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

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 23rd April, 1994/Vaisakha 3, 1916 (Saka)

THE LAKSHADWEEP PANCHAYATS REGULATION, 1994

No 4 OF 1994

Promulgated by the President in the Forty-fifth Year of the
Republic of India

A Regulation to provide for the establishment of Village (Dweep)
Panchayats and District Panchayat in the Union territory of
Lakshadweep and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution
the President is pleased to promulgate the following Regulation made by
him :—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Lakshadweep Panchayats
Regulation, 1994.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Union territory of Lakshadweep.

(3) It shall come into force on such date as the Administrator may, by
notification in the Official Gazette, appoint, and different dates may be appointed
for different Islands or for different provisions of this Regulation.

2. In this Regulation, unless the Context otherwise requires,—

Defini-
tions.

(a) "Administrator" means the Administrator of the Union territory of
Lakshadweep appointed by the President under article 239 of the Constitution;

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

(c) "Chairperson" and "Vice-Chairperson" mean respectively the Chairperson and Vice-Chairperson of a Village (Dweep) Panchayat ;

(d) "district" means the district of Lakshadweep comprising the entire Union territory of Lakshadweep ;

(e) "Election Commission" means the Election Commission referred to in section 87 of this Regulation for the Union territory of Lakshadweep ;

(f) "Finance Commission" means the Finance Commission referred to in section 86 of this Regulation for the Union territory of Lakshadweep ;

(g) "Gram Sabha" means the body consisting of persons registered in the electoral rolls relating to a village (Dweep) ;

(h) "general election" means the election held under this Regulation for the constitution or the reconstitution of a Panchayat after the expiry of its terms or otherwise;

(i) "Island" means one of the Islands mentioned in the First Schedule;

(j) "notification" means a notification published in the Official Gazette;

(k) "octroi" means a tax on the entry of animals or goods or both into Panchayat area, for consumption, use or sale therein ;

(l) "Official Gazette" means the Lakshadweep Gazette ;

(m) "Panchayat" means a Village (Dweep) Panchayat or District Panchayat, as the case may be, established under the provisions of this Regulation ;

(n) "Panchayat area" means the territorial area of a Panchayat;

(o) "population" means the population, as ascertained at the last preceding census of which the relevant figures have been published ;

(p) "Pradhan" and "Up-pradhan" mean respectively the Pradhan; and Up-pradhan of a Village (Dweep) Panchayat ,

(q) "President-cum-Chief Counsellor and Vice-President-cum-Counsellor" mean respectively the President-cum-Chief Counsellor and Vice-President-cum-Counsellor of a District Panchayat ;

(r) "prescribed" means prescribed by rules made under this Regulation ;

(s) "prescribed authority" means a person appointed by the Administrator to carry out the provisions of this Regulation ;

(t) "public street" means a pathway, road, street, square, or footpath over which the public have a right of way, whether a thoroughfare or not, and includes—

(i) the footway attached to any such street or road;

(ii) the drains attached to any such street or road and the land which lies on either side of the roadway upto the boundaries of the adjacent property;

(u) "tax" means a tax, cess, rate or other impost leviable under this Regulation but does not include a fee;

(v) "Union territory" means the Union territory of Lakshadweep.

CHAPTER II

GRAM SABHA

3. (1) A Gram Sabha shall consist of persons registered in the electoral rolls relating to an Island or group of Islands comprising the area of Village (Dweep Panchayat):

Member-
ship of
Gram-
Sabha.

Provided that a person shall be disqualified for being a member of the Gram Sabha if he—

(a) is less than 18 years of age;

(b) is not a citizen of India;

(c) is of unsound mind and stand so declared by a competent court; and

(d) is not ordinarily a resident within the Island for which the Gram Sabha is established. Explanation.—For the purposes of clause (d) a person shall be deemed to be "ordinarily resident" in an Island if he has been ordinarily residing in such Island or is in possession of a dwelling house therein ready for occupation.

4. (1) A member of a Gram Sabha shall cease to be a member, if—

(a) he is disqualified under section 12; or

(b) the area where he resides has been excluded from the jurisdiction of the Gram Sabha; or

(c) he ceases to be ordinarily resident within the jurisdiction of the Gram Sabha.

Cessation
of mem-
bership.

(2) Where any person ceases to be a member of a Gram Sabha under subsection (1), he shall also cease to hold any office to which he may have been elected or appointed by reason of his being a member thereof.

5. The prescribed authority under the superintendence, direction and control of the Election Commission shall cause to be prepared an electoral roll in the prescribed manner. Such electoral roll shall, among other things, contain the names of all persons entitled under section 3 to be the members of the Gram Sabha and such electoral roll shall be revised at least once in a financial year in the prescribed manner.

Electoral
roll of
members
of Gram
Sabha.

6. (1) Every Gram Sabha shall hold general meetings in each financial year, one before the harvesting of the crop and the other after the harvesting of the crop:

Meetings
of Gram
Sabha.

Provided that the Pradhan shall, upon a requisition in writing by not less than one-fifth of the numbers of members of the Gram Sabha, within thirty days of the receipt of such requisition, call an extra-ordinary general meeting of the Gram Sabha.

(2) The Pradhan or in his absence, the Up-Pradhan or in the absence of both, any person chosen by the Gram Sabha shall preside at such meeting.

(3) The notice of the time and place of all meetings of the Gram Sabha shall be given in the prescribed manner.

Quorum.

7. The quorum for a meeting of the Gram Sabha shall be one-tenth of its total membership.

CHAPTER III

THE PANCHAYATS AND THEIR CONSTITUTION

Constitution of Village (Dweep) Panchayats and District Panchayat.

8. (1) With effect from such date as the Administrator may, by notification appoint in this behalf, there shall be constituted for the purpose of this Regulation, a Village (Dweep) Panchayat on each of the Islands specified in the First Schedule and a district panchayat for a Union territory.

(2) Subject to the provisions of this Regulation, a Panchayat shall consist of such number of seats to be filled by persons chosen by direct election from territorial constituencies in the Panchayat area, as may be notified, from time to time, by the Administrator:

Provided that a Village (Dweep) Panchayat having a population indicated in column (2) of the Table below shall consist of the number of seats indicated against the respective entry in column (3) thereof:—

TABLE

Serial Number	Population	Number of seats
(1)	(2)	(3)
(i)	Where the population is more than ten thousand.	One seat for one thousand of population or part thereof.
(ii)	Where the population is not less than six thousand but not more than ten thousand.	Ten seats
(iii)	Where the population is not less than three thousand five hundred but not more than six thousand.	Eight seats
(iv)	Where the population is not less than two thousand but not more than three thousand five hundred.	Six seats
(v)	Where the population is less than two thousand.	Three seats

Provided that the number of seats to be filled by persons chosen by direct election in the district Panchayat shall be determined at the rate of one seat for every two thousand and five hundred of population of a Village (Dweep) Panchayat and if the remainder is more than one thousand two hundred and fifty then the number of such seats shall be measured by one:

Provided further that atleast one seat shall be allotted to a Village (Dweep) Panchayat.

(3) The following persons shall be represented in the district Panchayat, namely:—

(a) The Pradhans of the Village (Dweep) Panchayats;

(b) The member of the House of the people representing the Union territory.

who shall have the right to vote at the meetings of the district Panchayat.

