking care of himself or shall be punishable with fine Which may extend to fifty rupees, 1994 Names to Streets and numbers to buildings. Penalty for picketing animals and collecting carts. Penalty for driving vehicles without proper lights. Penalty for certain offences. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. B, 1994 (2) Whoever cruelly beats or ill-treats or tortures or drives or otherwise uses any animal in an unfit manner to be go driven, ridden or used, shall be punishable with imprisonment Which extend to Sixty days or with fine Which may extend to one hundred rupees or with both. (3) Provisions of this section shall be in addition to and not derogation of any other law for the time being in force. Buildings 161. For the purpose of this Chapter a person is said to re—erect a building Who makes any material alteration or enlargement of a building or any part thereof. An alteration in a building Explained as follows:— shall be deemed to be material, if it (a) affects or is likely to affect prejudicially the stability or safety of the building or the condition of the building in respect of drainage, ventilation, sanitation or hygiene or (b) Increases or diminishes the height or cubical capacity of or the area covered by the building or reduces the cubical capacity of any part of the building below the minimum prescribed in any bye—law or (c) converts into a place for human habitation a building or part of a building originally constructed for other purposes, or (d) involves the addition of any rooms, out-houses or other structures to any building, or (e) involves the constructions in a wall adjoining any land not belonging to the owner of the wall or a door opening on to such land, or (f) is in alteration of any kind Which has been declared by authority to be a material alteration. 162. (1) No person shall erect or re—erect or commence for erect or erect any building in a municipal area without the sanction of Municipal Committee. (2) Every person Who intends to erect or re—erect any building shall give notice in writing to the Municipality of such intention. 79 Definitions.

80. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. B, (3) The Municipality may, by bye—laws,— (a) prescribe the manner in Which notice of the intention to or re—erect a building shall be given to the Municipality; and (b) require that with every such notice there shall be furnished a site plan of the land on Which it is intended to erect or re—erect such 1994 Power to make bye—laws as to mode of construction of buildings and a plan and specification of the building of such character and with such details as the bye—laws may require in respect of all or any of the following matters: namely:— (i) the free passage or way to be left in front of the building; (ii) the space to be left about the building for secure free circulation of air and to facilitate scavenging [and for the prevention of fire; (iii) ventilation, and the provision and position of drains, pipes, latrines, urinals or cesspools; (iv) the level and width of the foundation, the level of the lowest floor, and the stability of the structure; and (v) the line of frontage with adjoining building, if the building abuts on a street. (4) Where bye—laws have been framed under this section, on notice under sub—section (2) shall be valid until the information if any required by such bye—laws has been furnished to the satisfaction of the Municipality, by bye—laws, A Municipality may, 163, regulate in respect of the erection or re—erection of any building within the municipal area or any part thereof— (a) the materials and method of construction to be used for external and party walls, roofs, floors, fire—places and chimneys; (b) the materials; and method of construction and position of fire—places chimneys, drains, pipes, urinals and cesspools (c) the height and slope of the roof above the uppermost floor upon Which human beings are to live or cooking operation are to be carried on (d) the ventilation and the space to be left about the building to secure the free circulation of air and for the prevention of fire THE ANDAMAN NICOBAR EXTRAORDINARY GAZETTE, DEC. A, 1994 Special provision for cases where bye-laws have not been made. Dispensation from bye—lawg. (e) the line of frontage where the building abuts on a street (f) the

number and height of the storey of which the building consists; and (g) the means to be provided for egress from the building in case of fire. 164. In any case in which no bye-laws have been made under sub-section (3) of section 162 the Municipality may, within fourteen days of the receipt of the notice referred to in sub-section (2) of that section, require a person who has given such notice to furnish, within one week of the receipt by him of the requisition information on all or any of the matters as to which bye-laws might have been made and in such case the notice shall not be valid until such information has been furnished. The Municipality may by resolution dispense with the observance of any or all of the bye-laws made under sub-section (3) of section 162 in regard to the erection or re-erection of any building specified in the resolution provided that no such resolution shall be proposed except with the previous sanction of the Administrator. 166. Within one month after the receipt of the notice required by powers sub-section 162 the Municipality may refuse to sanction the building or may sanction it either absolutely or such modifications as it thinks fit in respect of all or any of the matters specified in sub-section (3) of that section and the person erecting or re-erection any such building shall comply with the sanction of the Municipality as granted in every particular: Provided that if the person neglects or for two months after the receipt of a valid notice to make and deliver to the person who has given such notice an order of sanction or in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely. The Municipality may refuse to sanction the erection or re-erection or any building either on grounds affecting the particular building or in pursuance of a general Administrator sanctioned by the scheme the erection or re-erection of restricting buildings or any class of buildings within Powers refuse sanction to build.

