

*The A & N Islands
(Panchayats) Regulation, 1994
(No. 1 of 1994)*

अण्डमान तथा
ANDAMAN AND



निकोबार राजपत्र
NICOBAR GAZETTE

असाधारण
EXTRAORDINARY
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NOTIFICATION

Port Blair, dated the 8th December, 1994

No. 138/94/F.No.6-9/94-Legal III.—The following Regulation published in the Gazette of India, Extraordinary Part II Section 1 No.35 dated 23rd April, 1994 is hereby reproduced below for the information of General Public.

Sd/-
(Abdul Waseem)
Assistant Secretary(Law)

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

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

**ANDAMAN AND NICOBAR ISLANDS
(PANCHAYATS) REGULATION, 1994
NO.1 OF 1994**

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

A Regulation to provide for Panchayats in the Andaman and
Nicobar Islands and for matters connected therewith

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 him:—

CHAPTER I PRELIMINARY

	1(1) This Regulation may be called the Andaman and Nicobar Islands (Panchayats) Regulation, 1994;	Short title, extend and commencement.
1 of 1957.	(2) It extends to the whole of the Union Territory of the Andaman and Nicobar Islands except the areas included in the Municipality under the provisions of the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957 and the areas notified before the commencement the Regulation as reserved areas under sub- section (i) of section 3 of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation , 1956;	
3 of 1956.	(3) It shall come into force at once.	
Definitions.	2. In this Regulation, unless the context otherwise requires : (a) "Adhyaksha" means the Adhyaksha of a Zilla Panchayat elected under section 150 of the Regulation; (b) "Administrator" means the Administrator of the Union Territory of the Andaman and Nicobar Islands appointed by the President under article 239 of the Constitution; (c) "Assistant Commissioner" includes the Additional District Magistrate; (d) "Block" means such local area in a district as the Administrator may constitute to be a block; (e) "building" includes a house, an out-house, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding 8 feet in height) and any other structure, whether of massonary, bricks, wood, metal or any other material but does not include any temporary structure erected on ceremonial or festival occasions or a tent; (f) "case" means in relation to a judicial proceeding or a judicial proceeding in respect of any offence tried by a Panchayat under this Regulation; (g) "Deputy Commissioner" means the Deputy Commissioner of a District in the Union Territory; (h) "Districts" means a District specified by the Administrator by a public notification to be a district for the purposes of this Regulation and includes one or more Districts or portions of districts as so specified; (i) "District Judge" means District Judge of the Andaman and Nicobar Islands; (j) "Election Commissioner" means the Election Commission appointment under sub-section (l) of section 185; (k) "Election Commissioner" means the Election Commissioners of the Union Territory appointed under the sub-section (i) of section 185; (l) "Gram" means a village ; (m)"Gram Panchayat" means a Gram Panchayat constituted under sub-section(i) of section 11; (n)"Gram Sabha" means the Gram Sabha constituted under section 3;	

- (o) "Land" includes land which is built upon or covered with water;
- (p) "Nyaya Panchayat" means a Nyaya Panchayat constituted at the Gram Panchayat level under section 53;
- (q) "Official Gazette" means the Andaman and Nicobar Islands Gazette;
- (r) "Panchayat Samiti" means a Panchayat Samiti constituted for a block under section 106 of this Regulation;
- (s) "Population" means the Population as ascertained at the last preceding census of which the relevant figures have been published;
- (t) "Pradhan" means the Pradhan of a Gram Panchayat elected under section 11;
- (u) "Pramukh" means Pramukh of a Panchayat Samiti elected under sub-section (l) of section 112;
- (v) "Prescribed" means prescribed by rules made under this Regulation;
- (w) "Public street" means a pathway, road, street, square court alley, cart track, foot-path or riding path over which the public have a right of way, whether thorough fare or not; and includes—
- (i) the road way over any public bridge or cause way,
 - (ii) the foot way attached to any such street, public bridge or cause-way; and
 - (iii) the drains attached to any such street, road, public bridge or cause way and the land which lies on either side of the road way upto the boundaries of the adjacent property.
- (x) "Sarpanch" means the Sarpanch of a Nyaya Panchayat appointed under section 55;
- (y) "Schedule" means a Schedule to this Regulation;
- (z) "Section" means Section of this Regulation;
- (aa) "Sessions Judge" means the Sessions Judge of the Andaman and Nicobar Islands;
- (ab) "Suit" means a Civil Suit triable by a Nyaya Panchayat,
- (ac) "Tax" means a Tax, cess, rate or other impost leviable under this regulation.
- (ad) "Union Territory" means the Union Territory of the Andaman and Nicobar Islands;
- (ae) "Up-Adhyaksha" means an Up-Adhyaksha of a Zilla Parishad constituted under section 150;
- (af) "Upapradhan" means the Upapradhan of Gram Panchayat elected under Section 16;
- (ag) "Upapramukh" means Upapramukh of a Panchayat Samiti elected under Sub- section(l) of Section 112;
- (ah) "Upasarpanch" means Upasarpanch of a Nyaya Panchayat appointed under section 55;
- (ai) "village" means a village specified by the Administrator by a public notification to be a village for the purpose of this Regulation and includes a group of villages so specified;
- (aj) "Zilla Parishad" means the Zilla Parishad constituted under section 144.

**CHAPTER II
GRAM SABHA**

3. The Administrator shall, by notification in the Official Gazette, constitute a Gram Sabha for each village comprised within the area of a Gram Panchayat.

Constitution of Gram Sabha.

4 (1) A Gram Sabha shall consist of persons registered in the electoral rolls relating to a village or group of villages comprising the area of a Gram Panchayat:

Composition of Gram Sabha

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

- a) is less than 18 years of age;
- b) is not a citizen of India;
- c) is of unsound mind and stands so declared by competent court; and
- d) is not ordinarily a resident within the village for which the Sabha is constituted.

(2) 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.

5. Every Gram Sabha shall, by the name notified in the Official Gazette under section 3 be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and condition imposed by or under this Regulation have power to acquire, hold, administer and transfer property, both moveable and immovable, and to enter into any contract and shall, by the said name, sue or be sued:

Incorporation of Gram Sabha

Provided that the powers and duties of the Gram Sabha shall save as otherwise expressly provided in this Regulation, be exercised, performed and discharged by the Gram Panchayat constituted under section 11.

6 (1) The Administrator may in consultation with the Gram Sabha or the Gram Sabhas concerned, at any time by notification in the official Gazette,-

Alteration in area of Gram Sabha.

(a) include any area in a Gram;

(b) exclude any area from a Gram; or

(c) declare that any local area shall cease to be a Gram.

(2) Where by a notification under sub-section (1), any area is included in Gram, such area, shall thereby become subject to all notifications, rules, bye-laws and orders made under this Regulation or any other law in force in the area within the jurisdiction of the Gram Sabha.

(3) Where, by notification under sub-section (1), the whole of the area of a Gram ceases to be a Gram, the gram Sabha shall cease to exist and its assets and liabilities shall be disposed of in the prescribed manner. Where a part of such area ceases to be a gram, the jurisdiction of the Gram Sabha shall be reduced by that part.

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

Cessation of Membership

(a) he is disqualified under section 4 ; or

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

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

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

8. On the constitution of a Gram Sabha, the Assistant commissioner, under the superintendence, direction, and control of the Election Commission, shall cause, to be prepared an electoral roll in the prescribed manner of all persons ordinarily residing within the jurisdiction of the Gram Sabha; such electoral roll shall, among other things, contain the names of all persons entitled under section 4 to be the members of the Gram Sabha on the date of constitution and shall be revised atleast once a financial year in the prescribed manner.

Electoral Roll of members

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

Meetings of Gram Sabha

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

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

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

(4) One-tenth of the total number of members of the Gram Sabha shall form the quorum for a meeting.

10(1) The Gram Panchayat shall place before the Gram Sabha at its meeting in April or May-

Work at general meeting

(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;

(d) the last audit report and replies made thereto

(2) it shall be open to the Gram Sabha to discuss any or all of the matters placed before it under sub-section (1) and the Gram Panchayat shall consider the suggestion, if any made by the Gram Sabha.

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

CHAPTER III THE GRAM PANCHAYAT

Constitution of Gram Panchayats

11.(1) As soon as may be, after its constitution every Gram Sabha, shall elect from amongst its members an Executive Committee called the Gram Panchayat and Chairperson of that Committee called the Pradhan.

(2) A Gram Panchayat shall, consist of such number of seats, including the Pradhan not being less than nine or more than fifteen, as the Deputy Commissioner may determine.

(3) The ratio between the population of the territorial area of a Gram Panchayat and the number of seats in that Panchayat to be filled by election shall, so far as practicable, be the same throughout the Union Territory.

(4) Each Gram Panchayat area shall be divided by the Election Commission into territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable, be the same throughout the Gram Panchayat area.

(5) Seats shall be reserved for the Scheduled Tribes in every Gram Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Gram Panchayat as the population of the Scheduled Tribes in that Gram Panchayat area bears to the total population of that area and such seats shall be allotted by the Election Commission by rotation to different constituencies in a Gram Panchayat, in such manner as may be prescribed:

Provided that, no such reservation shall be necessary if the total population of the Scheduled Tribes in a Gram Panchayat is less than half the proportionate population required to fill one seat.

(6) Not less than one-third of the total numbers of the seats reserved under sub-section(5), shall be reserved for women belonging to Scheduled Tribes.

(7) Not less than one-third(including the number of seats reserved for women belonging to the Scheduled Tribes) of the total number of seats to be filled by direct election in every Gram Panchayat shall be reserved for women and such seats may be allotted by the Election Commission by rotation to different constituencies in a Gram Panchayat, in such manner as may be prescribed.

(8) The number of seats to be reserved under sub-section(6) and (7) shall be determined by the Administrator, by an order published in the Official Gazette.

(9) Subject to any general or special order of the Administrator, the Deputy Commissioner shall reserved –

(a) the number of offices of Pradhans in the Gram Panchayats for the Scheduled Tribes which shall bear, as nearly as may be, the same proportion to the total number of such offices in the Gram Panchayats as the population of the Scheduled Tribes in the area of Union territory to which the Regulation extends bears to the total population of such area.

(b) not less than one third of the total number of offices of Pradhans in the Gram Panchayats for women:

Provided that the offices reserved under this sub-section shall be allotted by the Election Commission by rotation to different Gram Panchayat in such manner as may be prescribed.

12(1) Every member of a Gram Sabha shall, unless disqualified under this Regulation or any other law for the time being in force, be qualified to vote at an election to the Gram Panchayat or at a meeting of the Gram Sabha;

(2) Every member of a Gram Sabha shall, unless disqualified under this Regulation or under any other law for the time being in force, be qualified to be elected to fill up a seat in the Gram Panchayat as a member or as its Pradhan or as both:

Provided that if a person is elected to both the offices of a member as well as Pradhan, he shall resign either of the two offices within a period of fourteen days from the day of the Publication of the result in the Official Gazette, failing which his seat in the Gram Panchayat shall become vacant.

Persons qualified to vote and be elected

(3) The vacancy caused by the result of such resignation, shall be filled by holding a bye-election for the purpose.

13. A persons shall be disqualified for being chosen as, and for being a member of a Gram Panchayat or its Pradhan if he-
(a) has failed to pay any tax, fee or other sum due to the Gram Sabha within three months from the date on or before which such tax, fee or other sum is required to be paid, or

Disqualification

(b) holds any salaried office or place of profit under the Gram Sabha or the Gram Panchayat, or

(c) has directly or indirectly any share or monetary interest in any work done for or to the Gram Panchayat or in any contract or employment entered into under or by, or on behalf of, the Gram Sabha, or

(d) is a servant of the Government or any municipality, or

(e) has been dismissed from the service of the Government or municipality for misconduct or,

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(f) has not attained the age of 21 years, or

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

(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, or

(i) is without permission of the Gram Panchayat, absent from three of its consecutive meetings, or

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

(k) has been declared by a competent court to be an insolvent, or

(l) has been disqualified under any law for the time being in force by 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) subject to clause(f) is so disqualified by or under any law for the time being in force for the purposes of elections to the House of the People.

Decisions 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 for decision and his decision thereon shall be final:

Provided that before giving any decision on my such question, the Deputy Commissioner shall obtain the opinion of the Election Commission and shall act according to such opinion.

Prohibition against holding office

15. The Pradhan or the Up-Pradhan shall not hold any office in the Nyaya Panchayat.

Election of Up-Pradhan

16. (1) On the constitution of a Gram Panchayat for the first time under this Regulation or on the expiry of the term of a Gram Panchayat or on its reconstitution, a meeting shall be called on a date fixed by the Assistant Commissioner for the election of the Up-Pradhan.

(2) The Assistant Commissioner shall preside at such meeting but shall not have the right to vote.

(3) No business other than the election of the Up-Pradhan shall be transacted at such meeting.

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

Pradhan to be the Executive.

17. The executive powers of the Gram Panchayat under this Regulation and the responsibility for the due fulfilment of the duties imposed on the Gram Panchayat under this Regulation and for carrying out the resolution of the Gram Panchayat shall vest in the Pradhan.

18(1) The Gram Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date of appointment for its first meetings and no longer.

Duration of Panchayat.

(2) Notwithstanding anything contained in sub-section (1) the members of the Panchayats functioning immediately before the coming into force of the Regulation shall continue to hold their office till the expiration of the terms prescribed under sub-section (1) of section 21 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1961 as it stood before its repeal.

(3) An election to constitute a Gram Panchayat shall be completed-

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

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

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

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

in Office

19(1) As soon as may be, after the first meeting of the Gram Panchayat, every member thereof and the Pradhan shall take the oath of office before the Assistant Commissioner in the form set out in the First Schedule.

(2) A member who has taken such oath shall vote or participate in the election of any meeting nor shall be included as a member of any Committee constituted by the Gram Panchayat.

20(1) Any member may resign his office by giving notice in writing to the effect to the Pradhan and such resignation shall take effect from the date of its receipt by the Pradhan.

Resignation of office.

(2) The Upapradhan may resign his office by giving notice in writing to the Pradhan, but the resignation shall not take effect unless it is accepted by the Gram Panchayat.

(3) The Pradhan 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.

21 (1) A motion of no confidence against the Pradhan may be moved by any member of a Gram Panchayat after giving such notice thereof as may be prescribed.

Motion of no-confidence

(2) A special meeting of the Gram Panchayat 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 non confidence is carried by a majority of the total membership of the Gram Panchayat, the Gram Panchayat shall recommend to the Gram Sabha, the removal of the Pradhan from his office.

(4) On receipt of the recommendation under sub-section(3) a special meeting of the Gram Sabha shall be convened with a quorum of not less than fifteen percent of the total membership of the Gram Sabha and the Recommendation shall be approved by a majority of members present and voting.

(5) Upon the approval of the recommendation under sub-section(4) the Pradhan shall cease to hold office after a period of three days from the date on which the recommendation is approved , unless he has resigned earlier.

(6) if the recommendation of the Gram Panchayat is not approved or there is no quorum in the special meeting of the Gram Sabha, no fresh motion of no conference shall be moved against the Pradhan in the Gram Panchayat within a period of one year from the date on which the recommendation fails to acquire approval of the Gram Sabha or the date on which the recommendation could not be considered for lack of quorum.

(7) Notwithstanding anything contained in this Regulation, the Pradhan shall not preside over a meeting of Gram Panchayat contained under sub-section(2) and of Gram Sabha under sub-section (4), but he shall have a right to speak or otherwise take part in the proceedings of such meetings.

Motion of no confidence

22(1) A motion of no-confidence may be moved by any member of a Gram Panchayat against the Up Pradhan after giving such notice as may be prescribed

(2) A special meeting of Gram Panchayat 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 number of members of the Gram Panchayat, the Up Pradhan shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier.

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

23. Any casual vacancy in the seat of the Gram Panchayat or in the office of Pradhan or Up-Pradhan shall be filled or the remainder of the duration of the Gram Panchayat by election in accordance with the provisions of this Regulation :

Casual vacancy.

Provided that in the case of a seat or the office of the Pradhan reserved for Scheduled Tribe or women, no person other than a member of a Scheduled Tribe or a women shall be qualified to be chosen to fill such vacancy.

24(1) There shall be a Secretary for every Gram Panchayat who shall be appointed by the Administrator and shall draw his salary and allowance from the Gram Panchayat Fund.

Officers and servants of the Gram Panchayat.

(2) The Secretary shall be in charge of the office of the Gram Panchayat and shall perform all the duties and exercise all the powers imposed or conferred upon him by or under this Regulation or any rules or bye laws made there under.

(3) Subject to rules as may be framed by the Administrator regarding discipline and control, the Secretary shall act in all matters under the control of the Pradhan through whom he shall be responsible to the Gram Panchayat.

(4) The Gram Panchayat may appoint such other officers and servants and in such number as may, from time to time, be necessary:

Provided that it shall not create any post not already provided for in the budget except with the previous approval of the Administrator.

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

25(1) The time and place of meetings of a Gram Panchayat and the procedure to be followed at such meetings shall be such as may be prescribed.

Meetings of Gram Panchayat.

(2) A member of a Gram Panchayat may, at any meeting, move any resolution and put questions to the Pradhan or the Up Pradhan on matters connected with the administration of the Gram Panchayat in the manner prescribed.

(3) No resolution of a Gram Panchayat shall be modified, amended, varied or cancelled by the Gram Panchayat 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 Gram Panchayat.

26(1) Subject to the powers and restrictions as may be prescribed, a Gram Panchayat may appoint Committees for exercising such of its powers and discharging such of its duties and functions as it may specify.

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.

27. No act or proceeding of a Gram Panchayat or of any committee thereof shall be invalid on any ground only of the existence of a vacancy or defect in the constitution of the Gram Panchayat or the Committees or of any infirmity in its proceedings.

Proceedings not to be invalid

CHAPTER IV

POWERS, DUTIES AND FUNCTIONS IN THE GRAM PANCHAYAT

Duties and functions

and 28(1) It shall be the duty of every Gram Panchayat so far as the Gram Fund may allow to make reasonable provision within its jurisdiction in regard to the matters specified in the Second Schedule.

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

Control of Gram Panchayat on certain properties

29(1) The Gram Panchayat in respect of all roads, streets, bridges, culverts and other properties placed by the Administrator under sub-section (1) of section 36 under its direction management and control, 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 (e) of sub-section (1) of section 36; and

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

2) The Gram Panchayat shall also have control of all roads, streets, water ways, bridges and culvert which are situated within its jurisdiction, not being private property or not being 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.

Transfer of any work or Institution to the Gram Panchayat

30. The Administrator may entrust to the Gram Panchayat, the execution maintenance or repair of any work or the management of any institution on behalf of the Government or any local authority:

Provided that the funds necessary for the execution, maintenance or repair of the work or the management of the institution shall be placed at the disposal of the Gram Panchayat by the Government or such local authority.

Collection of land revenue, etc.

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

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

32(1) Subject to the rules made under this Regulation, a Gram Panchayat may organize a Village volunteer force consisting of able bodied mates residing in the Gram who are between the ages of 21 and 40 and who are willing to join the force and place such force under the command of a suitable person.

*Village volunteer force

(2) The services of the village , volunteer force may be utilized for general watch and ward purpose and in cases of emergency like fire, floods, out break of epidemics or any other natural calamity.

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

33. Every contract or agreement entered into by a Gram Panchayat shall be in writing and shall be signed by the Pradhan and by two other members of the Gram Panchayat and sealed with the common seal of the Gram Sabha.

Execution of contracts

CHAPTER V FINANCE, PROPERTY AND ACCOUNTS

34(1) There shall be a Gram Fund for each Gram Sabha and the same shall be utilized for carrying out the duties and obligations imposed upon the Gram Sabha or the Gram Panchayat by this Regulation.

Gram Fund

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

- a) the proceeds of any tax or fee imposed under section 37;
- 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 Gram fund;
- d) the income from securities in which the Gram Fund is 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 Gram Panchayat;
- h) the income from or proceeds of any property of the Gram Sabha;
- i) the sale proceeds of all dust, dirt, dung or refuse collected by the servants of the Gram Panchayat;
- j) sums assigned to the Gram 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 established or financed from the Gram Fund or managed by the Gram Panchayat.

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

35. The Administrator may, subject to such conditions as he may being fit, make grants to the Gram Panchayat for general purposes or for the improvement of the Gram and the welfare for the residents therein.

Grants.

36(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 Gram Sabha under the direction, management and control of the Gram Panchayat, namely :-

Properties Placed under the direction management and control of Gram Panchayat.

- a) open sites, waste vacant and grazing lands, not being private property and river beds;
- b) public roads and streets;
- c) public channels, water sources, 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 thins appertaining thereto and other conservancy works;
- e) Sewage, rubbish and offensive matter deposited on streets or collected by the Gram Panchayat 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 Gram Panchayat and the Gram Sabha shall receive to the credit of the Gram Fund all dues levied or imposed in respect thereof.

37. (1) Subject to the rules made under this Regulation, A Gram Panchayat may levy---

Taxes which may be imposed

- a) a tax on the owners or occupiers of buildings;
- b) a tax on professions, trades, calling and employment;
- c) a tax on vehicles other than mechanically propelled vehicles kept within the limits of the Grams;
- d) A tax on sale of cattle within the limits of the Gram;
- e) A theatre or show tax on entertainments and amusements;
- f) A tax on the sale of liquor;
- g) A tax on the sale of opium;
- h) A tax on the sale of tobacco;
- i) A tax on the sale of other goods;
- j) A tax on the sale of land;
- k) A tax on the sale of other immovable property;
- l) A tax on the sale of other movable property;
- m) A tax on the sale of other goods;
- n) A tax on the sale of other goods;
- o) A tax on the sale of other goods;
- p) A tax on the sale of other goods;
- q) A tax on the sale of other goods;
- r) A tax on the sale of other goods;
- s) A tax on the sale of other goods;
- t) A tax on the sale of other goods;
- u) A tax on the sale of other goods;
- v) A tax on the sale of other goods;
- w) A tax on the sale of other goods;
- x) A tax on the sale of other goods;
- y) A tax on the sale of other goods;
- z) A tax on the sale of other goods;

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

Appeal against levy of tax, etc

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

Suspension of levy of tax or fee

39. The Deputy Commissioner may, by notification in the Official Gazette, suspend the levy or imposition of any tax or fee under section 37 and may at any time in like manner rescind such suspension.

Lease of markets etc. 40 It shall be lawful for a Gram Panchayat to lease by public auction for private contract the collection of any fee on markets and bazaars if any such fee is imposed under section 37:

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 41 (1) When any tax or fee or other sum due to a Gram Panchayat has become payable, the Gram Panchayat 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 Gram Panchayat may apply to the Tahsildar for its recovery as an arrears of land revenue.

Accounts 42 Every Gram Panchayat shall maintain account of its receipts and expenditure in such forms as may be prescribed.