(4) Where the Administrator is satisfied that any Island, other than the Islands referred to in sub-section (1), has become inhabited with people, he may, by

notification, direct that such Island shall form part of the Island nearer to it as may be specified in the said notification (hereinafter in this sub-section referred to as the notified Island, and thereupon the provisions of this Regulation shall apply to that Island in the same manner and subject to the same condition as they may apply to the notified Island;

Provided that the readjustment as afore said shall not affect the representation in any Village (Dweep) Panchayat or the district Panchayat, as the case may be, until the division of the Village (Dweep) Panchayat area is made by the Election Commission afresh into territorial constituencies under this Regulation.

9. All seats in a Panchayat shall be filled by persons chosen by direct election from territorial constituencies in the Panchayat area and for this purpose, each Island shall be divided by the Election Commission into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to that Island shall, as far as practicable be the same throughout the Island.

Composition of village (Dweep) Panchayats and the District Panchayat.

10. Every Panchayat shall, by the name specified by the Administrator in this behalf, be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions imposed by or under this Regulation, and shall have power to acquire, hold, administer or transfer property, both movable and immovable, and to enter into any contract and shall, by the said name sue or be sued.

Incorporation of Panchayat.

11. A person shall not be qualified to be chosen as a member of a Panchayat unless his name is entered in the electoral roll for any constituency of the Panchayat:

Qualification for membership.

Provided that in the case of seats reserved for the Scheduled Tribes and women, no person who is not a member of any of the Scheduled Tribes or is not a woman, as the case may be, shall be qualified to be elected to such seat.

12. A person shall be disqualified for being chosen as, and for being, a member of a Panchayat, if he—

Disqualification for membership.

- (a) is not a citizen of India; or
- (b) has not attained the age of twenty one years; or
- (c) holds any office of profit under the Central Government or any local authority; or

(d) has been dismissed from the service of the Government or any local authority for misconduct unless a period of five years has elapsed from such dismissal; or

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

(f) is an undischarged insolvent; or

(g) is of unsound mind and stands so declared by a competent court; or

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

(i) is in arrear for such period as may be prescribed of any tax, fee or other sum due to the Panchayat;

(j) is so disqualified by or under any law for the time being in force for the purpose of election to the House of People;

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;

(k) is so disqualified by or under any law made by the Parliament.

Reservation
of seats
for
Scheduled
Tribes
and
woman.

13. (1) Seats shall be reserved for the Scheduled Tribes in every Panchayat. The number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Tribes in that Panchayat area bears to the total population of that area. The exact number of such seats reserved for the Scheduled Tribes shall be determined by the Administrator by Order, to be published in the Official Gazette.

(2) Seats shall be reserved for women belonging to the Scheduled Tribes, from among the seats reserved for the Scheduled Tribes, the number of such 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 reserved for the Scheduled Tribes.

(3) Seats shall be reserved for women, the number of seats being determined by Order to be published in the Official Gazette by the Administrator which shall not be less than the one-third (including the number of seats reserved for women belonging to the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat.

(4) Seats reserved for Scheduled Tribes and women under sub-sections (1), (2) and (3) shall be allotted in a Panchayat by rotation to different constituencies in a Panchayat by the Election Commission in the manner as may be prescribed.

Decision
on ques-
tion as
to disqua-
lification.

14. If any question arises as to whether a member of a Panchayat has become subject to any disqualification mentioned in section 12, it shall be referred to the Administrator for decision.

and his decision shall be final:

Provided that before giving any decision on any such question, the Administrator shall obtain the opinion of the Election Commission and shall act according to such opinion:

Provided further that no order shall be made against a person unless he has been given an opportunity to defend himself.

List of
voters.

15. (1) For every Panchayat constituency, there shall be a list of voters which shall be prepared and maintained under the superintendence, direction and control of the Election Commission.

(2) Every person who is entitled to be registered in the relevant part of the electoral roll of Lakshadweep House of the People constituency under the Representation of the People Act, 1950 and the rules made thereunder shall be entitled to be registered as a voter in the list of voters for the Panchayat constituency to be prepared under sub-section (1).

43 of 1950

(3) Such part of the electoral roll of Lakshadweep House of the People constituency prepared under the Representation of the People Act, 1950 and the rules made thereunder for the time being in force, as is included in the relevant constituency of a Panchayat shall be the list of voters for that Panchayat constituency.

43 of 1950

(4) The electoral roll for a panchayat shall be prepared in accordance with such rules as may be prescribed.

(5) Every panchayat shall make available to the Election Commission such staff as it may require for the performance of any duties in connection with the preparation of list of voters for a constituency and conduct of elections in respect of that panchayat.

16. (1) Every person whose name is, for the time being, entered in the electoral roll for a panchayat as an elector shall be entitled to vote at the election of a member of that panchayat.

Right to
vote.

(2) No person shall have right to vote under this Regulation in more than one constituency in respect of a panchayat, or more than once in the same constituency and if he does so, all his votes shall be invalid.

17. The election of members of a panchayat shall be held in accordance with such rules as may be prescribed on such date as the Administrator may, by notification direct:

Election
of
members.

Provided that a casual vacancy shall be filled as soon as may be after the occurrence of the vacancy:

Provided further that no election shall be held to fill a casual vacancy occurring within six months prior to the expiry of term of the Panchayat.

18. (1) If the validity of an election of a member of a panchayat is called in question by any person qualified to vote at the election to which such question relates, such person may, at any time within fifteen days after the date of declaration of the result of the election, present an election petition to the prescribed authority in such form as may be prescribed, for the determination of such question.

Dispute
as to
validity
of election.

(2) If, on receipt of an election petition under sub-section (1) and after making such inquiry as it considers necessary, the prescribed authority is satisfied—

(a) that any member who has been elected was on the date of election subject to any of the disqualifications mentioned in section 12; or

(b) that any corrupt practice has been committed by any member who has been elected or by any other person with the consent of such member; or

(c) that the result of the election, in so far as it concerns an elected member, has been materially affected—

(i) by any corrupt practice committed in the interest of the elected member by any person with the consent of such member, or

(ii) by any non-compliance with the provisions of this Regulation or any rules or order made thereunder.

the prescribed authority shall declare the election of such member to be invalid, and such declaration shall be final:

Provided that no election of a member shall be declared invalid on the ground that such member committed a corrupt practice unless he has been given an opportunity to show cause against such declaration.

(3) Where the prescribed authority declares the election of any member to be invalid on the ground that he committed a corrupt practice, the prescribed authority may declare such member to be disqualified from exercising any electoral right or from being a member of any panchayat for such period not exceeding five years, as he may determine.

(4) A person shall be deemed to have committed a corrupt practice if he, with a 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 valuable consideration or holds out any promise of individual profit or any threat of injury to any person.

19. If the prescribed authority declares the election of any member to be invalid, a fresh election to fill the vacancy so caused shall be held in accordance with the provisions of this Regulation.

Fresh
election.

The Jurisdiction of Civil courts in election matters barred.

20. No civil court shall have jurisdiction to question the legality of any action or any decision given by the prescribed authority in connection with the conduct of elections under this Regulation.

Cessation of membership.

21. (1) A member of a panchayat shall cease to be a member if—

(a) he is or becomes subject to any of the disqualifications mentioned in section 12; or

(b) he ceases to be ordinarily resident within the panchayat area from which he was elected; or

(c) he absents himself for more than three consecutive meetings of the panchayat without the leave of the panchayat.

