

# **Central Regulation 2009 to 2012**

## **2009**

- 1 The Amendment and Nicobar Islands (Tribunal Councils) Regulation, 2009.**

## **2010**

- 1 The Daman and Diu Civil Courts (Andaman) Regulation, 2010./**
- 2 The India Medical Council (Amendment) Ordinance, 2010.**
- 3 The Dadra & Nagar Haveli (Civil Courts and Miscellaneous Provisions) Amendment Regulation, 2010.**
- 4 The Daman & Diu Motor Vehicles (Amendment) Regulation, 2010.**

## **2011**

- 1 The Bombay Motor Vehicles Tax (Amendment) Regulation, 2011.**

## **2012**

- 1 The Dadra & Nagar Haveli Excise Regulation, 2012.**
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EXTRAORDINARY

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

MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

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

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

No. 1 OF 2009

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

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

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

## CHAPTER I

## PRELIMINARY

Short title,  
extent and  
commencement.

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

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

(3) It shall come into force at once.

Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CHAPTER II

### VILLAGE GENERAL BODY

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

Constitution  
of Village  
General Body.

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

Composition  
of Village  
General Body.

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

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

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

Incorporation  
of Village  
General Body.

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

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

Alteration in  
area of Village  
General Body.

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

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

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

(3) Where under sub-section (1) —

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

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

Cessation of  
membership.

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

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

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

Electoral roll  
of members.

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

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

Meeting of  
Village General  
Body.

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

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

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

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

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

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

Transaction of business at general meetings.

(a) the annual statement of accounts;

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

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

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

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

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

### CHAPTER III

#### VILLAGE COUNCIL

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

Constitution of Village Council.

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

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

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

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

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

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

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

Persons competent to vote and be elected.

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

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

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

Disqualifications.

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

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

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

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

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

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

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

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

2 of 1974.

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

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

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

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

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

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

Decision on questions as to disqualification.

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

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

Election of Second Captain.

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

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

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

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



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

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

First Captain to exercise executive powers.

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

Duration of Village Councils.

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

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

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

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

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

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

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

Oath of office.

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

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

Resignation from office.

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

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

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

Motion of no confidence against First Captain.

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

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

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

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

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

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

Motion of no confidence against Second Captain.

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

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

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

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

Casual vacancy.

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

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

Officers and employees of Village Council.

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

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

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

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

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

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

Meeting of Village Council.

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

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

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

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

Committees.

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

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

Proceedings not to be invalidated because of existence of vacancy.

#### CHAPTER IV

##### POWERS, DUTIES AND FUNCTIONS OF THE VILLAGE COUNCILS

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

Duties and functions of the Village Council.

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

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

Control of Village Council on certain properties.

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

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

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

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

(a) lay out and make new roads; and

(b) construct new bridges and culverts.

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

Transfer of work or institution to Village Council.

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

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

Collection of land revenue.

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

Village  
Volunteer  
Force.

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

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

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

Execution of  
contracts.

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

## CHAPTER V

### FINANCE, PROPERTY AND ACCOUNTS

Village Council  
Fund.

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

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

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

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

Grants.

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

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

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

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

(b) public roads and streets;

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

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

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

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

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

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

Taxes which may be imposed.

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

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

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

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

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

(f) a lighting tax;

(g) a drainage tax;

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

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

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

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

(l) licence fee for plying of public ferry.

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

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

Appeal against levy of tax, etc.

Suspension of  
levy of tax or  
fee.

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

Lease of  
collection of  
fees.

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

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

Recovery of  
taxes and  
other dues.

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

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

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

Accounts.

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

Annual  
estimate of  
expenditure.

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

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

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

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

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

Audit.

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

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

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

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

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

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

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

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

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

## CHAPTER VI

### CONTROL OF VILLAGE COUNCIL

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

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

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

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

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

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

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

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

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

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

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

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

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

Dissolution of  
Village  
Council.

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

(a) exceeds or abuses its powers; or

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

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

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

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

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

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

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

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

Disputes  
between Village  
Councils.

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

Administrator  
may call for  
proceedings.

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

## CHAPTER VII

### ISLAND COUNCIL

Constitution  
of Island  
Council.

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

Composition  
of Island  
Council.

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

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

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

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

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



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

Incorporation  
of Island  
Councils.

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

Persons  
qualified to vote  
and be elected.

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

Disqualification.

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

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

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

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

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

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

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

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

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

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

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

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

Decision on  
question as to  
disqualifi-  
cation.

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

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

Election of  
Vice-Chief  
Captain.

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

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

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

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

Executive  
powers of  
Island Council.

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

Duration of  
Island Council.

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

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

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

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

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

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

Oath of  
Office.

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

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

Resignation  
from office.

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

Motion of no  
confidence  
against Chief  
Captain.

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

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

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

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

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

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

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

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

Motion of no confidence against the Vice-Chief Captain.

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

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

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

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

Casual vacancy.

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

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

Officers and employees of Island Council.

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

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

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

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

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

Functions of Executive Officer and other officers.

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

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

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

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

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

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

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

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

Meeting of  
Island Council.

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

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

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

Committees.

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

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

Proceedings  
not to be  
invalidated for  
existence of  
vacancy.

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

Duties and  
functions.

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

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

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

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

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

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

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

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

Transfer of any work or institution to Island Council.

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

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

Execution of contract.

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

Island Council Fund.

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

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

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

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

Levy of taxes, duties, etc.

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

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

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

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

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

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

Grants for  
general  
purposes.

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

Transfer any  
work or  
institution to  
Island Council.

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

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

(b) public roads and streets;

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

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

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

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

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

Lease of  
collection of  
fees, etc.

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

Recovery of  
tax and other  
dues.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Default in  
performance  
of duty by  
Island Council.

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

Suspension of  
execution of  
order or  
resolution of  
Island Council.

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

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

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

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

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

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

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

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

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

Dissolution of  
Island Council.

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

(a) exceeds or abuses its powers; or

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

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

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

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

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

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



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

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

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

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

Disputes  
between Island  
Councils.

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

Administrator  
may call for  
proceedings.

### CHAPTER VIII

#### DISTRICT PLANNING COMMITTEE

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

Constitution of  
District  
Planning  
Committee.

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

Preparation of  
plans by the  
District  
Planning  
Committee.

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

Procedures to  
be followed by  
District  
Planning  
Committee.

### CHAPTER IX

#### ELECTION COMMISSION AND FINANCE COMMISSION

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

Election  
Commission.

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

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

Finance  
Commission.

(a) the principles which should govern—

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

1 of 1994.

1 of 1994.

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

## CHAPTER X

## MISCELLANEOUS

Election  
petitions.

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

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

Procedure for  
hearing of elec-  
tion petitions.

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

5 of 1908.

Provided that—

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

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

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

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

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

Findings of  
District Judge.

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

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

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

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

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

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

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

Avoidance of Election.

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

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

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

Disqualification for corrupt or illegal practice.

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

Bar to interference by courts in election matters.

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

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

Power to enter.

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

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

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

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

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

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

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

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

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

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

Classification and preservation of records.

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

Inspection and copies of records.

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

Removal of difficulties.

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

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

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

Power to make rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Laying of  
rules before  
Parliament.

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

Regulation not  
to have  
overriding  
effect.

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

## THE FIRST SCHEDULE

(See sections 18 and 61)

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

## THE SECOND SCHEDULE

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

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

## 1. In the sphere of Sanitation and Health,—

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



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

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

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

2. In the sphere of Public Works—

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

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

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

(d) lighting of the village;

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

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

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

(h) construction and maintenance of community assets;

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

(j) establishment and maintenance of markets;

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

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

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

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

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

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

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

(a) visits to educational institutions;

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

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

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

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

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

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

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

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

5. In the sphere of Planning and Administration—

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

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

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

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

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

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

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

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

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

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

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

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

(m) numbering of premises.

6. In the sphere of Community Development —

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

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

(c) propagation of family planning;

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

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

(a) planned improvement of agriculture;

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

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

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

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

(f) the promotion of co-operative farming;

(g) crop-protection and crop experiments;

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

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

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

8. In the sphere of Animal Husbandry—

(a) improvement of cattle and cattle breeding;

(b) general care of livestock;

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

(d) promotion of dairy farming;

9. In the sphere of Village Industries—

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

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

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

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

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

10. In the sphere of Social Welfare—

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

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

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

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

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

## THE THIRD SCHEDULE

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

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

## 1. In the sphere of Sanitation and Health—

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

## 2. In the sphere of Communication—

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

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

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

## 4. In the sphere of Social Education—

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

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

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

5. In the sphere of Community Development—

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

6. In the sphere of Agriculture and Irrigation—

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

7. In the sphere of Animal Husbandry—

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

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

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

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

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

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

9. In the sphere of Co-operation—

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

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

10. In the sphere of Women's Welfare—

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

11. In the sphere of Social Welfare—

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

12. In the sphere of Relief—

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

13. In the sphere of Collection of Statistics—

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

14. In the sphere of Trusts—

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

## 15. In the sphere of Rural Housing—

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

## 16. In the sphere of Information—

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

PRATIBHA DEVISINGH PATIL,  
*President.*

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





# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 23rd March, 2010/Chaitra 2, 1932 (Saka)*

### THE DAMAN AND DIU CIVIL COURTS (AMENDMENT) REGULATION, 2010

No. 1 OF 2010

Promulgated by the President in the Sixty-first Year of the Republic of India.

A Regulation further to amend the Goa, Daman and Diu Civil Courts Act, 1965 as in force in the Union territory of Daman and Diu.

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

1. (1) This Regulation may be called the Daman and Diu Civil Courts (Amendment) Regulation, 2010.

Short title and  
commencement.

(2) It shall come into force at once.

16 of 1965.

2. In the Goa, Daman and Diu Civil Courts Act, 1965, as in force in the Union territory of Daman and Diu, (hereinafter referred to as the principal Act), in section 2, after clause (d), the following proviso shall be inserted, namely:—

Amendment of  
section 2.

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of clauses (a), (c) and (d), in relation to Daman and Diu, shall have effect as if for the words “Goa, Daman and Diu”, the words “Daman and Diu” had been substituted.’

Amendment  
of section 4.

3. In section 4 of the principal Act, the following proviso shall be inserted, namely:—

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this section shall have effect in relation to Daman and Diu as if for the word “Panjim”, the words “Daman and Diu” had been substituted.’.

Amendment  
of section 7.

4. In section 7 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this sub-section, in relation to Daman and Diu, shall have effect as if for the words, “The District Judge shall have general control”, the words “Subject to the control of the High Court, the District Judge shall have general control” had been substituted.’.

Insertion of  
new section  
14A.

5. After section 14 of the principal Act, the following section shall be inserted, namely:—

Sections 10,  
11, 12, 13 and  
14 not to  
apply to  
Daman and  
Diu.

“14A. Nothing contained in sections 10, 11, 12, 13 and 14 shall, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, apply to Daman and Diu.”.

Amendment  
of section 20.

6. In section 20 of the principal Act,—

(i) in sub-section (1), the following proviso shall be inserted, namely:—

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this sub-section, in relation to Daman and Diu, shall have effect as if for the words “Senior Civil Judges and Junior Civil Judges”, the words and brackets “Civil Judges (Senior Division) and Civil Judges (Junior Division)” had been substituted.’;

(ii) in sub-section (2), the following proviso shall be inserted, namely:—

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this sub-section, in relation to Daman and Diu, shall have effect as if for the words “Senior Civil Judge”, the words and brackets “Civil Judge (Senior Division)” had been substituted.’;

(iii) in sub-section (3), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that nothing contained in sub-section (3), on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, shall apply to Daman and Diu.”;

(iv) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) On and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the jurisdiction of a Civil Judge (Junior Division), in relation to Daman and Diu, extends to all original suits and proceedings of a civil nature wherein the subject matter does not exceed in amount or value one lakh rupees.”.

Amendment  
of section 21.

7. In section 21 of the principal Act,—

(i) in sub-section (1), the following proviso shall be inserted, namely:—

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this sub-section,

in relation to Daman and Diu, shall have effect as if for the words "Senior or Junior", the words "Senior Division or Junior Division" had been substituted.';

(ii) in sub-section (2), the following proviso shall be inserted, namely:—

'Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this sub-section, in relation to Daman and Diu, shall have effect as if—

(a) for the words "Senior Civil Judge", the words and brackets "Civil Judge (Senior Division)" had been substituted;

(b) for the words "Junior Civil Judge", occurring at both the places, the words and brackets "Civil Judge (Junior Division)" had been substituted.'.

8. In section 22 of the principal Act, the following proviso shall be inserted, Amendment  
of section 22.  
namely:—

'Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this section, in relation to Daman and Diu, shall have effect as if for the words "twenty-five thousand rupees", the words "one lakh rupees" had been substituted.'.

9. In section 23 of the principal Act,— Amendment  
of section 23.

(i) in sub-section (1), the following proviso shall be inserted, namely:—

'Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this sub-section, in relation to Daman and Diu, shall have effect as if for the words "Senior Civil Judge" and "Junior Civil Judge", the words and brackets "Civil Judge (Senior Division)" and "Civil Judge (Junior Division)" had respectively been substituted.';

(ii) in sub-section (2), the following proviso shall be inserted, namely:—

'Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this sub-section, in relation to Daman and Diu, shall have effect as if for the words "Senior Civil Judge", the words and brackets "Civil Judge (Senior Division)" had been substituted.';

(iii) in sub-section (3), the following proviso shall be inserted, namely:—

'Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this sub-section, in relation to Daman and Diu, shall have effect as if for the words "Senior Civil Judge", at both the places where they occur, the words and brackets "Civil Judge (Senior Division)" had been substituted.'.

10. In section 24 of the principal Act,— Amendment  
of section 24.

(i) in sub-section (1), the following proviso shall be inserted, namely:—

'Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this sub-section, in relation to Daman and Diu, shall have effect as if for the words "Senior Civil Judge one thousand and five hundred rupees and in the case of Junior Civil Judge five hundred rupees", the words and brackets "Civil Judge (Senior Division) three thousand rupees and in the case of Civil Judge (Junior Division) one thousand five hundred rupees" had been substituted.';

(ii) in sub-section (2), the following proviso shall be inserted, namely:—

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this sub-section, in relation to Daman and Diu, shall have effect as if for the words “Senior Civil Judge” and “Junior Civil Judge”, occurring at both the places, the words and brackets “Civil Judge (Senior Division)” and “Civil Judge (Junior Division)” had respectively been substituted.’.

Amendment  
of section 25.

11. In section 25 of the principal Act, after sub-section (2), the following proviso shall be inserted, namely:—

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this sub-section, in relation to Daman and Diu, shall have effect as if for the words “ten thousand rupees”, the words “one lakh rupees” had been substituted.’.

Amendment  
of section 26.

12. In section 26 of the principal Act, after the proviso, the following proviso shall be inserted, namely:—

‘Provided further that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this sub-section, in relation to Daman and Diu, shall have effect as if for the words “Senior Civil Judge”, the words and brackets “Civil Judge (Senior Division)” had been substituted.’.

Amendment  
of section 27.

13. In section 27 of the principal Act, after sub-section (2), the following proviso shall be inserted, namely:—

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this sub-section, in relation to Daman and Diu, shall have effect as if for the words “District Judge and Assistant Judge”, the words “District Judge” had been substituted.’.

Amendment  
of section 28.

14. In section 28 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this sub-section, in relation to Daman and Diu, shall have effect as if—

(a) for the words “the Senior-most Assistant Judge if any or the Senior-most Civil Judge”, the words “Senior-most Civil Judge” had been substituted;

(b) for the words “Assistant Judge or Civil Judge”, the words “Civil Judge” had been substituted.’.

Amendment  
of section 29.

15. Section 29 of the principal Act, the following proviso shall be inserted, namely:—

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this section, in relation to the Daman and Diu, shall have effect as if—

(a) for the words “the Assistant Judge, or in the absence of an Assistant Judge to a Civil Judge”, the words “to a Civil Judge” had been substituted;

(b) for the words “Assistant or Civil Judge”, the words “Civil Judge” had been substituted.’.

16. In section 33 of the principal Act, the following proviso shall be inserted, namely:— Amendment of section 33.

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this section, in relation to Daman and Diu, shall have effect as if for the words, figures and brackets “notified by the High Court under section 21 of the Goa, Daman and Diu (Judicial Commissioner’s Court) Regulation, 1963”, the words “notified by the High Court” had been substituted.’.

Reg. 10 of  
1963.

17. In section 34 of the principal Act, in sub-section (2),—

Amendment  
of section 34.

‘(i) in clause (b), the following proviso shall be inserted, namely:—

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this clause, in relation to Daman and Diu, shall have effect as if for the words “Senior Civil Judge”, the words and brackets “Civil Judge (Senior Division)” had been substituted;’;

(ii) in clause (c), the following proviso shall be inserted, namely:—

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this clause, in relation to Daman and Diu, shall have effect as if for the words “Junior Civil Judge”, the words and brackets “Civil Judge (Junior Division)” had been substituted;’;

(iii) in clause (d), the following proviso shall be inserted, namely:—

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this clause, in relation to Daman and Diu, shall have effect as if for the words “Senior Civil Judge or Junior Civil Judge”, the words “Civil Judge (Senior Division) or Civil Judge (Junior Division)” had been substituted.’.