82. THE ANDAMAN AND NICOBAR., EXTRAORDINARY GAZETTE, DEC. B. 1994 specified limits for the prevention of overcrowding or in the interest of the residents within such limits or for any other public purpose and sanction may also be refused in any case in which there is any dispute between the Municipality and the applicant as to the land on which it is proposed to erect the building until such dispute is decided

167. Every sanction for the erection or re-erection of a building which is given or deemed to have been given by a Municipality shall in force for one year only from the date of such sanction and if the erection or re-erection of the building is not commenced within the said period of one year, the sanction shall be deemed to have lapsed; Provided that such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of this Regulation

168. If the erection or re-erection of a building is begun or continued— (a) Without sanction as required by sub-section (1) of section 162 or (b) Without notice as required by sub-section (2) of section 162 or (c) after sanction has been refused or (d) in contravention of the terms of any sanction granted or (e) after the sanction has lapsed or (f) any contravention of any bye-law made under section 163 the Municipality may by notice to be delivered within a reasonable time require the building to be altered or demolished as it thinks necessary Within a space of thirty days from the date of service of such notice: Provided that no such notice shall issue in respect of the contravention of any bye-law the observance of which has been dispensed with under section 165: Provided further that the Municipality pay instead of, requiring the alteration or demolition of any such building except by way of compensation such sum as it thinks reasonable, of sanction to build, Penalty for building without sanction. THE ANDAMAN AND NICOBAR EXTRAORDINARY DEC. B, 1994 83 Power to inspect drains, privies and cess-pools.

169. (1) No compensation shall be claimable by an owner for any damage which he may sustain in consequence of a refusal to sanction the erection of any building, (2) The Municipality shall make full compensation to the owner of any damage which may sustain in consequence of a refusal to sanction the re-erection of any building: Provided that the Municipality shall not be liable to make any compensation in respect of refusal to sanction the erection of a building which for a period of three years or more immediately preceding such refusal has not existed or has been unfit for habitation. CHAPTER GENERAL PROVISIONS OF ENTRY AND INSPECTION 170. Any person authorised by the Municipality in this behalf (a) after giving twenty-four hours notice to the occupier or if there be no occupier to the owner of any building or land in a Municipal area at any time between sunrise and sunset enter and inspect the building or land for the purpose of valuation: and (b) enter and inspect any stable coach-house or other place where there is reason to believe that there is any vehicle or animal liable to tax In pursuance of this Regulation or for which a licence has not been duly taken out. 171. (1) A person authorised by the Municipality in this

in half my, enter between sunrise and sunset any building or land in a Municipal area and inspect any drain, privy, latrine, urinal cesspool, cable, wire pipe, sewer or channel therein or thereon and cause the same to be opened where such person thinks fit for the purpose of preventing or removing any nuisance arising from the drain, privy, urinal, latrine, cesspool, cable, wire, pipe, sewer or channel. (2) If on such inspection it appears that the opening of the ground was necessary for the prevention or removal of a nuisance and expenses thereby incurred shall be paid by the owner or occupier of the land or building but if it is found that no nuisance exists or but for such opening would have arisen the ground or Compensation for damage in respect of erection or re-erections. Power of entry for purposes of valuation or taxation. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DE. B, 1994 Power to inspect buildings for sanitary purposes. General powers of entry on buildings or land. Power to inspect places for illicit slaughter of animals. of any building drain or other work (if any) opened, injured or renewed for the purpose of such inspection shall be filled in, reinstated and by the Municipality. (3) No building other than a latrine, urinal or privy shall be entered under this section until six hours notice in writing has been given to the occupier of the building by the Municipality or by the person authorised by the Municipality to make the entry.

172. Any person authorised by the Municipality in this behalf may after giving three hours notice to the occupier or if there be no occupier to the owner of any building in Municipal area enter and inspect it at any time between sunrise and sunset where such inspection appears necessary for sanitary reasons: Provided that if the building to be inspected is a stable for horses or a house or such for cows or other cattle previous notice shall not be required before inspection.