(2) Where any person ceases to be a member of a panchayat under sub-section (1), he shall also cease to hold any office in which he may have been elected or appointed by reason of his being a member thereof.

Restriction on simultaneous or double membership.

22. (1) No person shall be a member of two or more village (Dweep) panchayats.

(2) If any person is simultaneously elected as a member of two or more village (Dweep) panchayats, such person shall, within fifteen days from the date of the later on which he is so elected, intimate his option to the prescribed authority, in respect of the panchayat in which he wishes to opt and, thereupon his seat in the panchayat other than the one in which he wishes to continue, shall become vacant.

(3) Any intimation, given under sub-section (2) shall be final and irrevocable.

(4) In default of intimation referred to in sub-section (3) within the aforesaid period, the prescribed authority, shall determine the seat which he shall retain and thereupon the remaining seats from which he was chosen, shall become vacant.

(5) Where a person while being a member of one panchayat, intends to stand as a candidate for membership of another panchayat, he may stand as a candidate for such membership notwithstanding anything contained in sub-section (1);

Provided that if he is elected for the seats for which he stood as a candidate, the seat already held by him shall become vacant on the date on which he is so elected.

Election of Chairperson and Vice-Chairperson.

23. (1) At the first meeting of a village (Dweep) panchayat to be called on a date fixed by the Administrator after each general election, the members of the village (Dweep) panchayat shall elect, from amongst themselves, a Chairperson and a Vice-Chairperson.

(2) The offices of the Chairperson shall be reserved for the Scheduled Tribes and women ;

Provided that the number of offices of Chairpersons of village (Dweep) panchayats reserved for Scheduled Tribes shall bear, as nearly as may be, the same proportion to the total number of such offices in the village (Dweep) panchayats as the population of the Scheduled Tribes in the Union territory bears to the total population of the Union territory and such reserved offices shall be allotted by Election Commission, by rotation, in the manner as may be prescribed;

Provided further that the offices of the Chairpersons in Village (Dweep) Panchayats shall be reserved for women, the number of such reserved offices being 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 offices of Chairpersons of Village (Dweep) Panchayats in the Union territories and such reserved offices shall be allotted by Election Commission by rotation in the manner as may be prescribed.

(3) Such officer as may be specified in this behalf by the Administrator shall preside at such meeting but shall not have the right to vote.

(4) No business other than election of the Chairperson and Vice Chairperson shall be transacted, at such meeting.

(5) In case of equality of votes the results of the election shall be decided by lots drawn in the presence of the officer aforesaid in such manner as he may determine.

(6) In the event of the dispute arising as to the validity of the election of the Chairperson or the Vice-Chairperson, the dispute shall be referred to such authority as may be specified by notification by the Administrator for decision and its decision thereon shall be final.

24. At the first meeting of the district Panchayat to be called on a date fixed by the Administrator after each general election, the members (including those referred to in clause (a) sub-section (3) of section 8 of the district Panchayat shall elect from amongst elected members referred to in the second and third provisos of sub-section (2) of section 8 a President-cum-Chief-Counsellor and two Vice-President-cum-Counsellors.

Election of President-cum-Chief Counsellor.

25. The executive powers of the Village (Dweep) Panchayat and District Panchayat, under this Regulation and the responsibility for the due fulfilment of duties imposed on that panchayat, under the Regulation and for carrying out the resolution of such panchayat shall vest in the Chairperson and the President-cum-Chief Counsellor, as the case may be.

Chairperson and President-cum-Chief Counsellor to be executive.

26. (1) Every panchayat, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting, and no longer.

Duration of Panchayat.

(2) An election to constitute a panchayat shall be completed—

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

(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 panchayat would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the panchayat for such period.

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

27. (1) As soon as may be after the first meeting of the panchayat after each general election, every member thereof shall, take the oath of office before such officer as the Administrator may specify in this behalf, an oath of office in the form set out in the Second Schedule.

Oath of office.

(2) No member who has not taken such oath shall vote or take part in the proceedings of any meeting.

28. (1) Any member may resign his office by giving notice in writing to that effect to the Chairperson and to the President-cum-Chief Counsellor, as the case may be, and such resignation shall take effect as provided under sub-section (4).

Resignation of office.

(2) The Vice-Chairperson and Vice-President-cum-Counsellor may resign his office by giving notice in writing to the Chairperson and President-cum-Chief Counsellor, as the case may be, and such resignation shall take effect as provided under sub-section (4).

(3) The Chairperson and President-cum-Chief Counsellor may resign his office by giving notice in writing to the prescribed authority, and the resignation shall take effect as provided under sub-section (4).

(4) Every resignation under sub-section (1), sub-section (2) and sub-section (3) shall take effect on the expiry of the period of fifteen days from the date of its receipt by the Chairperson, President-cum-Chief Councillor or the prescribed authority, as the case may be, unless within this period of fifteen days he withdraws such resignation by writing under his hand addressed to the Chairperson President-cum-Chief Councillor or the prescribed authority, as the case may be.

(5) If any dispute regarding any resignation arises, it shall be referred for decision to the Administrator and his decision shall be final :

Provided that no such dispute shall be entertained after the expiry of a period of thirty days from the date on which the resignation takes effect.

Motion of
no con-
fidence.

29. (1) A motion of no confidence may be moved by any member of panchayat against the Chairperson or the Vice-Chairperson or President-cum-Chief Councillor or Vice-President-cum-Councillor, as the case may be, after giving such notice thereof as may be prescribed.

(2) If the motion is carried by a simple majority of all the then members of the panchayat, the Chairperson or the Vice-Chairperson or President-cum-Chief Councillor or Vice-President-cum-Councillor, as the case may be, shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier.

(3) Notwithstanding anything contained in this Regulation, the Chairperson or the Vice-Chairperson or President-cum-Chief Councillor or Vice-President-cum-Councillor, as the case may be, shall not preside over a meeting in which a vote of no confidence is discussed against him, but he shall have the right to speak, or otherwise take part, in the proceedings of such meeting, including the right to vote.

(4) If the motion of no confidence is once rejected, no fresh motion of no confidence shall be brought before the panchayat within a period of one year from the date of such rejection of motion.

(5) When the offices of both the Chairperson and Vice-Chairperson become vacant simultaneously, such Officer as the Administrator may authorise in this behalf shall, pending the election of the Chairperson, exercise all the powers and perform all the functions and duties of the Chairperson but he shall not have the right to vote in any meetings of the Village (Dweep) panchayat.

(6) When the offices of both the President-cum-Chief Councillor and Vice-President-cum-Councillor of the District Panchayat become vacant simultaneously, such officer as the Administrator may authorise in this behalf shall, pending the election of the President-cum-Chief Councillor, exercise all the powers and perform all the functions and duties of the President-cum-Chief Councillor but he shall not have the right to vote in any meetings of the District panchayat.

Casual
vacancy
in the
office of
the Chair-
person or
Vice-Chair-
person.

30. Any casual vacancy in the office of the Chairperson or the Vice-Chairperson or President-cum-Chief Councillor or Vice-President-cum-Councillor, as the case may be, shall be filled for the remainder of his term by election in accordance with the provisions of this Regulation :

Provided that, if the vacancy be a casual vacancy in the office of the Chairperson or the Vice-Chairperson or President-cum-Chief Councillor or Vice-President-cum-Councillor and is reserved for woman or a member of Scheduled Tribe, the vacancy shall be filled by electing one of the members from amongst women or a member of the Scheduled Tribe, as the case may be.