18. In section 35 of the principal Act, the following proviso shall be inserted, namely:— Amendment of section 35.

‘Provided that, on and from the commencement of the Daman and Diu Civil Courts (Amendment) Regulation, 2010, the provisions of this section, in relation to Daman and Diu, shall have effect as if for the words “Senior Civil Judge and the court of Junior Civil Judge”, the words and brackets “Civil Judge (Senior Division) and the court of Civil Judge (Junior Division)” had been substituted.’.

PRATIBHA DEVISINGH PATIL,  
*President.*

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





# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 4th May, 2010/Vaisakha 14, 1932 (Saka)*

### THE DAMAN AND DIU MARINE FISHING (AMENDMENT) REGULATION, 2010

No. 2 OF 2010

Promulgated by the President in the Sixty-first Year of Republic of India.

A Regulation to amend the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 as in force in the Union territory of Daman and Diu.

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

1. (1) This Regulation may be called the Daman and Diu Marine Fishing (Amendment) Regulation, 2010. Short title and commencement.

(2) It shall come into force at once.

Goa Act  
3 of 1981.

2. In the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 as in force in the Union territory of Daman and Diu (hereinafter referred to as the principal Act), in section 2,— Amendment of section 2.

(i) for clause (e), the following clause shall be substituted, namely:—

'(e) "Government", on and from the commencement of the Daman and Diu Marine Fishing (Amendment) Regulation, 2010, in relation to Daman and Diu, means the Administrator of the Union territory of Daman and Diu appointed by the President under article 239 of the Constitution;'

(ii) for clause (i), the following clause shall be substituted, namely:—

'(i) "Union territory" on and from the commencement of the Daman and Diu Marine Fishing (Amendment) Regulation, 2010, in relation to Daman and Diu, means the Union territory of Daman and Diu and includes the territorial water along the entire coast line of the Union territory;'

Amendment of  
section 4.

3. In section 4 of the principal Act, in sub-section (1), after clause (e), the following clause shall be inserted, namely:—

'(f) on and from the commencement of the Daman and Diu Marine Fishing (Amendment) Regulation, 2010, in relation to Daman and Diu,—

(i) the use of identity card by the fisherman, before entering into the sea water or inland water, as may be prescribed.

*Explanation.*—For the purposes of this sub-clause, "identity card" means the identity card issued to the fisherman by the authorised officer;

(ii) the fitting of safety and security equipment in any such class or classes of fishing vessels in any specified area, as may be prescribed.

*Explanation.*—For the purposes of this sub-clause "safety and security equipment" means the equipment as transponder, global positioning system, very high frequency, or such other safety and security equipment as may be specified by the Government by the notification in the Official Gazette.'

PRATIBHA DEVISINGH PATIL,  
*President.*

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





# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 25th May, 2010/Jyaistha 4, 1932 (Saka)*

### THE DADRA AND NAGAR HAVELI (CIVIL COURTS AND MISCELLANEOUS PROVISIONS) AMENDMENT REGULATION, 2010

No. 3 OF 2010

Promulgated by the President in the Sixty-first Year of the Republic of India.

A Regulation further to amend the Dadra and Nagar Haveli (Civil Courts and Miscellaneous Provisions) Regulation, 1963.

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

1. (1) This Regulation may be called the Dadra and Nagar Haveli (Civil Courts and Miscellaneous Provisions) Amendment Regulation, 2010.

Short title and  
commencement.

(2) It shall come into force at once.

Amendment  
of section 2.

2. In the Dadra and Nagar Haveli (Civil Courts and Miscellaneous Provisions) Regulation, 1963 (hereinafter referred to as the principal Regulation), in section 2,—

Reg. 8 of  
1963.

(i) in sub-section (1),—

(A) in clause (a), the word "and" shall be omitted;

(B) for clause (b), the following clauses shall be substituted, namely:—

"(b) a court of the Civil Judge (Senior Division); and

(c) a court of the Civil Judge (Junior Division).";

(ii) in sub-section (2),—

(a) for the words "Civil Judge", the words "Civil Judges" shall be substituted;

(b) for the words "the Central Government", the words "the Administrator of the Union territory of Dadra and Nagar Haveli" shall be substituted.

Amendment  
of section 5.

3. In section 5 of the principal Regulation,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) (a) The jurisdiction of the court of the District Judge and the court of the Civil Judge (Senior Division) shall extend to all original suits and proceedings of a civil nature.

(b) The jurisdiction of the court of the Civil Judge (Junior Division) shall extend to all original suits and proceedings of a civil nature wherein the subject matter does not exceed the value of one lakh rupees.";

(ii) in sub-section (3), for the words "Civil Judge" at both the places where they occur, the words "Civil Judges" shall be substituted;

(iii) after sub-section (3), the following sub-sections shall be inserted, namely:—

"(4) No court other than the court of the Civil Judge (Senior Division) shall receive or register any suit in which the Central Government or the Administrator of the Union territory of Dadra and Nagar Haveli or any officer of the Government in his official capacity is a party:

Provided that the Administrator of the Union territory of Dadra and Nagar Haveli may, by general or special order notified in the Official Gazette, direct that the provisions of this sub-section shall not apply to any suit or class or category of suit of the nature referred to in that order.

(5) Nothing contained in sub-section (4) shall apply to a suit against the administration of a Government Railway."

Amendment  
of section 6.

4. In section 6 of the principal Regulation, in sub-section (2), in clause (a), for the words "fifty thousand rupees", the words "one lakh rupees" shall be substituted.

Substitution  
of new  
section for  
section 7.

5. For section 7 of the principal Regulation, the following section shall be substituted, namely:—

Small cause  
jurisdiction of  
court of Civil  
Judge.

"7. (1) The High Court may invest any court of the Civil Judge with the jurisdiction of a Judge of the court of Small Causes under the Provincial Small Cause Courts Act, 1887, for the trial of small causes suits up to such value, as it may deem proper, not exceeding in the case of the court of the Civil Judge (Senior Division) three thousand rupees and in the case of the court of the Civil Judge (Junior Division) one thousand and five hundred rupees.

9 of 1887.

(2) The High Court may, whenever it thinks fit, withdraw such jurisdiction from any court of the Civil Judge so invested."

6. In section 8 of the principal Regulation, for the words "Civil Judge", wherever they occur, the words and brackets "Civil Judge (Senior Division)" shall be substituted. Amendment of section 8.

7. In section 9 of the principal Regulation, for the words "Civil Judge", the words and brackets "Civil Judge (Senior Division) or in his absence the Civil Judge (Junior Division)" shall be substituted. Amendment of section 9.

8. In section 10 of the principal Regulation, for the words "Civil Judge", the words "Civil Judges" shall be substituted. Amendment of section 10.

9. In section 11 of the principal Regulation, in sub-section (1), for the words "Civil Judge", the words "Civil Judges" shall be substituted. Amendment of section 11.

PRATIBHA DEVISINGH PATIL,  
*President.*

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





# भारत का राजपत्र The Gazette of India

असाधारण

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 30th July, 2010/Sravana 8, 1932 (Saka)

## THE DAMAN AND DIU MOTOR VEHICLES TAX (AMENDMENT) REGULATION, 2010

No. 4 OF 2010

Promulgated by the President in the Sixty-first Year of the Republic of India.

A Regulation to amend the Goa, Daman and Diu Motor Vehicles Tax Act, 1974, as in force in the Union territory of Daman and Diu.

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

1. (1) This Regulation may be called the Daman and Diu Motor Vehicles Tax (Amendment) Regulation, 2010.

Short title and  
commence-  
ment.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

8 of 1974.

2. In the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (hereinafter referred to as the principal Act), in section 2,—

Amendment  
of section 2.

(a) in clause (1), the following proviso shall be inserted, namely:—

‘Provided that, on and from the commencement of the Daman and Diu Motor Vehicles Tax (Amendment) Regulation, 2010, the provisions of this clause, in relation to Daman and Diu, shall have effect, as if for the words “Goa, Daman and Diu”, the words “Daman and Diu” had been substituted;’

(b) after clause (1), the following clause in relation to Daman and Diu shall be inserted, namely:—

“(1A) “Official Gazette” in relation to Daman and Diu, means the Daman and Diu Gazette;”;

(c) for clause (4), the following clause shall be substituted, namely:—

“(4) “registered owner” means the person in whose name a motor vehicle is registered under the Motor Vehicles Act, 1988;”;

59 of 1988.

(d) in clause (9), the word “Goa” shall be omitted;

(e) in clause (11), for the words and figures “Motor Vehicles Act, 1939”, the words and figures “Motor Vehicles Act, 1988” shall be substituted.

4 of 1939.

59 of 1988.

Amendment  
of section 3.

3. In section 3 of the principal Act,—

(a) in sub-section (1), after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that nothing contained in this sub-section, shall, on and from the commencement of the Daman and Diu Motor Vehicles Tax (Amendment) Regulation, 2010, apply to Daman and Diu.”;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) On and from the commencement of the Daman and Diu Motor Vehicles Tax (Amendment) Regulation, 2010, a tax shall be leviable in the Union territory of Daman and Diu on all transport vehicles used or kept for use in the Union territory, at such rates not exceeding the rates specified in Schedule A to this Act; and for all non-transport vehicles used or kept for use in the Union territory, at such rates not exceeding the rates specified in Schedule B to this Act, as the Government may, by notification in the Official Gazette, specify:

Provided that in the case of motor vehicles kept by a dealer in, or manufacturer of, such vehicles for purposes of trade, the tax shall be payable by such dealer or manufacturer on such vehicles which under the rules made under the Motor Vehicles Act, 1988, have been permitted to be used on the road whether under a trade certificate or under temporary registration:

59 of 1988.

Provided further that the Government may, in respect of any motor vehicle or class of vehicles, prescribe by rule or order that tax in respect of such vehicle or class of motor vehicles shall be levied for periods less than a quarter for which such vehicle or class of vehicles has been kept for use in the Union territory and whereupon tax shall be paid in respect of such vehicles or class of vehicles at such rate as may be prescribed for periods less than a quarter, so, however, that it shall not proportionately be in excess of the annual tax.”;

(c) in sub-section (3), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that nothing contained in the proviso shall, on and from the commencement of the Daman and Diu Motor Vehicles Tax (Amendment) Regulation, 2010, apply to Daman and Diu.”.

Insertion of  
new section  
3A.

4. After section 3 of the principal Act, the following section shall be inserted, namely:—

Levy of green  
tax in Daman  
and Diu.

“3A. A cess called “green tax” shall, on and from the commencement of the Daman and Diu Motor Vehicles Tax (Amendment) Regulation, 2010, be levied and collected in the Union territory of Daman and Diu in addition to the tax levied under section 3 on the motor vehicles suitable for use on road, as specified in column (2) of

the Table below at the rates specified in column (3) thereof, for the purposes of implementation of various measures to control air pollution, namely:—

TABLE

Sl. No.	Class and age of vehicle	Rates of cess in Rupees
(1)	(2)	(3)
59 of 1988.	1. Non-transport vehicles which have completed fifteen years from the date of its registration, at the time of renewal of certificate of registration as per sub-section (10) of section 41 of the Motor Vehicles Act, 1988,—	
	(a) Two wheelers	250.00 per five years.
	(b) Other than two wheelers	500.00 per five years.
59 of 1988.	2. Transport vehicles which have completed fifteen years from the date of its registration, at the time of renewal of fitness certificate as per section 56 of the Motor Vehicles Act, 1988,—	
	(a) Motor cycle	200.00 per annum.
	(b) Auto-Rickshaw (goods and passenger)	300.00 per annum.
	(c) Motor Cab and Maxi Cab	400.00 per annum.
	(d) Light Commercial Vehicles (goods and passenger)	500.00 per annum.
	(e) Medium Commercial Vehicles (goods and passenger)	600.00 per annum.
	(f) Heavy Motor Vehicles (goods and passenger)	1000.00 per annum.
4 of 1939. 59 of 1988.	5. In section 4 of the principal Act,—	Amendment of section 4.
	(a) in sub-section (1), in third proviso, for the words and figures “Chapter VIII of the Motor Vehicles Act, 1939”, the words and figures “Chapter XI of the Motor Vehicles Act, 1988” shall be substituted;	
	(b) after sub-section (3), the following sub-sections shall be inserted, namely:—	
	“(4) Notwithstanding anything contained in this section, on and from the commencement of the Daman and Diu Motor Vehicles Tax (Amendment) Regulation, 2010, the tax levied for non-transport vehicles in accordance with the provisions of sub-section (1A) of section 3, shall be paid in advance by the registered owner or the person having possession or control of the vehicle and the tax so paid shall be the one time tax, unless the vehicle is altered during such period, or proposed to be used in such a manner so as to cause the vehicle to become a vehicle in respect of which a different tax is payable;	
	Provided that in respect of vehicles registered before the date of commencement of the Daman and Diu Motor Vehicles Tax (Amendment) Regulation, 2010, of which taxes were being paid in accordance with the provision of sub-section (1), the tax specified in Schedule B to this Act, shall be paid on or before the date of completion of sixty days from the commencement of the said Regulation.	
59 of 1988.	(5) Where a transport vehicle is used or kept for use in the Daman and Diu on the basis of temporary permit issued under the Motor Vehicles Act, 1988, the tax shall be levied and collected in the manner as provided in this Act for whole of the period for which it is used or kept for use in Daman and Diu.”	

Amendment  
of section 5.

6. In section 5 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Notwithstanding anything contained in this section, on and from the commencement of the Daman and Diu Motor Vehicles Tax (Amendment) Regulation, 2010, issue of tax token and tax licence to the person paying the tax shall not be necessary in Daman and Diu where the tax is paid for non-transport vehicles in accordance with sub-section (4) of section 4:

Provided that the Taxation Authority shall, on payment of one time tax of the vehicle, make an entry in the certificate of registration of the said vehicle of such payment.”.

Amendment  
of section 6.

7. In section 6 of the principal Act, in sub-section (3), for the words and figures “Chapter VIII of the Motor Vehicles Act, 1939”, the words and figures “Chapter XI of the Motor Vehicles Act, 1988” shall be substituted.

4 of 1939.  
59 of 1988.

Amendment  
of section 9.

8. In section 9 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Notwithstanding anything contained in sub-sections (1) and (2), on and from the commencement of the Daman and Diu Motor Vehicles Tax (Amendment) Regulation, 2010, where tax has been paid for non-transport vehicles under sub-section (4) of section 4, the registered owner who has paid such tax shall be entitled to refund of tax at the rates specified in Schedule C to this Act, in cases of—

(i) cancellation of registration of vehicles on account of scrapping of such vehicle due to accident or other cause, or removal of the vehicle to any other State or Union territory on account of transfer of ownership or change of address;

(ii) temporary non-use of vehicle.”.

Amendment  
of section 12.

9. In section 12 of the principal Act, the following proviso shall be inserted, namely:—

“Provided that if the tax for non-transport vehicles registered before the date of commencement of the Daman and Diu Motor Vehicles Tax (Amendment) Regulation, 2010, has not been paid as provided in the proviso to sub-section (4) of section 4, the registered owner or the person having possession or control of the motor vehicle, in relation to Daman and Diu, shall be liable to pay penalty to the extent of one per cent. of the tax payable for each defaulting month or part thereof.”.

Amendment  
of section 15.

10. In section 15 of the principal Act, for the words and figures “Motor Vehicles Act, 1939”, the words and figures “Motor Vehicles Act, 1988” shall be substituted.

4 of 1939.  
59 of 1988.

Amendment  
of section 24.

11. In section 24 of the principal Act, after sub-section (5), the following sub-section shall be substituted, namely:—

“(6) Every rule made, on and from the commencement of the Daman and Diu Motor Vehicles Tax (Amendment) Regulation, 2010, in relation to Daman and Diu, 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 of 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 both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”



12. After section 25 of the principal Act, the following section shall be inserted, namely:—

“26. Nothing contained in the Schedule to this Act, shall, on and from the commencement of the Daman and Diu Motor Vehicles Tax (Amendment) Regulation, 2010, apply to Daman and Diu.”

13. After the Schedule to the principal Act, the following Schedules shall be inserted, namely:—

“SCHEDULE A

(See section 3)

TAX ON TRANSPORT VEHICLES IN DAMAN AND DIU

Sl. No.	Class of vehicles in respect of motor vehicles fitted solely with pneumatic tyres	Maximum annual rate of tax in rupees
(1)	(2)	(3)
1.	Motor cycle and tricycles (including motor scooters and cycles with attachment for propelling the same by mechanical power) :	150.00
2.	Goods Vehicles :	
	For every 100 kgs of registered laden weight or part thereof :	
	(i) driven on fuel other than diesel	30.00
	(ii) driven on diesel	35.00
3.	Passenger vehicles (including auto-rickshaws, taxies, etc.):	
	(i) vehicles with seating capacity up to four passengers	480.00
	(ii) for every additional seat over four passengers up to nine passengers	300.00
	(iii) for every additional seat over nine passengers	400.00
4.	Motor vehicles other than those liable to tax under the foregoing provisions of this Schedule:	
	(a) up to 750 kgs weight unladen	350.00
	(b) over 750 kgs up to 1200 kgs weight	450.00
	(c) over 1200 kgs weight unladen up to 2500 kgs	600.00
	(d) over 2500 kgs weight unladen up to 5000 kgs	800.00
	(e) over 1000 kgs or part thereof in excess of 5000 kgs	150.00
5.	Additional tax payable in respect of motor vehicles used for drawing trailers:	
	(a) For each trailer when it is used for the carriage of goods	At the rates specified against serial number 2, in respect of motor vehicles use for carriage of goods.
	(b) For each trailer when used for the carriage of passengers	At the rates specified against serial number 3, in respect of motor vehicles plying for hire and use for the carriage of passengers.