173. Any person authorised by the Municipality in this behalf may after giving twenty four hours notice to the occupier or if there be no occupier to the owner of any building or land in a Municipal area at any time between sunrise and sunset—(a) enter and survey or take levels or measurements on the building or land; (b) enter the building or land for the purpose of examining works under construction ascertaining the course of sewers or drains or of executing or repairing any work which the Municipality is by this Regulation empowered to execute or to maintain; or (c) enter the buildings or land for the purpose of inspecting or repairing water or other installations or for taking readings of meters connected therewith.

174. If there are reasonable grounds for believing that any animal has been or is being or is about to be slaughtered for sale in a Municipal area in any place or premises not appointed for such under section 120 or in contravention of any bye—law the Municipality by any person authorised by it in this behalf at all reasonable times enter into and inspect any such place or premises. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DE. B, 1994 Power of entry for purposes of preventing spread of disease. General provisions. Reasonable time for compliance, with notice etc. , 175. Any person authorised by the Municipality in this behalf may at any time between sunrise and sunset enter any building or premises situated in a Municipal area in which any infectious or contagious disease is reputed or suspected to exist for the purposes of inspecting such building or premises.

176. A Municipality may authorise person to exercise the powers of entry conferred by the foregoing sections of this chapter either generally in regard to all buildings and lands, or particularly in regard to specified buildings or lands or classes of buildings or lands. (2) When any building used as human dwelling is entered under this Regulation due regard shall be paid to the special and religious sentiments of the occupiers and before any apartment in the actual occupancy of any woman who according to custom does not appear in public is entered under this Regulation notice shall be given to her that she is at liberty to withdraw and every reasonable facility shall be afforded to her for withdrawing.

177. When any notice under this Regulation requires any act to be done which no time is fixed by this Regulation it shall fix reasonable time for doing the same. to be fixed. Authentication, service & validity of notices. 178. (1) Every notice issued by a Municipality under this Regulation shall be in writing, signed by the chairperson or vice chairperson the secretary or of any other person specially authorised by the Municipality in that behalf, and may be served on the person to whom it is addressed or delivered or left at this usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business. (2) When the place of abode or business of the person to whom the notice is addressed is not within the limits of the Municipal area, the notice may be served by posting it addressed to his usual place of abode. (3) if the

owner of any property has no place of or business within the Municipal area. every such notice addressed to him as such owner, may be served on the occupier. ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. a, (4) When the place of abode or business of the occupier of any property is not known every notice addressed to him as such occupier, may be served by affixing it to some conspicuous part of the property. (5) No notice issued by the municipality under this Regulation shall be invalid for defect of form

179. Where it is provided by or under this Regulation that the notice be given to the owner or occupier of any land or building and the owner and occupier are different persons such notice shall be given to that one of them who is primarily liable to with such notice, and in case of doubt to both of them: Provided that in any such case, where there is no owner resident within the municipal area, the delivery of such notice to occupier shall be sufficient, IBO, When any notice is, by or under this Regulation, required to be given to or served on the owner occupier of any property and he is unknown, it may be given or served (a) by delivering a written notice to some person on the property, or if there is no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property; or (b) by posting a pre-paid letter containing a written notice and addressed by the description of the 'owner' or 'occupier' of the property (naming it) in respect of which the notice is given, without further name or description. Every public notice given by a Municipality under this Regulation shall be published by proclamation or in such other manner as the Administrator may direct, 182. Whoever disobeys any lawful direction given or prohibition imposed by a Municipality by public notice under this Regulation or any written notice lawfully issued by it thereunder, or fails to comply with the condition subject to which any permission was given by the Municipality to him thereunder, shall if the disobedience or failure is not an offence punishable under any other section, be punishable 1994 Service of notice etc., when owner and occupier are different persons. Mode of giving notice to owner or occupier of property, Publication of public notices. Penalty for disobedience of Municipality. ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 87 with fine which may extend to fifty rupees and in the case of continuing disobedience or failure with a further fine which may extend to fine which may extend to fifty rupees and the cost of continuing disobedience or failure with a further fine which may extend to five rupees for every subsequent day during which disobedience or failure continues Provided that, when the notice fixes a time within which a certain act to be done and no time is specified by or under this Regulation, no penalty shall be incurred by reason of such disobedience or failure if, in the opinion of the court trying the case, the time so fixed was not a reasonable time 183. Whenever the term of any notice issued this Regulation have not been complied with the Municipality may, after six hours. further notice, cause the act to be done by its officers