Meeting of
Panchayat.

31. (1) The time and place of meeting of a panchayat and the procedure at such meeting shall be such as may be prescribed.

(2) (a) The Chairperson or in his absence, the Vice-Chairperson, shall preside at meeting of a village (dweep) panchayat.

(b) The President-cum-Chief Counsellor or in his absence, the Vice-President-cum-Counsellor shall preside at a meeting of the district panchayat.

(3) The quorum for a meeting of the panchayat shall be as prescribed.

(4) A member of a panchayat may at any time move any resolution and put questions to the Chairperson or the Vice-Chairperson or the President-cum-Chief Counsellor or Vice-President-cum-Counsellor on matters connected with the administration of the village (dweep) panchayat and the district panchayat, as the case may be, in the manner prescribed.

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

32. No act or proceedings of a panchayat shall be deemed to be invalid by reason only of the existence of any vacancy in, or defect in, the constitution of the panchayat or of any infirmity in its proceedings.

Pro-
ceedings
not to be
invalid.

CHAPTER IV

EXECUTIVE OFFICER, CHIEF EXECUTIVE OFFICER AND OTHER OFFICERS AND EMPLOYEES OF THE PANCHAYAT

33. (1) The Administrator may appoint a Government Officer to act as Executive Officer for every village (Dweep) panchayat, and as Chief Executive Officer for the district panchayat.

Appoint-
ment trans-
fer and
removal of
Executive
officer
and Chief
of Execu-
tive officer.

(2) The Executive Officer and the Chief Executive Officer appointed under sub-section (1) shall be paid such salary and allowances as may from time to time be fixed by the Administrator.

(3) The Administrator may, at any time, transfer an Executive Officer from one village (Dweep) panchayat to any other village (Dweep) panchayat.

(4) The Administrator may, at any time, remove an Executive Officer of Chief Executive Officer or institute a disciplinary proceedings against him in accordance with the rules applicable for the employees of the Central Government.

34. The Executive Officer and the Chief Executive Officer shall—

(i) have the right to attend the meeting of the panchayat and take part in the discussions but shall have no right to move any resolution or to vote.

(ii) take steps to carry into effect the resolutions of that Panchayat.

Functions
of Execu-
tive officer
and Chief
Executive
officers.

Provided that where the Chairperson or the Executive Officer or the President-cum-Chief Counsellor or the Chief Executive Officer of the concerned Panchayat considers that a resolution has not been legally passed or is in excess of the powers conferred by this Regulation or that if carried out, it is likely to endanger human life or health or the public safety, the Chairperson or the Executive Officer or the President-cum-Chief Counsellor or the Chief Executive Officer, as the case may be, shall refer the matter to the prescribed authority for orders.

(iii) control the officers and the employees of village (Dweep) Panchayat and of the district Panchayat shall be subject to such rules as may be prescribed.

35. The Administrator may by general or special order authorise any Government Officer to exercise such of the functions of an Executive Officer or the Chief Executive Officer under this Regulation, in such areas and subject to such restrictions and conditions and to such control and revision as may be specified in such order.

Exercise
of function
of the
Executive
officer in
certain
cases by
Govern-
ment
officer.

Officers
and em-
ployees of
Panchayat.

36. (1) Every village (Dweep) Panchayat and a district panchayat shall have such other officers and employees as may be determined under this Regulation. They shall be appointed by such authority and their conditions of service shall be such as may be prescribed.

(2) The officers and employees appointed under sub-section (1) shall, in the discharge of their functions and duties, exercise such powers as may be conferred on them by the Panchayat, subject to rules, if any, made in this behalf.

Panchayat
employees
to be
regulated
by rules.

37. (1) For the purpose of bringing about uniform scales of pay and uniform conditions of service of persons employed in the discharge of functions and duties of panchayats persons shall be employed in connection with the affairs of panchayats and they shall be distinct from the persons employed in connection with the affairs of the Administration.

(2) The persons employed in connection with the affairs of the Panchayats (hereinafter referred to as panchayat employees) shall consist of such classes, cadres and posts and the initial strength of officers and employees in each such a class and cadre shall be such, as the Administrator may, by order from time to time determine:

Provided that nothing in this sub-section shall prevent a district panchayat from altering, with the previous approval of the Administrator, any class, cadre or number of posts so determined by the Administrator.

(3) In addition to the posts referred to in sub-section (2) a panchayat may have such other posts as the Administrator may by general or special order determine. Such posts shall be called 'deputation posts' and shall be filled in accordance with the provisions of this Regulation.

(4) The Administrator may make rules regulating the mode of recruitment either by holding examination or otherwise and conditions of service of persons appointed to the panchayats and the powers in respect of appointments, transfer and promotion of officers and employees in the panchayats and disciplinary action against such officers or employees.

Expenditure
towards
pay, allo-
wances
etc. of
Panchayat
employees
to be met
by Pancha-
yats.

38. Subject to rules which the Administrator may make in this behalf, the expenditure towards the pay and allowances of and other benefits available to, a Panchayat employee serving for the time being under any Panchayat shall be met by that Panchayat from its own fund.

Allocation
of Officers
to Pan-
chayats.

39. (1) The Administrator shall, by a general or special order, allocate to a Panchayat such officers employed in the Administration as may be necessary to enable the Panchayats to discharge efficiently their functions and duties under this Regulation.

(2) The officers allocated to a Panchayat under sub-section (1) shall be taken over by such panchayats in such cadre, on such tenure, remuneration and other conditions of service, as the Administrator may, by general or special order determine :

Provided that the conditions of service of any such officer shall not be less favourable than those applicable to him immediately before such allocation :

Provided further that nothing in the aforesaid proviso shall entitle an officer to claim the same cadre and designation which he had before allocation.

Allocation
to be
provi-
sional for
certain
period and
re-alloca-
tion there
after.

40. (1) Notwithstanding anything contained in section 38 the allocation to a Panchayat under section 38 of officers allocated to a Panchayat shall initially be provisional and it shall be lawful for the Administration to review their allocation within a period of four years from such allocation, and if necessary to re-allocate by an order made in that behalf any of such officer for the reasons prescribed by rules.

(2) Any officer who is not re-allocated under sub-section (1) and continues in the service of a Panchayat immediately before the expiry of the aforesaid period of four years, shall on such expiry, be deemed to be finally allocated to that Panchayat.

41. (1) For the purpose of enabling the Panchayats to discharge their functions and duties under this Regulation, it shall be lawful for the Administration to direct by a general or special order that such number of officers of the Administration shall be posted under a Panchayat and for such period and subject to such conditions as may be specified in the order and accordingly the officers specified in the order shall be posted under such Panchayat.

Posting under Panchayats of officers with Administration.

(2) The pay and allowances of an officer posted in accordance with sub-section (1) shall, during the period of his posting, be paid by the Panchayat from its fund.

(3) The procedure in respect of disciplinary action against any officer posted under Panchayat, the authorities competent to take such action and the powers of such authorities shall be such as may be prescribed.

42. Any Panchayat may, subject to the rules made in this behalf, obtain the services of any officer of the Administration on loan.

Loan of services of officers of Administration.