Insertion of new section 26.

Schedule not to apply to Daman and Diu.

Insertion of new schedules.

*Explanation 1.*—The seating capacity in respect of the passenger vehicles specified at serial number 3 shall be exclusive of the drivers' seat and the conductors' seat.

*Explanation 2.*— The maximum annual rate of tax for the motor vehicles other than those fitted with pneumatic tyres shall be the rates specified in paragraph 1, for the motor vehicles fitted solely with pneumatic tyres, plus 50 per centum.

*Explanation 3.*— The maximum annual rate of tax payable by dealers in, or manufacturers of motor vehicles, for general licence in respect of each vehicle, shall be rupees 200.00.

#### SCHEDULE B

(See section 3)

#### TAX ON NON-TRANSPORT VEHICLES IN DAMAN AND DIU

Sl. No.	Stage of registration	Motor cycles and tricycles (including motor scooters and cycles with attachment for propelling the same by mechanical power)	Any other motor vehicle not specified in column (2)		Motor vehicles manufactured out of India and imported to India
			Driven on other than diesel	Driven on diesel	
(1)	(2)	(3)	(4)	(5)	(6)
A.	At the time of new registration	7 % of the cost of vehicle	4% of the cost of vehicle	6% of the cost of vehicle	Twice the rates specified for respective class of vehicles at columns (3), (4) and (5)
B.	If the motor vehicle is already registered and its age from the month of registration is—	Percentage of one time tax levied under serial number A	Percentage of one time tax levied under serial number A	Percentage of one time tax levied under serial number A	
1.	not more than two years	95.8	97.2	97.2	Twice the rates specified for respective class of vehicles at columns (3), (4) and (5)
2.	more than two years but not more than three years	91.3	94.3	94.3	- do -
3.	more than three years but not more than four years	86.7	91.2	91.2	- do -
4.	more than four years but not more than five years	81.8	87.9	87.9	- do -

(1)	(2)	(3)	(4)	(5)	(6)
5.	more than five years but not more than six years	76.6	84.5	84.5	Twice the rates specified for respective class of vehicles at columns (3), (4) and (5)
6.	more than six years but not more than seven years	71.2	81.0	81.0	- do -
7.	more than seven years but not more than eight years	65.6	77.2	77.2	- do -
8.	more than eight years but not more than nine years	59.6	73.3	73.3	- do -
9.	more than nine years but not more than ten years	53.4	69.1	69.1	- do -
10.	more than ten years but not more than eleven years	46.8	64.8	64.8	- do -
11.	more than eleven years but not more than twelve years	39.9	60.2	60.2	- do -
12.	more than twelve years but not more than thirteen years	32.7	55.4	55.4	- do -
13.	more than thirteen years but not more than fourteen years	25.1	50.4	50.4	- do -
14.	more than fourteen years but not more than fifteen years	17.2	45.1	45.1	- do -
15.	more than fifteen years but not more than sixteen years	..	39.6	39.6	- do -
16.	more than sixteen years but not more than seventeen years	..	33.8	33.8	- do -
17.	more than seventeen years but not more than eighteen years	..	27.7	27.7	- do -
18.	more than eighteen years but not more than nineteen years	..	21.2	21.2	- do -
19.	more than nineteen years but not more than twenty years	..	14.5	14.5	- do -

NOTE: Cost of the vehicle in relation to—

(a) vehicle manufactured in India means cost of the vehicle as per the purchase invoice issued either by the manufacturer or dealer of the vehicle and shall include the manufacturing cost, excise duty, sales tax and any other tax payable in the Union territory of Daman and Diu;

(b) a vehicle imported into India irrespective of its place of manufacture means cost as per the landed value of the vehicle consisting of the assessable value under the Customs Act, 1962 (52 of 1962) and the customs duty paid thereupon including additional duty paid, if any, as endorsed in the bill of entry by the Customs Department.

*Explanation I.*— For the purpose of calculating the rate of one time tax under this Schedule, if the invoice of the vehicle, or as the case may be, the Bill of Entry is not produced for any reason, then the cost of vehicle shall be calculated as follows, namely:—

(1) (i) In case the model of such vehicle is being manufactured, the cost of vehicle certified by an authorised dealer or manufacturer of such vehicle.

(ii) In case manufacture of such model ceased, the prevailing market price of such vehicle certified by the licensed assessor or valuer of motor vehicles.

(2) If the cost of vehicle could not be calculated as per item (1), the prevailing cost of similar vehicle determined by the Taxation Authority, closest in engine capacity and unloaded weight of the vehicle in respect of which a tax is to be levied and collected.

*Explanation II.*— In calculating the cost of vehicle, if the cost of the vehicle is not in multiple of hundred, the fraction of a hundred not exceeding fifty rupees shall be ignored and the fraction of hundred exceeding fifty rupees shall be taken as hundred rupees.

#### SCHEDULE C

(See section 9)

##### REFUND OF TAX IN RESPECT OF TAX PAID IN DAMAN AND DIU

Sl. No.	Stage when refund is claimed of	CATEGORY A. Motor cycles and tricycles (including motor scooters and cycles with attachment for propelling the same by mechanical power)		CATEGORY B. Any other motor vehicles not specified in Category A.	
		Refund for removal, suspension or cancellation of registration of vehicle	Refund per quarter (for not using the vehicle)	Refund for removal, suspension or cancellation of registration of vehicle	Refund per quarter (for not using the vehicle)
(1)	(2)	(3)	(4)	(5)	(6)
A	If the period elapsed after payment of one time tax on the motor vehicle is—	Percentage of the one time tax levied	Percentage of the one time tax levied	Percentage of the one time tax levied	Percentage of the one time tax levied
1.	less than one year	95.8	0.9	97.2	0.6
2.	more than one year but not more than two years	91.3	0.9	94.3	0.6

(1)	(2)	(3)	(4)	(5)	(6)
3.	more than two years but not more than three years	86.7	0.9	91.2	0.6
4.	more than three years but not more than four years	81.8	1.0	87.9	0.7
5.	more than four years but not more than five years	76.6	1.0	84.5	0.7
6.	more than five years but not more than six years	71.2	1.0	81.0	0.7
7.	more than six years but not more than seven years	65.6	1.0	77.2	0.7
8.	more than seven years but not more than eight years	59.6	1.0	73.3	0.7
9.	more than eight years but not more than nine years	53.4	1.1	69.1	0.7
10.	more than nine years but not more than ten years	46.8	1.1	64.8	0.8
11.	more than ten years but not more than eleven years	39.9	1.1	60.2	0.8
12.	more than eleven years but not more than twelve years	32.7	1.1	55.4	0.8
13.	more than twelve years but not more than thirteen years	25.1	1.1	50.4	0.8
14.	more than thirteen years but not more than fourteen years	17.2	..	45.1	0.8
15.	more than fourteen years but not more than fifteen years	..	..	39.6	0.8
16.	more than fifteen years but not more than sixteen years	..	..	33.8	0.9
17.	more than sixteen years but not more than seventeen years	..	..	27.7	0.9
18.	more than seventeen years but not more than eighteen years	..	..	21.2	0.9
19.	more than eighteen years but not more than nineteen years	..	..	14.5	0.9."

PRATIBHA DEVISINGH PATIL,  
*President.*

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

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असाधारण

EXTRAORDINARY

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PART II — Section 1

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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.

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## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 13th January, 2011/Pausa 23, 1932 (Saka)*

### THE BOMBAY MOTOR VEHICLES TAX (AMENDMENT) REGULATION, 2011

1 OF 2011

Promulgated by the President in the Sixty-first Year of the Republic of India.

A Regulation further to amend the Bombay Motor Vehicles Tax Act, 1958, as extended to the Union territory of Dadra and Nagar Haveli.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her.

1. (1) This Regulation may be called the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011.

Short title  
and  
commencement.

(2) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

## Definitions.

2. In the Bombay Motor Vehicles Tax Act, 1958 as extended to the Union territory of Dadra and Nagar Haveli (hereinafter referred to as the principal Act), throughout the Act,—

(i) for the words and figures “Motor Vehicles Act, 1939”, the words and figures “Motor Vehicles Act, 1988” shall be substituted; 4 of 1939.  
59 of 1988.

(ii) for the words “Tax Token”, the words “Tax Receipt” shall be substituted;

(iii) for the word “Token”, the word “Receipt” shall be substituted.

Amendment  
of section 2.

3. In section 2 of the principal Act,—

(i) after clause (1B), the following clause shall be inserted, namely:—

“(1C) “cost of vehicle”, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011 in relation to—

(a) a vehicle manufactured in India, means cost as per the purchase invoice of the vehicle issued either by the manufacturer or the dealer of the vehicle and shall include the basic manufacturing cost, excise duty and the sales tax or Value Added Tax payable in the Union territory of Dadra and Nagar Haveli; and

(b) a vehicle imported into India irrespective of its place of manufacture, means cost as per the landed value of the vehicle consisting of the assessable value under the Customs Act, 1962 and the customs duty paid thereupon, including the additional duty paid, if any, as endorsed in the Bill of Entry by the Customs Department in the Union territory of Dadra and Nagar Haveli;” 52 of 1962.

(ii) after clause (2), the following clauses shall be inserted, namely:—

“(2A) “motor vehicle” means a motor vehicle as defined in the Motor Vehicle Act, 1988, whether using motor spirit or fuel other than motor spirit; 59 of 1988.

“(2B) “non-transport vehicles” means vehicles other than transport vehicles;”

(iii) after clause (5), the following clause shall be inserted, namely:—

“(5A) “transport vehicles” means public service vehicles, goods carriage, a school bus or a private service vehicle;”

(iv) for clause (9), the following clause shall be substituted, namely:—

“(9) “year” in relation to a fleet-owner means the financial year; and in any other case, means a period of twelve months commencing on the 1st day of the month in which a motor vehicle is registered or a new registration mark is assigned to it under the Motor Vehicles Act, 1988.” 59 of 1988.

Amendment  
of section 3.

4. In section 3 of the principal Act,—

(i) in sub-section (1), after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that nothing contained in this sub-section shall, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, apply to the Union territory of Dadra and Nagar Haveli.”;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Subject to the provisions of this Act, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, there shall be levied and collected in the Union territory of Dadra and Nagar Haveli, on all types of—



(a) transport vehicles used or kept for use in the Union territory, a tax at such rates as fixed by the Administrator, by notification in the Official Gazette, but not exceeding the maximum rates specified in the Schedule A;

(b) non-transport motor cycles and tricycles used or kept for use in the Union territory, a one-time tax as specified in the Schedule B:

Provided that if the vehicle is registered after the date on which this sub-section takes effect (hereafter in this sub-section referred to as "the said date"), at the rates specified in Part I of the Schedule B:

Provided further that if the vehicle is already registered before the said date and on which the tax is already paid, at the rates specified in Part II of the Schedule B:

Provided also that if the vehicle is first registered in any other State or Union territory and thereafter on transfer of vehicle thereof in the Union territory of Dadra and Nagar Haveli, having regard to the month of the first registration in the other State or Union territory, a tax at the rates specified in Part II of the Schedule B;

(c) non-transport motor cars, omni buses and other vehicles used or kept for use in the Union territory, a one-time tax as specified in the Schedule C:

Provided that if the vehicle is registered after the said date, at the rates specified in Part I of the Schedule C:

Provided further that if the vehicle is already registered before the said date and on which the tax is already paid, at the rates specified in Part II of the Schedule C:

Provided also that if the vehicle is first registered in any other State or Union territory and thereafter on transfer of vehicle thereof in the Union territory of Dadra and Nagar Haveli, having regard to the month of the first registration in the other State or Union territory, at the rates specified in Part II of the Schedule C.;

(iii) in sub-section (2), the following proviso shall be inserted, namely:—

"Provided that nothing contained in this sub-section shall on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, apply to the Union territory of Dadra and Nagar Haveli.";

(iv) after sub-section (2), the following sub-sections shall be inserted, namely:—

"(3) On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, in relation to Union territory of Dadra and Nagar Haveli, for the purposes of this Act, a registered owner or any person having possession or control of a motor vehicle shall be deemed to use or keep such vehicle for use in Union territory, unless he intimates in writing in advance to the Taxation Authority in the prescribed manner that the vehicle shall not be used or kept for use in the Union territory during any period specified in the intimation and the Taxation Authority has, in the prescribed manner, certified that such motor vehicle was not used or kept for use in the Union territory during the period specified in the certificate:

Provided that, where a vehicle is rendered incapable of being used or kept for use on account of any accident, mechanical defect or any other sufficient cause, which makes it impossible to give an advance intimation as aforesaid, then such intimation may be given in the prescribed manner within a period of seven days from the date of occurrence of such accident, or such other cause:

Provided further that, where the intimation is received by the Taxation Authority after the commencement of the period of non-user or after the expiry of the period specified in the preceding proviso, as the case may be, and the whole of the period specified in the intimation has not expired prior to the date of receipt of the intimation, the Taxation Authority may recover, in full, the tax payable for the period upto the date of receipt of the intimation and certify in the prescribed manner that the motor vehicle was not used or kept for use in the Union territory during the remaining part of the period specified in the intimation.

(4) On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, in relation to the Union territory of Dadra and Nagar Haveli, notwithstanding anything contained in sub-section (3) even if no intimation has been given under that sub-section, the Taxation Authority may, where he is satisfied that a motor vehicle was not used or kept for use in the Union territory of Dadra and Nagar Haveli during any period, for reasons to be recorded in writing certify that such motor vehicle was not used or kept for use in the Union territory of Dadra and Nagar Haveli during the period specified in the certificate.”.

Insertion of  
section 3A.

5. After section 3 of the principal Act, the following section shall be inserted, namely:—

Levy of  
“green tax”.

‘3A. A cess called “green tax” shall, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, be levied and collected in the Union territory of Dadra and Nagar Haveli in addition to the tax levied under section 3 on all motor vehicles which have completed the period of fifteen years from the date of initial registration, at the time of renewal of registration and suitable for use on road, as specified in column (2) of the Schedule D, at the rates specified in column (3) thereof, for the purpose of implementation of various measures to control air pollution.’.

Amendment  
of section 4.

6. In section 4 of the principal Act,—

(i) in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that nothing contained in this sub-section shall, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, apply to the Dadra and Nagar Haveli.”;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

‘(1A) On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, the tax leviable under clause (a) of sub-section (1A) of section 3, in the Union territory of Dadra and Nagar Haveli, shall be paid in advance by every registered owner or any person having possession or control of motor vehicle as,—

(a) annually, at the rates fixed by the Administrator under clause (a) of sub-section (1A) of section 3 (hereinafter referred to as the “annual rate”); or

(b) for one or more quarters on payment of each such quarter at one-fourth of the annual rate plus ten per cent. of quarter rate thereof (hereinafter referred to as the “quarterly rate”); or

(c) for any period less than a quarter, expiring on the last day of quarter, at the rate of one-twelfth of annual rate of tax, plus twenty per cent. of monthly rate thereof (hereinafter referred to as the “monthly rate”).’;

(iii) in sub-section (2), the following proviso shall be inserted, namely:—

“Provided that nothing contained in this sub-section shall, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, apply to the Dadra and Nagar Haveli.”;

(iv) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, where a transport vehicle is brought for use or for being kept for use in the Union territory of Dadra and Nagar Haveli, on the basis of a temporary permit issued under the Motor Vehicles Act, 1988, the tax shall be levied and collected in the manner as provided in section 4 for the whole of the period for which it is used or kept for use in the Dadra and Nagar Haveli.

“(4) On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, the tax levied for non-transport motor vehicles, in accordance with the provisions of the clauses (b) and (c) of sub-section (1A) of section 3, shall be paid in advance in a lump sum by the registered owner or the persons having possession or control of the vehicle and the tax so paid shall be the one-time tax of the vehicle unless the vehicle is altered during such period, or proposed to be used in such a manner as to cause the vehicle to become a vehicle in respect of which a different tax is payable:

Provided that in respect of non-transport vehicles registered prior to the date of commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, of which taxes were, being paid annually, the tax specified in the Schedules B and C shall be paid on or before the date of completion of the period of sixty days from the date of commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011.”

7. In section 5 of the principal Act,—

Amendment  
of section 5.

(i) in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that nothing contained in this sub-section shall on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, apply to the Union territory of Dadra and Nagar Haveli.”;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, when the tax leviable under section 3 in respect of any motor vehicle in the Union territory of Dadra and Nagar Haveli is paid, the Taxation Authority shall issue, to the person paying tax,—

(a) a receipt in the prescribed form indicating therein that such tax has been paid; and

(b) a certificate of payment of tax in the prescribed form, indicating therein, the rate at which the tax is leviable and the specific period or as the case may be, life time of a vehicle for which the tax is paid.”

8. In section 6 of the principal Act,—

Amendment  
of section 6.