184. Any person wilfully obstructing the Municipality or any officer or servant of a Municipality or any authorised by a Municipality in the exercise of any power conferred by or under this Regulation, shall be punishable with fine which may extend to fifty rupees. 185. (1) Where, under this Regulation, the owner or occupier of any property is required by a Municipality to execute any work and default has been made in complying with the requirement and the Municipality has executed the work the Municipality may recover the cost of the work from the person in default. 2) Where any money recoverable by the Municipality under this section is payable by the owner of the property, it shall be charge thereon and shall be recoverable as if it were a tax levied by the Municipality on the property. C. Payment of compensation by Municipality 186. (1) A Municipality may make compensation Payment of Power in event of non-compliance with notice etc. Penalty obstructing Municipality. Recovery of costs of execution. compensation by Municipality. out of the Municipal Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it or its officers or servants under this Regulation, and shall such compensation where the damage was caused by its negligence of its officers or servants and the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised. 1994 Appeals from orders of Municipality, Provision to be suspended in certain cases. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. a, (2) If any dispute arises regarding the amount of any compensation which the Municipality is required by this Regulation to pay for, injury to any building or land it shall be settled in such manner the parties agree. or in default of agreement in the manner provided by the Land Acquisition Act 1894 with reference to the acquisition and payment of compensation for land for public purpose so as the provisions of that Act can be applied

applicable, D. Appeals from orders, etc., of Municipality 187. (1) Any person aggrieved— (a) by the refusal Of a MU)icipality under section 166 to sanction the erection or re— erection of or (b) by a notice from a Municipality t.mder sec*ion 168 requj ring the alteration or demolition of a buileinq; may appeal within thirty days the date of such notice or refusal, to such officer as the Administrator may appoint in this behalf or failing such appintaent to the Deputy Commissioner but no 3uch notice or refusal shall be liable to be called in question otherwise than by such appeal , (2) The appe late authority may, it if thinks fit extend the period allowed by sub— section(1) for appedl. ing the notice or refusal appealed fran shall be final : Provided that the notice or refusal shall not be modified or set aside until the appellant and the Municipality have had a reasonabl e opportunity Of heard, 188. When any order of a kind referred to in section 182 or seztion 185 is subject to appeal and an appeal With hag beina instituted against it all proceedings to enforce such order & all prosecutions for any contravention thereof or non—compliance there with shall be suspended pending the deci\$ion ot the appeal and if such order iB get aside on appeal , disobedience thereto Shail not be deemed to be an offence. E. Offences and prosecutions 189. (I) Every police officer shall give Powers and duties of imediate information to the Municiapl ity of any pol ice in offence made punishable by or under thig respect •Regulation and shall be bound tq assist all of offen— members, officer:3 & servants of the Municipality in the exercise of their lawful authority. ces aaaanst Regulation. ANDAMAN AND NICOBAR EXTRAORDINARY DE. 8, 1994 Authority for pros— ecutions. Power to compound of fences. (2) Ally police officers nay, without an order fran a Magistrate and without a warrant arrest any perscrt in his view any offence made puashable by or under this Regulation if— (a) the nare and address of such are unknown to such officers and (b) such person decl ines to give his name and address, or there is reason to doubt the accuracy of the namo and address, if given. 1 3) Ä vergon arrested under thig section may be detainee until his name and address have being corectly ascertained Provided that no person so arrested shall be detained for a longer period than necessary for bringing him before a and that su=h period shall not exceed twenty—four hours except under the order of a Magistrate for his detention

190. Unless otherwise expressly provided no Courts all tax cognizance of any offences Nde punishable or under this Regulation except the complä)nt of or upon informtion received from the Municipality or sane person authorised by the Mumcipality in this behalf.191. (1) A Municipality or any of its officers authorised in this behalf may accept from any person aqaint whæ a reasonable suspicion exist that he has nmmitted an offence made punishable by or under this Regulation a sum of nnney by way of ccomposition for such offence. (2) On payment of such eum of money, the shal I be suspected if in custody , diBcharged, and no further proceedings shall be taken against him in regard to offence or alleged offence BO compounded for. (3) Sums paid by way of cæposition under this section shall be credited €0 the Municipal Fund

192. No , Judge or Magistrate shali be deemed to be a patr,' to or personally Regulation or any other law.w thin the meaning of section 479 of the Codes of Criminal Procedure 1973, by only that he a member of the Municipality by order, or under the authority, of which the such prcsecution has been instituted . 89 Members not& be digqual i— fied from trying.