Annual estimate of expenditure 43(1) Every Gram Panchayat shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimate receipts and disbursements for the following year and shall submit the budget to the Panchayat Samiti having jurisdiction over the area of the Gram Panchayat.

(2) The Panchayat Samiti may, within such period as may be prescribed either approve the budget or return it to the Gram Panchayat for such modification as it may direct.

(3) If any modifications are made under sub-section(2) the budget shall be resubmitted within such period as may be prescribed to the Panchayat Samiti.

(4) No expenditure shall be incurred unless the budget approved by the Panchayat Samiti:

Provided that if the Panchayat Samiti fails to convey its approval within the period prescribed for the purpose, the budget will be deemed to have been approved.

44. (1) The accounts of every Gram Panchayat shall be audited annually in such manner as may be prescribed.

Audit

(2) The audit shall be carried out by the Assistant Commissioner or such other officer as the Deputy Commissioner may appoint in this behalf and the Assistant Commissioner or other officer shall within one month of the completion of the audit forward copies of the audit report to the Deputy Commissioner and the Gram Panchayat.

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

- a) if such person is a member of the Gram Panchayat, proceed against him in the manner specified in sub-sections(1) and (3) of section 49; and

b) if such person is not a member of the Gram Panchayat obtain the explanation of the person and direct such person to pay to the Gram Panchayat 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 received as an arrears of land revenue and credit it to the Gram Fund.

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 Administrator whose decision on with appeal shall be final.

45(1) Every Gram Panchayat shall submit annually to the Assistant Commissioner a report on the Administration of the Gram Panchayat during the previous year.

Administration report

(2) The report shall be prepared by the Pradhan and after it is approved by the Gram Panchayat , shall be forwarded to the Assistant Commissioner with a copy of the resolution of the Gram Panchayat thereon.

CHAPTER VI

CONTROL OF GRAM PANCHAYAT

46. The Deputy Commissioner or the Assistant Commissioner shall have power-

Power to call for proceedings etc.

(a) to call for –

(i) any extract form the proceedings of a Gram Panchayat or any book, record, correspondence or documents in the possession or under control of a Gram Panchayat;

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

(b) to require a Gram Panchayat to take into consideration-

(i) any objection which appears to the Deputy Commissioner or the Assistant Commissioner to exist to the doing of anything which is about or is being done by such Gram Panchayat, or

(ii) any information which the Deputy Commissioner or the Assistant Commissioner is able to obtain which appears to the Deputy Commissioner or the Assistant Commissioner to necessitate the doing of anything by the Gram Panchayat.

and to make written reply to the said Deputy Commissioner or the Assistant Commissioner as the case may be within a reasonable time, stating its reasons for not desisting from doing such things.

47. If, at any time it appears to the Assistant Commissioner that a Gram Panchayat has made willful and persistent default in the performance of any duty imposed on it by this Act or the rules made thereunder, he may be order in writing, fix a period for the performance of that duty. If the duty is not performed within the period so fixed, Assistant Commissioner may appoint any person to perform it, and direct that the expenses of the performance of such duty shall be paid by the defaulting Gram Panchayat within such period as the Assistant Commissioner may think fit.

Default in performance of Gram Panchayat

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

Suspension of execution of order or resolution of Panchayat.

2) When the Assistant Commissioner makes an order sub-section (1), he shall forthwith send to the Gram Panchayat 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 Gram Panchayat and making such inquiry as he deems fit, rescind, modify or confirm the order.

49(1) Every member of a Gram Panchayat shall be personally liable for the loss, waste or misapplication of any money or other property of the Gram Sabha to which he has been a party or which has been caused or facilitated by his misconduct or willful 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 their property of the Gram Sabha is a direct consequence of misconduct or willful neglect on his part he shall, by order in writing, direct such member to pay to the Gram Panchayat 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 bonafide or technical irregularities or mistake of a member.

3) If the amount is not so paid, the Assistant Commissioner shall recover it as an arrears of land revenue and credit it to the Gram Fund.

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

Dissolution of Gram Panchayat

50. (1) if in the opinion of the Administrator, a Gram Panchayat--

- (a) exceeds or abuses its powers or
- (b) is incompetent or makes willful and persistent default in the performance of, the dues 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 48, the Administrator may, by order published in the Official Gazette dissolve the Gram Panchayat

No order under sub-section (1) shall be passed unless the Administrator has called upon the Gram Panchayat to show cause and has received an explanation.

3) If a Gram Panchayat is dissolved under sub-section (1) the following consequence shall ensue, namely:-

- a) all the members of the Gram Panchayat shall, from the date specified in the order, cease to be members;
- b) all powers and duties of the Gram Panchayat shall during the period of dissolution of the Gram Panchayat, be exercised and performed by such persons or person, appointed by the Administrator in this behalf;
- c) the Nyaya Panchayat for the Gram shall be deemed to have been dissolved and all the members of the Nyaya Panchayat shall vacate office as from such date.

4) An election to constitute a Gram Panchayat shall be completed before the expiry of a period of six months from the date of its dissolution.

51. If any dispute arises between two or more Gram Panchayats, it shall be referred to the Deputy Commissioner and the decision of the Deputy Commissioner thereon shall be final.

Dispute between Gram Panchayats

52. The Administrator or the Deputy Commissioner may call for and examine the record of the procedure of any officer of Gram Panchayat for the purpose of satisfying himself as far as the legality or propriety of any order passed and may revise or modify the order as he may deem fit.

Administrator or Deputy Commissioner may call for proceedings.

CHAPTER VII

NYAYA PANCHAYAT

53(1) there shall be for every Gram a Nyaya Panchayat which shall consist of five persons to be elected by the members of the Gram Panchayat from amongst themselves.

Constitution of Nyaya Panchayat

(2) Three members of the Nyaya Panchayat shall form the quorum for a meeting.

54. Every member of a Nyaya Panchayat shall, before entering upon his duties, take the oath of office in the form set out in the First Schedule before the Assistant Commissioner.

Oath of Office

55. Every Nyaya Panchayat shall elect from amongst its members a Sarpanch and an Upsarpanch who are able to read and write Hindi or any of the language in use in the Gram for which the Nyaya Panchayat has been constitute.

Election of Sarpanch and Up Sarpanch

56. The term of office of every member of a Nyaya Panchayat shall be co-terminous with the term of the Gram Panchayat:

Term of Office

Provided that the Sarpanch and the Up-sarpanch shall continue in office until they are relieved by their respective successors.

57. The Secretary of the Gram Panchayat shall be ex-officio judicial clerk of the Nyaya Panchayat for the purposes of recording its proceedings and decision and performing such other duties as may be prescribed

Judicial Clerk

58. Every Nyaya Panchayat shall have a stamp bearing its name, the name of the Tehsil and the District in which it is constituted, and all its decrees, order proceedings and process shall bear the seal of the Nyaya Panchayat.

Seal of Nyaya Panchayat

59. The Sarpanch and the up-sarpanch or a member of a Nyaya Panchayat may resign his office by giving a notice in writing under his hand to the Assistant Commissioner and his office shall thereupon become vacant.

Resignation of member

60(1) The Deputy Commissioner may, after giving him an opportunity of being heard and for reasons to be recorded in writing remove any member of a Nyaya Panchayat if in his opinion such member has been guilty of misconduct in the discharge of his duties.

Removal of member from Panchayat

(2) Any person aggrieved by an order of the Deputy Commissioner under sub-section (1) may, within thirty days of the date of the order, appeal to the Administrator whose decision thereon shall be final.

61. Any vacancy arising in the office of a member of Nyaya Panchayat shall be filled by election and the members so elected shall hold office for so long as the member in whose place he has been elected would have held office if the vacancy had not occurred.

Filling of casual vacancies.

**CHAPTER VIII
POWERS OF NYAYA PANCHAYAT**

Powers of Nyaya Panchayat. 62. A Nyaya Panchayat may exercise such of the powers mentioned in section 63 and 65 of the Administrator may, by general or special order, specify.

Powers of Nyaya Panchayat to take cognizance of suits. 63. Subject to the provisions of section 62, a Nyaya Panchayat may take cognizance of all or any of the following suits namely :-

- (a) suits for money due or contract not affecting any interest in immovable property
- (b) Suit for recovery of movable property or for the value thereof;
- (c) Suit the compensation for wrongfully taking injuring movable property;
- (d) Suits for damage caused to standing crops by cattle trespass; where the amount of value of the claim does not exceed Rs. 100/-

Where the amount of value of the claim does not exceed-

Suits not triable by Nyaya Panchayat 64. A Nyaya Panchayat shall not have jurisdiction to try any suit:-

- (a) On a balance of partnership account;
- (b) For a share or part of a share part of a share under any intestacy or for a legacy or part of a legacy under a will;
- (c) By or against the Government or any local authority or an officer or servant of the Government or a member, officer or servant of a local authority in his official capacity;
- (d) By or against a minor or a person of unsound mind.

Offences cognizable by Nyaya Panchayat 65. Subject to the provisions of section 62, a Nyaya Panchayat make take cognizance and try all or any of the offences specified in the Third Schedule including abetment of and attempts to commit, such offences.

66. No Nyaya Panchayat shall take cognizance of any criminal cases against a person where such person

- (a) has been previously convicted of an offence punishable with imprisonment of description for a term of 3 years or upwards.
- (b) Has been previously fined for theft by any Nyaya Panchayat;
- (c) Has been bound over to be of good behaviour under section 109 or section 110 of the Code of Criminal Procedure 1973.
- (d) Has been previously convicted under the Public Cr. Act, 1967 or the Andaman and Nicobar Islands (Regulation, 1951(II of 1951)
- (e) Is a minor or a person of unsound mind.

67(1) No Nyaya Panchayat shall try any suit or issue in respect of any matter which is pending for decision in or has been heard and decided by a court of competent jurisdiction in a former civil suit between the same party or between parties under whom they or any of them claim.

Res-judicate and pending suites

(2) Where an accused person has been tried for any offence, no Nyaya Panchayat shall take cognizance of such offence or on the same facts of any other offence of which the accused might have been charged or convicted.

	68. The decision of a Nyaya Panchayat on the question of title, legal character, contract or obligation shall not bind the parties except in respect of the suit in which such matter is decided.	Effect of decision
	69(1) The maximum penalties which may be imposed by a Nyaya Panchayat and the offences for which they may be imposed shall be as specified in the Fourth Schedule.	Maximum penalties
	(2) No sentence of imprisonment, whether substantive or in default of payment of the fine shall be imposed by a Nyaya Panchayat.	
	70. Instead of passing any sentence, a Nyaya Panchayat may discharge after due admonition, a youthful offender who in the opinion of such Nyaya Panchayat, is, at the time of conviction for the offence, under the age of sixteen years.	Youthful offenders.
	71. In inflicting any fine under section 69, a Naya Panchayat may direct that the whole or any portion of the time recovered shall be applied-	Compensation to complainants
	(a) towards defraying the expenses properly incurred in the case by the complaint, or	
	(b) in giving compensation to a person for any material loss or damage caused to him by reason of the commission of the offence.	
	72. A Nyaya Panchayat may, if it is satisfied after enquiry that a case brought before it is false, frivolous or vexatious, order the complainant to pay the accused such compensation not exceeding rupees fifty as it thinks fit.	Compensation to accused
	73(1) Whenever the Sarpanch has reason, to apprehend that any person within the jurisdiction of the Nyaya Panchayat is likely to commit a breach of the peace disturb public tranquility; he may by order in writing, require such person to show cause why he should not be ordered to execute a bond with or without sureties for an amount not exceeding rupees one hundred for keeping the peace for a period not exceeding 15 days. The Sarpanch shall, at the issue of such notice, refer the matter to the Nyaya Panchayat.	Security for the keeping of the peace.
	(2) If the Nyaya Panchayat is satisfied that it is necessary for keeping the peace that the person in respect of whom the notice has been issued should execute a bond with or without sureties, the Nyaya Panchayat shall make an order accordingly:	
	Provided that when the person in respect of whom the enquiry is made, is a minor the bond shall be executed by his sureties	
	(3) if the Nyaya Panchayat is satisfied that it is not necessary for keeping the peace that such person should execute a bond the Nyaya Panchayat shall make an order accordingly and shall discharge him.	
	(4) Nothing contained in this section shall affect the powers of a Magistrate to take security for keeping the peace under section 107 of the Code of Criminal Procedure, 1973.	
Contempt of Nyaya Panchayat	74(1) If any person intentionally offers any insult to a Nyaya Panchayat or any member thereof while it is sitting in any stage of a judicial proceeding in its or his view or presence or refuses to take oath duly administered or sign a statement made by the said person when legally required to do so, the Nyaya Panchayat may, at any time before rising on the same, take cognizance of the offence and sentence the offender to a fine not exceeding ten rupees.	

(2) The fine imposed shall be deemed to be a fine imposed in a case.

Certain persons not to sit on Nyaya Panchayat

75. (1) No member of a Nyaya Panchayat who is a party to or has any interest in any suit or case shall sit in the Nyaya Panchayat while it is trying such suit or case.

(2) Any dispute as to whether a member is party to, or interested in, a suit or case shall, on a written application by a party to such suit or case, be referred to the Assistant Commissioner for decision, the decision of the Assistant Commissioner, thereon shall be final.

Absence of member hearing.

76. (1) If any member of a Nyaya Panchayat is absent from any hearing the remaining member may, notwithstanding anything contained in this regulation, try the suit or case, provided that at least three members are present.

(2) Not trial so aforesaid shall be invalid by reason merely that all the members were not present at any hearing or that some of the members were not present at all the hearings, of such trial.

Conduct of business of Nyaya Panchayat.

77. Save as otherwise provided in this Regulation, the Administrator may make rules to regulate-

- (a) the conduct and distribution of business in and proceedings before a Nyaya Panchayat;
- (b) the time and places of sittings of a Nyaya Panchayat; and
- (c) any other matter which in the opinion of the Administrator is necessary for the proper and efficient conduct of proceedings before an Nyaya Panchayat.

CHAPTER IX PROCEDURE IN CASES AND SUITS

78(1) Any person who wishes to institute a suit or a case before a Nyaya Panchayat shall make an application orally or in writing to the Sarpanch or in his absence, to such other member of the Nyaya Panchayat as the Sarpanch may have appointed for the purpose and shall at the same time pay the prescribed fees.

Suits and cases how instituted.

(2) Where the suit or case is instituted orally, the Sarpanch or other member shall without delay record the substance of the application in the prescribed register and obtain signature or thumb impression of the applicant thereon.

79 (1) Every suit instituted before a Nyaya Panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute but he may relinquish any portion of his claim in order to institute any suit within the jurisdiction of the Nyaya Panchayat.

Suits to include the whole claim.

(2) if a plaintiff omits to sue in respect of or relinquishes any portion of his claim he shall not afterwards sue in respect of the portion so omitted or relinquished.

80. No suit shall be entertained by a Nyaya Panchayat after the expiration of one year from the time when the right to sue first accrued.

Limitations.

81. Every case or suit instituted shall be brought before the Nyaya Panchayat at its next sitting and the complainant or the plaintiff as the case may be shall, at the time of making the application, be informed of the time and place fixed for such sitting and directed to attend at that time and place.

Complainant or plaintiff to attend next sitting of Nyaya Panchayat.

	<p>82. The Nyaya Panchayat after hearing the application shall cause a written summons in the prescribed form to be served on the accused or defendant, as the case may be requiring him to attend and produce his evidence at such time and time and place as may be stated in the summons and shall, at the same time direct the complainant or plaintiff to attend and produce his evidence at such time and place:</p>	Summons to be issued to accused or defendant.
	<p>Provided that the Panchayat may, after hearing the application and examining the complainant or the plaintiff, refuse to issue a summon and dismiss the complaint or suit, if it is satisfied that the case or suit is frivolous, vexatious or untrue.</p>	
	<p>83(1) A Nyaya Panchayat may, if it considers the evidence of, or the production of document by, any person necessary in a case or suit, issue summons to such persons requiring him to attend or to produce or cause the production of such document and such person shall be bound to comply with the direction contained in the summons.</p> <p>(2) A Nyaya Panchayat may refuse to summon a witness or to enforce a summon already issued against a witness where in its opinion the attendance of the witness cannot be procured without an amount of delay, expenses or inconvenience which in the circumstances would be unreasonable.</p>	Summons to witnesses.
Service of summons	<p>84 (1) Every summons shall be in duplicate, signed by the presiding member of the Nyaya Panchayat and he served in the manner prescribed.</p> <p>(2) if the defendant or accused is at the time of the issue of summons outside the Gram, the summons may be forwarded by the Nyaya Panchayat to the Assistant Commissioner who shall cause the summons to be served as if it were a summons from his own court.</p>	
Pleaders, etc. excluded from appearance	<p>85(1) No pleader or wakil or advocate shall be permitted to appear on behalf of any party to any case or suit before the Nyaya Panchayat:</p> <p>Provided that any party to any such case or suit may be allowed, on reasonable cause being shown to the Panchayat of the Nyaya Panchayat to employ any relative or friend of the complainant or friend who is not, and who has not previously been pleader or wakil or an advocate to appear in lieu of such party.</p> <p>(2) When a relation servant dependant or friend appears in lieu of a party, he shall be furnished by such party with a written authority defining the extent to which he is empowered to act.</p>	
Adjournment.	<p>86 A Nyaya Panchayat may from time to time, adjourn the hearing of any case:</p> <p>Provided that such adjournment is, in its opinion, unavoidable or necessary for a just and equitable decision of the case or suit.</p>	
Disposal of cases and suits in absence of party concerned.	<p>87(1) if the complainant or plaintiff fails to appear after having been informed of the time and place fixed for the hearing, the Nyaya Panchayat may hear and decide the case or suit in his absence;</p> <p>(2) A Nyaya Panchayat may hear and decide a case or suit in the absence of the accused or the defendant, if a summons has been served upon him in the manner herein before prescribed;</p>	

Provided that no sentence shall be passed by a Nyaya Panchayat on any accused unless he has appeared either in person or by a representative, before the Nyaya Panchayat and the substance of his statement has been recorded in the prescribed register.

(3) If after the service of summons upon him, an accused fails to appear either in person or by a representative, the Nyaya Panchayat may apply to the Sessions Judge who shall compel the accused to appear in person or by his representative before the Nyaya Panchayat as if he were a Court trying the case;

(4) Where accused person has, under sub-section(3), been compelled to appear before Nyaya Panchayat, the Nyaya Panchayat shall forthwith take his statement and thereafter his attendance at the hearing of the case shall not be compulsory.

Compromise of suits and compromising of cases.

88 (1) Where it is provided to its satisfaction that a suit has been adjusted wholly or in part by any lawful agreement, compromise or satisfaction, the Nyaya Panchayat shall order such agreement, compromise or satisfaction to be recorded and shall pass a decree in accordance therewith, so far as it relates to the suit.

(2) A Nyaya Panchayat may permit any case to be compounded.

Provided that the offence is compoundable under the code of Criminal Procedure, 1973.

Death of Parties

89. When any party to a suit dies before a decree has been passed the suit shall abate but a fresh suit may be brought on the same cause of action and the period during which the suit was pending shall be, excluded in computing the period of limitation for the fresh suit.

90(1) it shall be the duty of a Nyaya Panchayat to ascertain decision the facts of the case and report after holding an inquiry in accordance with the provisions of this regulation and the rules made thereunder.

(2) Nothing contained in any law relating to evidence or procedure shall affect the power of the Nyaya Panchayat to hold such inquiry.

(3) After holding such inquiry a Nyaya Panchayat may pass such order or decree as may in its opinion seem just and equitable and such order or decree shall state the finding and refer to a brief statement of the reasons therefor.

Decision of Nyaya Panchayat shall be by majority of its members. If the members are equally divided the person presiding shall have a second or casting vote.

Interest and instalments.

92. (1) In suits for money, a Nyaya Panchayat may in its discretion, direct payment of interest on the sum decreed, at a rate not exceeding six percent per annum, from the date of the decree until the date of a payment and of any fees which may be prescribed.

(2) When a Nyaya Panchayat decrees the payment of sum of money in suit it may direct that it be paid by instalments, without interest or with interest not exceeding the above rate.

Nyaya Panchayat not to revise or alter its decision.

93 (1) Except as provided in sub-section (2), a Nyaya Panchayat shall not have power to cancel, revise or alter any decree or order passed by it.

(2) On an application made within one month from the date of the decree of a Nyaya Panchayat, the Nyaya Panchayat may for reason to be recorded in writing restore any suit which has been dismissed for default or in which an ex parte decree has been passed against the defendant

94(1) On an application made by any of the parties or on his own motion the district Judge in a suit and the sessions judge in a case may call for and examine the record or proceedings held by such Nyaya Panchayat.

No appeal against decree or order of Nyaya Panchayat but revision lies.

(2) If it shall appear to the District Judge or the Session judge that the decree order or proceedings so called for should be modified, cancelled or reversed he may pass such order as he may deem fit.

(3) The period for filing an application by any of the parties under sub-section (1) shall be thirty days from the date of the decree or order.

95(1) When any Nyaya Panchayat is of opinion that any suit or case before it, is of such nature, intricacy or importance that it ought to be tried by a court or that the accused in a case ought to receive a punishment different in kind from, or more severe than that which, such Nyaya Panchayat is empowered to inflict, it shall stay proceedings and refer the suit or the case to the District Judge or the Sessions Judge, as the case may be for orders.

(2) If the District Judge or the Session Judge is of opinion that a suit or case is of such nature; intricacy or importance that it ought not to be tried by the Nyaya Panchayat or that the accused in a case ought to receive a punishment different in kind from or more severe than, that which such Nyaya Panchayat is empowered to inflict, such Judge shall pass orders directing the plaintiff or complainant to the Civil or criminal court, as the case may be competent to take cognizance of the suit or case.

(3) If the District Judge or the Sessions Judge is of opinion that the suit or case is of such nature, intricacy or importance that it ought to be tried by a Court, or that the accused in the case ought to receive a punishment different in kind from severe than that which such Nyaya Panchayat is empowered inflict, such judge shall return the suit or case of the Nyaya Panchayat which made the reference for disposal.

The District Judge may quash proceedings

96 (1) The Sessions Judge in an appeal and the District Judge in any suit may at any time by order quash any proceedings of a Nyaya Panchayat or cancel any order decree passed by the Nyaya Panchayat.

(2) When an order has been passed by the District Judge under sub-section(1) in respect of any suit the plaintiff may institute a fresh suit for the same civil court, and the period from the date of the institution of the suit before the Nyaya Panchayat to the date to such order shall be excluded in computing the period of limitation for the fresh suit.

(3) When an order has been passed by the Sessions Judge under sub-section (1) in respect of any case, proceedings in respect of the same offence may be instituted in the court of a Magistrate having jurisdiction.

Finality of orders and decrees

97 Every order passed by a District Judge or a Session Judge under this Regulation shall be final and shall not be subject to appeal, revision or review.