(i) in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that nothing contained in this sub-section shall, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, apply to the Union territory of Dadra and Nagar Haveli.”;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Subject to the provisions of this section, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, every registered owner, or person who has possession or control, of a motor vehicle used or kept for the use in the Union territory of Dadra and Nagar Haveli shall fill up, sign and deliver, in the manner provided in sub-section (4), a declaration, and shall, along with such declaration, paid to the Taxation Authority the tax which he appears by such declaration to be liable to pay in respect of such vehicle:

Provided that such declaration along with the payment of tax in respect of the transport vehicles entering into the Union territory of Dadra and Nagar Haveli shall be delivered at the Tax Collection Centre nearest to the point of entry into the Union territory of Dadra and Nagar Haveli .”;

(iii) in sub-section (3), for the words and figures “Chapter VIII of the Motor Vehicles Act, 1939”, the words and figures “Chapter XI of the Motor Vehicles Act, 1988” shall be substituted;

4 of 1939.  
59 of 1988.

(iv) in sub-section (5), the following proviso shall be inserted, namely:—

“Provided that nothing contained in this sub-section shall, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, apply to the Union territory of Dadra and Nagar Haveli.”;

(v) after sub-section (5), the following sub-sections shall be inserted, namely:—

“(6) On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, on receipt of a declaration together with the certificate of taxation in respect of any altered motor vehicle, the Taxation Authority may for the purpose of ascertaining the changed rate of tax, require the vehicle to be inspected by such authority as he may specify in this behalf and on the basis of the report of inspection received by him, the Taxation Authority may assess the changed rate of tax payable in respect of such altered vehicle.

(7) On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, on receipt of the additional tax, the Taxation Authority shall issue a receipt in respect of the additional tax, and shall suitably amend the certificate of taxation under his signature and date.”.

Amendment  
of section 7.

9. In section 7 of the principal Act, the following proviso shall be inserted, namely:—

‘Provided that the provisions of this section, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, in relation to the Union territory of Dadra and Nagar Haveli, shall have effect as if for the words “tax payable for such unexpired portion at the higher rate and the rate at which tax was paid before the alteration or use of the vehicle for that portion and until such additional tax has been paid, the Taxation Authority shall not grant a fresh tax token in respect of a vehicle so altered or proposed to be so used”, the words “tax payable for such unexpired portion at the higher rate and the rate at which tax was paid before the alteration or use of the vehicle for that portion” had been substituted.’.

Amendment  
of section 9.

10. In section 9 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely:—

“(5) On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, where a registered owner or any person having possession or control of a motor vehicle has paid tax in excess of the amount due from him, the Taxation Authority shall, after ascertaining that no arrears of tax in respect of such vehicle for any period are due from such registered owner or person, refund the excess amount to such registered owner or person:

Provided that, if such registered owner or person sends an intimation in writing to the Taxation Authority that the amount refundable to him or any portion thereof should be appropriated towards payment of tax in respect of the vehicle for any future period specified in such intimation and submits the certificate of taxation for recording therein such payment of the tax, the Taxation Authority shall, after due verification made for the purpose, cause an entry under his signature, to be made in the certificate of taxation and shall specify

therein the future period in respect of which the refundable amount or, as the case may be, the portion thereof has been appropriated for payment of tax and shall refund the balance, if any, remaining after such appropriation to such owner or a person.

(6) On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, where any refund of tax in respect of any vehicle is made under this section, the Taxation Authority shall cause entry of such refund to be made in the certificate of taxation.

(7) On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, notwithstanding anything contained in sub-section (1), where a tax has been paid under sub-section (1A) of section 3, a registered owner of non-transport vehicle shall be entitled to refund of tax at the rate specified in the Schedule B or, as the case may be, Schedule C in case of,—

(a) removal of motor vehicle to any other State on transfer of ownership or change of address; or

(b) scrapping of it due to accident or any other reason:

Provided that, the refund of tax shall be granted by the Taxation Authority,—

(i) in the case of removal of motor vehicle outside the Union territory of Dadra and Nagar Haveli on transfer of ownership or on change of address, only on production of sufficient proof of its transfer outside the Union territory; and

(ii) in the case of scrapping of motor vehicle only on production of a certificate from the insurance company or any other sufficient documentary evidence that it is beyond repair and cannot be used again.

(8) On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, notwithstanding anything contained in sub-sections (1) and (3), where a non-transport motor vehicle in respect of which tax has been paid under section 3, is altered or used in such manner as to cause it to become a motor vehicle in respect of which the tax is leviable at a lower rate, the person who has paid such tax shall be entitled on production of the certification to a refund of a sum equal to the difference between amount of one-time tax that would have been payable in respect of such motor vehicle had the change of use, not been effected to qualify it for tax for lower rate and the amount of tax leviable on such vehicle at the lower rates; and the Taxation Authority shall cause an entry of such refund to be made in the certificate of taxation.”.

11. In section 12 of the principal Act, the following proviso shall be inserted, namely:—

Amendment  
of section  
12:

“Provided that, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, in relation to the Union territory of Dadra and Nagar Haveli, if the amount of arrears of tax including interest exceeds an amount of ten thousand rupees, the officer designated in this behalf by the Union territory, may by an order, grant subject to such conditions as may be specified in such order, a facility of making the payment in installments not exceeding four, within a period of one year.”.

12. After section 12 of the principal Act, the following sections shall be inserted, namely:—

Insertion of  
new sections  
12A and 12B.

Restriction  
on use of  
motor  
vehicles.

"12A. On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, in relation to the Union territory of Dadra and Nagar Haveli, no motor vehicle used or kept for use in the Union territory shall be used on any road in the Union territory in case any tax payable in respect thereof remains unpaid for a period more than thirty days after it has become due under the provisions of this Act, until the tax and interest, if any, due is paid.

Power to  
seize and  
detain motor  
vehicle in  
case of non-  
payment of  
tax.

12B. On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, in relation to the Union territory of Dadra and Nagar Haveli, without prejudice to the provisions of sections 12, 12A and 16, where any tax due in respect of any vehicle has not been paid as specified in section 4, such officer not lower in rank than that of an Inspector of Motor Vehicles of the Motor Vehicles Department or an Inspector of a Police Department, as the Union territory of Dadra and Nagar Haveli may empower in this behalf, may, subject to the rules made in this behalf, seize and detain the motor vehicle in respect of which the tax is due under this act, and for this purpose, take or cause to be taken all steps for the proper maintenance and safe custody of the vehicle, until the tax and interest, if any, due in respect of the vehicle is paid and may provide for charges, if any, to be recovered for the custody and maintenance of the vehicle."

Amendment  
of section  
16.

13. In section 16 of the principal Act, in sub-section (1), in clause (c),—

(i) after sub-clause (ii), the following proviso shall be inserted, namely:—

'Provided that the provisions of this clause, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, in relation to Union territory of Dadra and Nagar Haveli, shall have effect as if for the words "such vehicle" wherever they occur, the words "such transport vehicle" had been substituted;'

(ii) after the proviso as so inserted, the following sub-clause shall be inserted, namely:—

"(iii) On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, in relation to the Union territory of Dadra and Nagar Haveli, where a person is guilty of an offence is a registered owner of a non-transport motor vehicle on which one-time tax is levied under clauses (b) and (c) of sub-section (1A) of section 3, the fine shall not be less than three hundred rupees and which may extend up to a sum equal to the one-time tax payable in respect of such vehicle; and in the event of such person having been previously convicted of an offence under this section, the fine shall not be less than five hundred rupees and which may extend to a sum equal to twice the one-time tax payable in respect of such vehicle."

Insertion of  
new sections  
26 and 27.

14. After section 25 of the principal Act, the following sections shall be inserted, namely:—

Levy of tolls  
on motor  
vehicles.

'26. (1) Subject to the provisions of section 3 of the Act, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, the Union territory of Dadra and Nagar Haveli may levy tolls on motor vehicles and trailers drawn by such vehicles passing over any bridge or through any tunnel including an approach road thereto or any section of road or any by-pass, so that such tolls may be levied,—

(i) in respect of a bridge or tunnel including approach road or section of road or any by-pass which is newly constructed, reconstructed, improved or repaired, as the case may be, after the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, at the expense of the Union territory

or at the expense of any person or body or association of individuals, whether incorporated or not, or, at the expense of both, that is to say, the Union territory Administration and any such person or body or association and the total capital outlay of which construction, reconstruction, improvement or repairs, as the case may be, is not less than an amount of ten lakhs of rupees; or

(ii) in respect of a bridge or tunnel including approach road or section of road or any by-pass, which in the opinion of the Union territory of Dadra and Nagar Haveli, is of special service to the public.

(2) The tolls levied under sub-section (1), on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, shall be levied at such rate and for such period as the Union territory of Dadra and Nagar Haveli may, from time to time, by notification in the Official Gazette, declare.

(3) The Union territory of Dadra and Nagar Haveli shall, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, while determining the rate of toll and the period for which such toll shall be levied, have regard to the total capital outlay, the likely collection of toll, the expenses of collection of toll and terms and conditions of the agreement if any, entered into with the private person, body or association of persons (incorporated or not), as the case may be, relating to the period of collection and retention of the amount of the toll by such persons or body, stipulated in the agreement.

(4) The Union territory of Dadra and Nagar Haveli may, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, itself or through its agent, collect the toll levied under sub-section (1) and, where such collection is made through agent, such agent or his servants shall be deemed to be persons empowered to collect tolls under this Act:

Provided that not more than the capital outlay and expenses of collection of toll shall be collected under this section:

Provided further that the person or body or association of persons at whose expense, either full or partial, the road is constructed, re-constructed, improved or repaired, shall be deemed to be the agent entitled to collect and retain the whole or part of the amount of such toll, as may be determined by the Union territory of Dadra and Nagar Haveli, from time to time, by issuing general or special order in this behalf.

(5) On and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, where any additional bridge or tunnel, being the bridge or tunnel on or below the same stream, river or creek or road or rail-track including any approach road thereto is constructed as augmentation of the facility of the use of the existing bridge, tunnel or road, as the case may be, then the net work of such bridges or tunnels including approach road thereto shall be deemed to be one single entity for the purpose of levy of toll, so that not more than the capital outlay of such additional bridge or tunnel including any approach road thereto and the expenses of collection of toll shall be recovered.

*Explanation.*—For the purposes of this section, the expression, “capital outlay” shall include the anticipated cost of certain essential ongoing or imminent works, like improvements, strengthening, widening, structural repairs, maintenance, management operation, reasonable returns and the interest on such outlay at such rate as the Union territory may fix until the full amount of such outlay is recovered.

27. Nothing contained in First Schedule to Third Schedule to this Act, shall, on and from the commencement of the Bombay Motor Vehicles Tax (Amendment) Regulation, 2011, apply to the Union territory of Dadra and Nagar Haveli.

First Schedule  
to Third  
Schedule not  
to apply to  
Dadra and  
Nagar Haveli.

Insertion of  
new  
Schedules.

15. After the Third Schedule to the principal Act, the following Schedules shall be inserted, namely:—

**'SCHEDULE A**

[See section 3(1A)]

**TAX ON TRANSPORT VEHICLES IN UNION TERRITORY OF DADRA AND  
NAGAR HAVELI**

Description of motor vehicle	Maximum annual rate of tax in Rs.
(1)	(2)

**Part I— Motor Vehicles using motor spirit.**

**A. Motor vehicles fitted solely with pneumatic tyres—**

- |   |           |
|---|-----------|
| <b>I</b> Motor vehicles not exceeding 250 kgs.<br>In weight unladen adapted and used for invalids | Rs. 5.00  |
| <b>II</b> Motor vehicles (including tricycles) used for<br>Carriage of Goods or materials.        |           |
| (a) For every 100 kgs. of Registered Laden<br>Weight or part thereof                              | Rs. 35.00 |
| (b) Vehicle using fuel other than diesel for<br>every 100 kgs. of unladen weight                  | Rs. 30.00 |

Provided that, where tax on motor vehicles is levied by any local authority, the maximum rates for use solely within the limits of such local authority shall be two-third of the aforesaid maximum rates.

**III Motor vehicles (including tricycles) plying for hire and used for the carriage of passengers—**

	Maximum Annual Rate of Tax in Rs.
(a) Vehicles licensed to carry in all not more than two passengers.	480.00
(b) Vehicles licensed to carry in all more than two but not more than four passengers.	480.00
(c) Vehicles permitted to carry more than four passengers.	
	(1) the rate specified in (b) above plus Rs. 300.00 for every additional seat above four



(1)	(2)
	passengers, upto nine passenger and
	(II) the rate specified in (b) above plus Rs.400 for every passenger in addition to nine passengers, which the vehicle is so licensee to carry:

Provided that, where a tax on motor vehicles is levied by any local authority, the maximum rates for use solely within the limits of such local authority shall be two-third of the aforesaid maximum rates.

IV Break-down vans used for towing disabled vehicles 200.00

V Motor vehicles other than those liable to tax under the foregoing provisions of the schedule or the schedule "C"—

	Maximum Annual Rate of Tax in Rs.
(a) Vehicles not exceeding 750 kgs. in weight, unladen	240.00
(b) Vehicles exceeding 750 kgs. but not exceeding 1500 kgs. in weight, unladen	360.00
(c) Vehicles exceeding 1500 kgs. but not exceeding 2250 kgs. In weight, unladen	480.00
(d) Vehicles exceeding 2250 kgs. in weight unladen (with seating capacity for not exceeding 15 persons including driver)	800.00
(e) Vehicles exceeding 2250 kgs. in weight unladen (with seating capacity over than that specified in (d) above).	800.00 Plus Rs. 10.00 per person in excess of 15.

VI Additional tax payable in respect of motor vehicles used for drawing trailers.

- |   |  |
|---|--|
| (i) for each trailer when the trailer is used for the carriage of goods | The rates specified in clause II in respect of motor vehicles used for the carriage of goods or materials.   |
| (ii) for each trailer when used for carriage of passenger               | The rates in clause III in respect of motor vehicles plying for hire and used for the carriage of passenger. |

(1)	(2)
(iii) for each trailer when the trailer is used for any other purpose	100.00
Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.	
B. Motor vehicles other than fitted solely with pneumatic tyres.	The rates shown in class A. Plus 50 per centum.
C. Dealers in, or manufacturers of, motor vehicles for a general license— In respect of each motor vehicle	1000.00

## SCHEDULE B

[See section 3(1A) and 4(4) and section 9(7)]

## TAX ON NON TRANSPORT VEHICLES IN UNION TERRITORY OF DADRA AND NAGAR HAVELI

## Part I

Serial No.	Description of Motor Vehicle	One-time tax at the time of registration	Motor Vehicles Manufactured out of India and imported to India
(1)	(2)	(3)	(4)
1.	Motor cycles and tricycles, including those used for drawing a trailer or a side car	7 per cent. of the cost of vehicle subject to a minimum of Rs.1,500	Twice the rate specified for respective class or of vehicles at column (3)

## Part II

Serial No.	Stage of Registration	One-time tax payable if the vehicle is already registered	Motor vehicles manufactured out of India
(1)	(2)	(3)	(4)
	If the motor cycle or tricycle or motor vehicle (Including tricycle) is already registered and its age from the month of first registration is,—		
1.	more than 1 year but not more than 2 years	95.8% of the one time tax leviable under Part I.	Twice the rate specified for respective class of vehicles at column (3)
2.	more than 2 years but not more than 3 years	91.3%	-do-
3.	more than 3 years but not more than 4 years	86.7%	-do-
4.	more than 4 years but not more than 5 years	81.8%	-do-
5.	more than 5 years but not more than 6 years	76.6%	-do-
6.	more than 6 years but not more than 7 years	71.2%	-do-
7.	more than 7 years but not more than 8 years	65.6%	-do-
8.	more than 8 years but not more than 9 years	59.6%	-do-
9.	more than 9 years but not more than 10 years	53.4%	-do-
10.	more than 10 years but not more than 11 years	46.8%	-do-
11.	more than 11 years but not more than 12 years	39.9%	-do-
12.	more than 12 years but not more than 13 years	32.7%	-do-

(1)	(2)	(3)	(4)
13.	more than 13 years but not more than 14 years	25.1%	-do-
14.	more than 14 years but not more than 15 years	17.2 %	-do-
15.	more than 15 years	Nil	Nil

NOTE:—In case the purchase invoice of the vehicle could not be produced for any reason, the cost of the vehicle for the purpose of levy of tax shall be the present cost of the vehicle manufactured by the same manufacturer, which is closest in weight to the vehicle on which tax is being levied.

## Part III

Serial No.	Stage when refund is claimed of	Refund for removal, suspension or cancellation of registration	Refund per quarter (for not using the vehicle)
(1)	(2)	(3)	(4)
	If the period elapsed after payment of one-time tax on the motor cycle (including tricycle) are,—		
1.	less than one year	95.8% of the one-time tax paid.	0.9% of the one-time tax paid.
2.	more than 1 year but not more than 2 years	91.3%	0.9%
3.	more than 2 years but not more than 3 years	86.7%	0.9%
4.	more than 3 years but not more than 4 years	81.8%	0.9%
5.	more than 4 years but not more than 5 years	76.6%	1.0%
6.	more than 5 years but not more than 6 years	71.2%	1.0%
7.	more than 6 years but not more than 7 years	65.6%	1.0%
8.	more than 7 years but not more than 8 years	59.6%	1.0%
9.	more than 8 years but not more than 9 years	53.4%	1.0%
10.	more than 9 years but not more than 10 years	46.8%	1.1%
11.	more than 10 years but not more than 11 years	39.9%	1.1%
12.	more than 11 years but not more than 12 years	32.7%	1.1%
13.	more than 12 years but not more than 13 years	25.1%	1.1%
14.	more than 13 years but not more than 14 years	17.2%	1.1%
15.	more than 14 years	NIL	NIL

NOTE:—No refund would be admissible for a vehicle beyond 14 years of its registration.