14 of 1947.

43. Notwithstanding anything contained in the Industrial Disputes Act, 1947, or any other law for the time being in force, the allocation of any officer to the Panchayat shall not entitle such officer to any compensation under that Act or law and no claim for any such compensation shall be entertained by any court, Tribunal or Authority.

No compensation payable for transfer of service.

CHAPTER V

POWERS, DUTIES AND FUNCTIONS OF A PANCHAYAT

44. (1) It shall be the duty of every village (Dweep) panchayat and of a district panchayat so far as its funds allow to make reasonable provision within its jurisdiction, in regard to the matters specified in the Third Schedule in case of village (Dweep) Panchayat and in regard to the matters specified in the Fourth Schedule in case of the district panchayat.

Duties and functions of Panchayat.

(2) The scheme or programmes under any of the subjects incorporated in Third Schedule or the Fourth Schedule under sub-section (1) may be transferred, from time to time, along with funds, if any and such personnel as may be necessary to panchayat by the Administrator on such conditions as may be prescribed.

(3) The panchayat may also make provision for carrying out within its jurisdiction any other work or measure which is likely to promote the health, safety, comfort or convenience, social, economic or cultural well-being and education of the residents of the Islands.

(4) The Administrator may, from time to time, consult the President-cum-Chief Counsellor or the Vice-President-cum-Counsellor or any matter relating to the administration of the Union territory, as specified in the Fifth Schedule, and any views expressed by the President-cum-Chief Counsellor or the Vice-President-cum-Counsellor on such matters shall be recommendatory in nature.

(5) The Administrator shall follow such procedure for consultation under sub-section (4) as may be prescribed.

Control of Panchayat on certain properties.

45. (1) A Panchayat may, in respect of roads, streets and other properties placed by the Administrator under section 50 under its directions, managements and control, do all things necessary for the maintenance and repair thereof and in particular, may—

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

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

(2) The Panchayat shall also have the control on such roads and streets as may, from time to time, be notified by the Administrator for the purpose and may do all things necessary for the improvement, maintenance and repair thereof and in particular may lay out and make new roads.

Transfer of any work or institution to Panchayat.

46. The Administrator may entrust to the panchayat the execution, maintenance or repair of any work (including implementation of schemes of economic development and social justice), subject to such conditions as he may think fit to impose. The management of institution may also be placed at the disposal of the panchayat by the Administrator :

Provided that the funds necessary for the execution, maintenance or repair of the work or the management of the institution shall also be placed at the disposal of the panchayat by the Administrator.

Execution of contracts.

47. Every contract or agreement entered into by a Panchayat shall be in writing and shall be signed by the Chairperson or in his absence by the Vice-Chairperson and by the Executive Officer in case of a village (Dweep) panchayat and by the President-cum-Chief Counsellor or in his absence by the Vice-President cum-Counsellor and by the Chief Executive Officer in case of district panchayat and sealed with the common seal of the concerned panchayat.

CHAPTER VI

FINANCE, PROPERTY AND ACCOUNTS

Panchayat Fund.

48. (1) There shall be a Panchayat Fund for each panchayat and the same shall be utilised for carrying out the duties and obligations imposed upon the panchayat by this Regulation.

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

(a) the proceedings of any tax or fee imposed by or assigned to the panchayat under this Regulation or any other law and transferred to the Panchayat Fund;

(b) the grants or contributions made by the Government or any person;

(c) the income from securities in which the Panchayat Fund is invested;

(d) all sums received by way of loans or gifts;

(e) the income from or proceeds of any property of the panchayat;

(f) sums assigned to the Panchayat Fund by any general or special order of the Administration ;

(g) all sums received in aid of or for expenditure of any institution or service maintained or financed from the Panchayat Fund or managed by the panchayat;

(h) any amount received for the management of community properties;

(i) all other sums ordered by a court to be placed at the credit of the Panchayat Fund;

(j) the sale proceeds of all dust, dirt, dung, refuse, or carcasses of animals except in so far as any person is entitled to the whole or a portion thereof.

(3) The amount in the Panchayat Fund shall be utilised subject to the provisions of this Regulation and shall be kept in such custody as may be prescribed.

(4) In the case of any loan taken by a panchayat, the payment of the principal or instalment thereof and the payment of interest thereon shall be a first charge on its fund.

49. (1) Where any functions have been entrusted to a panchayat under section 44 and no tax is being levied by the panchayat under section 51, the Administrator may make grant to the panchayat so as to enable it to discharge such functions.

Grants.

(2) In addition to the grant mentioned in sub-section (1), the Administrator may, subject to such conditions as he may deem fit to impose, make grants to a panchayat for general purpose or for the improvement of the area within its jurisdiction and the welfare of the residents therein.

50. The Administrator may, if he deems fit, place all or any of the properties of the nature specified below and situated within the jurisdiction of a panchayat under the direction, management and control of the panchayat, namely:—

Properties placed under the direction, management and control of Panchayat.

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

(b) public roads and streets;

(c) wells, ponds, tanks and any adjacent land (not being private property) appertaining thereto;

(d) sewage, rubbish and offensive matter deposited on streets or collected by the panchayat from streets, latrines, urinals, sewers, cesspools and other places, and

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

51. (1) Subject to the rules made under this Regulation, a village (Dwceep) Panchayat may levy—

Taxes which may be imposed.

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

(b) a tax on vehicles (other than mechanically propelled vehicles) kept within the jurisdiction of the panchayat;

(c) a lighting tax;

(d) a drainage tax;

(e) an entertainment tax;

(f) octroi;

(g) a pilgrim tax;

(h) a tax on boats (mechanically propelled or otherwise) kept within the jurisdiction of the panchayat;

(i) a fee for temporary erection, on, or putting up projections over, or temporary occupation of, any public street or place.

(2) Subject to the rules made under this Regulation a District Panchayat may levy—

(a) a tax on professions, trade, callings and employments;

(b) a duty on transfer of immovable property in the form of surcharge on the duty imposed under the Indian Stamps Act, 1899;

2 of 1899.

(c) a theatre tax, that is a tax in respect of every theatre cinema and other place of entertainment to which persons are ordinarily admitted on payment for performances or shows held or conducted thereat;

(d) fees on the registration of vehicles including boats or sailing vessels.

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

Appeal
against
levy of
tax etc.

52. Any person aggrieved by the assessment, levy or imposition of any tax or fee may appeal to the prescribed authority within forty-five days of the date of receipt of the order imposing such tax or fee.

Suspension
of
levy of
tax or
fee.

53. The Administrator may, by notification, suspend the levy or imposition of any tax or fee and may at any time in like manner rescind such suspension.

Recovery
of taxes
and
other
duties.

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

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

(3) If the sum for which a notice of demand has been served is not paid within thirty days from the date of receipt of such notice such sum shall be recoverable as an arrear of land revenue.

Salary
and allow-
ances etc.

55. (1) The salary and allowances of Chairperson and Vice-Chairperson of a village (Dweep) panchayat and of a President-cum-Chief Counsellor and Vice-President-cum-Counsellor of the district panchayat shall be such as the Administrator may with the approval of the President by order determine.

(2) Every member of a panchayat other than the Chairperson, Vice-Chairperson of a village (Dweep) panchayat and President-cum-Chief counsellor and Vice-President-cum-Counsellor of district panchayat shall be entitled to receive, such sitting fee and allowances as may be prescribed.