98. Subject to the provisions of this Regulation in regard to all proceedings under this regulation, the Sessions Judge and the District Judge shall have the same powers and follow the same procedure as they respectively have and follow in regard to proceedings in connection with orders and decrees of courts subordinate to them in their ordinary jurisdiction.

Procedure in proceedings before the District Judge.

99. Save as otherwise provided, no court shall take cognizance of any offence or entertain any suit cognizable by the Nyaya Panchayat under the Regulation unless the Sessions or the District Judge has passed an order in writing under section 95 or 96.

Bar of Jurisdiction of Courts.

100. Where the term of a Nyaya Panchayat has expired or a Nyaya Panchayat is deemed to have been dissolved under section 50.

Suits, etc, pending at expiry of term of dissolution of Nyaya Panchayat

(a) all cases and suits pending before the Nyaya Panchayat on the date of such expiry or dissolution shall-

(i) if a new Nyaya Panchayat is constituted, be heard by it *denovo*, or

(ii) in other cases, be deemed to have been quashed under sub-section(1) of section 96 and the provisions of sub-section (2) or sub-section(3) as the case may be, of that section shall apply thereto.

(b) All pending proceedings and applications for the recovery of fine or compensation in cases, or for the execution of decrees or orders in suits shall be transferred to the competent court having jurisdiction to try the case or suit and such court shall deal with the proceedings or applications as if the case or suit out of which the proceedings or applications arose had been heard and decided by such court.

101. If on application by the holder or judgment debtor, a Nyaya Panchayat finds that the decree has been satisfied or adjusted in whole or in part, the Nyaya Panchayat shall record the fact in the prescribed register.

Satisfaction or adjustment of decree to be recorded

102 (1) If, after a period of one month from the date of a decree the decree remains unsatisfied or unadjusted, in whole or in part the decree holder may, within six months of the date of the decree, apply to the Nyaya Panchayat for execution.

Execution through the Assistant Commissioner.

(2) On the application of execution the Nyaya Panchayat shall certify to the Assistant Commissioner that the decree remains unsatisfied or unadjusted and the Assistant Commissioner on receipt of such certificate shall proceed as follows:-

(a) if the decree is for money, proceed to recover it as if it were an arrear of land revenue, or

(b) if the decree is for any specified movable property cause the decree to be executed as if it were a decree of a civil court and in so acting he may exercise all the powers of a civil court.

Mode of recovery of fine or compensation

103. If the amount of fine or compensation under this Regulation is not fully paid, the Nyaya Panchayat shall certify accordingly to the Assistant Commissioner and on receipt of such certificate, the Assistant Commissioner proceed to recover it as if it were an arrear of land revenue and shall remit the amount so recovered to the Nyaya Panchayat.

110. No persons shall be a member of a Panchayat Samiti or continue as such if he—

Disqualifications

- a) has failed to pay any tax, fee or other sum due to the Gram Panchayat or Panchayat Samiti Zilla Parishad within three months from the date on or before which such tax, fee or other sum is required to be paid, or
- b) hold any salaried office of place or profit under the Gram Sabha or Gram Panchayat or Panchayat Samiti or Pradesh Panchayat, or
- c) has directly or indirectly any share or monetary interest in any work done by or to the Panchayat Samiti or in any contract or employment with or under or by or on behalf of the Panchayat Samiti, or
- d) is a servant of the Government or any municipality, or
- e) has been dismissed from Service of the Government or a municipality for misconduct or
- f) has been ordered to give security for good behaviours under section 109, 110 of the Code of Criminal Procedure, 1973, or
- g) 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 a period of five years have not elapsed since his release after undergoing such imprisonment
- h) has not attained the age of 21 years or
- i) is of an unsound mind and has been so declared by a competent Court or
- 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) subject to clause (h) is so disqualified by or under any law for the time being in force for the purposes of election of the House of the people.

111. If any question arises whether a person has become subject to any disqualification referred to in section 4, section 7 or section 110 it shall be referred to the Chief Secretary, for decision and his decision shall be final:

Decision on questions as to disqualification

Provided that before giving any decision on any such question the Chief Secretary shall obtain the opinion of the Election Commission and shall act according to such opinion.

Election of
Pramukh and
Up-Pramukh

112. (1) On the constitution of a Panchayat Samiti for the first time under this Regulation or on the expiry of the term of a Panchayat Samiti or on its reconstitution, a meeting shall be called on a date fixed by the Deputy Commissioner for the election of the Pramukh and the Up-Pramukh by ballot from amongst the elected members of the Panchayat Samiti.

(2) The Deputy Commissioner shall preside at such meeting but not have the right to vote.

(3) No business other than the election of the Pramukh and Up-Pramukh shall be transacted at such meeting.

(4) In case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the Deputy Commissioner in such manner as he may determine.

(5) Subject to any general or special order of the Administrator, the Deputy Commissioner shall reserve.

Compensation when released to be recorded. 104. As soon as the amount of fine or compensation referred to in section 103 is released by the Nyaya Panchayat, the amount so realized shall be entered in the prescribed register.

Submission of annual report. 105 Every Nyaya Panchayat shall submit its annual report to the Administrator in such form and before such date as may be prescribed.

CHAPTER X PANCHAYAT SAMITI

Constitution of Panchayat Samiti. 106. The Administrator shall by notification in the Official Gazette constitute for the blocks in the Union Territory to which this Regulation applies Panchayat the intermediate level to be called Panchayat Samitis.

Composition of Panchayat Samiti 107. (1) Every Panchayat Samiti shall consist of such number of seats as the Administrator may by notification determine.

(2) The seats in the Panchayat Samiti shall be filled by person chosen by direct election from the Territorial Constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall so far as practicable be the same through out the Panchayat Samiti area.

(3) The following persons shall also be represented in the Panchayat Samiti, namely:-

(a) a proportion of the Pradhans of the Gram Panchayat in the Panchayat Samiti to be determined by order of the Administrator and by rotation for such period as may be prescribed :

Provided that while nominating the Pradhans by rotation the Administrator shall ensure that as far as possible all the Pradhans are given the opportunity or being represented in the Panchayat Samiti atleast once during its duration : and

(b) the member of the House of parliament representing the Union Territory

shall have the right to vote in the meeting of the Panchayat Samiti.

(4) The provisions of sub-sections (5) (6) (7) and (8) of section 11 shall, so far as they may be apply to the Panchayat Samiti as they apply to Gram Panchayat subject to the modification that for the words "Gram Panchayat" wherever they occur, the words "Panchayat Samiti" had been substituted.

Incorporation of Panchayat Samitis. 108. Every Panchayat Samiti shall, by the name notified in the Official Gazette under section 106 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 or under any other law for the time being in force, have power to acquire, hold, administer and transfer a property, both movable and immovable and to enter into contract and shall, by the said name sue or be sued.

109 (1) Every Member of the Gram Sabhas constituting the Panchayat Samiti shall unless disqualified under this Regulation or any other law for the time being in force be qualified to vote at an election to the Panchayat Samiti.

Persons qualified to vote and be elected.

(2) Every member of the Gram Sabha constituting the Panchayat Samiti shall unless disqualified under this Regulation or any other law for the time being in force be qualified to be elected to the Panchayat Samiti.

117(1) A motion of no-confidence may be moved by any member of a Panchayat Samiti against the Pramukh or the Upa-Pramukh after such notice thereof as may be prescribed.

Motion of No Confidence.

(2) If the motion is carried by a majority of not less than two-thirds of the total number of members of the Panchayat Samiti, the Pramukh or Upa-pramukh, as the case may be shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier.

(3) Notwithstanding any thing contained in this Regulation, the Pramukh or Up-pramukh shall not preside over a meeting in which a motion of no confidence is discuss against him but he shall have the right to speak or otherwise take part in the proceedings of such meeting.

118. Any casual vacancy in the office of the Pramukh, the Up-Prumukh or a seat of a Panchayat Samiti 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 or the office of Pramukh reserved for Scheduled Tribe or women, no person other than a member of the Scheduled Tribes or a women, as the case may be, shall be qualified to be chosen to fill such vacancy.

Staff of Panchayat Samiti.

119. The Administrator shall appoint a Group A Officer of the Andaman and Nicobar Administration to be the Executive Officer for every Panchayat Samiti.

(2) The Government may post from time to time work under every Panchayat Samiti such number of officers and officials of group A or B or C or D services of the Andaman and Nicobar Administration (including any officer and official appointed to such service from amongst persons employed be existing local authorities) to serve under the Panchayat Samiti as the Administration considers necessary.

(3) Notwithstanding anything contained in this Regulation or any other law for the time being in force, the Administrator or any other authority authorized by him in this behalf shall have the power to effect transfer of officers and officials so posted from one Samiti to another.

Person of the Executive Officer and other Officers.

120 (1) Save as otherwise provided by or under this Regulation, the Executive Officer shall

(a) exercise all the powers specially 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 Panchayat Samiti in accordance with rules made by the Administrator;

(c) supervise and control the execution of all work of the Panchayat Samiti,

(d) take such necessary measures for the economic, social,

and development schemes of the Panchayat Samiti;

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

(f) draw and disburse monies out of the Panchayat Samiti 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 Panchayat Samiti and shall have the right to attend the meeting of a committee thereof and to take part in the discussion but shall not have in the right to move any resolution or to vote. If in

- (a) the number of offices of Pramukhs in the Panchayat Samitis for the Scheduled Tribes which shall bear as nearly as may be, the same proportion to the total number of such offices in the Panchayat Samitis as the population of the Scheduled Tribes in the area of the Union Territory to which this Regulation applies bears to the total population of such area;
- (b) not less than one-third of the total number of offices of Pramukh in the Panchayat Samitis for women:

Provided that the offices reserved under this sub-section shall be allotted by the Election Commission by rotation different Panchayat Samitis in such manner as may be prescribed .

Executive powers of the Panchayat Samiti.

113. The executive powers of the Panchayat Samiti under this Regulation and the Responsibility for the due fulfilment of the duties imposed on the Panchayat Samiti under this Regulation and for carrying out the resolutions of the Panchayat Samiti shall vest in the Pramukh.

Term of office of Panchayat Samiti.

114 (1) The Panchayat Samiti unless sooner dissolved under any law for the time being in force, shall continue in office for five years from the date appointed for its first meeting and no longer.
 (2) An election to constitute a Panchayat Samiti shall be completed:

- (a) before the expiry of its duration specified in sub-section(1);
- (b) before the expiration of a period of six months from the date of its dissolution:

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

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

115 (1) As soon as may be after the first meeting of the Panchayat Samiti every member thereof shall take oath of office before the Deputy Commissioner in the form set out in the First Schedule.
 (2) No member of the Panchayat Samiti who has not taken such oath shall vote or take part in the Proceedings of any meeting nor shall he be eligible as a member of any Committee constituted by the Panchayat Samiti.

Oath of Office.

116(1) Any member of a Panchayat Samiti may resign his office by giving notice in writing to that effect to the Pramukh and such resignation shall take effect from the date of its receipt by the Pramukh.

Resignation of Office.

(2)The Upapramukh may resign his office by giving notice in writing to the Pramukh, but the resignation shall not take effect until it is accepted by the Panchayat Samiti.

(3) The Pramukh 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.

Meeting of
Panchayat
Samiti

the opinion of the Executive Officer any proposal before the Panchayat Samiti is violative of or inconsistent with the provisions of the Regulation, or any other law, rule or order made thereunder, it shall be his duty to bring the same to the notice of the Panchayat Samiti.

121. (1) The time and place of meetings of a Panchayat Samiti and the procedure for such meetings shall be such as may be prescribed.

(2) A member of a Panchayat Samiti may, at any meeting, move any resolution and put questions to the Pramukh or the Upapramukh on matters connected with the administration of the Panchayat Samiti in the manner prescribed.

(3) No resolution of a Panchayat Samiti shall be modified amended varied or cancelled by the Panchayat Samiti 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 Panchayat Samiti.

122. (1) Subject to such control and restrictions as may be prescribed, a Panchayat Samiti may appoint committees for exercising such of its powers and discharging such of its duties and functions as it may specify.

Committees.

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

123. No act or proceedings of a Panchayat Samiti or of any of its committees shall be deemed to be invalid by reason only of the existence of any vacancy or defect in the constitution of the Panchayat Samiti or of the committee or of any infirmity in its proceedings.

Proceedings not
to be invalid.

124. (1) The Panchayat Samiti shall have such powers and authority as the Administrator may, by order, published in the Official Gazette, deem necessary and may 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 the matters listed in the Fifth Schedule.

Duties and
function.

(2) The Panchayat Samiti may also make provision 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 clause(c) of sub-section (1) of section 130, and

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

(3) The Panchayat Samiti may 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 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 streets; and

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

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

Provided that the Panchayat Samiti shall not undertake registration of a vehicle or levy fee therefore and shall not provide sanitary arrangements at places of worship or pilgrimage, fair and melas within its jurisdiction or levy fee therefore 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 other local authority:

Providing further that the scales of tolls, fees or rates and the terms and conditions for the imposition thereof, shall be such as may be provided by bye-laws; and such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

129. The Administrator, may subject to such conditions as he made deem fit, make grants to the Panchayat Samiti for general purpose or for the improvement of the areas falling under the jurisdiction of the Panchayat Samiti and the welfare of the residents therein.

Grants for general purposes.

130. (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 Panchayat Samiti, under the direction, management and control of the Panchayat Samiti, namely :-

Transfer of any work or institution to Panchayat Samiti.

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

(b) public roads and streets;

(c) public channels, watercourses, well, ponds, tanks (excepted irrigations 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 Panchayat from streets, latrines, urinals sewers, cess pools 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 Panchayat Samiti and all dues levied or imposed in respect thereof shall be credited to the Panchayat Samiti.

131. It shall be lawful for a Panchayat Samiti 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 128.

Lease of market etc.

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

Recovery of tax and other dues.

(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 Panchayat Samiti may apply to the Tahsildar concerned for its recovery as an arrears of land revenue.

Accounts.

133. Every Panchayat Samiti shall maintain accounts of its receipts and expenditure in such manner as may be prescribed.

Budget of the Panchayat Samiti

134. (1) Every Panchayat Samiti shall, at such time and in such manner as may be prescribed prepare in each financial year a budgets of its estimates receipts and disbursements for the following financial year and submit the budget to the Zilla Parishad.

2) The Zilla Parishad within such time as may be prescribed, either approve the budget or return it to the Panchayat Samiti for such modifications as it may direct.

3) If any modifications are made under sub-section(2), the budget shall be resubmitted within such period as may be specified by the Zilla Parishad:

Provided that if the approval of the Zilla Parishad is not received by the Panchayat Samiti by the last date of the financial year, the budget shall be deemed to be approved.

4) No expenditure shall be incurred unless the budget is approved by the Zilla Parishad.

5) The Panchayat Samiti may prepare in each financial year a supplementary estimate providing for any modification of its budget and may submit to the Zilla Parishad for approval within such period and in such manner as may be prescribed.

Audit

135(1) The accounts of every Panchayat Samiti shall be audited annually in such manner as may be prescribed.

(2) The audit shall be carried out by the Deputy Commissioner or such other officer as the Chief Secretary may appoint in this behalf and the Deputy Commissioner or other officer shall within one month of the completion of the audit forward copies of the audit report to the Chief Secretary and the Panchayat Samiti concerned.

(3) The Chief Secretary may after considering the report and after making such further enquiry as he may consider necessary, disallow any item which appears to him contrary to law and surcharge the same on the person making or authorizing the illegal payment, and shall-

- (a) if such person is a member of the Panchayat Samiti, proceed against him in the manner specified in sub-sections(2) and (3) of section 140; and
- (b) if such person is not a member of the Panchayat Samiti, obtain the explanation of the person the direct such person to pay to the Panchayat Samiti 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 as arrears of land revenue and credit it to the Panchayat Samiti Fund.

(4) Any person aggrieved by an order of the Chief Secretary under sub-section (3) may, within thirty days of the date of the order, prefer an appeal to the Administrator whose decision on such appeal shall be final.

136. (1) Every Panchayat Samiti shall submit annually to the Deputy Commissioner a report on the administration of the Panchayat Samiti during the previous year.

Administration
report

(2) The report shall be prepared by the Pramukh and after it is approved by the Panchayat Samiti, shall be forwarded to the Deputy Commissioner with a copy of the resolution of the Panchayat Samiti thereon.

137. The Deputy Commissioner shall have power-

Power to call for
proceedings etc

(a) to call for-

- (i) any extract from the proceedings of a Panchayat Samiti or any book, record, correspondence or document in possession or under control of a Panchayat Samiti,
- (ii) any return plan estimate statement, account or report for the purpose of inspection or examination,

(b) to require a Panchayat Samiti to take into consideration--

- (i) any objection which appears to the Deputy Commissioner to exist to the doing of anything which is about to be or is being done by such Panchayat Samiti, or
- (ii) any information which the Deputy Commissioner is able to furnish and which appears to the Deputy Commissioner to necessitate the doing of a certain thing by the Panchayat Samiti and to make written reply to the said Deputy Commissioner as the case may be within a reasonable time, stating its reasons for not desisting from doing such things.

138. If, at any time, it appears to the Deputy Commissioner that a Panchayat Samiti 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 this duty. 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 Panchayat Samiti within such period as the Deputy Commissioner may think fit.

Default in
performance of
duty by
Panchayat
Samitis.

Suspension of
execution of
order or
resolution of
Panchayat
Samiti.

139(1) if, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a Panchayat Samiti or the doing of anything which is about to be done or is being done by or on behalf of a Panchayat Samiti is causing or 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 subsection (1), he shall forthwith send to the Panchayat Samiti 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 Chief Secretary of the Union Territory a report of the circumstances in which the order was made under this section and the Chief Secretary of the Union Territory may after giving notice to the Panchayat Samiti and making such inquiry as he deems fit, rescind, modify or confirm the order.

Liability of
members for
loss, wastage or
misapplication

140 (1) every member of a Panchayat Samiti shall be personally liable for the loss, wastage or misapplication of any money or other property of the Panchayat Samiti 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 Panchayat Samiti 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 Panchayat Samiti 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 bonafide or technical irregularities or mistake of a member.

(3) If the amount is not so paid, the Deputy Commissioner shall recover it as an arrears of land revenue and credit it to the Panchayat Samiti Fund.

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

Dissolution of Panchayat Samiti.

141(1) if in the opinion of the Administrator, a Panchayat Samiti—

(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 139, the Administrator may, by order published in the Official gazette, dissolve the Panchayat Samiti and direct that it shall be reconstituted in the manner provided in this Regulation.

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

(3) If a Panchayat Samiti is dissolved under sub-section(1) the following consequences shall ensure, namely:-

(a) all the members of the Panchayat Samiti shall from the date specified in the order cease to be members;

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

(c) the committees for the Panchayat Samiti shall be deemed to have been dissolved and all the members of the committees shall vacate office as from such date.

142. If any dispute arises between two or more Panchayat Samitis, it shall be referred to the Chief Secretary of the Union territory and decision of the Chief Secretary thereon shall be final.

143. The Chief Secretary of the Union Territory or the Deputy Commissioner may call for and examine the records of the proceedings of any office of the Panchayat Samiti or Gram Panchayat 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.

Disputes between Panchayat Samitis.

Chief Secretary or Deputy Commissioner may call for proceedings.

CHAPTER XI

THE ZILLA PARISHAD

	<p>144. The Administrator shall be notification in the Official Gazette constitute for the districts in the Union Territory to which this Regulation applies, a Panchayat at the district level to be called the Zilla Parishad.</p>	Zilla Parishad
	<p>145(1) The Zilla Parishad shall consist of such member of seats as the Administrator may by order determine.</p> <p>(2) The seats in the Zilla Parishad shall be filled by person chosen by direct election from the territorial constituencies in such manner that the ratio between the population of each constituency and the number of seats allotted to it shall so far as practicable be the same throughout the Zilla Parishad area.</p> <p>(3) The following persons shall also be represented in the Zilla Parishad, namely :-</p> <p>(a) all the Pramukhs of the Panchayat Samitis;</p> <p>(b) the Member of the House of Parliament representing the Union Territory.</p> <p>Who shall have the right to vote in the meetings of the Zilla Parishad.</p> <p>(4) The provisions to sub-sections(5), (6), (7) and (8) of section 11 shall so far as may be apply to the Zilla Parishad as they apply to a Gram Panchayat subject to the modification that for the works "Gram Panchayat", wherever the occur, the works "Zilla Parishad" had been substituted.</p>	Composition of Zilla Parishad
Incorporation of Zilla Parishad.	<p>146. The Zilla Parishad shall, by the name notified in the Official Gazette under section 144, be a body corporate having perpetual succession and common seal and subject to such restrictions and conditions imposed by or under this Regulation or any other law for the time being in force have power to acquire, hold administer and transfer property, both movable and immovable and enter into any contract and shall by the said name sue or be sued.</p>	
Persons qualified to vote and be elected	<p>147(1) Every member of the Gram Sabhas constituting the Zilla Parishad shall, unless disqualified under this Regulation or any other law for the time being in force be qualified to vote at an election to the Zilla Parishad.</p> <p>(2) Every member of the Gram Sabhas constituting the Zilla Parishad shall, unless disqualified under this Regulation or any other law for the time being in force be qualified to vote at an election to the Zilla Parishad.</p>	
Disqualification	<p>148. No person shall be member of a Zilla Parishad or continue as such if he—</p> <p>(a) has failed to pay any tax, fee or other sum due to the Zilla Parishad within three months from the date on or before which such tax fee or other sum is required to be paid; or</p> <p>(b) holds any salaried office or place of profit under a Gram Sabha Panchayat Samiti or the Zilla Parishad; or</p> <p>(c) has directly or indirectly any share or monetary interest in any work done by or to the Zilla Parishad or in and contract or employment with or under or by or on behalf of the Zilla Parishad; or</p> <p>(d) is a servant of the Government or any municipality; or</p>	

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(e) has been dismissed from the service of the Government or a municipality for misconduct; or

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

(g) 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 a period of five years have not elapsed since his release; or

(h) has not attained the age of 21 years ; or

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

(j) has been declared by a competent court as an insolvent; or

(k) has been disqualified under any law relating to elections for the time being in force for adopting a corrupt practice or for commission of an election offence during the period of such disqualification; or

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

149. If any question arises as to whether a person has become subject to any disqualification referred to in section 4, section 7 or section 148 it shall be referred to the Chief Secretary of the Union Territory for decision and his decision thereon shall be final:

Decisions on questions as to disqualification

Provided that before giving any decisions on any such question, the Chief Secretary shall obtain the opinion of the Election Commission and shall act accordingly to such opinion.

150. (1) On the constitution of the Zilla Parishad for the first time under this Regulation or on the expiry of the terms of the Zilla Parishad or on its reconstitution, a meeting shall be called on a date fixed by the Deputy Commissioner for the election of the Adhyaksha and the Up-Adhyaksha.