## SCHEDULE C

[See section 3 (1A) and 4(4) and section 9 (7)]

## TAX ON NON TRANSPORT VEHICLES IN UNION TERRITORY OF DADRA AND NAGAR HAVELI

## Part I

Description of Motor Vehicle	One-time tax at the time of registration.	Motor Vehicles manufactured Out of India and imported to India
(1)	(2)	(3)
Motor Cars and omni buses and other vehicles	4% of the cost of vehicle on other than diesel driven vehicles. 6% of the cost of vehicle on diesel driven vehicle	Twice the rates specified for respective class of vehicle at column No. 2.

## Part II

Serial No.	Stage of Registration	One-time tax payable if the vehicle is already registered.	Motor vehicles Manufactured out of India and imported to India
(1)	(2)	(3)	(4)
	If the motor car is already Registered and its age from the month of first registration is, —		
1.	more than 1 year but not more than 2 years	97.2% of the one-time tax payable under Part-I	Twice the rates specified for respective class of vehicle at column (3)
2.	more than 2 years but not more than 3 years	94.3%	-do-
3.	more than 3 years but not more than 4 years	91.2%	-do-
4.	more than 4 years but not more than 5 years	87.9%	-do-
5.	more than 5 years but not more than 6 years	84.5%	-do-
6.	more than 6 years but not more than 7 years	81.0%	-do-
7.	more than 7 years but not more than 8 years	77.2%	-do-
8.	more than 8 years but not more than 9 years	73.3%	-do-
9.	more than 9 years but not more than 10 years	69.1%	-do-
10.	more than 10 years but not more than 11 years	64.8%	-do-

(1)	(2)	(3)	(4)
11.	more than 11 years but not more than 12 years	60.2%	-do-
12.	more than 12 years but not more than 13 years	55.4%	-do-
13.	more than 13 years but not more than 14 years	50.4%	-do-
14.	more than 14 years but not more than 15 years	45.1%	-do-
15.	more than 15 years but not more than 16 years	39.6%	-do-
16.	more than 16 years but not more than 17 years	33.8%	-do-
17.	more than 17 years	27.7%	-do-

## Part III

Serial No.	Stage when refund is claimed	Refund for removal, suspension or cancellation of registration	Refund per quarter (for not using the vehicle)
(1)	(2)	(3)	(4)
	If the period elapsed after Payment of one-time tax on the motor car or omni bus and other vehicles is,		
1.	less than one year	97.2% of the one-time tax paid	0.6% of the one-time tax paid
2.	more than 1 year but not more than 2 years	94.3%	0.6%
3.	more than 2 years but not more than 3 years	91.2%	0.6%
4.	more than 3 years but not more than 4 years	87.9%	0.7%
5.	more than 4 years but not more than 5 years	84.5%	0.7%
6.	more than 5 years but not more than 6 years	81.0%	0.7%
7.	more than 6 years but not more than 7 years	77.2%	0.7%
8.	more than 7 years but not more than 8 years	73.3%	0.7%
9.	more than 8 years but not more than 9 years	69.1%	0.7%
10.	more than 9 years but not more than 10 years	64.8%	0.8%
11.	more than 10 years but not more than 11 years	60.2%	0.8%

(1)	(2)	(3)	(4)
12.	more than 11 years but not more than 12 years	55.4%	0.8%
13.	more than 12 years but not more than 13 years	50.4%	0.8%
14.	more than 13 years but not more than 14 years	45.1%	0.8%
15.	more than 14 years but not more than 15 years.	39.6%	0.8%
16.	more than 15 years but not more than 16 years.	33.8%	0.9%
17.	more than 16 years but not more than 17 years.	27.7%	0.9%
18.	more than 17 years but not more than 18 years.	21.2%	0.9%
19.	more than 18 years but not more than 19 years.	14.5%	0.9%
20.	more than 19 years but not more than 20 years.	Nil	Nil.

NOTE:—No refund would be admissible for a vehicle beyond nineteen years of its first registration.

## SCHEDULE D

## RATES OF GREEN TAX ON TRANSPORT AND NON TRANSPORT VEHICLES IN UNION TERRITORY OF DADRA AND NAGAR HAVELI

[See section (3A)]

Serial No.	Class and age of the vehicle	Rate of cess in rupees
(1)	(2)	(3)
(1)	Non-Transport vehicles which has completed 15 years from the date of its initial registration, at the time of renewal of registration as per sub-section (10) of section 41 of the Motor Vehicles Act, 1988	
	(a) Two wheelers	250.00 per five year
	(b) Other than two wheelers	500.00 per five year
(2)	Transport Vehicles which has completed 15 years from the date of its initial registration, at the time of renewal of fitness certificate as per section 56 of the Motor Vehicles Act, 1988	
	(a) Motor Cycle	Rs. 200.00 per annum
	(b) Auto Rickshaws (goods and passenger)	Rs. 300.00 per annum
	(c) Motor Cab and Maxi Cab	Rs. 400.00 per annum
	(d) Light Commercial Vehicles (goods and passenger)	Rs. 500.00 per annum
	(e) Medium Commercial Vehicles (goods and passenger)	Rs. 600.00 per annum
	(f) Heavy Motor Vehicles (goods and passenger)	Rs. 1000.00 per annum.

PRATIBHA DEVISINGH PATIL,  
President.

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





# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 4th November, 2011/Kartika 13, 1933 (Saka)*

### THE ANDAMAN AND NICOBAR ISLANDS MARINE FISHING (AMENDMENT) REGULATION, 2011

2 OF 2011

Promulgated by the President in the Sixty-second Year of the Republic of India.

A Regulation to amend the Andaman and Nicobar Islands Marine Fishing Regulation, 2003.

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

1. (1) This Regulation may be called the Andaman and Nicobar Islands Marine Fishing (Amendment) Regulation, 2011.

Short title and commencement.

(2) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

Reg. 1 of 2003.

2. In the Andaman and Nicobar Islands Marine Fishing Regulation, 2003 (hereinafter referred to as the principal Regulation), in section 2, for clause (n), the following clause shall be substituted, namely:—

Amendment of section 2.

‘(n) “registered fishing vessel” means—

44 of 1958.

(i) a fishing vessel registered under the Merchant Shipping Act, 1958; or

(ii) a vessel not registered under the Merchant Shipping Act, 1958, but 44 of 1958.  
registered as a fishing vessel under section 9;’.

Amendment of  
section 9.

3. In section 9 of the principal Regulation, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) No owner of a vessel, other than a registered fishing vessel, shall use or cause the vessel to be used for the purpose of fishing in the specified area.”.

PRATIBHA DEVI SINGH PATIL,  
*President.*

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



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 25th January, 2012/ Magha 5, 1933 (Saka)*

### THE DADRA AND NAGAR HAVELI EXCISE REGULATION, 2012

(1 OF 2012)

Promulgated by the President in the Sixty-second Year of the Republic of India.

A Regulation to consolidate the excise laws relating to manufacture, import, export, transport, possession, sale and purchase of liquor and other intoxicants in the Union territory of Dadra and Nagar Haveli and for matters connected therewith or incidental thereto.

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

#### CHAPTER I

##### PRELIMINARY

1. (1) This Regulation may be called the Dadra and Nagar Haveli Excise Regulation, 2012.

Short title,  
extent and  
commencement.

(2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

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

Definitions.

(1) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution;

(2) "alcohol" means ethyl alcohol of any strength and purity having the chemical composition  $C_2H_5OH$ ;

(3) "alcoholic beverage or potable liquor" means any beverage containing alcohol in conformity with Bureau of Indian Standards, which may be intoxicating and is fit, for human consumption;

(4) "alcoholic strength by volume (% Volume) of mixture of water and alcohol" means the ratio of volume of alcohol, measured at 20° C, contained in the total volume of the mixture;

(5) "Appellate Authority" means the Appellate Authority referred to in section 76;

(6) "authorised officer" means an officer authorised to exercise any of the powers to perform any of the duties and functions under the provisions of this Regulation and rules framed thereunder;

(7) "Beer" means alcoholic beverage prepared from malt or grain with or without addition of sugar and hops and includes black beer, ale, stout, porter and such other substance as may be specified by the Administrator by notification;

(8) "BIS Standards" means standard specified under the Bureau of Indian Standards Act, 1986 and the rules made thereunder or in any other law for the time being in force; 63 of 1986.

(9) "black jaggery" means coarse brown sugar made from palm trees or cane juice ordinarily unfit for human consumption, but contains sufficient quantity of fermentable sugar for manufacture of ethyl alcohol;

(10) "blending" means mixing of two or more spirits of different strengths and different qualities;

(11) "Board of Experts" means the Board of Experts constituted under section 11;

(12) "bottling" means transfer of liquor from a cask or other vessel to a bottle or other approved receptacle for the purpose of sale whether any process of rectification be employed or not and includes rebottling;

(13) "brewery" means premises where beer is manufactured and includes every place therein where beer is stored or wherefrom it is issued;

(14) "compounding" means the manufacture of alcoholic beverage by addition to spirit of a flavouring or colouring matter or both;

(15) "counterfeit liquor" means a liquor in respect of which —

(i) there is any violation of any right under the Trade Marks Act, 1999 or the Copyright Act, 1957 or such other law for the time being in force; or 47 of 1999.  
14 of 1957.

(ii) in respect of which an offence under section 481 or section 483 or section 486 of the Indian Penal Code has been committed; 45 of 1860.

(16) "countervailing duty" means any duty of excise imposed under this Regulation on excisable articles manufactured or produced outside the Union territory and imported into the Union territory;

(17) "country liquor or traditional liquor" means plain or spiced spirit which has been manufactured in India from material recognised as base for country or traditional spirit, namely, mahua, rice, gur, molasses, etc.;

(18) "denaturant" means any substance completely miscible in spirit and of such a character that its addition renders the material, or any aqueous dilution of it, non-potable;

(19) "denatured spirit" means spirit with an added denaturants to render it effectively and permanently unfit for human consumption;

(20) "Deputy Commissioner" means the Deputy Commissioner appointed under section 5;

(21) "distillery" means premises where spirit is manufactured and includes every place therein where it is stored or wherefrom it is issued;

(22) "District Excise Officer" means the District Excise Officer appointed under section 5;

(23) "e-governance" includes use of information and communication technology to promote efficient and cost-effective services to the public;

(24) "excisable article" means any alcoholic liquor for human consumption or any other article which the Administrator may declare to be an excisable article;

(25) "excise duty" means such excise duty or countervailing duty, as the case may be, as mentioned in entry 51 of List II of the Seventh Schedule to the Constitution;

(26) "Excise Commissioner" means the officer appointed as Excise Commissioner by the Administrator under section 3;

(27) "Excise Officer" means any officer or person appointed or invested with powers under this Regulation;

(28) "excise revenue" means revenue derived or derivable from any payment, duty, fee, tax, confiscation or fine imposed or ordered under this Regulation, or of any other law for the time being in force relating to liquor, but does not include fine imposed by a court of law;

(29) "excise tree" includes the gul mahua, coconut, palm, palmyra, date, begani or doddasal tree or any other tree, the fermented or unfermented juice of which contains alcohol and from which toddy or any other liquor can be prepared;

(30) "excise year" means the 1st day of April of a year to the 31st day of March of the next year;

(31) "export fee" means the fee prescribed by the Administrator for export of liquor;

(32) "export" means to take out of the Union territory of Dadra and Nagar Haveli to any other State or Union territory within the country;

(33) "extra neutral alcohol or silent spirit" means spirit as may be specified by the relevant Central Government Authority;

(34) "fermented liquor" means liquor obtained by the process of fermentation and includes beer, ale, stout, porter, wine, pachwai, fermented tari and any other similar liquor;

(35) "foreign liquor" means any liquor imported by land, sea or air into India;

(36) "gauge" means to determine the quantity of spirit contained in, or taken from any cask or other receptacle or to determine the capacity of any cask or receptacle;

(37) "Government" means the Administrator of Dadra and Nagar Haveli;

(38) "hop" means ripened cones of female hop plant used for giving flavour to malt liquor;

(39) "illicit liquor" means any liquor manufactured or stored or distributed or sold, in contravention of the provisions of this Regulation or rules framed thereunder or liquor on which appropriate duty or fee leviable under this Regulation or rules

framed thereunder, has not been paid and includes foreign liquor on which appropriate duty of custom has not been paid;

(40) "import" means to bring into Union territory of Dadra and Nagar Haveli from any other State or Union territory of the country;

(41) "import fee" means the fee prescribed by the Government for import of liquor;

(42) "import into India" with its grammatical variations and cognate expressions, means bringing into the Union territory from any place outside India;

(43) "Indian liquor" means liquor manufactured in India by process of distillation or using alcohol obtained by distillation such as whisky, brandy, rum, gin, vodka, liquors, but does not include country liquor or fermented liquor;

(44) "intoxicant" means any liquor or any substance from which liquor may be manufactured and includes any substance declared as intoxicant by the Administrator;

(45) "licence fee" means the fee prescribed for issue of licence under this Regulation;

(46) "licence" means a licence granted under this Regulation;

(47) "liquor" means any alcoholic beverage and includes whisky, brandy, beer, wine, toddy, tari, pachwai, vodka, gin, tequila, country liquor, arrack and intoxicating liquid consisting of or containing alcohol, besides any similar substance which the Administrator may, by notification, declare to be liquor for the purposes of this Regulation;

(48) "London proof spirit" means a mixture of ethyl alcohol and water which at a temperature of 15.5 degrees centigrade has a specific gravity of 91984 and contains 49.24 per cent. weight or 57.06 per cent. volume of alcohol;

(49) "major offences" means the offences punishable under sections 36, 37, 38, 40, 41, 45, 46 and 47 of this Regulation;

(50) "malt" means the germinated barley;

(51) "manufactory" means any distillery, brewery, winery or any establishment distilling, brewing, manufacturing, blending or bottling liquor;

(52) "manufacture" includes any process—

(a) incidental or ancillary to the completion of a manufactured liquor; or

(b) whether natural or artificial, by which any liquor is produced or prepared and also re-distillation and every process for the rectification, reduction, flavouring, blending or colouring of liquor; or

(c) which in relation to liquor involves packing or repacking of such article in a bottle or unit package or labelling or re-labelling of bottles or unit package including the declaration or alteration of Maximum Retail Price (MRP) on it or adoption of any other treatment on the excisable article for sale to the consumers.

*Explanation.*—For the removal of doubts, it is hereby declared that labelling of bottles or unit packages, imported into India or into the Union territory, to comply with statutory requirements shall not be construed as manufacture;

(53) "manufacturer" means any person who manufactures Indian liquor and other intoxicants and includes a manufacturer of alcohol subject to excise duty under the Central Excise Act, 1944;

(54) "mashtun" means any vessel in which malt or grain exhausted in the course of brewing;

(55) "minor offence" means the offences other than the major offences under this Regulation;

(56) "molasses" means heavy dark coloured viscous liquid produced from residual syrup drained away in the final stage of manufacture of gur or sugar including khandsari sugar from sugarcane or gur, when liquid as such or in any form or ad-mixture contains sugar which can be fermented;

(57) "MRP" means the maximum retail price at which the liquor may be sold to the ultimate consumer and shall include all taxes, freight, transport charges, commission or trade margin payable to dealers and all charges towards marketing, delivery, packing, forwarding and the like, as the case may be;

(58) "notification" means a notification issued under this Regulation or the rules made thereunder and published in the Gazette of Union territory of Dadra and Nagar Haveli;

(59) "officer-in-charge" means the excise officer authorised to supervise and control manufactory or warehouse;

(60) "pachwai" means fermented rice, millet or other grain, and includes liquid obtained therefrom, whether diluted or undiluted, but does not include beer;

(61) "permit" means an authorisation granted under this Regulation and the rules made thereunder;

(62) "police station" means a police station having jurisdiction over the place and any other place, which the Administrator may by notification declare to be a police station for the purposes of this Regulation;

(63) "prescribed" means prescribed by rules, made by the Administrator under this Regulation;

(64) "receiver" means a vessel with which the spirit discharges directly from a still;

(65) "rectified spirit" means un-denatured alcohol including absolute alcohol, extra neutral alcohol and alcohol derived from malt as may be specified by the Bureau of Indian Standard;

(66) "retail sale" means sale in quantities not exceeding the limits of sale by retail for any consideration or not;

(67) "sales tax or value added tax" means tax on sale or purchase of goods referred to in Entry 54 of List II of the Seventh Schedule to the Constitution;

(68) "spirit" means any liquor containing alcohol obtained by distillation, whether denatured or not;

(69) "spurious liquor" means liquor which has been adulterated with an object to bring intoxication easily and is harmful to consumers;

(70) "still" means an apparatus for distillation or manufacture of spirits and includes any part thereof;

(71) "toddy and tari" means fermented or unfermented juice drawn from a coconut, palmyra, date or any other kind of palm tree;

(72) "transport" means to move from one place to another within the Union territory;

(73) "warehouse" means a place where storage of liquor is permitted and includes a relevant part of manufactory;

(74) "wholesale sale" means sale in quantities exceeding the limit of sale by retail;

(75) "wine" means a fermented juice of grapes or other fruits with or without the addition of sugar or jaggery containing self generated alcohol and includes fortified wine;

(76) "winery" means premises where wine is manufactured and includes every place therein where wine is stored or wherefrom it is issued;

(77) "wort" means the liquor obtained by exhaustion of malt or grain or by the solution of saccharine matter in the process of brewing.