Accounts,

56. Every panchayat shall maintain accounts of its income and expenditure in such form as may be prescribed and shall be balanced annually on the 1st day of April every year.

Annual
estimate
of income
and expen-
diture.

57. (1) Every village (Dweep) panchayat shall prepare annually, on or before such date and in such form as may be prescribed, a budget estimate of its income and expenditure for the next financial year and submit it to the District Panchayat for its observations and recommendations:

Provided that the budget estimate shall be so prepared that at the end of the financial year, the concerned panchayat shall have at its credit a balance of not less than such minimum amount as may be prescribed in this behalf.

(2) The District Panchayat shall, as soon thereafter as may be, consider the budget estimates and return it with such observations and recommendations as it may consider necessary, to the concerned panchayat which shall approve it, by not later than the 1st March of each year, with such modifications as it may think fit having regard to the observations and recommendations made by the District Panchayat. A copy of the approved budget estimate shall be forwarded to the prescribed authority without delay.

(3) The District Panchayat shall prepare annually, on or before such date and in such form as may be prescribed, a budget estimate of its income and expenditure for the next financial year;

Provided that the budget estimate shall be so prepared that at the end of the year the panchayat shall have at its credit a balance of not less than such minimum amount as may be prescribed in that behalf.

(4) The District Panchayat shall, as soon as may be, after the said date consider the budget estimate and approve the same on or before the 31st, March of the current year with or without modification as it shall think fit. A copy of every budget estimate as finally approved shall be forwarded by the President-cum-Chief Counsellor without delay to the prescribed authority.

(5) Where the panchayat has failed to comply with the provisions of subsection (4), it shall be lawful for the Administrator to form an opinion that the panchayat is incompetent to perform the duties imposed on it or functions entrusted to it under the provisions of this Regulation.

(6) No expenditure shall be incurred by a panchayat unless it is included in the budget estimates which has been approved by it.

(7) A panchayat may, at any time during the year for which annual budget estimate has been approved, cause a revised or supplementary budget estimate to be prepared which shall be considered and approved by the panchayat in the same manner as if it were an original annual budget estimate:

Provided that a copy of the revised or supplementary budget estimate shall be forwarded to the prescribed authority within such time as may be prescribed.

58. (1) The accounts of every panchayat shall be audited annually in such manner as may be prescribed.

Audit.

(2) The audit shall be carried out by such officer as the Administrator may appoint in this behalf and that officer shall, within one month of the completion of the audit, forward copies of the audit report to the prescribed authority and to the concerned panchayat.

(3) The prescribed authority may after considering the report and after making such further inquiry as it may consider necessary, disallow any item which appears to it to be contrary to law and surcharge the same on the person making or authorising the making of the illegal payment, and shall—

(a) if such person is a member of the panchayat proceed against him in the manner specified in section 66;

(b) if such person is not a member of the panchayat, obtain the explanation of the person and direct such person to pay to the panchayat the amount surcharged within a specified period, and if the amount is not paid within the specified period, the prescribed authority shall cause it to be recovered as an arrear of land revenue and credited to the Panchayat Fund.

(4) Any person aggrieved by an order of the prescribed authority under subsection (3), may within forty-five days of the date of the order, prefer an appeal to the Administrator whose decision on such appeal shall be final.

59. (1) Every panchayat shall submit annually to the prescribed authority a report (including the annual statement of accounts) on the administration of the panchayat during the previous year, in such form as may be prescribed.

**Annual
adminis-
tration
report.**

(2) The report shall be prepared by the Chairperson in the case of a village (Dweep) Panchayat and by the President-cum-Chief-Counsellor in the case of the district panchayat and after it is approved by the concerned panchayat, it shall be forwarded to the prescribed authority with a copy of the resolution of the panchayat thereon.

CHAPTER VII

CONTROL

Control
over
panchayats
by the
Adminis-
trator.

60. The Administrator shall exercise his control over the panchayats either directly or through such officer or officers as he may, by general or special order, appoint for the purpose.

Power of
Adminis-
trator to
issue
direc-
tions.

61. Where the functions, and duties assigned to a village (Dweep) Panchayat and to the District Panchayat relate to the same subject, then in order that the functions and duties may not overlap or that the responsibility for performing any such function or duty is not shifted by one panchayat to another on account of any ambiguity or misunderstanding, the Administrator may from time to time, by an order in writing, issue to all or any of the panchayats such directions, as he may think necessary, for avoiding any such overlapping of functions, or shifting of the responsibility and the panchayats shall be bound to exercise their powers and perform their functions and duties in conformity with such directions.

Necessity
of Admin-
istrative
sanction,
etc.
to works,
schemes,
grant-
in-aid
and
acquisi-
tion of
property.

62. (1) Subject to the provisions of sub-section (2), no work or development scheme which a panchayat intends to undertake as part of its functions and duties under this Regulation shall be commenced unless a detailed estimate of the cost of such work or development scheme has been approved by the panchayat and the plan thereof is approved by the prescribed authority.

(2) No such work of development scheme shall be commenced and no grant-in-aid shall be made by a panchayat from its fund unless previous sanction has been accorded thereon by such authority as may be prescribed by rules in this behalf.

(3) Subject to such exceptions as may be prescribed, no property shall, be acquired by a panchayat unless previous sanction has been accorded thereto by such authority as may be prescribed.

Appeal
against
order of
Pancha-
yat.

63. (1) Save as otherwise provided in this Regulation an appeal shall lie to the Administrator or to the prescribed authority against any order or decision of a village (Dweep) Panchayat or of the district Panchayat, as the case may be, affecting any individual or institution.

(2) Such appeal shall be made within a period of forty-five days from the date of the order or decision.

(3) The Administrator or the prescribed authority, as the case may be, may pass such order on the appeal as it may deem just and proper and the order on appeal shall be final.

(4) An appeal to be made to the Administrator or the prescribed authority shall be in writing and addressed to it. It may be sent to it by registered post or presented to it in person. Every such appeal shall be accompanied by a copy of the decision or order appealed against.

Power to
call pro-
ceedings.

64. The Administrator or any officer authorised by him (hereinafter referred to as the "authorised officer") shall have power—

(a) to call for—

(i) any proceeding or an extract therefrom of a panchayat, or any book, record, correspondence or document, in the possession or under the control of a panchayat; or

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

(b) to require a panchayat to take into consideration—

(i) any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such panchayat; or

(ii) any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the concerned panchayat, and to make a written reply to him, within a reasonable time, stating its reasons for not desisting from doing or for not doing such things.

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

Default
in perfor-
mance
of duty
by Pan-
chayats.

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

Suspension
of execu-
tion
of order,
resolution
of Pan-
chayat.

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

(3) The authorised officer shall forthwith submit to such authority as may be specified by notification by the Administrator a report of the circumstances in which the order was made under this section and that authority may, after giving notice to the panchayat and making such inquiry as that authority may deem fit, rescind, modify or confirm the order.

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

Liability
of mem-
bers of a
panchayat
for loss,
waste or
misappli-
cation.

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

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

(3) If the amount is not so paid, the authorised officer shall recover it as an arrear of land revenue and credit it to the Panchayat Fund.

(4) An order of the authorised officer shall be subject to an appeal to such authority as the Administrator may, by notification, specify, if made within forty-five days of the date of the order.