Election of Adhyaksha.

(2) The Deputy Commissioner shall preside at such meeting but not have the right to vote.

(3) No business other than the election of the Adhyaksha and the Up-Adhyaksha shall be transacted at such meeting.

(4) In case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the Deputy Commissioner in such manner as he may determine.

(5) The Adhyaksha and the Up-Adhyaksha of the Zilla Parishad shall be elected by and from amongst its elected members in the first week of April every year for the duration of that financial year.

(6) The office of the Adhyaksha for the first and third year of the Zilla Parishad shall be reserved for a women and for the fifth year in favour of a member if any, belonging to the Scheduled Tribes:

Provided that each time when there is a change of Adhyaksha an election shall be held to elect the Adhyaksha belonging to the particular category in the manner provided under this section.

	<p>151. The executive powers of the Zilla Parishad under this regulation and the responsibility for the due fulfilment of the duties imposed on the Zilla Parishad under this Regulation and for carrying out the resolutions of the Zilla Parishad shall vest in the Adhyaksha.</p>	Adhyaksha to be executive.
	<p>152 (1) The Zilla Parishad, unless sooner dissolved under any law for the time being in force; shall continue for five years from the date appointed for its first meeting and no longer. (2) An election to constitute the Zilla Parishad shall be completed :- (a) before the expiry of its duration specified in sub-section(1); (b) before the expiry of a period of six months from the date of its dissolution:</p> <p>Provided that where the remainder of the period for which the dissolved Zilla Parishad would have continued in less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Zilla Parishad.</p> <p>(3) The Zilla Parishad constituted upon the dissolution of a Zilla Parishad before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Zilla Parishad would have continued under sub-section(1) had it not been so dissolved.</p>	Duration of Zilla Parishad.
Oath of Office.	<p>153. (1) As soon as may be after the first meeting of the Zilla Parishad every member thereof shall take the oath of office before the Deputy Commissioner in the form set out in the first schedule. (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 Zilla Parishad.</p>	
Resignation of Office.	<p>154. (1) Any member of the Zilla Parishad may resign his office by giving notice in writing to that effect to the Adhyaksha, and such resignation shall take effect from the date of its receipt by the Adhyaksha. (2) The Up-Adhyaksha may resign his office by giving notice in writing to the Adhyaksha, but this resignation shall not take effect till it is accepted by the Zilla Parishad. (3) Adhyaksha may resign his office by giving notice in writing to the Deputy Commissioner but the resignation shall not take effect until it is accepted by him.</p>	
Casual Vacancy	<p>155. Any casual vacancy in the office of the Adhyaksha, Upadhyaksha or a seat in the Zilla Parishad shall be filled in the case of a seat of a Zilla Parishad or the office of Upadhyaksha for the remainder of the duration of the Zilla Parishad and in the case of Adhyaksha for the remainder of the period of his term by election in accordance with the provisions of this regulation: Provided that in case of a seat or office of the Adhyaksha reserved for women or scheduled Tribes no person other than a woman or a member of the Scheduled Tribes shall be qualified to be chosen to fill such vacancy.</p>	
Motion of No-confidence	<p>156. (1) A motion of no-confidence may be moved by any member of a Zilla Parishad against the Adhyaksha or the Upadhyaksha after giving such notice thereof as may be prescribed.</p>	

(2) If the motion is carried by a majority of not less than two thirds of the total number of members of the Zilla Parishad, the Adhyaksha or the Up-Adhyaksha, as the case may be, shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier.

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

157. (1) An Officer of the rank of the Deputy Commissioner shall be the Chief Executive Officer of the Zilla Parishad who shall be appointed by the Administrator.

Staff of Zilla Parishad.

(2) The Administrator may appoint an Additional Chief Executive Officer for the Zilla Parishad on such terms and conditions as may be prescribed.

(3) The Administrator shall also appoint a Chief Accounts officer and a Chief Planning Officer for each Zilla Parishad.

(4) The Government shall post from time to time in every Zilla Parishad such number of Officers of Group 'A' and 'B' Services of the Andaman and Nicobar Administration (including any Officers appointed to such service from amongst persons employed by the existing local authority) and officers of an All India Services allocated to serve under the Andaman and Nicobar Administration as the Administrator considers necessary.

(5) Notwithstanding anything contained in this Regulation or any other law for the time being in force the Administrator or any other Officer or other authority authorized by him in this behalf shall have power to effect transfer of the officers and officials so posted from one District to another District and to the Andaman and Nicobar Administration.

(6) The Administrator may constitute such services for the Zilla Parishad as may be prescribed.

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

Functions of the Chief Executive Officer and other officer.

a) carry out the policies and directions of the Zilla Parishad and take necessary measures for the speedy execution of all works and developmental schemes of the Zilla Parishad;

b) discharge the duties imposed upon him, by or under this Regulation or the rules and bye-laws made thereunder;

c) control the officers and servants of the Zilla Parishad subject to the general superintendence and control of the Adhyaksha and such rules as may be prescribed;

d) have custody of all papers and documents relating to the Zilla Parishad; and

e) draw and disburse monies out of the Zilla Parishad Fund and exercise such other powers and perform such other functions as may be prescribed.

2) The Chief Executive Officer shall attend every meeting of the Zilla Parishad and may take part in the discussion but shall not have the right to move any resolution or to vote. If in the opinion of the Chief Executive Officer any proposal before the

Zilla Parishad is violative of or inconsistent with the provisions of this Regulation or any other law, rules or orders made thereunder, it shall be his duty to bring the same to the notice of the Zilla Parishad.

3) The Chief Accounts Officer shall advise the Zilla Parishad in matters of Financial policy and shall be responsible for all matters relating to the accounts of the Zilla Parishad including preparation of annual accounts and the budget.

4) The Chief Accounts Officer shall ensure that no expenditure is incurred except under proper sanction and in accordance with this Regulation and the rules and bye laws thereunder and shall disallow any expenditure not warranted by this Regulation or rules and bye-laws or for which no provision is made in the budget.

5) The additional Chief Executive Officer shall assist the Chief Executive Officer in the performance of his duties.

6) The Chief Planning Officer shall advise the Zilla Parishad in matters of plan formulation and shall be responsible for all matters relating to planning of the Zilla Parishad including the preparation of plans economic development and social justice and annual plans of the district.

Right
requisition
records.

to 159. (1) Every person in possession of moneys, accounts, records or other property pertaining to a gram Panchayat or Panchayat Samiti or Zilla Parishad shall on the requisition in writing of the Chief Executive Officer for this purpose, forthwith hand over such monies or deliver up such accounts, records or other property to the Chief Executive Officer the person authorized in the requisition to receive the same.

(2) The Chief Executive Officer may also take steps to recover any more due by such person in the same manner and subject to the provisions contained in chapter IX of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966 for the recovery of the arrears of the land revenue from defaulters; and for the purpose of recovering the accounts, records or other property pertaining to the Gram Panchayat or Panchayat Samiti or Zilla Panchayat may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a magistrate under the provisions of chapter VII of the Code of Criminal Procedure.

Meetings of Zilla
Parishad.

160. (1) The time and place of meeting of the Zilla Parishad and the procedure to be followed at such meeting shall be such as may be prescribed.

(2) A member of the Zilla Parishad may, at any meeting, move any resolution and put questions to the Adhyaksha or the Up-Adhyaksha on matters connected with the administration of the Zilla Parishad in the manner prescribed.

(3) No resolution of the Zilla Parishad shall be modified, amended varied or cancelled by the Zilla Parishad 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 Zilla Parishad.

161 (1) Subject to such control and restrictions as may be prescribed, the Zilla Parishad may appoint standing committees for exercising such of its powers and discharging such of its duties and functions as it may specify.

Standing
Committee

(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.

	<p>162. No act or proceedings of the Zilla Parishad or of any standing committee thereof shall be deemed to be invalid by reason only of the existence of any vacancy or defect in the constitution of the Zilla Parishad or the committee or of any infirmity in its proceedings.</p>	Proceedings not to Invalid
	<p>163(1) The Zilla Parishad shall have such powers and authority as the Administrator may, by order, specify, so as to enable it to function as an institution of self Government with respect to the preparation of plans for economic development and social justice and the implementation of schemes for economic development and social justice in relation to the matters listed in the sixth Schedule.</p> <p>(2) The Zilla Parishad may also make provision for carrying out within the area as the district any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well being of the residents of the district.</p>	Duties and functions
	<p>164(1) The Zilla Parishad in respect of all roads, streets, bridges, culverts and other properties placed by the Administrator under sub-section (1) of section 169 under its direction, management and control, may do all things necessary for the maintenance and repair thereof and in particular, may-</p> <p>(a) widen, open, enlarge or otherwise improve any such road bridge or culvert and plant and preserves trees on the side of such roads;</p> <p>(b) deepen or otherwise improve any water-course and other property mentioned in clause (c) of sub section(1) of section 169 ; and</p> <p>(c) cut any hedge or branch of any tree projecting on any such public road or street.</p> <p>(2) The Zilla Parishad shall also have control of all roads, streets, waterway, bridges and culverts (which are situated within its jurisdiction, not being 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-</p> <p>(a) lay out and make new roads, and</p> <p>(b) construct new bridges and culverts.</p>	Control of Zilla Parishad on certain Properties.
Transfer of any work or institution to the Zilla Parishad.	<p>165. The Administrator, may entrust to the Zilla Parishad the execution maintenance or repair of any work or the management of any institution on behalf of the Government of any local authority:</p> <p>Provided that the funds necessary for the execution, maintenance or repair of the work or the management of such institution shall be placed at the disposal of the Zilla Parishad by the Government or such local authority.</p>	
Execution of contracts.	<p>166. Every contract or agreement entered into by a Zilla Parishad shall be in writing and shall be signed by the Adhyaksha and by two other members of the Zilla Parishad and sealed with the common seal of Zilla Parishad.</p>	
Constitution Parishad	<p>167. A fund to be called the Andaman and Nicobar Islands Zilla Parishad Fund hereinafter referred to as, the Zilla Parishad Fund shall be constituted for crediting the following monies by or on behalf of the Zilla Parishad and also for withdrawal of such monies there from, namely:-</p>	

- (i) the proceeds of any tax or fee imposed by or under section 170;
- (ii) the contributions made by the Government or any local authority or person;
- (iii) all sums ordered by any authority or court to be credited to the Zilla Parishad Fund;
- (iv) the income from securities in which the Zilla Parishad funds is invested;
- (v) all sums received by way of loans or gifts;
- (vi) the income derived from fisheries under the management of the Zilla Parishad;
- (vii) the income from or any proceeds of any property of the Zilla Parishad;
- (viii) Sums assigned to the Zilla Parishad Funds by any general or special order of the Government;
- (ix) all sums received in aid of or for expenditure on any institution or service, maintained or financed from the Zilla Parishad Fund or managed by the Zilla Parishad.
- (x) grant-in-aid from the consolidated Fund of India.

Grants. 168. The Administrator may, subject to such conditions as he may deem fit, make grants to the Zilla Parishad for general purposes or for the improvement of the district and the welfare of residents therein.

Properties vested in the Zilla Parishad. 169. (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 Zilla Parishad, under the direction, management and control of the Zilla Parishad, namely:-

- (a) open sites, vacant and grazing land; 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 spring, reservoirs, cisterns, 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) sewerage, rubbish and offensive matters deposited on streets or collected by the Panchayat from streets, latrines, urinals, sewers, cesspools and other places; and
- (f) public lamps, lamps posts and apparatus connected within 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 Zilla Parishad and all dues levied or imposed in respect thereof shall be credited to the Zilla Parishad Fund.

170. (1) The Zilla Parishad shall levy, collect, assess and appropriate the following taxes, duties, tolls, cess and fees in accordance with the procedure and subject to such limits as may be prescribed, namely:-

- (a) Tax on lands and buildings within its local limits;
- (b) Tax on professions, trades, callings and employments carried on or held within the local limits of its jurisdiction on the basis of the total annual income accrued from such professions, trades, callings and employments.

(2) Subject to such rules as may be made in this behalf the Zilla Parishad shall levy:-

- (a) on all transfers of immovable property situated within the local limits of the village a duty in the shape of an additional stamp duty; and
- (b) a duty in the shape of an additional stamp duty on all payments for admission to any entertainment.

Taxes which may be imposed.

(3) subject to such maximum rates and the Administrator may prescribe, the Zilla Parishad may levy the following fees, cess and rates, namely:-

- (a) fees on the registration of vehicles;
- (b) fees for providing sanitary arrangement at such places of worship or pilgrimage, fair and meals within its jurisdiction;
- (c) cess on education;
- (d) water rate, where arrangement for the supply of water for drinking irrigation or any purpose is made by the Zilla Parishad within the jurisdiction;
- (e) lighting rate, where arrangement for lighting of public streets and places is made may the Zilla Parishad within its jurisdiction;
- (f) conservancy rate, where arrangement for clearing private latrine, urinals and cesspool, compounds attached to dwelling areas is made by the Zilla Parishad within the jurisdiction;

171. Any person aggrieved by the assessment, levy or imposition of any tax or fee under section 128 or 170 may appeal to the Deputy 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. 172. The Deputy Commissioner, may by notification in the Official Gazette suspend the levy or imposition of any tax or fee under section 128 or 170 and may at any time in like manner rescind such suspension.

Lease of markets etc. 173. It shall be lawful for the Zilla Parishad 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 170:

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. 174(1) When any tax or fee or other sum due to the Zilla Parishad has become payable, the Zilla Parishad 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 such 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 the date of such notice, the Zilla Parishad may apply to the Tehsildar concerned for its recovery as arrears of land revenue.

Accounts 175. Every Zilla Parishad shall maintain accounts of its receipts and expenditure in such form as may be prescribed.

Budget 176 (1) Every Zilla Parishad 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 year and submit it to the Administrator.

(2) The Administrator may, within such period as may be prescribed, either approve the budget or return it to the Zilla Parishad for such modifications as he may direct.

(3) If any modifications are made under sub-section(2), the budget shall be resubmitted within such period as may be specified.

(4) No expenditure shall be incurred unless the budget is approved by the Administrator.

Audit 177(1) The accounts of every Zilla Parishad shall be audited annually in such manner as may be prescribed .

(2) The audit shall be carried out by the Deputy Commissioner or such other officer as the Chief Secretary of the Union Territory may appoint in this behalf, and the Deputy Commissioner or such other officer shall, within one month of the completion of the audit, forward copies of the audit report to the Chief Secretary and the Zilla Parishad.

(3) The Chief Secretary of the Union Territory may after considering the reports and after making such further enquiry as he may consider necessary, disallow any item which appears to him contrary to law and surcharge the same on the person making or authorizing the illegal payment, and shall-

(a) if such person is a member of the Zilla Parishad, proceed against him in the manner specified in sub-section (2) and (3) of section 182; and

(b) if such person is not a member of the Zilla Parishad, obtain the explanation of the person and direct such person to pay to the Zilla Parishad the amount surcharged within a specified period; and if the amount is not paid within the specified period, the Chief Secretary of the Union Territory shall cause it to be recovered as the arrears of land revenue and credit it to the Zilla Parishad Fund.

(c) Any person aggrieved by an order of the Chief Secretary of the Union Territory under sub-section(3) may, within thirty days of the day of the order, prefer an appeal to the Administrator whose decision on such appeal shall be final.

178(1) The Zilla Parishad shall submit annually to the Chief Secretary of the Union Territory, a report on the administration of the Zilla Parishad for the previous year.

Administration report.

(2) The report shall be prepared by the Adhyaksha and after it is approved by the Zilla Parishad, it shall be forwarded to the Chief Secretary of the Union Territory with a copy of the resolution of the Zilla Parishad thereon.

179. The Administrator or any other officer appointed by him in this behalf shall have power –

Power to call for proceedings etc.

(a) to call for-

(i) any extract from the proceedings of the Zilla Parishad or any books, records, correspondence or documents in the possession or under the control of the Zilla Parishad;

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

(b) to require a Zilla Parishad to take into consideration--

(i) any objection which appears to the Administrator or any other officer authorized by him in this behalf to exist due to the doing of any thing which is about to be or is being done by the Zilla Parishad ; or

(ii) any information which the Administrator or any other officer authorized by him in this behalf is able to furnish and to necessitate the doing of a certain thing by the Zilla Parishad and required it to make written reply to him within a reasonable time, stating its reasons from not desisting from doing such things.

180. If, at any time, it, appears to the Administrator or any other officer appointed by him in this behalf that a Zilla Parishad 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

Default in performance of duty in Zilla Parishad .

duty. If the duty is not performed within the period so fixed, the Administrator or any other officer appointed by him in this behalf may appoint any person to perform it, and direct that the expenses of the performance of the duty shall be paid by the defaulting Zilla Parishad within such period as the Administrator or any other officer appointed by him in this behalf may think fit.

Suspension of Execution of order on resolution of Zilla Parishad. 181. (1) If, in the opinion of the Administrator or any officer appointed by him in this behalf the execution of any order or resolution of the Zilla Parishad or the doing of anything which is about to or is being done by or on behalf of Zilla Parishad is causing or likely to cause injury or annoyance to the public or lead to a breach of the peace or is unlawful, he may, by order in writing, suspend the execution or prohibit the doing thereof.

(2) When the Administrator or any other officer appointed by him makes an order under sub-section(1) he shall forthwith send to Zilla Parishad affected thereby a copy of the order together with a statement of the reasons for making it.

(3) Thereafter the Administrator or such other officers as so authorized by him may, after giving such notice to the Zilla Parishad as he deems fit, rescind, modify or confirm the order.

Liability of members for loss or waste or misapplication 182(1) Every member of the Zilla Parishad shall be personally liable for the loss, waste or misapplication of any money or other property of the Zilla Parishad to which he has been a party or which has been caused or facilitated by his misconduct or willful 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 Chief Secretary of the Union Territory is satisfied that the loss, waste or misapplication of any money or other property of the Zilla Parishad is a direct consequence of misconduct or wilfully neglect on the part of such member, he shall, by order in writing, direct such member to pay to the Zilla Parishad before a fixed date, the amount required to be reimbursed to it for such loss, waste or misapplication:

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

(3) If the amount is not so paid, the Chief Secretary of the Union Territory shall recover it as an arrear of land revenue and credit it to the Zilla Parishad Fund.

(4) An order, of the Chief Secretary of the Union Territory shall be subject an appeal to the Administrator if made within thirty days of the date of the order and the Administrator may, after making such inquiry as he may deem necessary and after hearing the appellant, rescind or vary or confirm the order.

Dissolution of Zilla Parishad. 183 (1) If in the opinion of the Administrator, the Zilla Parishad.-
(a) exceeds or abuses its powers; or
(b) is incompetent to perform, or makes willful 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 made under sub-section(2) of section 181, the Administrator may, by order published in the Official Gazette, dissolve the Zilla Parishad and direct that it shall be reconstituted in the manner provided in this Regulation.

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

(3) If a Zilla Parishad is dissolved under sub-section (1) the following consequences shall ensure, namely:-

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

(b) all powers and duties of the Zilla Parishad shall, during the period of dissolution of the Zilla Parishad, be exercised and performed by such person or persons appointed by the Administrator in this behalf;

(c) The standing committees of the Zilla Parishad shall be deemed to have been dissolved and all the members of the Zilla Parishad shall vacate office as from the date of its dissolution.

(4) An election to reconstitute a Zilla Parishad after such dissolution, shall be completed before the expiry of a period of six months from the date of its dissolution.

184(1) The Administrator may, by notification in the Official Gazette delegate to any officer of authority or authority subordinate, to him, any of the powers conferred on him or any officer subordinate to him by this Regulation, other than the power to make rules to be exercised, subject to such restrictions and conditions as may be specified in the notification.

Delegation of powers

(2) The Administrator may by notification in the Official Gazette authorize the Chief Executive Officer to be exercise subject to such restrictions and conditions as may be specified in the notification all or any of the powers exercisable by and to perform the functions of the Deputy Commissioner under this Regulation.

CHAPTER XII ELECTION COMMISSION AND FINANCE COMMISSION

185(1) The President may appoint an Election Commission consisting of an Election Commissioner in whom the superintendence, direction and control of the preparation of electoral rolls for and the conduct of all elections of the Gram Panchayats, Panchayat Samitis and the Zilla Parishad in the Union Territory of Andaman and Nicobar Islands shall be vested.

Election Commission.

(2) Subject to the provisions of any law the conditions of service and the tenure of office of the Election Commission shall be such as the President may by rule determine:

Provided that the Election Commission shall not be removed from his office except in a like manner and on the like grounds as a judge of a High Court and the conditions of service of the Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) 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).

(4) Without prejudice to the provisions of sub-section (1) the President may appoint the Election Commission appointed under sub-section(1) for the purposes of superintendence, direction and control of the preparation of electoral rolls for the

(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 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 so much evidences, oral or documentary, as he may consider necessary.

(2) an order for the payment of costs, or an order for the realization of a security bond for costs passed by the District Judge, shall be executed in the same manner as if the amount to be recovered was arrears of land revenue.

189 (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 causal 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 causal vacancy to have arisen, he shall direct the Election Commission to take proceedings for filling the vacancy.

Findings of District Judge

Avoidance of Election

190 (1) Notwithstanding anything contained in section 189 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 candidates declared elected who has not already been made a party to the case, calling upto such candidate to show cause why such conditional order should not be made final.

(2) Thereupon every such candidate may appear and show cause, and may recall for the purpose of putting question 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.

Disqualification for corrupt or illegal practice

191. The District Judge may declare any candidate found to have committed any corrupt practice to be ineligible for being a member of a Gram Sabha 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 Gram Sabha for such period not exceeding five years as the District Judge may determine.

Bar to interference by Courts in electoral matters

192(1) Notwithstanding anything contained in this Regulation, the validity of any law relating to delimitation of constituencies or allotment of seats in such constituencies made or purporting to be made under this Regulation shall not be called in question in any court.

(2) Save as otherwise provided in Section 187, 188, 189, 190 and 191 no civil court shall have jurisdiction to question the legality or validity of any action taken or decision given by the Election Commissioner or the Chief Secretary or the Deputy Commissioner in connection with the conduct of elections under this Regulation.

Power to enter.

193 The Assistant commissioner in the case of Gram Panchayat and Deputy Commissioner in the case of Panchayat Samiti and Zilla Parishad may authorize any of his officers, to enter in and inspect or cause to be entered and inspected any immovable property occupied by any Gram Panchayat or Panchayat Samiti or Zilla Parishad or any work in progress under the direction of such Gram Panchayat, Panchayat Samiti or Zilla Parishad as the case may be.

194 (1) No action shall lie against any member, officer, servant or agent of a Gram Panchayat or a Nyaya Panchayat or Panchayat Samiti or Zilla Parishad acting under the direction of such Gram Panchayat or Nyaya Panchayat or a Panchayat Samiti or Zilla Parishad action in respect of anything done in good faith under this Regulation or any rule or bye-law made thereunder.