## CHAPTER II

### ESTABLISHMENT AND CONTROL

Appointment  
of Excise  
Commissioner.

3. The Administrator may, by notification, appoint an officer as the Excise Commissioner who shall be the chief controlling authority for administration of this Regulation in the Union territory of Dadra and Nagar Haveli.

Powers and  
functions of  
Excise  
Commissioner.

4. The Excise Commissioner shall exercise and perform the following powers and functions, namely:—

(a) to regulate, control and monitor manufacture, possession, import, export, transport, sale and consumption of liquor and other intoxicants;

(b) to curb illegal trade in liquor and illicit distillation;

(c) to protect excise revenues of the Union territory and ensure prompt recovery;

(d) to submit returns and information as required by this Regulation or the rules framed thereunder, upon all matters concerning excise;

(e) to ensure social well-being through education for responsible drinking;

(f) to take adequate steps for imparting training to the excise staff in preventive and detective work;

(g) to coordinate in the matters covered by this Regulation with other authorities;

(h) to introduce e-governance in various aspects of excise administration and to maintain on the national network information on manufacture, possession, import, export, transport, sale of liquor and other intoxicants;

(i) to submit to the Administrator an annual report on the administration of this Regulation in such form as may be prescribed;

(j) to perform such other functions and to exercise such other powers as may from time to time be entrusted or delegated to him by the Administrator.

Appointment  
of certain  
officers and  
staff.

5. The Administrator may appoint such number of Deputy Commissioners, District Excise Officers and such other officers and staff as it may deem fit for the purpose of performing the functions under this Regulation.

Excise  
Intelligence  
Bureau.

6. (1) There shall be an Excise Intelligence Bureau headed by the Excise Commissioner and consisting of such number of Excise Officers and staff as may be appointed by the Administrator or by the Excise Commissioner with the prior approval of the Administrator.

(2) The Excise Intelligence Bureau shall,—

(a) collect intelligence, keep surveillance and maintain information of excise offences;

(b) collect and disseminate information regarding prominent excise offenders and history sheeters;



(c) monitor detection, investigation and trial of offences under this Regulation;  
and

(d) maintain information network on manufacture, possession, transport, sale, import or export of liquor or other intoxicants.

7. (1) Subject to the provisions contained in sub-section (1) of section 14, the Administrator may issue licence or permit to any Government Corporation or Government Company or a Government Agency or an autonomous body, owned or controlled by the Government for the purposes of import and retail vending of liquor in the Union territory.

Excise  
Administration.

(2) Save as otherwise provided in sub-section (1), the Deputy Commissioner shall be the licensing authority who shall exercise all powers and functions under this Regulation, subject to the general control and supervision of the Excise Commissioner.

(3) The Deputy Commissioner shall, within the limits of his jurisdiction, exercise such powers and perform such duties and functions as are assigned by or under the provisions of this Regulation subject to such control as the Administrator or the Excise Commissioner may from time to time direct.

(4) The District Excise Officer and other subordinate officers shall assist the Deputy Commissioner in exercising his functions.

8. (1) The Administrator may, by order, delegate his powers to the Excise Commissioner subject to such limitations and conditions as may be specified in the order of delegation.

Delegation  
and  
withdrawal of  
powers.

(2) The Excise Commissioner and Deputy Commissioner may, by order, delegate their powers under this Regulation to any subordinate officer, subject to such limitations and conditions as may be specified in the order of delegation.

(3) The Administrator or the Excise Commissioner or the Deputy Commissioner, as the case may be, may by an order, also withdraw from any officer or person any or all the powers so delegated.

9. The Administrator may, by notification, invest the power with any officer of the Union territory not being an Excise Officer, to perform all or any of the powers or functions of any Excise Officer under this Regulation.

Investing  
persons with  
special  
powers.

10. The Excise Commissioner may grant such reward to such officers and employees under this Regulation and also to such informers for such work, subject to such terms and conditions as may be prescribed.

Reward for  
exemplary  
performance.

11. (1) The Administrator may constitute the Board of Experts consisting of such number of members, with such qualifications and for such period as may be prescribed, for the purposes of advising the Administrator on the technical or legal issues relating to advertisement of liquor, use of denaturants and such other legal or technical aspects as may be considered necessary.

Board of  
Experts.

(2) Without prejudice to sub-section (1), the general functions of the Board of Experts shall be to determine as to whether—

(a) any flavouring extract, essence or syrup containing alcohol is an article fit for use as intoxicating liquor; or

(b) any communication amounts to an advertisement for soliciting use of liquor or whether it is informative or educative communication for responsible drinking; or

(c) any denaturant can be used as effective denaturant and whether it suits or harms manufacture of any chemicals; or

(d) any other matter as may be referred to by the Administrator.

## CHAPTER III

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

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

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

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

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

Grant of letter  
of intent,  
licence or  
permit.

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

Qualification  
for grant of  
licence.

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

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

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

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

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

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

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

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

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

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

Power to  
take security  
and  
counterpart  
agreement.

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

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

(b) execute a counterpart agreement in conformity with the tenor of his licence.

16. (1) No licence or permit granted under this Regulation shall be deemed to be invalid by reason merely of any technical defect, irregularity or omission in the licence or permit, or in any proceeding conducted prior to grant thereof.

Technical defects in licence and permit.

(2) The decision of the licensing authority, as to what is a technical defect, irregularity or omission shall be final and binding.

17. (1) Whenever the authority which granted a licence or permit under this Regulation considers that such licence or permit should be withdrawn for any reason, it may do so, on expiry of twenty-one days notice of its intention to do so forthwith, assigning reasons therefor in writing.

Power to withdraw licence and permit.

(2) If any licence or permit is withdrawn, the licensee or the permit holder shall be paid such sum, by way of compensation as the authority who granted licence or permit, may direct and refund any fee paid in advance or deposit made by the licensee in respect thereof after deducting the amount recoverable by the Government.

18. (1) Subject to such restrictions as may be prescribed, the authority who granted licence or permit under this Regulation may, after giving reasonable opportunity of being heard, suspend or cancel the licence or permit in the following circumstances, namely:—

Power to suspend or cancel licence and permit.

(a) if the licence or permit is transferred or sub-let by the holder thereof without the permission of the said authority;

(b) if any excise revenue payable by the holder thereof is not duly paid;

(c) in the event of any breach in terms and conditions of such licence or permit by the holder or by his employee, or agent;

(d) if the holder of licence or permit or his agent or employee of such holder is convicted of an offence punishable under this Regulation or any other law for the time being in force, relevant to and connected with excise matters or relating to excise revenue or of any cognizable and non-bailable offence;

(e) if the purpose for which the licence or permit was granted ceases to exist;

(f) if the licence or permit has been obtained through misrepresentation or fraud.

(2) When a licence or permit held by such person is cancelled under sub-section (1), the aforesaid authority may cancel any other licence or permit granted to such person under this Regulation or under any other law relating to excise revenue.

(3) In the case of cancellation or suspension of licence or permit under sub-section (1), the fee payable for the balance of the period for which any licence or permit shall have been current but for such cancellation or suspension, may be recovered from the ex-licensee as excise revenue.

(4) The holder of a licence or permit shall not be entitled to any compensation for the cancellation or suspension thereof nor shall be entitled to refund of any fee paid or deposit made in respect thereof.

19. No person to whom a licence or permit has been granted, shall be entitled to claim any renewal thereof, and no claim shall lie for damages or otherwise in consequence of any refusal to renew a licence or permit on the expiry of the period for which the same remains in force.

Bar to right of renewal and to compensation.

20. No holder of a licence granted under this Regulation shall surrender his licence except on the expiration of one month's notice in writing given by him to the Deputy Commissioner of his intention to surrender the same on payment of the fee payable for the licence for the whole period for which it would have been current but for the surrender:

Surrender of licence or permit.

Provided that, if the Deputy Commissioner is satisfied that there are sufficient reasons for surrendering the licence, he may remit to the holder thereof the sum so payable on surrender or any portion thereof.

Transfer of  
licence or  
permit.

21. Licence or permit granted under this Regulation shall not be transferable except with the prior approval of the Excise Commissioner or of any officer authorised by him subject to such terms and conditions as may be prescribed.

Grant of  
exclusive  
privilege of  
manufacture,  
etc., of any  
liquor or other  
intoxicants.

22. Subject to the provisions of this Regulation and subject to such terms and conditions as may be prescribed, the Excise Commissioner may grant to any person a licence or lease or both, either jointly or severally, for the exclusive privilege of manufacturing or of supplying by wholesale or sale by retail, any liquor or other intoxicants within any local area.

Removal of  
liquors from  
manufactory,  
warehouse,  
etc., on  
payment of  
duty.

23. No liquor or other intoxicants shall be removed from any manufactory, warehouse or other place of storage established under this Regulation unless duty payable has been paid or a bond, as may be prescribed has been executed for the payment thereof.

Prohibition of  
sale to certain  
persons.

24. No person or licensed vendor or his employees or agent shall sell or deliver any liquor to any person apparently under the age of twenty-one years whether for consumption by self or others.

Prohibition of  
employment  
of certain  
persons.

25. No licensee shall employ or permit to be employed in his premises any person under the age of twenty-one years or suffering from contagious disease.

Closing of  
shops for  
preservation  
of public  
peace.

26. The District Magistrate or any other officer authorised by him may, by notice in writing to the licensee, require that any shop in which any liquor or other intoxicants is sold shall be closed at such times or for such period as he may think necessary for public peace:

Provided that the closure days in a licensing year shall not exceed seven days in all or more than three days continuously at any one time:

Provided further that if the Excise Commissioner or any officer authorised by him in this behalf is of the opinion that any particular shop or all shops in any particular area shall be closed for a period exceeding seven days in a licensing year or more than three days continuously at any one time, he may with prior sanction of the Administrator, permit to do so.

#### CHAPTER IV

##### EXCISE REVENUE

Nature and  
components  
of excise  
revenue.

27. The excise revenue shall be levied and recovered under the following heads, namely:—

- (a) duty;
- (b) licence fee;
- (c) label registration fee; and
- (d) import or export fee.

Excise duty  
and  
countervailing  
duty

28. (1) There shall be levied and collected at such rates and in such manner as may be prescribed, duties of excise on all liquor and other intoxicants which are produced or manufactured in the Union territory not exceeding the rate as set forth in the Schedule.

(2) There shall be levied and collected in such manner as may be prescribed, countervailing duties of excise, on all liquor and other intoxicants for human consumption

manufactured or produced elsewhere in India and imported into the Union territory equal to excise duty for the time being leviable on the liquor and other intoxicants if produced or manufactured in the Union territory:

Provided that if a like item is not so produced or manufactured, the countervailing duty shall be equal to the duty which would be leviable on the class or description of items to which the imported liquor belong.

(3) There shall be levied and collected fee for issue of licence or permit subject to such terms and conditions as may be prescribed.

(4) The excise duty or the countervailing duty may be levied in one or more of the following manners, namely:—

(a) excise duty to be charged in the case of liquor and other intoxicants either on the quantity produced in, or passed out of a manufactory or warehouse licensed or established under this Regulation, or in accordance with such scale of equivalents, calculated on the quantity of materials used or by the degree of attenuation of the wash or wort, as may be prescribed;

(b) the import, export or transport duties assessed in such manner as the Administrator may direct.

29. (1) Where under this Regulation, the duty of excise is chargeable on any liquor or other intoxicants with reference to value, then, such value shall be deemed to be the maximum retail price declared on such article less amount of abatement, if any, from such maximum retail price.

(2) Notwithstanding anything contained in sub-section (1), where duty of excise is chargeable on any liquor or other intoxicants with reference to value, the Administrator may, by notification, declare that such value shall be the ex-factory price:

Provided that where ex-factory price is not ascertainable for some reason, the nearest ascertainable equivalent thereof may be determined in such manner as may be prescribed.

(3) The Administrator may, for the purpose of allowing any abatement under sub-section (1), take into account the amount of duty of excise, post-manufacturing expenses, sales tax and other taxes, if any, payable on such goods.

(4) The manufacturer shall declare ex-factory price or maximum retail price, as the case may be, of liquor or other intoxicants in such manner as may be prescribed.

*Explanation.*—For the purposes of this section, “ex-factory price” means the cash price actually paid or payable for the liquor or other intoxicants at which liquor or other intoxicants are ordinarily sold by the manufacturer to a wholesaler for delivery at the place of manufacture, where buyer and seller are so associated that there is no mutuality of interest and the price is the sole consideration for sale but excludes excise duty, sales tax and other taxes or fees payable thereon.

30. The ex-factory price and maximum retail price shall be declared by the manufacturer or the licensee along with the application for registration of brand and label to the Excise Commissioner:

Provided that maximum retail price shall be determined based on declared ex-factory price, applicable duties or fees, margins to wholesalers or retailers and any other declared basis as may be prescribed.

31. (1) All duties, fees, taxes, fine payable to the Union territory Administration under this Regulation may be recovered from the persons liable to pay the same or from his surety or his agent as if they were arrears of land revenue.

Valuation of liquor or other intoxicants for the purposes of charging of excise duty.

Declaration of ex-factory and maximum retail price.

Recovery of duty and levies and lien on the property of defaulter.

(2) In the event of default by any person to whom licence has been granted under this Regulation, his manufactory, warehouse, shop or premises and all fittings, apparatus, stocks of liquor and other intoxicants or materials for the manufacture of the same, held therein shall be liable to be attached towards any claim for excise revenue or in respect of any loss incurred by the Union territory Administration through such default and be sold to satisfy such claim which shall be a first charge upon the proceeds of such sale.

(3) Where the duty due is not levied or not paid or short-levied or short-paid or erroneously refunded,—

(a) the District Excise Officer may, within three years from the relevant date, serve notice on the person chargeable with the duty of excise which has not been levied or paid or which has been short-levied or short-paid or to whom the refund has erroneously been made, requiring him to show cause why he should not pay the amount specified in the notice.

*Explanation (1).—* For the purposes of this clause, where the service of the notice is stayed by an order of the court, the period of such stay shall be excluded in computing the aforesaid period of three years.

*Explanation (2).—* For the purposes of this clause “relevant date” means,—

(i) in a case in which duty of excise has not been paid or has been short-levied or short-paid, the date on which the duty is to be paid under this Regulation or the rules made thereunder;

(ii) in a case where duty of excise is provisionally assessed under this Regulation or the rules made thereunder, the date of adjustment of duty after the final assessment thereof;

(iii) in a case where duty of excise has been erroneously refunded, the date of such refund;

(b) the District Excise Officer shall, after considering the representation, if any, made by the person on whom notice is served under sub-section (1), determine the amount of duty of excise due from such person (not being in excess of the amount specified in the notice) and thereupon such person shall pay the amount so determined.

Interest payable for failure to pay excise revenue.

32. If the duty of excise payable by a person under this Regulation or the rules made thereunder is not paid within time, he shall be liable to pay on the sum due, a simple interest at the rate of twelve per cent. per annum from the day next following the day on which such payment became due.

*Explanation.*—For the purposes of this section, where the duty determined to be payable is reduced or increased by the Appellate Authority or the court, the interest shall be payable on such reduced or increased amount of duty, as the case may be.

Power to reduce or waive interest in certain cases.

33. Notwithstanding anything contained in this Regulation, the Excise Commissioner may, on an application made in this behalf by a person, with the approval of the Administrator and after recording his reason for so doing, reduce or waive the amount of any interest payable by him under this Regulation if he is satisfied that —

(a) to do otherwise would cause genuine hardship to the person having regard to the circumstances of the case; and

(b) the person has co-operated in any proceeding for the recovery of any amount due from him.

Excise revenue to be paid irrespective of pendency of any writ petition, suit, etc.

34. Notwithstanding that a writ petition has been preferred or a suit or other proceeding has been instituted in any court or any appeal has been filed before any Tribunal or before the Excise Commissioner, or a revision has been filed before the Administrator, any sum due to the Union territory Administration under this Regulation as a result of demand or order made or passed by any officer or authority empowered in this behalf by or under this

Regulation, shall be payable in accordance with such demand or order unless and until such payment has been stayed by the competent authority.

35. Every licensee shall maintain such accounts and submit to the concerned officers such returns in such forms, containing such particulars relating to stock, apparatus, excise duty or fee payable or paid and such other information at such interval as may be prescribed.

Accounts and  
returns.

## CHAPTER V

### OFFENCES AND PENALTIES

36. (1) Whoever, in contravention of this Regulation or of any rule, notification or order made, or condition of licence or permit granted or issued thereunder,—

Penalties for  
illegal  
manufacture,  
sale, import,  
etc.