90. THE ANDAMAN AND NICOBAR EXTQAORDiNARY GAZEETE, DEC.B, 193. Where any pergon is convicted of any offence mde punishable by or under this Regulation the ILgistrate nay direct that such cost of the proaecution and such ccapensation for any damage which my have been caused to any municipal property in the coamiæion 'Of such offence shall be paid by such person and any sum 30 ordered to be paid shall be recoverüle ag if it •were a fine and be, credited to the Municipal laund F Suits 194. No suits shall be instituted against a Municipali_ty or aaainst any member, officer or servant of a Municipality in respect Of any act perporing to be done in its or his official capacity until the expiration of one, next after notice in writ2.na has been, in the case of a Municipality delivered or left at its office, and in the case an officer or servant delivered to him or left at his office •or place of abode, Btating the cause of action and the name and place of abode of the intending plaintiff Provided that ncthina in this section applied to any suit instituted under section 54 of the specific Relief Act 1877. G. Recovery of Municipal Claims 195. (I) Any tax rata, cess or fee (other than a school fee) and any costs , damages or compensation or other monies payable. or claimable or recoverable by a hmicipality under this Regulation or any rule or bye—law may, after a denmd has beer made therefor in the mnner prescribed by ruleg mde by Administrator, be recovered, on ication to the CRI lector of the district, as arrears. ot land-revenue, that

is to pay by the distress and sale of any movable property, or by attachment of immovable property, belonging to such person. Provided that nothing in this section shall prevent the Municipality in its discretion, from suing for the amount payable in any competent Civil Court. (2) If any property, movable or immovable is sold under the provisions of this Regulation and there is, after payment of the amount due to the Municipality, any surplus from the sale proceeds, such surplus shall, if the owner of the property so claims it within six months from the date of the sale, be paid to him by the Municipality, but the Power of Magistrate to order of costs and damages suits against Municipality or its officers. Recovery of taxes and other claims. THE ANDAMAN AND NICOBAR DEC. 8, 1994 if no such claim is preferred within such time, the said surplus shall be credited to the Municipal Fund, and no suit shall lie for the recovery thereof. (3) no distress attachment of sale made or held under this Regulation shall be deemed unlawful, nor shall any person making or holding the same be deemed to be trespasser, on account of any error, defect, or want of form in any bill of sale, schedule, notice of demand, warrant of distress or attachment in inventory or any other proceeding relating thereto if provisions of this Regulation have been substantially and effect complied with. Provided that any person aggrieved by irregularity may recover satisfaction for damage by him arising therefrom.

CHAPTER XX DISTRICT PLANNING COMMITTEE 196. (1) There shall be constituted for all the in any any the districts in the Union territory, a District Planning Committee to consolidate the plans prepared by the Panchayats, Municipalities and the tribal administrative bodies in the areas notified under sub-section (3) of section 3 of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956, and to prepare a draft plan for the Union territory - (Z) The District Planning Committee shall consist of, (a) the Adhyaksha of the Zilla Parishad who shall be the Chairperson; (b) the Chairperson of the Municipality; (c) the Member of Parliament for the Union Territory; (d) such number of persons not less than four-fifths of the total number of members of the Committee as be specified the Administrator shall be elected by and from amongst the elected members of Zilla Parishad and the Municipality in proportion to the ratio between the population of a Parishad and of the districts including the urban area in such manner as the District Planning Committee shall determine among the following namely: —

92. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC.g, (i) Six persons from among the tribal residents in the Car Nicobar tehsil; (ii) Four from the tribal residents in the Nancowry tehsil (excluding Great Nicobar); (e) one person belonging to any of the Scheduled Tribes of the Andamans Orngee or Shcopens to be nominated by the Administrator; (f) secretary to the Union territory incharge of planning; (a) secretary to the Union territory incharge of Finance; 1994 Power of Administrator over Municipal (h) secretary to the Union territory incharge of local; (i) the Chief Executive Officer of the Zilla Parishad (3) The District Planning Committee shall prepare a draft Development Plan, — (a) having regard to, (i) matters of common interest between the Panchayats, Municipalities, reserved area, area and other areas including spatial planning sharing of water and other physical and natural resources, integrated development of infrastructure and environmental conservation the extent and type of available resources whether financial or otherwise: and institutions such (b) consult organisations as the administrator may by order specify. (5) The Chairperson of the District Planning Committee shall forward the Development Plan to the recommended by such Administrator.