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

(2) The provisions of the Judicial Officer's Protection Act, 1850 shall apply to the members of the Nyaya Panchayat.

(3) No action shall be brought against any Panchayat or a Panchayat Samiti or a Nyaya Panchayat or a Zilla Parishad or a Pradhan or Up-Pradhan or Sarpanch or Up-Sarpanch, Pramukh or Up-Pramukh or Adhyaksha or Upadhyaksha or any of their members, officers servants or agents for anything done or purporting to be done under this Regulations and the Rules and bye-laws framed thereunder until the expiration of two months next after notice in writing has been left or delivered at the office of such Panchayat or Nyaya Panchayat or Panchayat Samiti or Zilla Parishad and also at the residence of such of their members, officers, servants or agents against action is intended to be brought. The notice shall state the case of action, the nature of the relief sought the amount of compensation, if any, claimed and the name and place of abode of the person who intends to bring the action.

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

195. Every member of a Gram Panchayat or a Nyaya Panchayat or Panchayat Samiti or Zilla Parishad and every officer and servant maintained by or employed under a Gram Panchayat or a Nyaya Panchayat or a Panchayat Samiti or Zilla Parishad shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Members etc. of Panchayat etc. to be public servant.

196. No member of a Gram Panchayat or a Nyaya Panchayat or a Panchayat Samiti or a Zilla Parishad or any of their officers 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.

197. Every Police Office shall give immediate information to the Gram Panchayat, Nyaya Panchayat, Panchayat Samiti and Zilla Parishad of an offence coming to his knowledge which has been committed against this Regulation or any rules or bye-laws made thereunder and shall assist all members and servants of the Panchayat; the Nyaya Panchayat, Panchayat Samiti and Zilla Parishad in the exercise of their lawful authority.

Powers and duties of Police in respect of offences and assistance to Panchayats.

198. Every Gram Panchayat, Nyaya Panchayat, Panchayat Samiti and Zilla Parishad shall classify and preserve its records in the manner prescribed.

Classification and reservation of records.

Inspection and copies or records.

199. Every Gram Panchayat, Nyaya Panchayat, Panchayat Samiti and Zilla Parishad 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.

Court fees Act not applicable.

200. The provisions of the Court Fee Act, 1870 shall not apply to any proceedings before a Nyaya Panchayat.

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Removal of difficulties.

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

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

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

Power to make rules.

202 (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 forgoing power, such rules may provide for —

- (a) the manner in which assets and liabilities of a Gram Sabha which has ceased to exist shall be disposed of under sub-section (3) of section 6;
- (b) the preparation, revision and publication of electoral rolls of members of a gram Sabha and the particulars which it shall contain and the manner in which it shall be revised under section 8;
- (c) the meetings of the Gram Sabha and notice of such meetings under sub-section (3) of section 9;
- (d) the manner in which the seats allotted to Scheduled Tribes shall be rotated between different constituencies under sub-section(5) of section 11;
- (e) the manner in which seats reserved for women shall be rotated amongst different constituencies under sub-section (7) of section 11;
- (f) the manner in which the offices of Pradhan reserved for the Scheduled Tribes and women shall be rotated amongst different Gram Panchayats under sub-section (9) of section 11;
- (g) the period for which notice is required to be given for moving a no-confidence motion under sub-section (1) of section 21;
- (h) the period for which notice is required to be given for moving a no-confidence motion against the Up-Pradhan under sub-section (1) of section 22;
- (i) the terms and conditions of service of the Secretary and other officers and servants under sub-section (5) of section 24;
- (j) the time and place of meetings of Gram Panchayat and the procedure to be followed at such meetings under sub-section(1) of section 25;
- (k) the produce for moving resolutions and putting questions under sub-section (2) of section 25;
- (l) the controls and restrictions subject to which a Gram Panchayat may appoint Committees under sub-section (1) of section 26;
- (m) the reasons for and the manner in which committees may be dissolved or re-constituted under sub-section (2) of section 26;
- (n) the conditions subject to which the Administrator may entrust to the Gram Panchayat the functions and duties of collecting land revenue and other dues recoverable as arrears of land revenue under sub-section (1) of section 31;
- (o) the custody in which the Gram Fund shall be kept under sub-section (3) of section 34;
- (p) the manner in which the taxes and fees shall be assessed and realized under sub-section (2) of section 37;
- (q) the form in which the demand notice shall be sent under sub-section (1) of section 41;
- (r) the manner in which a demand notice shall be served under sub section (2) of section 41;

- (s) the form in which account of receipts and expenditure shall be maintained under section 42;
- (t) the time at which and the manner in which budget shall be prepared by the Gram Panchayat under sub-section (1) of section 43;
- (u) the period within which the Zilla Parishad may approve or return the budget under sub-section(2) of section 43;
- (v) the period within which the budget has to be re-submitted to the Zilla Parishad under sub-section (3) of section 43;
- (w) the period within which the Zilla Parishad has to approve the budget under sub-section(1) of section 43;
- (x) the manner in which accounts of a Gram Panchayat shall be audited under sub-section (1) of section 44;
- (y) such other duties which may be performed by the Secretary under section 57;
- (z) regulating the conduct, distribution of business and proceedings before a Nyaya Panchayat times and places of sittings of the Nyaya Panchayat and any other matter necessary for the proper and efficient conduct of proceedings before Nyaya Panchayat under section 77;
- (aa) the fees to be paid for the institution of a suit or case before the Nyaya Panchayat under sub-section (1) of section 78;
- (ab) the register in which substance of a case instituted orally shall be recorded under sub-section (2) of section 78;
- (ac) the form in which summons shall be served under section 82;
- (ad) the manner in which summons shall be served under section 84;
- (ae) the register in which the substance of a case has to be recorded before the Nyaya Panchayat can pass a sentence under sub-section (2) of section 87;
- (af) the register in which the Nyaya Panchayat shall record the satisfaction of decrees or adjustments under section 101;
- (ag) the register in which the amount realized shall be entered under section 104;
- (ah)the form in which and a date before which a Nyaya Panchayat shall submit its annual report under section 105;
- (ai) the period for which Pradhans shall be rotated under clause (a) of sub-section (3) of section 107;
- (aj) the manner in which offices reserved for Scheduled Tribes and women shall be rotated under sub-section (5) of section 112;
- (ak) the notice for moving a motion of no-confidence against Pramukh or Upapramukh under sub-section (1) of section 117;
- (al) the time and place of meetings of the Panchayat Samitis and the procedure for such meetings under Sub-section (1) of section 121;
- (am) the manner in which a member of Panchayat Samiti may move resolutions and put questions to Pramukh or Up-Pramukh under sub-section (2) of section 121;
- (an) the controls and restrictions subject to which a Panchayat Samiti may appoint committees under sub-section (1) of section 122;
- (ao) the reasons for which committees may be dissolved and the manner in which committees may be reconstituted under sub-section (2) of section 122;
- (ap) the custody in which a Panchayat Samiti Fund shall be kept under sub-section (3) of section 127;
- (aq) the procedure and limits subject to which taxes, duties, tolls, cess and fees shall be levied under sub-section (1) of section 128.
- (ar) the form in which demand notice shall be sent under sub-section (1) of section 132;
- (as) the manner in which notice of demand shall be served under sub-section (2) of section 132;

- (at) the manner in which accounts of receipts and expenditure shall be maintained under section 133;
- (au) the time and manner in which the Panchayat Samitis shall prepare the budget under sub-section (1) of section 134;
- (av) the period within which the budget shall be resubmitted under sub-section (3) of section 134;
- (aw) the period within which and manner in which supplementary estimate shall be prepared under sub-section(5) of section 134;
- (ax) the manner in which accounts of the Panchayat Samitis shall be audited under sub-section (1) of section 135;
- (ay) the notice for moving a no-confidence motion under sub-section(1) of section 156;
- (az) the terms and conditions of the Additional Chief Executive Officer appointed under sub-section (2) of section 157;
- (ba) the constitution of services under sub-section (6) of section 157.
- (bb) such other functions and powers which the Chief Executive Officer may exercise under clause (e) of sub-section (1) of section 158;
- (bc) the time and place of meetings of the Zilla Parishad and the procedure to be followed at such meetings under sub-section (1) of section 160;
- (bd) the manner in which questions may be put and resolutions may be moved before the Zilla Parishad under sub-section (2) of section 160;
- (be) the manner in which committees may be dissolved or re-constituted under sub-section (2) of section 161;
- (bf) the procedure and limits subject to which taxes may be levied under sub-section(1) of section 170.
- (bg) the conditions subject to which the Zilla Parishad may levy duties and fees under sub-section(2) of section 170;
- (bh) the form in which demand notice shall be given under sub-section (1) of section 174;
- (bi) the manner in which a notice of demand may be served under sub-section (2) of section 174;
- (bj) the form in which the Zilla Parishad shall maintain accounts of its receipts and expenditure under section 175;
- (bk) the time and manner in which budget may be prepared under section 176;
- (bl) the period within which the Administrator may approve or return the budget under sub-section (2) of section 176;
- (bm) the period within which the budget shall be returned for the approval of the Administrator under sub-section (3) of section 176;
- (bn) the time and manner in which the supplementary budget may be submitted to the Administrator for approval under sub-section (5) of section 176;
- (bo) the manner in which the accounts of the Zilla Parishad shall be audited under section 177;
- (bp) the manner in which records shall be classified and preserved under section 198;
- (bq) the fee to be paid for inspection of records and grant of certified copies under section 199;
- (br) any other matter which is required to be or may be prescribed;

Powers to make rules.

203 (1) Subject to the provisions of this Regulation and the Rules made thereunder, the Deputy Commissioner may frame bye laws:-

- (a) to prohibit the removal or use of water for drinking purpose from any source which is likely to cause danger to health;
- (b) to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river pond, tank, well or any other place;
- (c) to prevent damage to public streets;

- (d) to regulate sanitation, conservancy and drainage in the area of the Gram;
 - (e) to prohibit or regulate the use of public streets or other public place by shopkeepers;
 - (f) to regulate the manner in which tanks, ponds and cess pools, pasture lands, play grounds, manure pits, land for disposal for dead bodies and bathing places shall be maintained and used; and
- (2) Any bye-laws made under sub-section (1) may provide that a contravention thereof shall be punishable with fine which may extend to rupees ten and in the case of a continuing contravention with the fine which may extend to Rupees two for each day during which the contravention continues.

204. Every rules and every bye-laws 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 as aforesaid Both Houses agree for making any modification in the rule or bye law or both houses agree that the rule or bye law should not be made, the rule or bye law shall thereafter have effect only in unmodified form or be of no effect as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or bye-law.

Laying of rules
before
Parliament

205(1). The Andaman and Nicobar Islands(Gram Panchayats) Regulation, is hereby repealed.

Repeal and
savings No. 4 of
1961

(2) the repeal of the said Regulation shall not affect,-

- (a) The previous operations of the said Regulation or anything duly done or suffered thereunder, or
- (b) Any right, privilege, obligation or liability , acquired , accrued or incurred under the said Regulation.
- (c) Any penalty, forfeiture or punishment incurred in respect of such right, privilege, obligation, liability, forfeiture of punishment as aforesaid, and 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 promulgated.
- (d) Any investigation , legal proceeding or remedy in respect of such right, privilege, obligation , liability forfeiture of punishment as aforesaid and 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 promulgated.

THE FIRST SCHEDULE

(See SECTIONS 19, 54, 115 and 153)

I.....having been elected as Member/Pradhan/Upapradhan/Pramukh/Upapramukh/.....Adhyaksha/Upadhyaksha/Sarpanch/Upsarpanch.....Panchayat/Nyaya Panchayat/Panchayat Samiti/ Zilla Parishad 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 judgement without fear or favour or ill will.

THE SECOND SCHEDULE

[See SECTION 28(1)]

Matters in respect of which Gram Panchayat will have the authority so as to enable it to functions as an Institution of self Government in respect of the preparation of plans for economic and social justice.

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 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, establishing and maintaining public hospitals and dispensaries providing public relief;
- (e) regulation by licensing or otherwise of tea, coffee, and milk shops;
- (f) provisions, maintenance and regulation of burning;
- (g) ensuring systematic disposal of carcasses, provision of definite place for the purpose and other means for the disposal of unclaimed corps and carcasses;
- (h) construction and maintenance of public latrines;
- (i) Taking of measures to prevent the out break, spread and recurrence of any infectious diseases;
- (j) Reclaiming of unhealth localities;
- (k) Removal or rubbish heaps, jungle growth, the filling in of disused wells in sanitary 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 cattles and dogs;
- (p) Regulating, checking and abating of offensive of dangerous trade or practices;
- (q) Watering public streets and places;
- (r) Cleaning public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such places are vested in the Panchayat or not removing the noxious vegetation and abating all public nuisances;
- (s) Extinguishing fires, and protecting life and property when fires occur;
- (t) Removing obstruction 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 space are vested in the Panchayat or belong to Government;
- (u) Securing or removing dangerous buildings or places;
- (v) Constructing, altering and maintaining public streets , culverts Panchayat boundary marks, markets, slaughter houses, privates, urinals, drains, sewers, drainage works, sewerage works baths, washing places, drinking fountains, tanks wells, dams and the like;

- (w) Obtaining a supply of an 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 and the contingent expenditure account of such police or guards as may be required by the Panchayats for the purposes of this Act or for the protection of any Panchayat property;
- (y) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the Panchayat.

2. In the sphere of public works ---

- (a) 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 Panchayat or belong to Government;
- (b) construction, maintenance and repair of public roads , drains, bunds and bridges:

Provided that if the roads, drains, bunds and bridges vest in any other public authority, 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 Panchayat or of Government buildings under the control of the Panchayat, grazing lands, and tanks and wells (other than tanks and wells for irrigation);
- (d) lighting of the village;
- (e) control of fairs, bazaars, tanga-stand and car stands;
- (f) construction and maintenance or control of slaughter houses;
- (g) planting of trees in market places and other public places and their maintenance or preservation;
- (h) construction and maintenance of Dharmashalas;
- (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 Panchayat;
- (l) Establishment, control and management of cattle ponds;
- (m) Establishment and maintenance of works for the provisions of employment particularly in times of scarcity;
- (n) Extension of village sites and the regulation of building and housing schemes in accordance with such principles as may be prescribed;
- (o) Construction and maintenance of buildings for warehouses, shops, purchasing centers and such others;
- (p) Construction and maintenance of buildings for common use and of buildings necessary for development activities.

3. In the sphere of Education and Culture –

- (a) visit 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 schools, adult and non-formal centers and pre-primary and early childhood care and educational centers;
- (d) Construction and repair work of educational institutions entrusted to the Gram Panchayat;
- (e) Submission of reports on regularity of students, teachers attendance and school functioning;
- (f) Framing of the school calendar under the guidance of the Zilla Parishad.

4. In the sphere of self-defence and village defence--

- (a) watch and ward of the village and of crops therein and rising volunteer organization or organizations of any other kind, encouraging and assisting such organizations;
- (b) providing for training facilities to the youth of the gram for the purpose of self-defence and village defence and assisting such training that may be organized 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 gram accompanied by the provision of employment to the unemployed or under employed resident thereof;
- (d) Preparation of budget, collection and maintenance of accounts, custody and utilization of funds, assessment and collection taxes and maintenance of an Account Code;
- (e) Use of assistance given by the Central or State Government for any purpose of the village;
- (f) Making independent surveys of the gram or assisting such survey undertaken by the Central or State Government.
- (g) Recruitment, training and management of staff to be employed by Panchayat.
- (h) Control of cattle stands, thrashing floors, grazing grounds and community lands;
- (i) Establishment maintenance and regulation of fairs, pilgrimages and festivals ;
- (j) Reporting to proper authorities complaints which are not removable by the Panchayat;
- (k) Preparation, maintenance and upkeep of the Panchayat records.
- (l) Registration of births, deaths and marriages in such manner and in such forms as may be laid down by the State Government 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 the sick;
- (b) assistance to the residence when any natural calamity occurs;
- (c) organizing, encouraging and assisting co-operative activities in the economic and social fields;
- (d) propagation of family planning;
- (e) organizing voluntary labour for community works and work for the upliftment of the village;
- (f) opening fair-prize shops.

7. In the sphere of agriculture, preservation of forest and pasture lands--

- (a) planned improvement of agriculture;
- (b) securing minimum standards of cultivation in the gram with a view to increasing agricultural production;
- (c) ensuring conservation of natural resources, preparing composts 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 cooperative farming;
- (g) crop-protection and crop- experiments;
- (h) minor irrigation, construction and maintenance of filled channels and distribution of water; treatment of drainage lines by dugouts with vegetative drains, loose boulder dams, filter steps and other measure 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) the general care of live stock;
- (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 gram;
- (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 organization, management and development of cottage industries on a cooperative basis.

10. Subject to the conditions of section 35 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 Section 65)

OFFENCES TRIABLE BY A NYAYA PANCHAYAT

(Under The Indian Penal Code , 1960)

Section	Brief description.
140	Wearing false uniforms.
160	Affray.
172	Absconding to avoid service of summons or other proceeding.
174	Non -attendance in obedience to an order from public servant.
179	Refusing to answer public servant authorized to question.
277	Fouling water of public spring or reservoir.

285	Negligent conduct with respect of fire or combustible matter.
289	Negligent conduct with respect to animals.
290	Public nuisance in cases not otherwise provided for.
294	Obscene acts and songs.
323	Voluntarily causing hurts.
334	Voluntarily causing hurt on provocation.
341	Wrongful restraint.
352	Assault or criminal force otherwise than on grave provocation.
357	Assault or criminal force in attempt wrongfully to confine a person.
358	Assault or criminal force on grave provocation.
374	Unlawful compulsory labour.
379	Theft where the value of the subject matter does not exceed Rs.50.
403	Dishonest misappropriation of property where the value of subject matter does not exceed Rs.50
411	Dishonestly receiving stolen property where the value of the subject matter does not exceed Rs.50.
420	Mischief.
428	Mischief by killing or maiming cattle , etc. of any value or any animal of the value of ten rupees.
430	Mischief by injury to works of irrigation or wrongfully diverting public water.
447	Criminal trespass.
448	House trespass.
504	Intentional insult with the intent to provoke breach of peace.
505	Criminal intimidation.
503	Words, gesture, or act intended to insult the modesty of a woman
510	Misconduct in public by a drunken person.

UNDER THE CATTLE TRESPASS ACT, 1871

24	Forcibly opposing the seizure of Cattle or rescuing the same.
26	Causing damage by cattle to land crop and public road.

UNDER THIS REGULATION OR THE RULES AND BYE-LAWS FRAMED THEREUNDER;

Any offence under this Regulation or any rule or bye-laws framed thereunder.

UNDER ANY OTHER ENACTMENTS;

Any such compoundable offence as may by notification be declared by the Administrator, to be cognizable by a Nyaya Panchayat.

THE FOURTH SCHEDULE

[See Section 69(1)]

OFFENCES AND MAXIMUM PENALTIES

- (a) Under the Indian Penal Code for the offences specified in the Third Schedule, fine not exceeding Rs.25/-.
- (b) Under the cattle trespass Act, 1871 for the offences specified in the Third Schedule, fine not exceeding Rs. 10/-
- (c) Under this Regulation or the rules or bye-laws framed thereunder – fine not exceeding Rs. 10/-

THE FIFTH SCHEDULE
[See Section 124(1)]

**MATTERS IN RESPECT OF WHICH A PANCHAYAT SAMITI
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 and supervision of stores of drugs, dispensaries, Pharmacies, maternity homes and Primary Health centers;
- (e) cultivating public 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 for help and protection to the people against epidemics.

2. In the sphere of communication

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

3. In the sphere of education and culture—

- (a) Recruitment of staff for Adult Education, Non- Formal Education, Early Childhood Care and Education programme.
- (b) Appointment of staff in schools from approved panels;
- (c) Transfer of teachers within their jurisdiction subject to guidelines;
- (d) Academic supervision of all institutions upto upper primary levels;
- (e) Delegation of powers of supervision over composite upper primary schools to the Gram Panchayat for purposes of continuity.
- (f) Preparation of budget and sanction of plans and expenditure from the Panchayat Samiti Education Budget.
- (g) Disbursement of funds to aided institutions under supervision of Zilla Parishad.
- (h) Levying of development fees and other fees to raise resources;
- (i) Raising of public contributions and donations.

4. In the sphere of social education—

To cultivate a new outlook, among the people to make themselves –
reliant, industrious and cooperation minded and especially—

- (a) establishing and maintaining information centers, community educational centers and recreation centres;
- (b) establishing institutions for rendering social service such as youth clubs, women's clubs and farmer's 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 utilizing 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 among the village community on the principle of mutual cooperation;
- (c) utilizing 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 State Government.

6. In the sphere of agriculture and irrigation—

- (a) planning for agricultural improvement in the Block;
- (b) use of land and water resources and propagation of improved agricultural methods according to the latest researches;
- (c) construction and maintenance of irrigation works in the block;
- (d) reclamation and conservation of agricultural land in the block;
- (e) maintenance of seed multiplication farms, assisting registered seed producers and distribution of seeds in the block.
- (f) Raising the production of fruits and vegetables ;
- (g) Conservation of natural resources, preparing compost manure organic manure and mixture and to arrange for making them easily available;
- (h) Promoting the use of improved agricultural implements and arranging to make them easily available.
- (i) The protection of crops, fruit 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 , by castration of stray bullocks and establishment and maintaining artificial insemination centres;
- (b) introducing improved breeds of cattle, sheep poultry etc. giving grants therefore and maintenance of small breeding centres;
- (c) controlling and checking infectious diseases;
- (d) introducing improved grass and cattle feeds and providing for their storage.
- (e) Starting and maintaining first-aid centres and veterinary dispensaries;
- (f) Providing for milk supply;
- (g) 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 popularize improved implements;
- (d) to ensure the implementation of scheme for Cottage, Village and Small scale industries run by the Khadi, Village Industries Board and other All India Association.

9. In the sphere of cooperation—

To promote the idea of cooperation in different fields of life and to organize and encourage cooperative institutions in the economic and social fields and especially—

- (a) to establish and promote the development of multipurpose cooperative societies for credit, sale industry, irrigation and agriculture;
- (b) promoting savings through thrift, small savings 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, craft 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 coordinating and assisting their activities.
- (d) propaganda for prohibition and against drug addiction.

12. In the sphere of relief—

Providing immediate relief incase of floods, fires, epidemic and other natural calamities on a small or large scale.

13. In the sphere of collection of statistics—

Collecting and coordinating statistics and may be required by the village Panchayats, taluka Panchayats or district Panchayats or by the State Government.

14. In the sphere of trusts—

Managing trusts in furtherance of the objects of any programme that may be carried out with the taluka fund.