68. (1) If, in the opinion of the Administrator, a panchayat—

(a) exceeds or abuses its powers; or

(b) persistently makes default in the performance of the duties imposed on it by or under this Regulation or any other law for the time being in force; or

(c) persistently disobeys the order of the Administrator or of the authorised officer made under this Regulation;

Dissolu-
tion of
panchayat.

the Administrator may, by order published together with a statement of reasons therefor, in the Official Gazette, dissolve the panchayat and direct that it shall be re-constituted in the manner provided in this Regulation.

(2) No order under sub-section (1) shall be passed by the Administrator without giving to the panchayat a reasonable opportunity of being heard before its dissolution.

(3) When a panchayat is dissolved under sub-section (1)—

(a) all members of the panchayat shall, on the date of the dissolution cease to be members;

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

(c) all property vested in the panchayat shall, until it is reconstituted, vest in the Central Government.

(4) An election to constitute the panchayat, shall be completed before the expiration of a period of six months from the date of its dissolution.

Dispute
between
panchayats.

69. If any dispute arise between two or more panchayats, it shall be referred to the Administrator, or any officer authorised by him and his decision thereon shall be final.

Adminis-
trator
or autho-
rised
officer
may call
for pro-
ceedings.

70. The Administrator or authorised officer may call for and examine the record of the proceedings of a panchayat for the purpose of satisfying himself as to the legality or propriety of any order passed or decision taken and may stay, revise or modify the order or decision in such manner as he may deem fit.

CHAPTER VIII

MISCELLANEOUS

Power of
entry.

71. The authorised officer may authorise any officer to enter on and inspect, or cause to be entered on and inspected, at all reasonable times, any immovable property occupied by any panchayat or any work in progress under its direction and also to enter or cause to be entered the office of such panchayat and inspect or cause to be inspected any record, register or other document kept therein and such panchayat shall comply with the inspection notes, if any, made by the person making such inspection.

Bar of
action
against
panchayat
and
previous
notice
before
institu-
tion of
a suit.

72. (1) No suit or prosecution shall be entertained against any panchayat or any member, officer, employee or agent of a panchayat in respect of anything which is in good faith done or intended to be done under this Regulation or any rule or bye-law made thereunder.

(2) No suit or other legal proceeding shall be instituted against any panchayat or any member, officer, employee or agent of such panchayat for anything done or purporting to be done under this Regulation or any rule or bye-law made thereunder, until the expiration of two months next after notice in writing has been left or delivered at the office of the panchayat and also at the residence of the member, officer, employee or agent thereof against whom such suit or proceeding is intended to be instituted, and the notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to institute the suit or proceeding.

(3) Every suit or proceedings referred to in sub-section (2) shall be instituted within six months after the accrual of the cause of action, and not afterwards.

Members
etc., of
panchayat
to be
public
servants.

73. Every member of a panchayat and every officer and employee maintained by or employed under a panchayat shall be deemed to be a public servant within the meaning the section 21 of the Indian Penal Code and clause (c) of section 2 of the Prevention of Corruption Act, 1988.

45 of 1860.
49 of 1988.

74. No member of a panchayat and no officer or other employees having any duty to perform in connection with any sale under this Regulation shall directly or indirectly bid for, or acquire any interests in, any property sold at such sale.

Members to refrain from taking part at sales.

75. The Administrator may, by notification and subject to such restrictions and conditions as may be specified therein, authorise any officer subordinate to him to exercise in respect of panchayats any of the powers which may be exercised by the Administrator under this Regulation except the power to make rules under section 80 and the power to frame bye-laws under section 81.

Delegation of powers.

76. Every police officer shall give immediate information to the Executive Officer or the Chief Executive Officer, as the case may be, of a panchayat of an offence coming to his knowledge which has been committed under this Regulation or any rules or bye-laws made thereunder and shall assist him in the exercise of his lawful authority.

Powers and duties of police in respect of offences and assistance to panchayat.

77. Every panchayat shall, classify and preserve its records in the manner prescribed.

Classification and preservation of records.

78. Every panchayat shall, on application made to it by a person, allow inspection of its records, and grant certified copies thereof on payment of the prescribed fee.

Inspection and copies of records.

79. The provision of this Regulation shall have effect notwithstanding anything inconsistent therewith contained in any other law in force in the Union territory

Effect of other laws.

80. If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by order, make such provisions as may appear to him to be necessary or expedient for removing the difficulty:

Removal of difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Regulation comes into force.

81. (1) The Administrator may, by notification, make rules to carry out the provision in this Regulation.

Power to make rules.

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

(a) the period for which a person may be in arrears of any tax, fee or other sum due to the panchayat;

(b) the preparation and publication of electoral rolls and the conduct of elections to the panchayat;

(c) the form of application disputing elections and the procedure for holding inquiry into election disputes;

(d) the notice to be given for moving a motion of no-confidence against the Chairperson or Vice-Chairperson or the President-cum-Chief-Counsellor or the Vice-President-cum-Counsellor, as the case may be;

(e) the date, place and time at which the meetings of the panchayat may be held;

(f) the conduct of meetings of panchayat and the procedure for moving resolutions and putting questions at meeting of the panchayat;

- (g) the appointment, powers, duties and conditions of service of the officers and employees of a panchayat;
- (h) the form of notices to be issued and the manner of their service;
- (i) the custody and application of the Panchayat Fund;
- (j) the imposition and assessment of taxes and the realisation of taxes, fees and their dues;
- (k) the form of demand notices to be issued and the manner of their service;
- (l) the manner of filing appeals and hearing of such appeals;
- (m) the form of accounts to be maintained by panchayat and of the annual budget estimates;
- (n) the manner of audit of the accounts of the panchayats;
- (o) the manner in which the records shall be classified and preserved;
- (p) the fee to be levied by panchayats for copies of documents and the procedure to be followed in furnishing such copies;
- (q) the manner of holding inquiries;
- (r) the preparation of plans and estimates for works and powers of panchayat and of servants of the Central Government or of the Administrator to accord professional or administrative sanction to estimates;
- (s) the condition on which and the mode in which contracts may be made by or on behalf of a panchayat;
- (t) any other matter which has to be or may be prescribed.

Power to
make
bye-laws

82. (1) Subject to the provisions of this Regulation and the rules made thereunder, the Administrator may frame bye-laws,—

- (a) to prohibit the removal or use of water for drinking purposes from any source which is likely to cause danger to health;
- (b) to prevent damage to public streets;
- (c) to regulate sanitation, conservancy and drainage in the area within the jurisdiction of the panchayat;
- (d) to regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank, well or any other place;
- (e) to prohibit or regulate the use of public streets or other public place by shopkeepers;
- (f) to regulate the manner in which tanks, ponds and cesspools, pasture lands play grounds, manure pits, public toilets, lands for disposal of dead bodies, and bathing places shall be maintained and used;
- (g) to regulate construction of buildings, and
- (h) to regulate any other duties or functions of a panchayat.

(2) Any byelaw made under sub-section (1) may provide that a contravention thereof shall be punishable with fine which may extend to rupees ten thousand and in the case of continuing contravention, with fine which may extend to rupees one hundred for each day during which the contravention continues.

Rules
and
bye-laws
to be
laid
before
Parliament.

83. Every rule and every bye-law made under this Regulation shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or byelaw 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 such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or bye-law.