(a) manufactures, imports, exports, transports or removes any liquor and other intoxicants;

(b) constructs or works any manufactory or warehouse;

(c) bottles any liquor for purposes of sale;

(d) uses, keeps or possesses any materials, stills, utensils, implements or apparatus whatsoever for the purpose of manufacturing any liquor other than toddy or tari;

(e) possesses any material or film either with or without Union territory logo or wrapper or any other thing in which liquor can be packed, or any apparatus or implement or machine for the purpose of packing any liquor; or

(f) sells, transports, possesses or buys any liquor beyond prescribed quantity, shall be punished—

(A) in the case of an offence falling under clause (a),—

(i) where the liquor or other intoxicants involved in the offence is less than the prescribed value, with imprisonment for a term which shall not be less than one year but which may extend to five years and shall also be liable to fine which shall not be less than fifty thousand rupees or five times of the value of liquor or other intoxicants whichever is higher;

(ii) where the liquor or other intoxicants involved in the offence exceeds the prescribed value, with imprisonment for a term which may extend to seven years and with fine which may extend to one lakh rupees or five times of the value of liquor;

(B) in the case of an offence falling under clause (b), with imprisonment for a term which may extend to three years and also with fine which may extend to fifty thousand rupees;

(C) in the case of an offence falling under clause (c), with imprisonment which may extend to one year and also with fine which may extend to one lakh rupees or five times of the value of liquor or other intoxicants, whichever is higher;

(D) in the case of an offence falling under clause (d), with imprisonment which may extend to six months and also with fine which may extend to twenty thousand rupees;

(E) in the case of an offence falling under clause (e), with imprisonment which may extend to three months and also with fine which may extend to fifty thousand rupees;

(F) in the case of an offence falling under clause (f), with imprisonment which may extend to three months and also with fine which may extend to one lakh rupees or five times of the value of liquor or other intoxicants, whichever is higher.

(2) If any offence is punishable under sub-section (1) is committed by a person not holding a valid licence of permit under this Regulation, he shall be liable to twice the penalty prescribed for the said offence.

Penalty for rendering denatured spirit fit for human consumption.

37. Whoever, renders or attempts to render fit for human consumption any spirit which has been denatured, or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall be punished with imprisonment for a term which shall not be less than two years, but which may extend to three years, and also with fine, which may extend to two lakh rupees or five times of the value of liquor or other intoxicants, whichever is higher.

Penalty for mixing noxious substance with liquor.

38. Whoever, mixes or permits to be mixed with any liquor or other intoxicants sold or manufactured or possessed by him any noxious drug or any foreign ingredient likely to cause disability or grievous hurt or death to human beings, shall be punishable,—

(a) if as a result of such an act, death is caused to any person, with death or imprisonment for life and shall also be liable to fine which may extend to ten lakh rupees;

(b) if as a result of such an act, disability or grievous hurt is caused to any person, with imprisonment for a term which shall not be less than seven years, but which may extend to imprisonment for life, and with fine which may extend to five lakh rupees;

(c) if as a result of such an act, any other consequential injury is caused to any person, with imprisonment for a term which may extend to one year and shall also be liable to fine which may extend to two lakh fifty thousand rupees;

(d) if as a result of such an act, no injury is caused to any person, with imprisonment which may extend to six months and with fine which may extend to one lakh rupees or five times the value of liquor or other intoxicants, whichever is higher.

*Explanation.*— For the purpose of this section the expression “grievous hurt” shall have the same meaning as assigned to it in section 320 of the Indian Penal Code.

45 of 1860.

Order to pay compensation.

39. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the court, when passing an order under this Regulation may, if it is satisfied that death or injury has been caused to any person due to consumption of a liquor or other intoxicants sold in any place, order the manufacturer or the seller, whether or not he is convicted of an offence, to pay, by way of compensation, an amount not less than three lakh rupees to the legal representatives of the each deceased or two lakh rupees to the person to whom grievous injury has been caused, or twenty thousand rupees to the person for any other consequential injury:

2 of 1974.

Provided that where the liquor or other intoxicants is sold in a licensed shop, the liability to pay the compensation under this section shall be on the licensee.

(2) Any person aggrieved by an order under sub-section (1) may, within a period of thirty days from the date of the order, prefer an appeal to the High Court:

Provided that no appeal shall be filed by the accused unless the amount ordered to be paid under sub-section (1) is deposited by him in the Court:

Provided further that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

Penalty for selling Indian liquor as foreign liquor.

40. Whoever, sells or keeps or exposes for sale as foreign liquor which he knows or has reason to believe to be Indian liquor shall be punished with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to one lakh rupees or five times the value of liquor, whichever is higher.



41. Whoever, has in his possession any liquor knowing the same to have been unlawfully imported, transported or manufactured or knowingly avoids payment of prescribed duty, shall be punished with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to one lakh rupees or five times of the value of liquor whichever is higher.

Penalty for possession of liquor unlawfully imported or non-duty paid, etc.

42. (1) If a chemist, druggist, apothecary or keeper of a dispensary, allows any liquor which has not been *bona fide* medicated for medicinal purposes to be consumed on his business premises by any person, he shall be punished with fine which may extend to five thousand rupees.

Penalty for consumption in chemist's shop.

(2) If a person consumes any such liquor on such premises, he shall be punished with fine which may extend to two thousand rupees.

43. Whoever, in contravention of any provision of this Regulation or of any rule, notification or order made thereunder,—

Penalty for consumption of liquor in public places.

(a) consumes liquor in public places; or

(b) consumes liquor in public places and creates nuisance; or

(c) permits drunkenness or allowing assembly of unsocial elements on the premises of liquor establishments,

shall be punished—

(i) in the case of an offence falling under clause (a), with fine which may extend to five thousand rupees;

(ii) in case of an offence falling under clause (b), with imprisonment for a term which may extend to three months and shall also be liable to fine which may extend to ten thousands rupees;

(iii) in the case of an offence falling under clause (c), with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to fifty thousands rupees.

44. Whoever, prints, publishes or gives an advertisement in any media soliciting use of any liquor, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to ten lakh rupees, or with both:

Penalty for unlawful advertisement.

Provided that this section shall not apply to catalogue or price list or advertisement generally or specially approved by the excise officer for the purpose of display at the points of sale for consumer information and education.

45. Any person who unlawfully releases or abets escape of any person arrested under this Regulation or abets commission of any offence against this Regulation, or engages himself in a criminal conspiracy for contravening the provisions of this Regulation shall be punished with imprisonment for a term which may extend to one year and shall also be liable to fine which may extend to fifty thousand rupees.

Penalty for abetment and conspiracy.

46. If any licence holder or any person acting in his behalf, sells or delivers any liquor to any person apparently under the age of twenty-one years or employs any person under the age of twenty-one years, he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to fifty thousand rupees, or with both.

Penalty for employing minors or selling liquor to minors.

47. Notwithstanding anything contained in the Indian Penal Code, any person who assaults or threatens to assault or obstructs or attempts to obstruct any Excise Officer in the discharge of his official duties shall be punished with imprisonment for a term which may extend to two years and shall also be liable to fine which may extend to one lakh rupees.

Penalty for assault and obstruction.

Liability of employer for offence committed by the employee or agent.

48. The holder of a licence or permit granted or issued under this Regulation, as well as the actual offender, shall be liable for any offence committed by his employee or his agent unless he proves that due and reasonable precautions were exercised by him to prevent commission of such offence.

Penalty for manufacture, sale or possession by one person on account of another.

49. (1) Where any liquor has been manufactured or sold or is possessed by any person on account of any other person and such other person knows or has reason to believe that such manufacture or sale was or that such possession is, on his account such liquor shall, for the purposes of this Regulation, be deemed to have been manufactured, sold or to be in the possession of such other person.

(2) Nothing in sub-section (1) shall absolve any person who manufactures, sells or has possession of any liquor on account of another person from liability to any punishment under this Regulation for unlawful manufacture, sale or possession of such liquor.

Penalty for misconduct of licensee, etc.

50. Whoever, being the holder of a licence or permit granted or issued under this Regulation or being the employer of such holder and acting on his behalf,—

(a) fails to produce such licence or permit on demand by any Excise Officer or any other officer duly empowered to make such demand; or

(b) wilfully does or omits to do anything in breach of any of the conditions of his licence or permit otherwise than provided in this Regulation; or

(c) fails to submit returns; or

(d) fails to print maximum retail price on the label or tampers with it, shall be punished,—

(i) in the case of an offence falling under clause (a), with fine which may extend to fifty thousand rupees;

(ii) in the case of an offence falling under clauses (b) and (d), with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to one lakh rupees;

(iii) in the case of an offence falling under clause (c), with fine which may extend to one lakh rupees, and ten thousand rupees per day for subsequent delay.

Penalty for non-payment of excise duty or fee.

51. (1) If any person fails to pay any duty or fee under this Regulation, he shall be punished with imprisonment for a term which may extend to one year and shall also be liable to fine which may extend to one lakh rupees.

(2) Without prejudice to sub-section (1), that person shall also be liable for interest on delayed payment and damages at such rates as may be imposed.

Penalty for false statement made in declaration or affidavit or periodic returns.

52. Whosoever, in any declaration or affidavit or periodic return made to an Excise Officer makes any statement which is false or found to be false after due verification or which he believes to be false or does not believe it to be true, touching any point material to the object for which the statement is made or used shall be punished with imprisonment for a term which may extend to one year and shall also be liable to fine which may extend to fifty thousand rupees.

Penalty for allowing premises, etc., to be used for commission of an offence.

53. Whoever, being a licensee under this Regulation and having the control or use of any house, room, enclosure, space, animal or conveyance, knowingly permits it to be used for commission by any other person of an offence punishable under any provision of this Regulation, shall be punished in the same manner as if he had himself committed the said offence.

54. Whoever, attempts to commit any offence punishable under this Regulation, he shall be liable for half of the punishment provided for the offence under the Regulation.

Penalty for attempt to commit an offence under this Regulation.

55. Any Excise Officer or other person who vexatiously and without reasonable ground for suspicion,—

Penalty on Excise Officer making vexatious search, seizure, detention or arrest.

(a) enters or searches or causes to be entered or searched any closed place under colour of exercising any power conferred by this Regulation; or

(b) seizes the movable property of any person on the pretext of seizing or searching for any article liable to confiscation under this Regulation; or

(c) searches, detains or arrests any person; or

(d) in any other way exceeds his lawful powers under this Regulation,

shall be punished with fine which may extend to ten thousand rupees.

56. Any Excise Officer who, without lawful excuse refuses to perform or withdraw himself from the duties of his office, unless expressly allowed to do so in writing by the Excise Commissioner, or unless he has given to his superior officer two months notice in writing of his intention to do so, or who shall be guilty of cowardice, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees, or with both.

Penalty on Excise Officer refusing to do duty.

57. Whoever, does any act in contravention of any of the provisions of this Regulation, or any rule or order made thereunder and punishment for which has not been otherwise provided for such contravention, shall be punished with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to ten thousand rupees or five times the value of liquor, whichever is higher.

Penalty for offences not otherwise provided for.

58. (1) In prosecution under section 36, it shall be presumed, until the contrary is proved, that the accused person has committed the offence punishable under that section in respect of any liquor, still, utensil, implement or apparatus, for the possession of which he is unable to account satisfactorily.

Presumption as to commission of offence in certain cases.

(2) Where any animal, vessel, cart or other vehicle is used in the commission of any offence under this Regulation, and is liable to confiscation, the owner thereof shall be deemed to be guilty of such offence and such owner shall be liable to be proceeded against and punished accordingly unless he satisfies the court that he had exercised due care in the prevention of the commission of such an offence.

59. If any person, after having been previously convicted of an offence punishable under this Regulation, subsequently commits and is convicted of offence under this Regulation, he shall be liable to twice the punishment provided for the first conviction subject to the maximum punishment provided for the same offence and with fine twice the amount provided under the first conviction or with both.

Enhanced punishment after previous conviction.

60. (1) If any person committing an offence under this Regulation is a company, the company as well as every person who at the time the offence was committed, was in-charge of and was responsible to, the company for the conduct of its business at the time of the commission of the offence, shall be deemed to be guilty of offence and shall be liable to be proceeded against and punished accordingly:

Commission of offence by companies.

Provided that where a company has different establishments or branches or different units in any establishment or branch, the concerned Chief Executive Officer and the person in-charge of such establishment, branch, unit nominated by the company as responsible for food safety shall be liable for contravention in respect of such establishment, branch or unit:

Provided further that nothing in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Regulation has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offences and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to firm, means a partner in the firm.

Procedure for  
launching  
prosecution in  
the case of  
major  
offences.

61. (1) The authorised Excise Officer shall after investigation of any offence committed under this Regulation, send his report to the Deputy Commissioner.

(2) The Deputy Commissioner after scrutiny of the investigation report shall decide as to whether alleged offence is major or minor and in the case of major offences, he shall decide within such period as may be prescribed, as per the gravity of offence, whether the matter be referred to—

(a) a court of ordinary jurisdiction in case of offences punishable with imprisonment for a term which may extend to three years; or

(b) a Special Court in case of offences punishable with imprisonment for a term exceeding three years where such Special Court is established, and in case no Special Court is established, such cases shall be tried by a court of ordinary jurisdiction.

(3) The Deputy Commissioner shall communicate his decision to concerned Excise Officer, who shall launch prosecution before courts of ordinary jurisdiction or Special Court, as the case may be.

Procedure for  
adjudication  
in case of  
minor  
offences.

62. (1) All minor offences shall be adjudicated by the Adjudicating Officer under this Regulation.

(2) The Administrator shall, by notification, appoint an officer not below the rank of Additional District Magistrate of the district where the alleged offence is committed, to be the Adjudicating Officer for adjudication in the manner as may be prescribed.

(3) The Adjudicating Officer shall, after giving the person a reasonable opportunity for making representation in the matter, and if, on such inquiry, he is satisfied that the person has committed the contravention of provisions of this Regulation or the rules made thereunder, impose such penalty as he thinks fit in accordance with the provisions relating to that offence.

(4) The Adjudicating Officer shall have the powers of a civil court and —

(a) all proceedings before him shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code;

45 of 1860.

(b) he shall be deemed to be a court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973;

2 of 1974.

(5) While adjudicating the quantum of penalty under this Chapter, the Adjudicating Officer shall have due regard to the guidelines specified in section 64.

Compounding  
of certain  
offences.

63. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offences punishable under section 42, clause (a) of section 43, clauses (a) and (c) of section 50 and section 55, may either before or after the institution of any proceedings, be compounded by the District Excise Officer under this Regulation.

2 of 1974.

(2) On receipt of an application under sub-section (2), the District Excise Officer, having regard to the circumstances of the case, may at his discretion order for compounding of the offence on payment of a sum of money by way of compounding fee or compensation for the offence in accordance with the guidelines, as may be prescribed.

(3) On payment by the person such sum of money, such person, if in custody, shall be set at liberty and no proceeding shall be instituted or continued against such person in any criminal court:

Provided that the sum of money fixed as compounding fee or compensation by the District Excise Officer under this section shall not be less than five times but not more than ten times the duty involved or value of liquor and apparatus, whichever is higher:

Provided further that where liquor, apparatus, vehicle or other material is seized, the same shall not be released but shall be disposed of in such manner as may be prescribed.

(4) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the District Excise Officer in writing, to the notice of the Court in which the prosecution is pending and on such notice of the composition of the offence being given, the person in relation to whom the offence is so compounded shall be discharged.

64. While adjudging the quantum of penalty under this Chapter, Court or the Adjudicating Officer, as the case may be, shall have due regard to the following, namely:—

- (a) the amount of gain or unfair advantage, wherever quantifiable, made as a result of the contravention;
- (b) the amount of loss caused or likely to cause to the Union territory Administration or any person as a result of the contravention;
- (c) the repetitive nature of the contravention;
- (d) whether the contravention is without his knowledge; and
- (e) any other relevant factor.

General provisions relating to determination of penalty.

65. Whenever an offence has been committed, which is punishable under this Regulation, following things shall be liable to confiscation, namely:—

- (a) any liquor, material, still, utensil, implement and apparatus in respect of or by means of which such offence has been committed;
- (b) any liquor unlawfully imported, transported, manufactured, sold or brought alongwith or in addition to any liquor, liable to confiscation under clause (a);
- (c) any receptacle, package or covering in which anything liable to confiscation under clause (a) or clause (b), is found, and the other contents, if any, of such receptacle package or covering; and
- (d) any animal, vehicle, vessel, or other conveyance used for carrying the same.

Certain things liable to confiscation.

66. (1) Notwithstanding anything contained in this Regulation or any other law for the time being in force, where anything liable for confiscation under section 65 is seized or detained under the provisions of this Regulation, the officer seizing and detaining such property shall, without any unreasonable delay produce the said seized property before the Deputy Commissioner who has jurisdiction over the area.

Confiscation by Deputy Commissioner in certain cases.

(2) On production of the said seized property under sub-section (1), the Deputy Commissioner if satisfied that an offence has been committed under this Regulation, he may, whether or not a prosecution is instituted for the commission of such offence, order confiscation of such property or otherwise he may order for its return to the rightful owner.

(3) While making an order of confiscation under sub-section (2), the Deputy Commissioner may also order that such of the properties to which the order of confiscation relates, which in his opinion cannot be preserved or are not fit for human consumption, be destroyed. Whenever any confiscated articles has to be destroyed in conformity with these

provision, it shall be destroyed in the presence of Excise Officer ordering the confiscation or forfeiture, as the case may be, or in the presence of the officer not below the rank of an Inspector.

(4) Where the Deputy Commissioner after passing an order of confiscation under sub-section (2) is of the opinion that it is expedient in the public interest so to do, he may order the confiscated property or any part thereof to be sold by public auction or dispose of it otherwise departmentally or the Deputy Commissioner, shall submit a full report of all particulars of confiscation to the Commissioner of Excise within one month of such confiscation.

(5) Any liquor, mahua flowers or molasses and any other property if confiscated in a case compounded under section 63 of the Regulation or in respect of which an offence has been committed and the offender is not known or cannot be found, shall be disposed of in such manner as may be prescribed.