15. In the sphere of rural housing—

Development of village sites with the cooperation of the village population and planning of rural housing;

16. In the sphere of information—

- (a) community radio listening programme;
- (b) arranging exhibition;
- (c) publications.

THE SIXTH SCHEDULE [See Section 163(1)]

MATTERS IN RESPECT OF WHICH THE ZILLA PARISHAD WILL HAVE THE AUTHORITY SO AS TO ENABLE IT TO FUNCTION AS AN INSTITUTION OF SELF GOVERNMENT.

1. In the sphere of sanitation and health--

- (a) establishment and maintenance of dispensaries;
- (b) provision and maintenance of drinking water supply,
- (c) taking necessary action or steps for improvement in public health and public amenities;
- (d) establishment and maintenance of Primary health centres;
- (e) assisting family planning;
- (f) supply of milk to children and nursing mothers in families in the low income group;
- (g) providing for training to mid-wives;
- (h) giving protection against diphtheria, whooping cough and tetanus;
- (i) establishment and maintenance of ayurvedic and homoeopathic dispensaries;
- (j) provision of medical relief through ayurvedic and homoeopathic centres;
- (k) Assisting recognized medical relief centres;
- (l) Providing for training of nurses;

2. In the sphere of public works-

- (a) construction and maintenance of road;
- (b) the planting and rearing of trees on both sides of the road;
- (c) execution of works entrusted to it by the State Government;
- (d) Supervision, repairs and preservation of building vested in the district Panchayat;
- (e) Construction and maintenance of buildings required for the activities of the district Panchayat;

3. In the sphere of education and other cultural activities-

- (a) establishment and maintenance of schools upto Secondary level, including recruitment, appointment and transfer of staff, payment of salaries and exercise of control over the staff subject to Government guideline;
- (b) exercise of control and academic supervision of all schools including aided and private schools upto secondary level subject to Government guidelines.
- (c) Laying down of academic and administrative norms for better functioning of educational institutions;
- (d) Disbursement of grants to aided schools subject to Government guidelines;
- (e) Supervision of the Education Committees at block and village level;
- (f) Preparation and sanction of educational budget;
- (g) Administration of district educational fund;
- (h) Preparation of perspective plan for the district;
- (i) Proposal of measures including levy of cess, surcharge and taxes for mobilizing additional resources for education to the Zilla Parishad;
- (j) Inspection of primary schools managed by the Panchayat Samitis and conduct of their examinations if any;
- (k) Accepting and managing educational funds;
- (l) Assisting, encouraging and guiding all educational activities in the district;
- (m) Organizing camps, conferences and gatherings of members of village Panchayats, block Panchayats and district Panchayats in the district.

4. In the sphere of administration—

- (a) collecting of necessary stores and materials;
- (b) publication of statistical and other information relating to activities of Panchayat;
- (c) coordination and use of statistics and other information required for the activities of the village Panchayat, block Panchayats and district Panchayat;
- (d) periodical supervision and evaluation of the projects and programmes entrusted to the different Panchayats in the district;
- (e) accepting donations in the furtherance of the purposes for which fund might have been raised.

5. In the sphere of community development—

- (a) coordination and integration of the development scheme of all blocks in the district and preparing a plan therefore for the whole district;
- (b) preparation of projects, plans and schemes concerning two or more block in the districts.
- (c) (i) promoting the establishment and development of Panchayats;
- (ii) inspection, regulation and control of the block Panchayat samities in the district;
- (iii) performance of all such functions as are assigned to it under any law or as may be entrusted by the Administrator from time to time.
- (d) implementation of any development programme that may be entrusted by the Administration;
- (e) distribution and coordination of work among village Panchayats block Panchayats and district Panchayats.

6. In the sphere of agriculture—

- (a) undertaking intensive pioneering scheme relating to paddy, vegetables, pulses, oilseeds, plantation crops and horticulture;
- (b) construction and maintenance of building for seeds distribution centres;
- (c) implementation of scheme of manure;
- (d) Arranging for the purchase and sale of necessary equipment for the protection of plants;
- (e) Arranging for the purchase and sale of insecticides;
- (f) Establishment and maintenance of model agricultural farms;
- (g) Procuring and distributing improved seeds;
- (h) Implementing schemes relating to agricultural production and agricultural development;
- (i) Arranging exhibitions and competitions and development programme in connection with agricultural development and cattle breeding;

7. In the sphere of animal husbandry—

- (a) establishment and maintaining supply centres for cattle breeding;
- (b) giving encouragement and assistance to cattle breeding centres run by recognized institutions;
- (c) provision for the rearing of stud calves;
- (d) the development of fodder-hands;
- (e) encouraging and assisting schemes for the storage of grass;
- (f) implementing schemes of poultry farming;
- (g) the implementation of the schemes of cattle breeding;
- (h) establishment and maintaining veterinary hospitals and dispensaries.

8. **In the sphere of village and small scale industries-**

- (a) examining the possibilities of village industries and small scale industries in the district, preparation and execution of plans for their revival, organization and development;
- (b) providing for necessary assistance and encouragement of technical training to village workers in village industries and small scale industries relating to their crafts;
- (c) establishing, maintaining, expanding and aiding secondary, technical and industrial schools .

9. **In the sphere of social welfare—**

- (a) providing necessary assistance and encouragement to the work of institutions of social service;
- (b) conducting necessary social welfare activities in the district.

10. **In the sphere of relief-**

Establishment and management of relief centres in time of natural calamities such as famine and scarcity, floods, fire and earthquake.

11. **In the sphere of minor irrigation projects-**

- (a) digging new ponds and wells and repairing old ponds, wells for irrigation;
- (b) giving assistance for the purchase of pumping sets and machinery;
- (c) provision and propaganda for improved kits;
- (d) encouraging and assisting irrigation schemes on a cooperating basis.

SHANKER DAYAL SHARMA
President.

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

अण्डमान तथा
ANDAMAN AND



निकोबार राजपत्र
NICOBAR GAZETTE

असाधारण
EXTRAORDINARY
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Published By Authority

No. 178, Port Blair Friday, December 22, 1995

**ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT**

NOTIFICATION

Port Blair, dated the 22nd December, 1995

No. 178/95/F.No. 3-5/95-PR.—In exercise of the powers vested in me under sub-section (1) of section 163 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994), I, Vakkom Purushothaman, Lieutenant Governor (Administrator), Andaman and Nicobar Islands do hereby specify that the Zilla Parishad shall have the power to implement the schemes for economic development and social justice in relation to the following matters listed in the Sixth Schedule :

1. In the sphere of sanitation and health—

- a) provision and maintenance of drinking water supply;
- b) taking necessary action or steps for improvement in public health and public amenities;
- c) assisting family-planning;
- d) supply of milk to children and nursing mothers in families in the low income group;
- e) providing for training to mid-wives;
- f) establishment and maintenance of ayurvedic and homoeopathic dispensaries;
- g) provision of medical relief through ayurvedic and homoeopathic centres;
- h) assisting recognized medical relief centres;

2. In the sphere of public works—

- a) construction and maintenance of roads;
- b) the planting and rearing of trees on both sides of the roads;
- c) execution of works entrusted to it by the State Government;
- d) supervision, repairs and preservation of building vested in the district Panchayat;
- e) construction and maintenance of building required for the activities of the district Panchayat;

3. In the sphere of education and other cultural activities—

- a) establishment and maintenance of schools upto secondary level subject to Government guidelines;
- b) disbursement of grants to aided schools subject to Government guidelines;
- c) supervision of the Education Committees at block and village level;
- d) preparation and sanction of educational budget;
- e) administration of district educational fund;
- f) preparation of perspective plan for the district;
- g) proposal of measures including levy of cess, surcharge and taxes for mobilizing additional resources for education to the Zilla Parishad;
- h) inspection of primary schools managed by the Panchayat Samities and conduct of their examinations if any;
- i) accepting and managing educational funds;
- j) assisting, encouraging and guiding all educational activities in the district;
- k) organizing camps, conferences and gatherings of members of village Panchayats, block Panchayats and district Panchayat in the district.

4. In the sphere of administration–

- a) collection of necessary stores and materials;
- b) publication of statistical and other information relating to activities of Panchayat;
- c) co-ordination and use of statistics and other information required for the activities of the village Panchayats, block Panchayats and district Panchayats.
- d) periodical supervision and evaluation of the projects and programmes entrusted to the different Panchayats in the district;
- e) accepting donations in the furtherance of the purposes of which fund might have been raised.

5. In the sphere of community development–

- a) co-ordination and integration of the development scheme of all blocks in the district and preparing a plan therefore for the whole district;
- b) preparation of project, plans and schemes concerning two or more blocks in the district;
- c) (i) promoting the establishment and development of Panchayats;
- (ii) inspection, regulation and control of the block Panchayat samities in the district;
- (iii) performance of all such functions as are assigned to it under any law or as may be assigned by the Administrator from time to time;
- d) implementation of any development programme that may be entrusted by the Administrator;
- e) co-ordination and co-ordination of work among village Panchayats, block Panchayats and district Panchayats.

6. In the sphere of agriculture–

- a) introducing intensive pioneering schemes relating to paddy, cereals, pulses, oilseeds, plantation and horticulture;
- b) construction and maintenance of building for seeds distribution centres;
- c) implementation of scheme of manure;
- d) arranging for the purchase and sale of necessary equipment for the protection of plants;
- e) arranging for the purchase and sale of insecticides;
- f) establishment and maintenance of model agricultural farms;
- g) procuring and distributing improved seeds;
- h) implementing scheme relating to agricultural production and agricultural development;
- i) arranging exhibitions and competitions and development programme in connection with agricultural development and cattle breeding;

7. In the sphere of animal husbandry–

- a) establishment and maintaining supply centres for cattle breeding;
- b) giving encouragement and assistance to cattle breeding centres run by recognized institutions;
- c) provision for the rearing of stud calves;
- d) the development of fodder-lands;
- e) encouraging and assisting schemes for the storage of grass;
- f) implementing schemes of poultry farming;
- g) the implementation of the schemes of cattle breeding;

8. In the sphere of village and small scale industries–

- a) examining the possibilities of village industries and small scale industries in the district, preparation and execution of plans for their revival, organization and development;
- b) providing for necessary assistance and encouragement of technical training to village workers in village industries and small scale industries relating to their crafts;

9. In the sphere of social welfare–

- a) providing necessary assistance and encouragement to the work of institutions of social service;
- b) conducting necessary social welfare activities in the district.

10. In the sphere of relief–

Establishment and management of relief centres in times of natural calamities such as famine and scarcity, floods, fire and earthquake.

11. In the sphere of minor irrigation projects-

- a) digging new ponds and wells and repairing old ponds, wells for irrigation;
- b) giving assistance for the purchase of pumping sets and machinery;
- c) provision and propaganda for improved kits;
- d) encouraging and assisting irrigation schemes on a cooperating basis.

Sd/-
(VAKKOM PURUSHOTHAMAN)
Lieutenant Governor
Andaman and Nicobar Islands

By order and in the name of the Lieutenant Governor

Sd/-
(M. RAJENDRAN)
Assistant Secretary (Panchayats)

अण्डमान तथा
ANDAMAN AND



निकोबार राजपत्र
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असाधारण
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No. 180/95 Port Blair Friday, December 22, 1995

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT
NOTIFICATION

Port Blair, dated the 22nd December, 1995

No. 179/95/F. No. 3-5/95-PR.—In exercise of the powers vested in me under sub-section (1) of section 163 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994), I Vakkam Purushothaman, Lieutenant Governor (Administrator), Andaman and Nicobar Islands do hereby specify that the Zilla Parishad shall have the power to prepare plans for economic development and social justice in relation to the following matters listed in the Sixth Schedule :

1. In the sphere of sanitation and health—

- a) establishment and maintenance of dispensaries;
- b) provision and maintenance of drinking water supply;
- c) taking necessary action or steps for improvement in public health and public amenities;
- d) establishment and maintenance of primary health centres;
- e) assisting family-planning;
- f) supply of milk to children and nursing mothers in families in the low income group;
- g) providing for training to mid-wives;
- h) giving protection against diphtheria, whooping cough and tetanus;
- i) establishment and maintenance of ayurvedic and homoeopathic dispensaries;
- j) provision of medical relief through ayurvedic and homoeopathic centres;
- k) assisting recognized medical relief centres;
- l) providing for training of nurses;

2. In the sphere of public works—

- a) construction and maintenance of road;
- b) the planting and rearing of trees on both sides of the road;
- c) execution of works entrusted to it by the State Government;
- d) supervision, repairs and preservation of building vested in the district Panchayat;
- e) construction and maintenance of building required for the activities of the district Panchayat;

3. In the sphere of education and other cultural activities—

- a) establishment and maintenance of schools upto secondary level subject to Government guidelines;
- b) disbursement of grants to aided schools subject to Government guidelines;
- c) supervision of the Education Committees at block and village level;
- d) preparation and sanction of educational budget;
- e) administration of district educational fund;
- f) preparation of perspective plan for the district;

- g) proposal of measures including levy of cess, surcharge and taxes for mobilizing additional resources for education to the Zilla Parishad;
- h) inspection of primary schools managed by the Panchayat Samities and conduct of their examinations if any;
- i) accepting and managing educational funds;
- j) assisting, encouraging and guiding all educational activities in the district;
- k) organizing camps, conferences and gatherings of members of village Panchayats, block Panchayats and district Panchayats in the district.

4. In the sphere of administration-

- a) collection of necessary stores and materials;
- b) publication of statistical and other information relating to activities of Panchayats;
- c) co-ordination and use of statistics and other information required for the activities of the village panchayat, block Panchayats and district Panchayats;
- d) periodical supervision and evaluation of the projects and programmes entrusted to the different Panchayats in the district;
- e) accepting donations in the furtherance of the purposes of which fund might have been raised.

5. In the sphere of community development-

- a) co-ordination and integration of the development scheme of all blocks in the district and preparing a plan therefore for the whole district;
- b) preparation of projects, plans and schemes concerning two or more blocks in the district;
- c) (i) promoting the establishment and development of Panchayats;
(ii) inspection, regulation and control of the block Panchayat Samities in the district;
(iii) performance of all such functions as are assigned to it under any law or as may be assigned by the Administrator from time to time;
- d) implementation of any development programme that may be entrusted by the Administrator;
- e) distribution and co-ordination of work among village Panchayats, block Panchayats and District Panchayats.

6. In the sphere of agriculture-

- a) undertaking intensive pioneering schemes relating to paddy, vegetables, pulses, oilseeds, plantation crops and horticulture;
- b) construction and maintenance of building for seeds distribution centres;
- c) implementation of schemes of manure;
- d) arranging for the purchase and sale of necessary equipment for the protection of plants;
- e) arranging for the purchase and sale of insecticides;
- f) establishment and maintenance of model agricultural farms;
- g) procuring and distributing improved seeds;
- h) implementing scheme relating to agricultural production and agricultural development;
- i) arranging exhibitions and competitions and development programme in connection with agricultural development and cattle breeding;

7. In the sphere of animal husbandry-

- a) establishment and maintaining supply centres for cattle breeding;
- b) giving encouragement and assistance to cattle breeding centres run by recognized institutions;
- c) provision for the rearing of stud calves;
- d) the development of fodder-lands;
- e) encouraging and assisting schemes for the storage of grass;
- f) implementing schemes of poultry farming;
- g) the implementation of the schemes of cattle breeding;
- h) establishment and maintaining veterinary hospitals and dispensaries;

8. In the sphere of village and small scale industries-

- a) examining the possibilities of village industries and small scale industries in the district, preparation and execution of plans for their revival, organization and development;
- b) providing for necessary assistance and encouragement of technical training to village workers in village industries and small scale industries relating to their crafts;
- c) establishing, maintaining, expanding and aiding secondary, technical and industrial schools.

9. In the sphere of social welfare–

- a) providing necessary assistance and encouragement to the work of institutions of social service;
- b) conducting necessary social welfare activities in the district.

10. In the sphere of relief.

Establishment and management of relief centres in times of natural calamities such as famine and scarcity, floods, fire and earthquake.

11. In the sphere of minor irrigation projects.

- a) digging new ponds and wells and repairing old ponds, wells for irrigation;
- b) giving assistance for the purchases of pumping sets and machinery;
- c) provision and propaganda for improved kits;
- d) encouraging and assisting irrigation schemes on a cooperating basis.

Sd/-
(VAKKOM PURUSHOTHAMAN)
Lieutenant Governor
Andaman and Nicobar Islands

By order and in the name of the Lieutenant Governor)

Sd/-
(M.RAJENDRAN)
Assistant Secretary(Panchayats)

अण्डमान तथा
ANDAMAN AND



निकोबार राजपत्र
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ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

NOTIFICATION

Port Blair, dated the 22nd December, 1995

No. 180/95/F. No. 3-5/95-PR.- In exercise of the powers vested in me under sub-section (1) of section 124 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994), I Vakkom Purushothaman, Lieutenant Governor (Administrator), Andaman and Nicobar Islands do hereby specify that a Panchayat Samiti shall have the power to make plans for economic development and social justice in relation to the following matters listed in the Fifth Schedule :

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) cultivating public 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;
- e) providing for help and protection to the 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 village approach roads.

3. In the sphere of education and culture-

- a) preparation of budget and sanction of plans and expenditure from the Panchayat Samiti Education Budget;
- b) disbursement of funds to aided institutions under supervision of Zilla Parishad;
- c) levying of development fees and other fees to raise resources;
- d) raising of public contributions and donations.

4. In the sphere of Social Education-

To cultivate a new outlook, among the people to make them self-reliant industrious and co-operation minded and especially -

- 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 clubs 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 utilizing 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 co-ordination of village institutions;
- b) training in self-help and self-sufficiency among the village community on the principle of mutual cooperation;
- c) utilizing 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 State Government.

6. In the sphere of agriculture and irrigation—

- a) planning for agricultural improvement in the block;
- b) use of land and water resources and propagation of improved agricultural methods according to the latest researches;
- c) construction and maintenance of irrigation works in the block;
- d) reclamation and conservation of agricultural land in the block;
- e) maintenance of seed multiplication farms, assisting registered seed producers and distribution of seeds in the block;
- f) raising the production of fruits and vegetables;
- g) conservation of manorial resources, preparing compost manure, organic manure and mixture and to arrange for making them easily available;
- h) promoting the use of improved agricultural implements and arranging to make them easily available;
- i) the protection of crops, fruit trees and plants against disease;
- j) 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;
- k) 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, by castration of stray bullocks and establishment and maintaining artificial insemination centres;
- b) introducing improved breeds of cattle, sheep poultry, etc, giving grants therefore and maintenance of small breeding centres;
- c) controlling and checking infectious diseases;
- d) introducing improved grass and cattle feeds and providing for their storage;
- e) starting and maintaining first-aid centres and veterinary dispensaries;
- f) providing for milk supply;
- g) 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 popularize improved implements;
- d) to ensure the implementation of scheme for Cottage, Village and Small-Scale Industries run by the Khadi and Village Industries Board and other All India Association.

9. In the sphere of co-operation—

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

- a) to establish and promote the development of multipurpose cooperative societies for credit, sale, industry, irrigation and agriculture;
- b) promoting savings through thrift, small savings 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 women's welfare—

- a) implementing schemes of rural housing;
- b) maintaining decrepit beggars;
- c) sponsoring voluntary institutions of social welfare and coordinating 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, epidemic and other natural calamities on a small or large scale.

13. In the sphere of collection of statistics-

Collecting and coordinating statistics as may be required by the village Panchayats, taluka Panchayats or district Panchayats or by the State Government.

14. In the sphere of trusts-

Managing trusts in furtherance of the objects of any programme that may be carried out with the taluka 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-

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

- a) community radio listening programme;
- b) arranging exhibition;
- c) publications.

Sd/-
(VAKKOM PURUSHOTHAMAN)
Lieutenant Governor
Andaman and Nicobar Islands

By order and in the name of the Lieutenant Governor

Sd/-
(M.RAJENDRAN)
Assistant Secretary(Panchayats)

अण्डमान तथा
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**ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT**

NOTIFICATION

Port Blair, dated the 22nd December, 1995

No. 181/95/F. No. 3-5/95-PR.- In exercise of the powers vested in me under sub-section 62 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994), I Vakkom Purushothaman, Lieutenant Governor (Administrator), Andaman and Nicobar Islands do hereby specify that a Nyaya Panchayat may exercise the following powers mentioned in sections 63 and 65 of the said Regulation :

(i) **SECTION-63 :**

A Nyaya Panchayat may take cognizance of the following suits, namely :-

- (a) suits for money due or contract not affecting any interest in immovable property;
- (b) suits for recovery of movable property or for the value thereof ;
- (c) suits for compensation for wrongfully taking injuring movable property;
- (d) suits for damages caused to standing crops by cattle trespass;

where the amount of value of the claim does not exceed Rs. 100/-.

(ii) **SECTION-65**

A Nyaya Panchayat may take cognizance of and try the following offences specified in the Third Schedule including abetment of, and attempts to commit, such offences :

UNDER THE INDIAN PENAL CODE, 1860 :

SECTION	BRIEF DESCRIPTION
160	Affray
277	Fouling water of public spring or reservoir.
285	Negligent conduct with respect to fire or combustible matter.
289	Negligent conduct with respect to animals.
290	Public nuisance in cases not otherwise provided for.
294	Obscene acts and songs.
341	Wrongful restraint.
352	Assault or criminal force otherwise than on grave provocation.
374	Unlawful compulsory labour.
379	Theft where the value of the subject matter does not exceed rupees fifty.
403	Dishonest misappropriation of property where the value of subject matter does not exceed rupees fifty.
411	Dishonestly receiving stolen property where the value of the subject matter does not exceed rupees fifty.
428	Mischief by killing or maiming cattle, etc. of any value or any animal of the value of ten rupees.
447	Criminal trespass.

- 448 House trespass.
509 Words, gesture, or act intended to insult the modesty of a woman.
510 Misconduct in public by a drunken person.

UNDER THE CATTLE TRESSPASS ACT, 1871:

- 24 Forcible opposing the seizure of cattle or rescuing the same.
26 Causing damage by cattle to land crop and public road.

Sd/-
(VAKKOM PURUSHOTHAMAN)
Lieutenant Governor
Andaman and Nicobar Islands

By order and in the name of the Lieutenant Governor

Sd/-
(M.RAJENDRAN)
Assistant Secretary(Panchayats)

The A & N Islands
(Panchayats Administration)
Rules, 1997

**ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT**

**ANDAMAN AND NICOBAR ISLANDS
(PANCHAYATS ADMINISTRATION)
RULES, 1997**

ISSUED VIDE NOTIFICATION NO. 131/97 DATED 19TH SEPTEMBER, 1997

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असाधारण
EXTRAORDINARY
प्राधिकार से प्रकाशित
Published By Authority

No. 137/97, Port Blair Friday, 19TH SEPTEMBER, 1997

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

Port Blair, dated the 19TH SEPTEMBER, 1997

No. 131/97. F.No. 3-21/96-PR. In exercise of the powers conferred by section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994, the Lieutenant Governor (Administrator) is pleased hereby to make, after previous publication, the namely :-

**THE ANDMAN AND NICOBAR ISLANDS
(PANCHAYATS ADMINISTRATION RULES, 1997)**

1. Short title and Commencement:

- (i) These rules may be called the Andaman & Nicobar Islands (Panchayat Administration) Rules, 1997. They shall come into force on the date of their publication in the Official Gazette.