XII CONTROL BY THE ADMINISTRATOR 197. (1) Administrator and the Deputy Commissioner act in accordance with the orders of the Administrator shall be bound to require that the proceedings of Municipality shall be in conformity with the law for the time being in force. (2) The Administrator may exercise all powers necessary for the performance of this duty and may, among other things, by order in writing annual or modify any proceedings of a Municipality which he may consider not to be in conformity with law. ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 93 Power to cancel or suspend any resolution passed, or Issued or Licence or permission. (3) The Deputy Commissioner for the said purpose, exercise such powers as be conferred upon him by the Administrator. 198. The Administrator may, by order in writing— (i) suspend or cancel any resolution passed, or issued, or licence or granted, or (ii) prohibit the doing of any act which is about to be done, or is being done, in pursuance or under colour of this Regulation, if in his opinion, (a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorised. or (b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Regulation or any other law, or (c) the execution of such resolution or order, the continuance in force of such licence or

permission or the doing of such act is likely to cause danger to human life, health, or safety, or is likely to lead to a riot or an affray: Provided that the Administrator shall before taking action under this section on any of the grounds referred to in clauses (a) and (b) give the authority or person concerned an opportunity for an explanation. 199. (1) In the opinion of the Administrator, the Municipality persistently makes default in the performance of the duties imposed on it by or under this Regulation or exceeds or abuses its powers, the Administrator may by an order published, with a statement of reasons therefor, in the Official Gazette dissolve the Municipality: provided that the Municipality shall be given a reasonable opportunity of being heard its dissolution. (2) When the Municipality is dissolved by an order under section (1)— (a) all members shall, on the date of the dissolution, vacate their office and such and the persons referred to in clause (a) of sub-section (2) of section 9 shall cease to be represented in the Municipality; (b) during the period of dissolution of the Municipality, all powers and duties conferred and imposed upon the Municipality by or under this Regulation or any other law, shall be exercised and performed by such officer or authority as the Administrator may appoint in that behalf: Dissolution of the Municipality. 94. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, Dec 8, 1994 (c) all property and rights vested in the Municipality shall until it is reconstituted, vest in the Government

200. If any dispute, for the decision of which this Regulation does not otherwise provide arises between two or more Municipalities or between any Municipality and any other authority, the matter shall be referred to the Administrator whose decision shall be final

CHAPTER XIII AND RULES A. Bye-laws 201. A Municipality may, by bye-laws— (a) render licences necessary for the proprietors or drivers of vehicles or animal kept for plying for hire within the limits of the municipal area, and fix the fees payable for such licences and the conditions on which they shall be granted and may by such conditions provide among other things for a minimum breadth for wheel tyres for a minimum diameter of the wheels; (b) limit the rates which may be demanded for the hire of any carriage, cart or other conveyance, or of hired to carry load or persons, or for the services of persons hired to carry loads to be carried by such conveyances animals or persons when hired within the municipal area for period not exceeding twenty four hours; (c) provide for the proper registration of births marriages and deaths and for the taking of a census (d) fix, and from time to time vary the number of persons who may occupy a building which is let in lodging or occupied by members of more than one family or which is situated within such congested areas as may be specified in the bye-laws; and provide— (i) for the registration and inspection of such buildings; (ii) for promoting cleanliness and ventilation in such buildings; (iii) for the notices to be given and the precautions to be taken in the case of any information of contagious disease breaking out in such buildings; Disputes between Municipality. General bye-laws, 10 THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 (iv) in the case of hotel, sarai lodging-houses and residential clubs, for the maintenance of registers in such form as the Municipality may prescribe for visitors and lodgers; and (v) generally for the proper regulation of such buildings; (e) provide— (i) for the sanction and proper regulation of encamping grounds, pounds, serais, hotels, restaurants, Lodging houses, tea-stalls, confectioneries bakeries aerated— water factories ice-factories, dhobie Ghats, flourmills and slaughter houses; (ii) for the inspection and proper regulation of municipal markets, for the preparation and exhibition of a list current prices and for fixing the rents and other charges to be levied in such markets; (iii) for the holding of fairs and industrial exhibitions within the municipal area or under the control of the and for the collection of fees under section 140; (iv) for controlling and regulating the and management of burial and burning— grounds: and (v) for the supervision, regulation and protection from pollution of public wells, tanks springs or other sources from which water is or without the municipal area: (f) require and regulate the appointment by owners of buildings or land in the municipal area who are not resident in the municipal area of persons residing within or near the municipal area to act as their agents for all or any of the purposes of Regulation; (g) Where the collection of a terminal tax has been sanctioned fix terminal tax limits for the purpose of collecting the same and prescribe routes by which goods, animals or dogs which are subject to such terminal tax be brought into the municipal area; (h) render licences necessary for using premises as stables, cow-houses, or houses or enclosures for sheep or goats; and otherwise regulate keeping of animals within the municipal area: i) In any municipal area where a reasonable number of slaughter houses has been provided or licensed by the Municipality control regulate or 95 THE ANDAMAN AND NICOBAR EXTRAORDINARY DEC. 8, prohibit the admission within the municipal