Order of any  
confiscation  
and  
destruction  
not to  
interfere with  
other  
punishment.

67. (1) The order of any confiscation under section 65 shall not prevent imposition of any other punishment to which the person affected thereby is liable under this Regulation.

(2) Notwithstanding anything contained in any other law for the time being in force the disposal of confiscated goods in the manner, thereby non-production of case property before the trial court, shall not affect the conviction for an offence under this Regulation:

Provided that the samples of the liquor and the photograph of the confiscated property may be preserved to meet the evidentiary requirement.

Confiscated  
articles to be  
made over to  
the Deputy  
Commissioner.

68. (1) Subject to the provisions of this Regulation, when any article, animal or thing is duly confiscated either by the order of court or otherwise, such article, animal or thing shall be made over to the Deputy Commissioner for disposal or be disposed of in such manner and on payment of such fees including auction fee, as may be prescribed.

(2) When an order for confiscation of any property has been passed under section 65 and such order has become final in respect of the whole or any portion of such property, such property or portion thereof, as the case may be, shall vest in Administrator free from all encumbrances.

## CHAPTER VI

### DETECTION, INVESTIGATION AND TRIAL OF OFFENCES

Power to  
obtain  
information.

69. The Excise Commissioner or any authorised Excise Officer may by order require any person or any establishment deemed reasonably connected with any unlawful handling of any intoxicants to furnish to him such information as may be specified in the order.

Landholders,  
officers and  
other to give  
information.

70. (1) Whenever any intoxicant is manufactured, exported, imported or transported, collected or possessed or sold, in contravention of any provision of this Regulation, the owner or occupier of such land or building or his agent, and every officer of police and land revenue department, local bodies and block development officer shall, in the absence of reasonable excuse, be bound to give notice of the fact to a Magistrate or to an officer of the excise department as soon as the fact comes to his knowledge.

(2) Every Excise Officer shall be bound to give immediate information to his immediate superior of all breaches of any of the provisions of this Regulation, which may come to his knowledge under sub-section (1) or otherwise.

Power of  
arrest, search  
and seizure.

71. (1) Any authorised Excise Officer may search any place, seize any article, arrest or detain any person if there is a reasonable doubt that such place, article or person is involved in commission of any offence under this Regulation:

Provided that no search shall be deemed to be irregular by reason only of the fact that witness for the search is not inhabitant of the locality in which the place searched is situated.

2 of 1974. (2) Save as otherwise expressly provided in this Regulation, the provisions of the Code of Criminal Procedure, 1973 relating to search, seizure, arrest, detention, summon and investigation shall apply, as far as may be, to all actions taken under this Regulation.

72. Every officer-in-charge of a police station shall take charge of and keep in safe custody, pending the orders of a Magistrate or of the Deputy Commissioner, all articles seized under this Regulation which may be delivered to him and shall allow any officer of the Excise Department who may accompany such articles, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer-in-charge of the police station.

Duty of police to accept seized articles.

2 of 1974. 73. All major offences under this Regulation shall be cognizable and the provisions of the Code of Criminal Procedure, 1973 shall apply to them.

Offences under this Regulation to be cognizable.

2 of 1974. 74. All offences punishable under this Regulation with imprisonment of two years and more shall be non-bailable and the provisions of the Code of Criminal Procedure, 1973, with respect to non-bailable offences shall apply to those offences.

Certain offences to be non-bailable.

2 of 1974. 75. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Magistrate shall have power to try summarily in accordance with the provisions contained in sections 262 to 265 of that Code, all or any of the offences which are punishable under this Regulation with imprisonment for a term not exceeding six months or with fine, or with both.

Power of court to try cases summarily.

76. (1) Whenever any person is convicted of an offence punishable under this Regulation and the court convicting him is of opinion that such person habitually commits or attempts to commit, or abets the commission of any such offence and that it is necessary to require such person to execute a bond for abstaining from the commission of any such offence, the court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for abstaining from the commission of such offence during such period, not exceeding three years, as it thinks fit to fix.

Security for good conduct and abstaining from committing offence.

2 of 1974. (2) The bond shall be in the prescribed form in terms of the provisions of the Code of Criminal Procedure, 1973 and shall in so far as they are applicable, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 106 of that Code.

(3) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(4) An order under this section may also be made by an Appellate Court or by the High Court when exercising its power of revision.

## CHAPTER VII

### APPEAL AND REVISION

77. (1) Any person aggrieved by any decision or order passed under this Regulation by an Excise Officer, subordinate to the Deputy Commissioner, may appeal to the Deputy Commissioner.

Appeal to the Appellate Authority.

(2) Any person aggrieved by any decision or order of the Deputy Commissioner may appeal to the Excise Commissioner.

(3) Such appeal shall be filed within thirty days from the date of communication of such decision or order together with self-attested copy thereof.

Provided that a further period of thirty days may be allowed if the appellant establishes that sufficient cause prevented him from presenting the appeal within the aforesaid period of thirty days.

Procedure in  
appeal.

78. (1) At the hearing of an appeal, an appellant may be allowed to go into any ground not specified in the grounds of appeal or take additional evidence if necessary, if it is established that such omission was not wilful or unreasonable.

(2) The Appellate authority after making such further inquiry as may be necessary, pass such order, as he thinks just and proper, confirming, modifying or annulling the decision or order, as the case may be.

(3) The appeal shall be heard and decided within a period of six months from the date on which such appeal is filed:

Provided that if an appeal is not decided within the time period specified in sub-section (3), the relief prayed for in the appeal shall be deemed to be granted.

Order of  
Appellate  
Authority.

79. (1) The order of the Appellate Authority disposing of the appeal shall be in writing and shall state the points for determination, the decision thereon and the reasons for the decision.

(2) The Appellate Authority shall communicate the order passed by him to the appellant and the Excise Officer whose order formed the subject matter of appeal.

Power of  
Excise  
Commissioner  
to rectify  
mistakes  
apparent from  
the records.

80. The Excise Commissioner may, at any time within six months from the date of the order with a view of rectifying any mistake apparent from the record, amend any order passed by him and shall make such amendments if the mistake is brought to his notice by any of the parties to the appeal:

Provided that an amendment which has the effect of enhancing an assessment or reducing a refund or otherwise increasing the liability of the other party, shall not be made under this section, unless the Excise Commissioner has given notice to the appellant of his intention to do so and has granted him an opportunity of being heard.

Revision of  
orders by  
Excise  
Commissioner.

81. (1) The Excise Commissioner may, of his own motion, call for the record of any proceeding in which an officer subordinate to him has taken any decision or passed an order under this Regulation, including those related to the grant, issue or refusal to grant a licence, for the purpose of satisfying himself as to the legality or propriety of any such decision or order and may make such inquiry or cause such inquiry to be made and, subject to the provisions of this Chapter, pass such order thereon as he thinks fit.

(2) No order, which prejudicial to any person shall be passed under this section unless the person has been given an opportunity of being heard.

(3) The Excise Commissioner shall communicate the order passed by him under sub-section (1) to such persons and the excise officer whose order formed the subject matter of revision.

(4) No order under this section shall be passed by the Excise Commissioner in respect of any issue if an appeal against such issue is pending before the Deputy Commissioner.

(5) No order under this section shall be passed after the expiry of a period of six months from the date on which the order sought to be revised has been passed.

Deposit of  
duty or fee  
demanded or  
penalty or fine  
levied  
pending  
appeal.

82. (1) Where in any appeal under this Chapter, the decision or order appealed against relates to any duty or fee demanded or any penalty or fine levied under this Regulation, the person desirous of appealing against such decision or order shall, pending the appeal, deposit with the excise officer the duty or fee demanded or the penalty or fine levied, if such amount exceeds one lakh rupees.

(2) Where in any particular case, the Appellate Authority is of opinion that the appellant has a *prima facie* case in his favour and deposit of duty demanded or penalty levied would cause undue hardship to such person, the Appellate Authority may dispense with such deposit and stay its recovery subject to such conditions as he may deem fit to impose so as to safeguard the interest of revenue.



(3) Where an application is filed for dispensing with the deposit of duty or fee demanded or penalty or fine levied under sub-section (2), the Appellate Authority shall, where it is possible to do so, decide such application within thirty days from the date of its filing.

(4) Notwithstanding anything contained in sub-section (1), no recovery action shall be initiated against the appellant until the application under sub-section (2) has been decided by the Appellate Authority.

83. (1) Any company referred to in sub-section (1) of section 7 and aggrieved by the order of the Administrator may file an appeal to the High Court.

Appeal to  
High Court.

(2) An appeal shall lie to the High Court from an order passed in appeal by the Excise Commissioner if the High Court is satisfied that the case involves a substantial question of law.

(3) The Union territory administration or the other party aggrieved by any order passed by the Excise Commissioner may file an appeal to the High Court and such appeal under this sub-section shall be—

(a) filed within sixty days from the date on which the order appealed against is received by the Union territory administration or the other party;

(b) accompanied by a fee of ten per cent. of the amount involved or two thousand rupees whichever is higher where such appeal is filed by the other party;

(c) in the form of a memorandum of appeal precisely stating therein the substantial question of law involved.

(4) Where the High Court is satisfied that a substantial question of law is involved in any case, it shall formulate that question.

(5) The appeal shall be heard only on the question so formulated, and the respondent shall, at the hearing of the appeal, be allowed to argue that the case does not involve such question:

Provided that nothing in this sub-section shall be deemed to take away or abridge the power of Court to hear, for reasons to be recorded in writing, the appeal on any other substantial question of law not formulated by it, if it is satisfied that the case involves such question of law.

(6) The High Court shall decide the question of law so formulated and deliver such judgment thereon containing the grounds on which decision is founded and may award such cost as it deems fit.

(7) The High Court may determine any issue which—

(a) has not been determined by the Excise Commissioner;

(b) has been wrongly determined by the Excise Commissioner, by reason of a decision of such question of law as is referred to in sub-section (1).

(8) An Appeal shall be heard by a bench of not less than two judges of the High Court, and shall be decided in accordance with the opinion of such judges or of the majority, if any, of such judges.

(9) Where there is no such majority, the judges shall state the point of law upon which they differ and the case shall, then, be heard upon that point only by one or more of the other judges of High Court and such point shall be decided according to the opinion of the majority of the judges who have heard the cases including those who first heard it.

(10) Save as otherwise provided in this section, the provisions of the Code of Civil Procedure, 1908, relating to the appeals to the High Court shall as far as may be, apply in cases of appeals under this section.

Sums due to be paid notwithstanding appeal before High Court or revision before Excise Commissioner.

84. Notwithstanding that an appeal had been preferred to the High Court, sums due to the Union territory Administration as a result of an order passed by Excise Commissioner shall be payable in accordance with the order so passed:

Provided that nothing contained in this section or Chapter shall affect the inherent powers of the High Court for granting stay on the recovery of such amount.

#### CHAPTER VIII

##### MISCELLANEOUS PROVISIONS

Supply of measures, weights and testing instruments.

85. Every person who manufactures or sells any intoxicant under a licence granted under this Regulation, shall be bound —

(a) to supply himself with such measures, weights and instruments as the Excise Commissioner may prescribe, and to keep the same in good condition; and

(b) on the requisition of any excise officer, at any time to measure, weigh or test any intoxicant in his possession in such manner as the said Excise Officer may require.

Powers of the Administrator to declare what shall be deemed to be liquor or intoxicant.

86. The Administrator may, by notification, declare as to what shall be deemed to be liquor or intoxicant for the purposes of this Regulation or the rules framed thereunder.

Power of the Administrator to regulate drinking and to enforce prohibition.

87. The Administrator may issue such order and take such measures as may be deemed appropriate to regulate drinking or to enforce prohibition in whole or any part of the Union territory.

Power of Administrator to regulate molasses black jaggery, mahua flower, etc., to prevent misuse.

88. The Administrator may frame rules to regulate, movement, possession and sale of molasses, black jaggery, mahua flower, etc., indicating terms and conditions as are necessary and expedient to prevent their misuse for illicit distillation.

Power to regulate advertisement.

89. No advertisement, direct or surrogate, shall be made for promoting consumption of liquor:

Provided that the Excise Commissioner may, at his discretion, allow such advertisement which is educative and promotes responsible drinking.

Power of Administrator to declare limit of sale by retail and by wholesale.

90. The Administrator may, by notification, declare, in respect to the whole of the Union territory of Dadra and Nagar Haveli or to any local area comprised therein and as regards purchasers generally or any specified class of purchasers and generally or for any specified occasion the maximum or the minimum quantity or both or any intoxicant which for the purpose of this Regulation may be sold by retail and by wholesale.

Bar of certain suits.

91. No suit for damages shall lie in any civil court against the Administrator or any officer or person for damages for any act in good faith done, or ordered to be done in pursuance of this Regulation or of any other law for the time being in force relating to excise revenue. The officials engaged in enforcement of this Regulation shall be deemed to be public servants.

Power of Administrator to make rules.

92. (1) The Administrator may, by notification, make rules not inconsistent with the provisions of this Regulation, for carrying out purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form in which an annual report shall be submitted by the Excise Commissioner under clause (i) of section 4;

(b) the grant of award to the officers and employees, and informers for the work, and the terms and conditions thereof, under section 10;

(c) the number of members of the Board of Experts, their qualification and term under sub-section (1) of section 11;

(d) the manner of registration for the purpose of manufacture of alcohol exclusively for industrial use under sub-section (2) of section 12;

(e) the fees, the period for, the terms and conditions and the form, for grant of licence or permit under section 13;

(f) the conditions for security and counterpart agreement under section 15;

(g) the restrictions on power of the licensing authority to suspend or cancel licence and permit under section 18;

(h) the terms and conditions subject to which transfer of licence or permit may be made under section 21;

(i) the terms and conditions for granting of licence or lease under section 22;

(j) the bond to be executed for removal of liquor from manufactory, warehouse, etc., under section 23;

(k) manner of collection of duties of excise under sub-section (1), terms and conditions for collection of fee under sub-section (3), and the calculation of the duty on the quantity of material used or by degree of attenuation of the wash or wort, under clause (a) of sub-section (4), of section 28;

(l) manner of determination of ex-factory price under sub-section (2), and the manner of declaration of the ex-factory price or maximum retail price under sub-section (4), of section 29;

(m) any other declared basis for determination of maximum retail price under section 30;

(n) the returns, forms and the particulars and such other information to be submitted by the licensee under section 35;

(o) the quantity of the liquor to be sold, transported, possessed or bought by the manufacturer and the value thereof under clause (f) of sub-section (1) of section 36;

(p) the period within which any major offence may be referred by the Deputy Commissioner under sub-section (2) of section 61;

(q) the manner of adjudication by an Adjudicating Officer under sub-section (2) of section 62;

(r) the guidelines for compounding under sub-section (3) and the manner in which the liquor, apparatus, vehicle or other material seized shall be disposed of under sub-section (4) of section 63;

(s) the manner in which any liquor, mahua flowers or molasses and any other confiscated property shall be disposed of under sub-section (5) of section 66;

(t) the regulation of movement, possession and sale of molasses, black jaggery, mahua flower, etc., under section 88;

(u) any other matter which is to be, or may be prescribed under this Regulation.

Laying of  
rules.

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

Power to  
remove  
difficulties.

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

Provided that no order shall be made under this section after the expiry of a period of two years from the date of commencement of this Regulation.

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

Repeal and  
savings.

95. On the commencement of this Regulation, the Dadra and Nagar Haveli Excise Regulation, 1969 shall stand repealed:

2 of 1969.

Provided that the repeal shall not affect—

(a) the previous operations of the Regulation under repeal;

(b) any penalty, forfeiture or punishment incurred in respect of any offences committed under the Regulation under repeal;

(c) any investigation or remedy in respect of any such penalty, forfeiture or punishment;

(d) any such investigation, legal proceeding 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;

(e) any duty, or fee levied, assessed or collected or purported to have been levied, assessed or collected under the Regulation under repeal before the commencement of this Regulation shall be deemed to have been validly levied, assessed or collected in accordance with law:

Provided further that subject to the preceding proviso anything done or any action taken under this Regulation under repeal shall be deemed to have been done or taken under the corresponding provisions of this Regulation and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Regulation.

Transitory  
provisions for  
excise laws  
for Dadra and  
Nagar Haveli.

96. Notwithstanding the repeal of the Dadra and Nagar Haveli Excise Regulation, 1969, all rules made and notifications issued thereunder shall continue to be in force and operate till new rules and notifications are made or issued under this Regulation:

2 of 1969.

Provided that anything done or any action taken under this Regulation under repeal shall be deemed to have been done or taken under the corresponding provisions of this Regulation and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Regulation.

THE SCHEDULE  
(See section 28)

Sl. No.	Description of Liquors	Rate
1.	Indian Liquor and Foreign Liquor	400 per cent. of the wholesale price.
2.	Wine and Liquor (Indian and Foreign)	80 per cent. of the wholesale price.
3.	Beer and Cider (Indian and Foreign)	200 per cent. of the wholesale price.
4.	Country Liquor	250 per cent. of the wholesale price.
5.	Spirituous preparations, including essence, but other than medicinal and toilet preparation, as defined in the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955)	20 per cent. of the wholesale price.
6.	Bhang	Rs. 5.00 per kilogram.

PRATIBHA DEVISINGH PATIL,  
*President.*V.K. BHASIN,  
*Secretary to the Govt. of India.*