2. Definitions and interpretation:

- (i) In these rules, unless the context otherwise requires:-
- (a) "Chairperson" means the head of a Panchayati Raj Institution (PRI) namely, Pradhan, Pramukh, Adhyaksha, as the case may be, of the said institutions;
 - (b) "Form" means a Form appended to these rules and includes a translation thereof in Hindi;
 - (c) "Gram Sabha" means the Gram Sabha of a Gram Panchayat;
 - (d) "Panchayat" means a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad as the case may be;
 - (e) "Regulation" means the Andaman & Nicobar Islands (Panchayats) Regulation, 1994;
 - (f) "Section" means a section of the Regulation;
 - (g) "Secretary" means the Secretary of a Gram Panchayat and also include the Executive Officer of a Panchayat Samiti and the Chief Executive Officer of a Zilla Parishad;
 - (h) "Vice-Chairperson" means the Up-Pradhan of a Gram Panchayat, Up-Pramukh of a Panchayat Samiti and Up-Adhyaksha of a Zilla Parishad;
 - (i) Words and expressions used but not defined in these rules shall have the meaning respectively assigned to them in the Regulation.
- (2) The General Clauses Act, 1897, shall apply for the interpretation of these rules as it applies for the interpretation of a Regulation of a Union Territory.

**PART- II
PANCHAYAT ADMINISTRATION
CHAPTER- II**

Leave of Chairperson, Vice-Chairperson and other elected members.

3. Leave - A Panchayat, by a resolution at a meeting, may grant leave of absence to its Chairpersons, Vice-Chairpersons or any other elected member for a period not exceeding one month in a year reckoned according to the British Calendar. Sanction of such leave shall forthwith be reported to the Executive Officer of the Panchayat Samiti, the Chief Executive Officer and the Director of Panchayat. During such leave the incumbent shall be entitled to honorarium at the rate at which he drew the same immediately before proceeding on leave:

Provided that the absence (other than the absence from the meetings of the Panchayat) of an incumbent for not more than five consecutive days from his duties without intimation shall not be construed to mean his absence without leave.

CHAPTER - III
Meetings of a Panchayat
(Section 25, 121 and 160)

4. Preparation of list of business.—The list of business to be transacted at every meeting of a Panchayat, except at an adjourned meeting, shall be prepared by its Secretary, under instructions of the Chairman or in his absence by the Vice-Chairman and shall be entered in the book of agenda to be maintained for the purpose and countersigned by the Chairperson or the Vice-Chairperson as the case may be.

5. Notice of meeting to members. - (1) At least seven days notice of the list of business to be transacted at every meeting, except an emergent or special meeting, of a **Gram Sabha** shall be sent to each member of the Panchayat, Panchayat Samiti Member, the Zilla Parishad Member and the Executive Officer of the Panchayat Samiti concerned in Form 1. An emergent or special meeting of the Gram Sabha may be called after giving five days notice in Form 1, superscribing "EMERGENT" or "SPECIAL MEETING", as the case may be. The place and time of the meeting shall be written in the notice.

(2) Notice of list of business to be transacted at every meeting except an emergent or special meeting of a Panchayat shall be sent to each member of the Panchayat in Form 1-A. The period of notice shall be,-

- (a) five days in respect of Gram Panchayat;
- (b) seven days in respect of a Block Panchayat; and
- (c) fifteen days in respect of a Zilla Panchayat.

An emergent or special meeting may be called after giving,-

- (i) three days notice in respect of a Gram Panchayat;
- (ii) five days notice in respect of a Block Panchayat; and
- (iii) seven days notice in respect of a Zilla Panchayat. The notice shall be in Form 1-A. The place and time of the meeting shall be written in the notice.

(3) A copy of the budget of a Panchayat alongwith the list of works proposed to be undertaken by the Gram Panchayat, Panchayat Samiti, Zilla Parishad and any other agency if required to be considered at a meeting of the Panchayat specially called for the purpose shall be enclosed with the list of business for such meeting.

6. Service of notice to members and its display. - (1) The notice of the list of business to be transacted at a meeting or an emergent meeting of a Gram Sabha in Form-I shall be sent by the Secretary of the Gram Panchayat to each member of the Panchayat and also to the Panchayat Samiti Member and the Zilla Parishad Member representing the Gram Panchayat in the same manner as prescribed in sub-rule (2). The notice shall also be affixed in conspicuous places in all the villages under the jurisdiction of the Gram Panchayat and shall also be sent to the Executive Officer of the concerned Panchayat Samiti. Wide publicity shall be given for the Gram Sabha meeting through bit notices, by beat of drum or by announcement through loudspeakers etc. as may be found suitable and convenient. The date and time of the meeting of the Gram Sabha shall be chosen preferably on a non-working day with the intention of larger participation of the members.

(2) The notice of the list of business to be transacted at a meeting or an emergent meeting of a Panchayat in Form 1-A, shall be sent by the Secretary of the Panchayat to each member of the Panchayat by a messenger or by means of a message through wireless or by other means. The messenger of the Panchayat or of the agency through whom the message is sent shall deliver the notice to the member to whom it is addressed. In the absence of the member, the notice may be delivered to an adult member of his family residing with him. The messenger shall obtain the signature of the member or the adult member of his family residing with him, as the case may be, on the office copy of the notice as a token of the receipt thereof. If the member is absent and there is no other adult member of his family to whom the notice may be delivered, it shall be served by affixing on the outer door or some other conspicuous part of the house of the member in the presence of a witness. A note of such service shall be made on the office copy of the notice

(3) Every notice under rule 5 shall be displayed on the notice board of the Panchayat at least five days before the time fixed for a meeting except an emergent meeting. In the case of an emergent meeting, such notice shall be displayed three days before the time fixed for such meeting.

7. Presiding member to verify the service--return of the office copy of the notice of list of business. - On the date of meeting the Chairperson, the Vice-Chairperson or the Presiding member, as the case may be, shall verify the service return of the office copy of the notice and of the list of business and on being satisfied that the notice has been duly served on all the members, the business shall be taken up by him for discussion. If the notice is not served on any of the members, the meeting shall be adjourned and shall be held on another date to be fixed by the Presiding member, and for such adjourned meeting a fresh notice of not exceeding three days shall be served on all the members in Form -3.

8. Attendance Register. -An attendance register in Form -2 shall be maintained by the Secretary of the Panchayat. The register shall be kept in the meeting place at the time fixed for each meeting. Every member shall sign his name in the register as soon as he enters the meeting place. Where a member is unable to sign his name, he shall put his thumb impression in the presence of the Pradhan, the Up-Pradhan or the Presiding member, who shall make the necessary attestation.

9. Quorum.- The following shall be the quorum required for meetings of Gram Sabha, Gram Panchayat, Panchayat Samiti, Zilla Parishad for the kinds of meetings in each Panchayat:

(1) Gram Sabha.—(a) For an ordinary meeting as well as a requisitioned meeting under proviso to sub-section (1) of section 9, one-tenth of the total number of members of the Gram Sabha.

(b) For a special meeting under sub-section (4) of section 21, a quorum of not less than fifteen percent of the total membership of the gram sabha is necessary.

(c) If a special meeting of the Gram Sabha called to move a no confidence motion against the Pradhan in a Gram Panchayat fails to acquire a quorum, no notice shall be served for another meeting within a period of one year from the date on which the recommendation of the Panchayat could not be considered for lack of quorum.

(d) The Zilla Parishad Member and the Panchayat Samiti Member representing the Gram Panchayat shall also be represented in the general, special or emergent meeting of the Gram Sabha who shall have the right to vote in the meeting. The Zilla Parishad Member, if he is not a member of the Gram Sabha, shall not be entitled to cast his vote in deciding a no confidence motion.

(2) Gram Panchayat: -(a) Two-thirds of the total membership of a Gram Panchayat shall be sufficient quorum for a meeting including a special meeting called under sub-section (2) of section 21 of the Regulation. However, to carry a motion of no confidence under sub-section (3) of section 21, a majority of the total membership of the Gram Panchayat present and voting is necessary. For an adjourned meeting of an ordinary meeting, no quorum shall be necessary.

(b) For a special meeting, including the special meeting called under sub-section (2) of section 21, a majority of the total membership of a Gram Panchayat is necessary.

(3) Panchayat Samiti - (a) Two-thirds of the total membership of a Panchayat Samiti shall be sufficient quorum for an ordinary meeting of a Panchayat Samiti -

(b) Not less than two-thirds of the total membership is necessary for a special meeting called for the purpose under sub-section (1) of section 117 of the Regulation to move a motion of no confidence against the Pramukh and Up-Pramukh. However, to carry the motion under sub-section (2) of section 117, a majority of not less than two-thirds of the membership of the Panchayat Samiti present and voting is necessary.

(4) Zilla Parishad -(a) Two-thirds of the total membership of a Zilla Parishad shall be sufficient quorum for an ordinary meeting, no quorum shall be necessary for a meeting, adjourned for want of quorum.

(b) For a special meeting called for the purpose under sub-section (1) of section 156 of the Regulation not less than two-thirds of total number of members of the Zilla Parishad is necessary. However, to carry a motion of no confidence under sub-section (2) of section 156, a majority of not less than two-thirds of the total membership of the Zilla Parishad present and voting, is necessary.

10. Adjournment of meeting for want of quorum. -(1) If, within one hour from the time appointed for holding a meeting of a Panchayat quorum is not present, the meeting may be adjourned and may be held on another date to be fixed by the Chairperson or the Vice-Chairperson or the Presiding member as the case may be. The members shall be informed of the date, place and time of the adjourned meeting by a fresh three day's notice in Form-2. No quorum shall be necessary for such adjourned meeting. No business other than that included in the list of business for transaction at the original meeting shall be brought before an adjourned meeting.

(2). In determining the quorum, fraction of one half and above be counted one, and less than half shall be ignored.

11. Note to be kept of the failure to hold meeting for want of quorum. -When a meeting of a Panchayat is not held for want of quorum, the Chairperson or the Vice- Chairperson or the Secretary of the Panchayat shall make a note to that effect in the attendance register referred to in rule 8.

12. Minute Book of meeting - Minutes of every meeting of a Panchayat shall be entered in a minute book to be kept for the purpose and shall be read out before the meeting is concluded. The person who presides over the meeting shall then sign it.

13. Motions and Resolutions pressed for division. -If there is difference of opinion on any motion or resolution, it shall be put to vote. Every such motion or resolution shall be recorded in full in the Minute Book together with the number of members voting for or against the motion or resolution.

14. Manner of voting. -When a question is put to vote, the presiding member shall decide the manner in which the members shall cast their votes.

15. Voting by proxy prohibited. -No vote shall be given by proxy and no member shall vote if he is not present in person at the time of voting.

16. Decision by majority of votes. -Subject to provision of quorum required for various meetings prescribed in the rules, all questions at any meeting shall be determined by a majority of votes of the members present and voting. The presiding member shall have and exercise a casting vote in the case of an equality of votes.

17. Language in which minutes are to be recorded. -The minutes of the proceedings of a meeting shall be recorded either in Hindi or in English.

18. Person responsible to record the minute. -The meeting of the proceedings shall be recorded by the Secretary of the Panchayat or in his absence by such officer or employee of the Panchayat or in the absence of officers and employees of the Panchayat by such member of the Panchayat as may be authorized by the presiding member in this behalf.

CHAPTER-IV
MOTION OF NO CONFIDENCE AGAINST CHAIRPERSON
AND VICE-CHAIRPERSON
(Section 21, 22, 117 and 156)

19. Pradhan: (1) A motion of no confidence against the Pradhan may be moved by any member of a Gram Panchayat, after giving 7 days notice. The notice shall be in Form -4. The notice shall be addressed to the Pradhan and shall be delivered to him and in his absence to the Up-Pradhan or in the absence of both to the Secretary of the Panchayat. The Pradhan or in his absence the Up-Pradhan or in the absence of both, the Secretary shall call a special meeting of the Gram Panchayat within 15 days from the date of moving the notice of no confidence by serving notice to the Pradhan, Up-Pradhan and all the members of the Panchayat in Form 1-A. A copy of the notice of no confidence motion moved by the member shall be enclosed therewith.

(2) The meeting shall be presided over by the Up-Pradhan or in his absence, the members assembled shall elect one from among themselves to preside over the meeting. A quorum of a majority of the total membership of the Gram Panchayat is necessary for the meeting. Within one hour from the appointed time, if there is no quorum, the no confidence motion shall deemed to have not been carried and the meeting shall be dissolved. The Secretary shall send the report of the dissolution of the meeting for want of quorum to the concerned Executive Officer of the Panchayat Samiti, the Assistant Commissioner, the Deputy Commissioner(Director of Panchayat Elections), the Chief Executive Officer of the Zilla Parishad and also the Secretary (Panchayat) of the Administration.

(3) If the motion is carried by a majority of the total membership of the Gram Panchayat, the Presiding Officer shall call a special meeting of the Gram Sabha with a quorum of not less than fifteen percent of the total membership of the Gram Sabha giving not less than 7 days notice and recommend to the Gram Sabha, the removal of the Pradhan from his office. The notice shall be in Form -1 with which a copy of the no confidence motion moved by the member shall be enclosed. If the Gram Sabha approves the recommendation by a majority of the members present and voting, the Pradhan shall cease to hold office after a period of three days from the date of such approval, unless he has resigned earlier.

20. Up-Pradhan: (1) A motion of no confidence against the Up-Pradhan may be moved by any member of a Gram Panchayat, after giving 7 days notice. The notice shall be in Form 4. The notice shall be addressed to the Pradhan and shall be delivered to him and in his absence to the Up-Pradhan or in the absence of

both, to the Secretary of the Panchayat. The Pradhan or in his absence the Up-Pradhan or in the absence of both, the Secretary shall call a special meeting of the Gram Panchayat within 15 days from the date of moving the notice of no confidence by serving notice to the Pradhan, Up-Pradhan and all the members of the Panchayat in Form 1-A enclosing therewith a copy of the no confidence motion moved by the member.

(2) The Up-Pradhan shall not preside over the meeting but shall have a right to speak or otherwise take part in the meeting. A quorum of not less than two-thirds majority is required for the meeting, which, if not available within one hour from the appointed time, the meeting shall be dissolved. The dissolution of the meeting shall be intimated to the Assistant Commissioner concerned, the Executive Officer concerned and the Chief Executive Officer, Zilla Parishad.

(3) If the motion is carried by a majority of two-thirds of the total membership of the Gram Panchayat present and voting, the Up-Pradhan shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier.

21. Pramukh and Up-Pramukh: (1) A motion of no confidence against the Pramukh or the Up-Pramukh may be moved by any member of a Panchayat Samiti, after giving 7 days notice. The notice shall be in Form 4. The notice shall be addressed to the Pramukh and shall be delivered to him and in his absence to the Up-Pramukh or in the absence of both, to the Executive Officer. The Pramukh or in his absence the Up-Pramukh or in the absence of both, the Executive Officer shall call a special meeting of the Panchayat Samiti within 15 days from the date of moving the notice of no confidence by serving notice to the Pramukh, Up-Pramukh and all the members of the Panchayat Samiti, in Form 1-A enclosing therewith a copy of the no confidence motion moved by the member.

(2) The Pramukh or the Up-Pramukh shall not preside over the meeting but shall have a right to speak or otherwise take part in the proceedings of the meeting. The meeting shall be presided over by the Pramukh if the motion is against the Up-Pramukh and if the motion is against the Pramukh the meeting will be presided over by the Up-Pramukh. In the absence of both the Pramukh and Up-Pramukh, the members assembled shall elect one from among themselves to preside over the meeting. A quorum of not less than two-thirds of the total membership of the Panchayat Samiti is necessary for the meeting. Within one hour from the appointed time, if there is no quorum, the no confidence motion shall be deemed to have not been carried and the meeting shall be dissolved. The Executive Officer shall send the report of the dissolution of the meeting for want of quorum to the concerned Assistant Commissioner, the Deputy Commissioner (Director of Panchayat Elections), the Chief Executive Officer of the Zilla Parishad and also the Secretary (Panchayat) of the Administration.

(3) If the motion is carried by a majority of not less than two-thirds of the total membership of the Panchayat Samiti present and voting, the Pramukh or the Up-Pramukh or both, as the case may be, shall cease to hold office after a period of three days from the date on which the motion is carried unless the Pramukh or the Up-Pramukh or both, as the case may be, have resigned earlier.

22. Adhyaksha and Up-Adhyaksha: (1) A motion of no confidence against the Adhyaksha or Up-Adhyaksha may be moved by any member of a Zilla Parishad, after giving 15 days notice. The notice shall be in Form- 4. The notice shall be addressed to the Adhyaksha and shall be delivered to him or in his absence to the Up-Adhyaksha or in the absence of both to the Chief Executive Officer of the Zilla Parishad. The Adhyaksha or in his absence the Up-Adhyaksha or in the absence of both, the Chief Executive Officer shall call a special meeting of the Zilla Panchayat within 21 days from the date of moving the notice of no confidence by serving notice to the Adhyaksha, Up-Adhyaksha and all the members of the Zilla Parishad, in Form 1-A enclosing therewith a copy of the no confidence motion moved by the member.

(2) The Adhyaksha or the Up-Adhyaksha against whom the no confidence motion is moved shall not preside over the meeting but shall have a right to speak or otherwise take part in the proceedings of the meeting. The meeting shall be presided over by the Up-Adhyaksha, if the motion of no confidence is against the Adhyaksha, and the Adhyaksha shall preside over the meeting, if the motion of no confidence is against the Up-Adhyaksha. In the absence of both, the members assembled shall elect one from among themselves to preside over the meeting. A quorum of not less than two-thirds of the total membership of the Zilla Parishad is necessary for the meeting. Within one hour from the appointed time, if there is no quorum, the no confidence motion shall be deemed to have not been carried and the meeting shall be dissolved. The Chief Executive Officer shall send the report of the dissolution of the meeting for want of quorum to the Deputy Commissioner (Director of Panchayat Elections), the Director of Panchayats and the Secretary (Panchayat) of the Administration.

(3) If the motion is carried by a majority of not less than two-thirds of the total membership of the Zilla Parishad present and voting, the Adhyaksha or the Up-Adhyaksha or both as the case may be, shall cease to hold office after a period of three days from the date on which the motion is carried unless the Adhyaksha or the Up-Adhyaksha or both as the case may be, have resigned earlier.

22A. The result of the no confidence motion against the Chairperson or Vice-Chairperson of a Panchayat shall immediately be reported to the Assistant Commissioner, Deputy Commissioner (Director of Panchayat Elections), the Director of Panchayat and the Secretary (Panchayats) of the Administration, by the Secretary concerned of the Panchayat.

22B. If any of the Chairperson or Vice-Chairperson refuses to vacate the office, as provided for in the rules in this Chapter, the Assistant Commissioner or the Deputy Commissioner (Director of Panchayat Elections), as the case may be, remove him from office through an order issued.

**CHAPTER - V
CONDUCT OF BUSINESS
(See rule 25-121 and 160)**

23. Convening the meeting of a Panchayat.- (1) The notice of the meeting of Panchayat shall contain the place, date, time and also the business of the meeting.

(2) A notice of resolution sent within the time prescribed in these rules shall be invariably included in the business proposed for the meeting.

(3) The Chairperson of the Panchayat or in his absence, the Vice-Chairperson of the Panchayat shall preside over the meeting.

(4) In case both the Chairperson and the Vice-Chairperson are absent either willfully or otherwise, the members assembled shall elect one from among them to preside over the meeting, provided there is quorum for such meeting.

24. Powers of the Chairperson.- (1) Seats for the members shall be such as may be allotted by the Chairperson. The members shall speak from the place of seats allotted to them.

(2) The Chairperson may suspend any member from voting or otherwise taking part in the proceedings of the meeting, if the member is found guilty of rule 25.

25. Rules to be observed while speaking.- (1) A member while speaking shall not,

(a) comment on any matter which is sub-judice.

(b) make personal charge or accusation against a member or official of a Local Self Government, the UT Administration, any State Government or Central Government.

(c) use offensive language about the conduct or proceedings of the Parliament, of the Legislature of any State, UT Administration or any Local Self Government.

(d) utter defamatory words.

(e) use unfairly his right of speech for the purpose of obstructing the business of the Panchayat.

(f) A member who has once addressed the meeting on a motion shall not subsequently move or second an amendment thereto.

(g) A member shall sit down and refrain from speaking if called to order by the Chairperson.

26. Resolution.- (1) A notice of resolution shall be in writing in Form 4-A. The notice should be sent to the Secretary any day. A resolution received after issue of notice for a meeting shall be included only in the next meeting, unless its inclusion for the present meeting is approved by the Chairperson, for reasons to be recorded in writing.

(2) A member may move a resolution, at the appointed time for moving the resolution in the meeting, provided it is included in the business of the meeting.

(3) Subject to admission of the resolution, the member may put questions to the Chairperson on all matters connected with the administration of the Panchayat, and the answer shall be given by the Chairperson or by the person concerned authorized by him.

(4) A member may also discuss in the meeting and take part in general discussions about the developmental activities taking place under the jurisdiction of the Panchayat.

(5) All questions shall be put to the Chair and all answers shall also be given to the Chair.

(6) No resolution shall be moved nor adopted in the meeting of a Panchayat concerning the service matters of personnel of the UT Administration, the armed forces and of the Andaman Police Force.

(7) Copies of all resolutions adopted concerning the Panchayats shall be sent among others to-

(a) the Assistant Commissioner concerned, the Executive Officer of Panchayat Samiti concerned, the Deputy Commissioner (Director of Panchayat Elections), the Director of Panchayat and the Chief Executive Officer of the Zilla Parishad - if adopted by a Gram Panchayat;

(b) the Assistant Commissioner, the Deputy Commissioner (Director of Panchayat Elections), the Director of Panchayats and the Chief Executive Officer of the Zilla Parishad, if adopted by a Panchayat Samiti; and

(c) the Deputy Commissioner (Director of Panchayat Elections), the Director of Panchayats and the Secretary (Panchayat) of the Administration -if adopted by the Zilla Parishad.

27. No matter other than business notified in the notice for the meeting shall be discussed in the meeting, unless specifically permitted in writing by the chairperson.