area for the purpose of sale of the flesh (other than cured or reserved meat) of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Regulation, and provide for the seizure, destruction or otherwise of any flesh brought within the municipal limits in contravention of any such bye-law; (i) prohibit the lighting of fire—arcs, fireworks, fire balloons or detonators except — (i) with the permission of the Municipality or of an officer of the Municipality empowered to give such permission: (i) Subject to such conditions as the Municipality may impose, and (iii) on payment of such fees (if any) as may at any time have been fixed by the Municipality in that behalf; (k) regulate the making and use of connections or communications between private hot-wires and premises and mains or service cables, wires, pipes, drains, sewers and other channels established or maintained by the Municipality under any of the provisions of this Regulation; (l) regulate the posting of bills and advertisements, and the position, size, shape and style of name—boards, sign—boards and Banners; (D) provide for and regulate the construction and maintenance of boundary walls, hedges and fences hereafter erected or re-erected so as to abut on a public street or upon property vested in the Municipality; (n) regulate or prohibit any description of traffic in the streets; (o) prohibit the storage of more than a fixed maximum quantity of any explosive petroleum spirit, naphtha or other inflammable material in any building not licensed under section 137; (p) provide for the seizure and confiscation of ownerless animals straying within the municipal area; (g) provide for the registration of all or any specified classes of dogs and in particular and without prejudice to the generally of the foregoing 1994 THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 (i) provide for the imposition of an annual fee for such registration; (i) require that every registered dog shall wear a collar to which shall be attached a medal token to be issued by the Municipality; and (iii) provide that any dog, not registered and not bearing such token may, if found in any public place be detained at a place to be set apart for the purpose and shall be liable to be destroyed or otherwise disposed of after such period as may be specified in the bye-law; or (r) generally provide for any which may be authorised by the Administrator: Provisions 202. (1) Any power to make bye-laws conferred relating by this Regulation is conferred subject to the bye-laws being made after previous publication: to bye-laws. in making any bye-law the Municipality that breach thereto shall be liable to be punishable with fine which extend to fifty rupees and on the case of a continuing breach with a further fine which may extend to five rupees for every subsequent day during which the breach continues: Provide that in lieu of or in addition to inflict such fine the Magistrate may require the offender to remedy the mischief so far as it is within his power: (3) No bye-law shall come into force until it has been confirmed by the Administrator and published in such manner as the Administrator may describe in this behalf. (4) The Administrator in confirming a bye-law may, any change in its form which appears to him to be necessary. The Administrator may cancel his (5) confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect. (6) A copy of all bye-laws shall be kept at the office of the Municipality and shall be open during office hours without charge to the inspection of any inhabitant of the municipal area. (7) Copies of all such bye-laws shall be kept at the said office for sale to the public at a price not exceeding five rupees. 97

8. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994, B, Forms and Rules 203. (1) The Administrator may prescribe forms for any proceeding of Municipalities, for which he considers that form should be provided may, subject to the condition of previous publication, by notification. make rules to carry out the provisions of this Regulation. (2) in particular and without prejudice to the generally of the foregoing powers, Such rules may provide for all or any of the following matters namely (a) the qualifications required in the case of persons appointed by a Municipality to offices requiring professional skill (b) the authority on which money paid from the Municipal fund, and the management and regulation of Provident Funds (if any) established under section 25; implements, (c) the custody and use of by appliances and other materials kept in the Municipality under section 105: to be observed for the (d) the procedure for appointment, punishment or dismissal of officers and servants of Municipality and as to appeals from order of appointments, punishments or dismissal; (e) the condition on which property may be acquired by a Municipality or on which property vested in a Municipality may be transferred, by sale, mortgage lease, exchange or otherwise; (f) the preparation of plans and estimates for works to be partly or wholly constructed at the expense of Municipalities and the persons by whom, and the conditions subject to which such plans and estimates are to be sanctioned; (g) the assessment and collection and the composition, refund or the limiting of refunds, of taxes imposed under this Regulation and the prevention