84. Every panchayat shall prepare every year in such form as may be prescribed a development plan for the area under its jurisdiction for the next year and submit it to the District Planning Committee constituted under this Regulation, before such date as may be prescribed.

Preparation of development plans.

Explanation.—For the purposes of this section, a “development plan” means a development plan for economic development and social justice in relation to matters entrusted to the panchayat.

85. (1) The Administrator shall constitute a District Planning Committee to consolidate the plans prepared by the Village (Dweep) Panchayats and the District Panchayat and to prepare a draft development plan for the Union territory as a whole.

Constitution of District Planning Committee.

(2) The District Planning Committee shall consist of—

(a) the member of Parliament representing the Union territory;

(b) the President-cum-Chief Counsellor of the District Panchayat;

(c) such number of persons, not less than four-fifth of the total number of members of the Committee, as may be prescribed by the Administrator, elected by, in the prescribed manner, and from amongst, the elected members of the District panchayat;

(d) the Administrator or such other officer as may be designated by him shall be its *ex-officio* Chairman.

(3) The District Magistrate, Director of Panchayats, Manager of the lead Bank in the District headquarters and an officer of the Planning Department of the administration to be nominated by the Administrator shall be permanent invitees to the meetings of the District Planning Committee.

(4) The District Planning Committee shall, while preparing the draft development plan—

(a) have regard to —

(i) the matters of common interest among the panchayats including spatial planning and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Administrator may, by order, specify;

(c) the Chairman of the District Planning Committee shall forward the development plan, as recommended by such Committee, to the Administrator.

86. With effect from such date as the President may, by notification, specify the Finance Commission constituted under section 186 of the Andaman and Nicobar Islands (Panchayat) Regulation, 1994 shall also be the Finance Commission for Union territory of Lakshadweep and shall make recommendation to the Administrator as to the—

Finance Commission.

(a) principles which should govern—

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

(ii) the grants-in-aid to the panchayats;

(b) the measures needed to improve the financial position of the Panchayats;

(c) any other matter referred to the Finance Commission by the Administrator in the interests of sound finance of the panchayats.

Election
Commis-
sion.

87. (1) With effect from such date as the President may, by notification, specify the Election Commission constituted under section 185 of the Andaman and Nicobar Islands (Panchayat) Regulation, 1994 shall also be the Election Commission for the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to, the Panchayats in the Union territory of Lakshadweep.

(2) The Administrator shall, when so requested by the Election Commission, make available to that Commission such staff which the Administrator considers necessary for discharge of the functions conferred on the Election Commission by sub-section (1).

Repeal
and
savings.

88. The Lakshadweep (Administration) Regulation, 1988 and the Lakshadweep Island Councils Regulation, 1988 are hereby repealed:

3 of 1988.
4 of 1988.

Provided that the Pradesh Councils and the Island Council, as the case may be, existing immediately before the commencement of the Lakshadweep Panchayat Regulation, 1994 shall cease to exist on the date immediately before the date appointed under section 8:

Provided further that such repeal shall not affect—

(a) the previous operations of the said Regulations or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Regulations; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Regulations, or

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, forfeiture or punishment as aforesaid any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been passed:

Provided also that,—

(a) subject to the preceding provision, anything done or any action taken (including any appointment or delegation made, tax, fee, or cess imposed, notification, order instrument or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected) under the said Regulations shall be deemed to have been done or taken under the corresponding provision of this Regulation and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Regulation;

(b) every officer and employee of an Island Council or Pradesh Council, other than such class of servants as the Administrator may specify by order, shall until other provisions are made receive salary and allowances and be subject to the conditions of service to which they were entitled immediately before the commencement of this section;

(c) all assets and liabilities of, and all contracts made by or on behalf of an Island Council before the commencement of this Regulation and subsisting on that day shall stand transferred to Village (Dweep) Panchayat in accordance with such orders as the Administrator may make in this behalf;

(d) any reference in any enactment or in any instrument to any provision of the repealed Regulation shall unless a different intention appears be construed as a reference to the corresponding provision of this Regulation.

FIRST SCHEDULE

[See sections 2 (i)]

NAMES OF ISLANDS FOR WHICH A VILLAGE (DWEEP) PANCHAYAT IS TO BE CONSTITUTED

- | | |
|--------------|------------|
| 1. Amini | 2. Androth |
| 3. Kavaratti | 4. Minicoy |
| 5. Agatti | 6. Kadmat |
| 7. Kalpani | 8. Chetiat |
| 9. Kiltan | 10. Bitra |

THE SECOND SCHEDULE

(See section 27)

FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER OF THE PANCHAYAT

I, A.B. having been elected a member of—Village (Dweep) Panchayat do
District

swear in the name of God that I will bear true faith and allegiance to the Constitu-

tion of India as by law established,
solemnly affirm

tion of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.

THE THIRD SCHEDULE

(See section 44)

MATTERS WITHIN THE JURISDICTION OF VILLAGE (DWEEP) PANCHAYAT

I. Sanitation and Public Health :

- (1) Sanitation and conservancy.
- (2) Removal of rubbish and keeping the area of the Island in clean condition.
- (3) Maternity and child welfare.
- (4) Family Planning.
- (5) Construction and maintenance of public latrines.
- (6) Regulating, checking and abating of offensive or dangerous trade or practice.

II. Public Works :

- (1) Lighting of Island
- (2) Establishment and maintenance of public utility places.

III. Planning and Development :

Preparation and implementation of plans for, the development of agriculture, animal husbandry, fisheries, Island Industries and Co-operatives and especially—

- (1) distribution of improved seeds, manure and fertilizers;
- (2) promoting the use of improved agriculture implements and making such implements easily available;
- (3) improvement and general care of livestock and promotion of poultry keeping;
- (4) providing for organisations, management and development of cottage and small scale industries.

IV. Administration :

- (1) Administration of Panchayat property.
- (2) Numbering of premises.
- (3) Preparation, maintenance and upkeep of panchayat records.
- (4) Registration of births and deaths.

V. Social Welfare :

- (1) Relief to the crippled and the destitute.
- (2) Preventive and relief measures in times of natural calamity.
- (3) Promotion of moral and social welfare activities and assisting voluntary organisations and agencies engaged in such activities.

FOURTH SCHEDULE

(See section 44)

MATTERS WITHIN THE JURISDICTION OF DISTRICT PANCHAYAT

1. Agriculture including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal Husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce.
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing.

11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including pre-primary, primary and secondary schools.
18. Technical Training and vocational education.
19. Adult and non-formal education.
20. Libraries.
21. Cultural activities.
22. Markets and fairs.
23. Health and sanitation including hospitals, primary health centres and dispensaries.
24. Family welfare.
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker section, and in particular, of the women and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of community assets.

FIFTH SCHEDULE

(See section 44)

MATTERS ON WHICH THE PRESIDENT-CUM-CHIEF COUNSELLORS AND/OR VICE-PRESIDENT-CUM- COUNSELLORS MAY BE CONSULTED.

1. Such matters of administration which the Administrator may specify, relating to the Union territory, involving general questions of policy and schemes of development in so far as they relate to matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution.
2. The Five Plans and Annual Plan proposals for the development of the Union territory.
3. Proposals for undertaking legislation in the Union territory with respect to any of the matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution.
4. Any other matter which the Administrator may refer to them for consideration and advice.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