of evasion of the same; and the fees payable for notice of demand; (h) the conditions on which a Municipality may receive goods into a bonded—warehouse and the agreements to be signed by traders or other wishing to deposit goods therein. 1994 Forms and rules. TIO ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 by such 99 account are to be open to inspection by inhabitant—g paying any tax under this Regulation, the manner in which such accounts are to be audited and published, and the power of the auditors in respect of disallowances and surcharge; j) the returns statements and reports to be submitted by Municipalities; (k) the language in which business of Municipalities: shall be transacted, proceeding recorded and notices issued: (l) the issuance of public notices; (m) the regulation of the proceedings of Municipalities and persons empowered to accept composition Under section 191 for all kinds of fences: (n) the maintenance, control and regulation of water works and supply of water; (o) generally the guidance of Municipalities and public officer in carrying the purposes of this Regulation; and (p) the intermediate office or offices (if any) through which between Municipalities or members and the Administrator or the Deputy Commissioner shall pass; (g) the powers to be exercised by the Deputy Commissioner under section 97. (r) any other matter which has to be or may be provided. (3) In and in such rules, the Administrator may direct that a breach of any provisions thereof shall be punishable with fine which may extend to fifty rupees (4) A rule may be general for all municipal areas, or for all municipal areas not expressly excepted from its operation or be special for the whole or any part of one or more municipal areas, as the Administrator may direct. LOO . THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 In the name of the President of India before the President. The President has been pleased to give the following orders:— The President has been pleased to give the following orders:— The President has been pleased to give the following orders:—

204. Every rule and every bye—law made this Regulation shall be void as soon as may be after it is made before each House of Parliament While it is in session or 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 the successive sessions as aforesaid both houses agree for making any modification in the rule or bye—law or both houses agree that the rule or bye—law should not be made, the rule or bye—law shall thereafter have effect only in 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 or bye—law. CHAPTER IV SUPPLEMENTARY

205. No act done or proceeding taken under this Regulation shall be questioned on the ground merely of the existence of any vacancy in any Municipality, sub—committee or joint committee or on account of any defect or irregularity not affecting the merits of the case, 206. (1) A copy of any receipt application plan, notice order entry in a register or other document in the possession of a Municipality shall if duly certified by the keeper thereof or other person authorised by bye—laws in this behalf be received as evidence of the existence of the entry or document and of the matters of transaction therein recorded in every case where and to the same extent as the entry or document would if produced have been admissible to prove such matters or transactions. (2) No officer or servant of a Municipality shall in any legal proceedings to which the Municipality is not a party be required to produce any register or document the contents of which can be proved under sub—section (1) by a certified copy or to appear as a witness to prove the matters or transactions recorded therein, unless by order of the Court made for a special cause. THE ANDAMAN AND NICOBAR EXTRAORDINARY GAZETTE, DEC. 8, 1994 101 Amendment of regulation 1 of 1994. Power to remove difficulties. Repeal of Regulation 4 of 1979. Repeal and savings

207. In section 1 of the Andaman and Nicobar Islands (Panchayats) Regulation, in sub—section (2), for the words "Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957" the words "The Andaman and Nicobar Islands shall be (Municipal) Regulation, 1994", substituted. 20B. (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 appears to him to be necessary or expedient for removing of that difficulty: Provided that no such order shall be made after the expiration 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 laid before each House of Parliament. 209. (1) The Andaman and Nicobar Islands (Administrator) Regulation, 1979 is hereby repealed: Provided that the Pradesh Council exist immediately before the commencement of this Regulation shall cease to exist on the date till immediately before the date fixed under section the Andaman and Nicobar

Islands 150 of (Panchayats) ReJualtion 1994. 210. (1) The Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957 is hereby repea I ed. (2) The repeal of the said Regulation shall not effect (a) the previous operations of the said Regulation ar any other done or suffered thereunder ; 0) (b) any riqht, orivi leqe. obligation or liability acqaired, accrued or incurred under the said Regulation; or q c) any penalty; forfeiture or punishment incurred xn respect of any offence cæmitted against the said Regulation; or 102 - THE ANDAMAN AND NICOBAR E)CIRAORDINÄRY GAZETTE, DEC.- (d) any invegtigation, legal proceeding or remedy in respect of which such right, privi leger obligation, liability, forfeit.ure or punishment as aforesaid on amy such investigation, legal proceeding or remedy may be instituted continued or enforced any such penalty, forfeiture or punishment may be imposed as -If this Regulation had not been promulaated. SHANKER SHAm4Ä, Presi dent. K.L,WHANPURIA, Secy,to the Govt. of India. 1994