ANNUAL ADMINISTRATION REPORT AND BUDGET

(Section 45,136 and 178)

(Also see rule 41 of PA&F Rules, 1977)

28. Report on the work of the previous year and the proposed work of the following year :-

(A) Gram Panchayat :- (1) A Gram Panchayat shall prepare and place before the Gram Sabha at its meeting before 10th May each year an Annual Administration report of the previous financial year alongwith the actual income and expenditure budget under different heads of account of the previous year and the budget estimate for the next financial year in the manner prescribed hereunder. The budget estimate shall be realistic based on the last year's performance which shall include the funds transferred/assured by the Panchayat Samiti and the Zilla Parishad, if any, and shall be presented before the Gram Sabha for approval. The Panchayat Samiti Member concerned and the Zilla Parishad Member concerned shall be invited to attend and they shall invariably attend the Gram Sabha. The notice shall be sent in Form -1 of the A&N Islands (Panchayat Administration) Rules, 1997. All expenditure incurred during the previous year and the anticipated expenditure under each head of account proposed to be spent during the next financial year by the Gram Panchayat, within the geographical area of the Gram Panchayat shall be placed before the Gram Sabha for approval. A list of works proposed by the Panchayat Samiti Member and the Zilla Parishad Member to be carried out by the Panchayat Samiti and the Zilla Parishad respectively within the geographical area of the Gram Panchayat shall also be placed before the Gram Sabha for information. If any work of project has been undertaken for meeting any emergent situation on public demand, the same shall be got ratified by the Gram Sabha specially convened for the purpose or in the immediate next meeting of the Gram Sabha whichever is earlier. If any work or project is so undertaken by the Panchayat Samiti or by the Zilla Parishad for the benefit of one or more contiguous Gram Panchayats and if any of the Gram Panchayat dispute for carrying out the work/project in the Gram Panchayat, the matter shall be referred to the "Joint Committee" referred to in rule 38 of the A&N Islands (Panchayat Administration), Rules, 1997 whose decision shall have the force of approval of the Gram Sabha. The annual administration report shall show the work done during the previous year under different heads of account/development in such a manner that the expenditure and the balance under each head shall tally the receipt. Any work done which cannot be classified under any specific head shall be shown under the head "Miscellaneous works". The report shall show the amount of fund placed at the disposal of the Gram Panchayat under section 30,34,35,36 and the taxes collected under section 37 and the amount spent for the performance of any function under section 28 and 29 or for making any provision under section 30. The amount spent on miscellaneous work, if any, shall be shown separately in the report. The report shall also show a detailed account of all the funds and other assistance received from each source. The receipts and expenditure of each head of account/each assistance/ grants received together with its balance left over should be tallied.

(2) The annual administration report shall also specify in brief on the reports of the committees and the sub-committees of a Panchayat and the number of meetings and inspections, if any, conducted by the committees and sub-committees.

(3) The Gram Panchayat shall also prepare a list of works in Form-6(A), Form-6(B) and 6(C), grouping them separately for the Gram Panchayat, Panchayat Samiti, Zilla Parishad or by any other agency, carried out during the previous year and also proposed to be carried out during the following year alongwith the actual expenditure budget (Revised Budget Estimate) of the previous year and the Budget Estimate for the next financial year. In the budget estimate for the next year, the anticipated realistic receipts from different sources and the estimated cost, the amount proposed to be spent during the financial year and whether the approval of the Gram Sabha exist or not shall be indicated. The list of work proposed by the Panchayat Samiti Member concerned and the Zilla Parishad Member concerned shall also be appended with the report in Form-6(C), but the cost of these works shall not form part of the budget of the Gram Panchayat. Form 6-A, 6-B and 6-C shall accompany Part I, Part II and Part III of both the Revised Estimate and the Budget Estimate.

(4) The budgets both the Revised Estimate of the previous year and the Budget Estimate for the ensuing year of a Gram Panchayat shall be in **three parts**. **Part I** shall consist of income accrued during the previous year or anticipated to accrue during the ensuing year, as the case may be, and the expenditure thereon for payment of salary, honorarium, office expenses, works expenditure, expenditure for maintenance of assets transferred to the Panchayats, investments, grant of relief for natural calamities etc. incurred during the previous year and proposed to be incurred during the next year, as the case may be, out of the Gram Panchayat's own income which shall also include the general purpose grants given by the UT Administration. **Part II** shall consist of funds provided/expected to be provided to the Panchayats for carrying out Plan Schemes entrusted by the Andaman and Nicobar Administration. **Part-III** shall consist of funds provided/proposed to be provided under Centrally sponsored schemes for carrying out specific schemes, funds placed/proposed to be placed at the disposal by different, departments of the Administration or other agencies/central government etc., for carrying out the activities entrusted to the Panchayats, during the previous year and the next financial year.

(5) The Income and Expenditure Budgets of a Panchayat for the previous and ensuing years, to be shown in Part -I shall consist of the following:-

- (a) Income from Markets, rents, taxes, cess, tolls etc.,
- (b) Grants given to the Panchayats for general purpose,
- (c) Matching grants,
- (d) Donations etc.,
- (e) Funds placed at the disposal of the Gram Panchayats for maintenance of assets transferred to the Panchayat etc., and
- (f) Funds received from any other source for general purpose.

Provided that the works/items of expenditure which are completed during the previous year shall be listed **first** and the incomplete works shall be listed **last** in order of preference in the revised budget for the previous year and in the budget estimate for the next year, the incomplete works shall be written **first** and new items of expenditure shall be listed **thereafter** in order of preference.

(6) The maintenance funds shall be fully utilized for the purpose for which it is granted, but the total expenditure budget of a Gram Panchayat drawn **out of Part-I minus 5(e) above** shall not exceed four-fifth of the income in any financial year.

(7) The income and expenditure budget of a Panchayat for the previous and ensuing years, to be shown in **Part -II** shall consist of the following:-

- (a) Grants given for specific works included in the annual plan programme of the Union Territory for each sector/sub-sector separately, indicating the works in order of preference, the estimated cost, the amount spent during the previous year/proposed to be spent during the next year which shall not exceed the funds provided for the purpose;
- (b) Funds transferred to the Panchayats by any department of the UT Administration for carrying out specific plan works indicating the details as in (a) above;

(8) The income and expenditure budget of a Panchayat for the previous and ensuing years, to be shown in **Part -III** shall consist of the following: -

- (a) Funds transferred out of centrally sponsored schemes by the Central Government/Director (Rural Development), DRDA/Project Director etc., indicating the details of works to be done in any particular sphere or place etc, and
- (b) Funds received from any other source for carrying out capital or any specific work for which such funds are received.

Provided that while preparing the list of works/items of expenditure for the Revised Estimate for the previous year, the works completed shall be listed first followed by the incomplete works and in the Budget estimate for the next year, the incomplete works shall be listed first followed by new items of work.

(9) The establishment budget of both the revised estimate and budget estimate shall be in Form-9 and the budget for contingent expenditure shall be in Form-10 for the Panchayats at all the three levels.

(10) The reports mentioned in sub-rule (1) to (9) above finally prepared by the Pradhan shall be submitted to the Panchayat Samiti concerned after having brought before the meeting of the Gram Sabha and adopted through a resolution before 31st May each year. A copy of the report alongwith a copy of the resolution shall also be forwarded to the Assistant Commissioner concerned.

(B) Panchayat Samiti :- (1) A Panchayat Samiti shall place at its meeting before 10th June each year, an annual administration report of the previous financial year alongwith the Actual Income and Expenditure Budget under different heads of account of the previous year and the Budget Estimate for the next financial year in the manner prescribed in sub-rule (1) to (9) of rule 28A. The Panchayat Samiti shall consider and approve the list of works proposed by the Gram Panchayat in the coming financial year on the basis of available financial resources. The Panchayat Samiti shall not change the priority assigned by the Gram Panchayat but will have the power to restrict the number of works to be undertaken in the financial year on the basis of assessment of funds likely to be made available to the Gram Panchayats. The works so approved by the Panchayat Samiti shall be listed in **Volume-I**. The Panchayat Samiti shall also examine the list of works proposed by the Panchayat Samiti Members and prioritise them. Only those works which can be undertaken within the available funds in **Part-I, Part-II and Part-III** of the budget shall be listed for being taken up during the next financial year. List of works to be undertaken by the Panchayat Samiti from its own resources will be listed in **Volume-II**. The budget so drawn out and approved by the Panchayat Samiti in its meeting shall be sent to the Zilla Parishad. A copy of the budget of the Panchayat Samiti consisting the budget of each of the Gram Panchayat under its jurisdiction shall also be sent to each Gram Panchayat. Among other things the report shall also show the amount of fund placed at the disposal of the Panchayat Samiti under section 125, 127, 129, 130 and also the taxes collected under section 128 and all other receipts of funds; and the amount spent for the performance of any and all functions entrusted to it under the Regulation. A report alongwith the budget estimate of income and expenditure in the like manner

as of the Gram Panchayat, shall be submitted to the Zilla Parishad before 30th June each year. The budget estimate of both income and expenditure shall be realistic. The list of works to be executed during the next financial year shall also be sent in the manner prescribed in sub-rule (3) of 28A in Form - 7(A), (B) and (C) wherein only the works proposed in Form 6-C by the Panchayat Samiti Members concerned shall be included. The priority of works to be undertaken shall be decided in the meeting of the Panchayat Samiti convened for the purpose well before sending the report to the Zilla Parishad. The list of works shall be entered afresh in Form-7(A), (B) and (C) as the case may be in order of priority assigned to each work by the Panchayat Samiti which shall accompany the Annual Administration report and the Budget of the Panchayat Samiti to the Zilla Parishad. Form 7-C shall contain the works proposed by the Zilla Parishad Members.

(2) The Panchayat Samiti shall follow sub-rule (1) to (9) of the rule 28-A, for the preparation of both the Revised Budget Estimate for the previous year and the Budget Estimate for the next year.

(3) While consolidating the revised budget of the previous year and the budget estimate of next year of the Gram Panchayats under the jurisdiction of the Panchayat Samiti, only the sub-totals of each head of account/development of the budget of the Gram Panchayats shall be given by the Panchayat Samiti, but they shall enclose a copy of the detailed budget of each Gram Panchayat alongwith the consolidated budget of the Panchayat Samiti.

(4) Both the revised budget of the previous year and the budget estimate of the next year of the Panchayat Samiti shall be in detail.

(5) The grand total of the budget of the Panchayat Samiti shall be total sum total of all the Gram Panchayats under its jurisdiction and its, own budget.

(6) The report shall be finally prepared by the Pramukh and after it is approved by the Panchayat Samiti shall be forwarded to the Zilla Parishad alongwith a copy of the resolution before 30th June each year. A copy of the report alongwith copy of the resolution shall also be forwarded to the Deputy Commissioner, the Chief Planning Officer and the Secretary of the District Planning Committee.

(C) Zilla Parishad: (1) The Zilla Parishad shall consolidate the annual administration reports of all the Panchayat Samitis containing the reports of the Gram Panchayats, and also its own Annual Administration Report, the income and expenditure budget for the previous and the ensuing financial year and place the same in the meeting of the Zilla Parishad before 10th July each year. The report shall show the funds placed at the disposal of the Zilla Parishad under section 163, 164, 165, 167 and 168, the income received from the properties vested with the Zilla Parishad under section 169, tax collected under section 170 and any other income accrued to the Zilla Parishad. The budget shall be realistic based on last years performance. The Zilla Parishad shall examine the list of works listed in Volume II to be executed by the Panchayat Samiti. It shall not change the order of priority assigned by the Panchayat Samiti but can restrict the number of works to be undertaken during the financial year on the basis of its assessment of resources likely to be available with the Panchayat Samiti. The Zilla Parishad shall also examine the works listed by the Zilla Parishad Members to be executed from within the resources assigned to the Zilla Parishad itself. It shall also finalize the priorities of such works and restrict them on the basis of funds likely to be available. Such works shall be listed in volume III in Form 8-A, 8-B and 8-C in the manner prescribed in sub-rule (3) of rule 28-A. The Zilla Parishad in its meeting shall accord priority to the works listed in Form 8-(A), (B) and (C) and shall select and approve the works proposed to be carried out during the ensuing financial year according to availability of funds.

(2) The Zilla Parishad shall follow sub-rule (1) to (9) of rule 28-A, for the preparation of both the revised budget for the previous year and the budget estimate for the next year.

(3) While consolidating the revised budget of the previous year and the budget estimate of the next year of the Gram Panchayats and the Panchayat Samitis under the jurisdiction of the Zilla Parishad only the totals of each head of account/development of the Gram Panchayats and the Panchayat Samitis shall be given by the Zilla Parishad, but they shall enclose a copy of the detailed budget of each Gram Panchayat and each Panchayat Samiti alongwith the consolidated budget of the Zilla Parishad.

(4) Both the revised budget of the previous year and the budget estimate of the next year of the Zilla Parishad shall be in detail.

(5) The grant total of the budget of the Zilla Parishad shall be the sum total of all the Gram Panchayats and Panchayat Samitis under its jurisdiction and its own budget.

(6) The report shall be finally prepared by the Adhyaksha and after it is approved by the Zilla Parishad shall be forwarded to the Chief Secretary, Andaman and Nicobar Administration alongwith a copy of the

resolution before 31st August each year. A copy of the report along with a copy of the resolution shall also be forwarded to the Deputy Commissioner, the Chief Planning Officer and the Secretary of the District Planning Committee.

(D) District Planning Committee:- (1) The District Planning Committee shall consolidate the draft plans of the Zilla Parishad (consisting the draft plans of the Gram Panchayats, Panchayats Samitis and of the Zilla Parishad), Municipal Council and Tribal Councils. The District Planning Committee shall meet before 10th October each year to finalize the consolidated plan and submit the same to the Administration. As soon as the size of the Annual Plan is decided by the Planning Commission, the Planning Department of the Administration would communicate to the Zilla Parishad and the Municipal Council the quantum of funds earmarked for functions to be performed by the Panchayati Raj Institutions and the quantum of grant-in-aid as well as allocations proposed under various heads for schemes to be executed by the PRIs. The Part II budget of the PRIs shall stand approved by the Administrator to the extent of grant-in-aid so allocated. The allocation of funds between the Zilla Parishad, Panchayat Samiti and the Gram Panchayats shall be in the ratio of 20:15:65.

(2) Upon receipt of the allocation of funds and immediately thereafter, the Adhyaksha, Zilla Parishad shall call the meeting of the Parishad to decide the works that are to be executed during the ensuing Financial year within the allocation made by the Administration. Only the works included in the draft plan already approved by the Gram Sabhas, which find place in the draft plan of the Zilla Parishad (comprising the plans of the Panchayat Samitis, the Gram Panchayats and its own plan) can be taken up in order of priority.

(3) The works so decided in the meeting of the Zilla Parishad shall be sent to the Administration for inclusion in the Annual Plan Programme of the Union Territory.

29. Approval of the Administrator :- (1) The Administrator shall cause the Annual Administration report and the budget examined by the Administration and shall either approve or direct the Zilla Parishad for modification of the budget as he may choose.

(2) If the budget is returned by the Administrator to the Zilla Parishad, it may either revise the budget as directed or may send down within 15 days to the Panchayat Samitis for modification. The Panchayat Samiti may modify the budget of the Gram Panchayat as directed by the Zilla Parishad or return the budget to the Gram Panchayat for modification within 7 days thereon.

(3) The modified consolidated budget of the Zilla Parishad shall then be sent to the Administrator for approval, before 20th August each year.

(4) The Administrator may, according to availability of funds under various heads of developments approve and allocate funds for each head or may sanction lump sum funds in one or more instalments. As far as practicable, the Administrator shall indicate to the Zilla Parishad, the total amount being allocated to the PRIs subject to observance of conditions prescribed thereon.

(5) When lump sum fund is allotted for one or more heads of development, the Zilla Parishad, after retaining the share of the Zilla Parishad shall distribute the balance to each Panchayat Samiti, who in turn after retaining their share allocate the shares meant for the Gram Panchayats under its jurisdiction.

(6) The Zilla Parishad shall evolve necessary criteria for allotment of funds to the Zilla Parishad, the Panchayat Samitis and the Gram Panchayats from time to time based on the criteria of population, remoteness, wealth of each PRI availability of basic amenities in the village etc. Such criteria shall be revised every five years after conducting proper study and survey.

(7) If the Zilla Parishad fails to give intimation about the budget sanctioned by the Administrator to a Panchayat Samiti or the Panchayat Samiti fails to intimate the approval to a Gram Panchayat within one month from the date of approval of the budget by the Administrator, the Panchayat Samiti or the Gram Panchayat, as the case may be, proceed to implement the budget as proposed by it, subject to availability of funds and intimate the same to the Panchayat Samiti and or the Zilla Parishad, as the case may be.

(8) The Panchayat Samiti or the Gram Panchayat, as the case may be, in such circumstances, shall keep a record of the facts of the incident and get its action ratified by the Zilla Parishad and the Secretary (Panchayat) of the Administration.

(9) The decision of the Secretary (Panchayats) of the Administration in such cases shall be final.

(10) No expenditure shall be incurred by a Gram Panchayat, a Panchayat Samiti or the Zilla Parishad unless the budget is approved by the Administrator.

- 30. Inspection of works:-** (1) The Zilla Parishad, through its Officers and also through Committees authorized shall inspect the works in all the Gram Panchayats, Panchayat Samitis and its own works.
(2) The Panchayat Samiti through its Officers and also through Committees authorized shall inspect the works in all the Gram Panchayats under its jurisdiction and also its own works.

CHAPTER - VII CONTROL OF BUILDING OPERATIONS

31. Application in Form 11. -(1) Subject to the provisions of rule 33, any person intending to erect a new structure or a new building or to make any addition to an existing structure or building in any area within the jurisdiction of a Gram shall for obtaining prior permission in writing of the concerned Gram Panchayat make an application in duplicate in Form 11 to the Gram Panchayat. The Secretary or any other employee of the Gram Panchayat authorized by the Pradhan in this behalf, shall receive the application, in duplicate, retain one copy of it and return the other copy noting thereon the date of receipt under his signature and the seal of the Gram Panchayat.

(2) An application in Form 11 shall be submitted alongwith a plan in duplicate, of the proposed structure or building, a site plan in duplicate, copy of records of right and copy of such other records showing title and interest of the applicant in respect of the land as may be necessary.

(3) Such applications shall be scrutinized by a sub-committee called "Sub-Committee on control of building operation" appointed by the Panchayat under these rules. The Committee may recommend or reject the application for reasons to be recorded in writing and forward the same to Gram Panchayat.

(4) Copies of Form 11 shall be supplied on demand by the Gram Panchayat to any intending applicant at a non-profit making price to be fixed by the committee referred to in sub-rule (3). The Secretary shall maintain the accounts of the stock of Form 5.

(5) Notwithstanding anything contained in sub-rule (4) any person may submit his application in Form 11 under sub-rule (1) in manuscript, type-written or otherwise mechanically prepared copy of the Form.

32. Payment of fees. -(1) No application under rule 31 shall be considered by a Gram Panchayat unless such application is accompanied by a receipt granted by the Gram Panchayat against fee paid by the applicant at such rate as may be applicable under rule 36M. The Secretary or any other employee of the Gram Panchayat, authorized by the Pradhan in this behalf, shall receive the fee tendered in cash and shall immediately grant a formal receipt therefore.

(2) The fee referred to in sub-rule (1) shall not be refunded to the applicant under any circumstance.

33. Exemption from permission. -(1) No permission of the Gram Panchayat shall be necessary for erection of any new thatched structure, tin shed or tile shed without brick wall covering an area not exceeding eighteen square metres, and such structure or shed does not cover more than three fourth of the total area of the land including appurtenant land.

(2) Permission of the Gram Panchayat shall not be necessary for repair of an existing structure or building unless-

- (i) any structural change is involved, or
- (ii) such repair brings any change in existing covered area, or
- (iii) such repair includes any addition of a projection from the existing structure or building at ground level or upper level.

(3) Permission of a Gram Panchayat shall not be necessary for erection a boundary wall unless it is made of brick or cement concrete and unless the bounded area is not kept as vacant land but is used or likely to be used as stockyard or for any commercial or institutional purpose either on open space or by erecting temporary shed.

34. Construction proposal to pre-suppose civic amenities:- (1) With effect from such date and with respect to such Gram or Grams as may be specified by the Administration by notification, a plan for new structure or building within the jurisdiction of a Gram Panchayat shall have reasonable provision for—

- (a) adequate drainage facility by means of access and passage leading to existing public drains or drainage channels or by means of soak-pit having adequate capacity,
- (b) sanitary facilities including garbage disposal facility, and
- (c) access road or passage to the plot as referred to in rule 33.

(2) If a Gram Panchayat is of opinion that for the purpose of proper sanitation in a locality, any premises should have its drainage facility through a private drain owned by another plot-holder, the Gram Panchayat may, by a written notice to the owner of such premises as also of such private drain, require -

- (a) the owner of such premises to connect his house drain with such private drain, and
- (b) the owner of such private drain to permit such connection with the private drain.

(3) When a connection is made under sub-rule (2) maintenance, repair and clearing of the private drain from the point of such connection up to the public drain shall be the joint responsibility of the owners of such premises and private drain:

Provided that if any dispute arises between the owners in the discharge of the joint responsibilities, it shall be referred to the Pradhan, and his decision in such dispute shall be final and binding on the owners.

Explanation:- For the purposes of this rule, "public drain" means a drain maintained by the Government of India, the Administration or any local authority where the owner or the occupier of a building or land may cause his drains to empty.

35. Approach road or passage for building:- (1) With effect from such date, and with respect to such Gram or Grams, as may be specified by the Administration by notification, every structure or building shall have an approach road or passage from a public road, and the minimum width of such passage or road shall be one and eight-tenth meters.

(2) If an existing passage or road over which the public have a right of way, is less than one and eight-tenth meters wide, the plot-holders on either side of such passage or road shall keep a front set-back in such manner as to allow a front setback of nine-tenth meter on either side of the road after leaving in the middle a clear passage of one and eight-tenth meters :

Provided that if a Gram Panchayat is of the opinion that all existing building or part thereof should be set-back to allow a regular passage or road of not less than one and eight-tenth meter in pursuance of any development plan, the Gram Panchayat, after giving the owner of such building an opportunity of being heard, may, by a notice in writing, require that owner to pull down that building or any part thereof within such time as may be specified in the notice, and on receipt of such notice, the owner shall be bound to act accordingly.

Provided further that when the plot-holders on either side of an approach passage or road allow front set-back in such manner that on leaving a front set-back of nine-tenth meter in front of each house along the passage, a continuous width of five meters for the passage or road is obtained, such passage or road may be taken over and maintained by the Gram Panchayat.

(3) whenever there is a service road or approach passage available, no direct access from a building shall be permitted to a public road.

Explanation :- For the purposes of this rule, 'public roads' means The Andaman Trunk Road, or a road maintained by the Zilla Parishad or by the Port Blair Municipal Council, any other road normally used for vehicular traffic and maintained by the APWD.

36A. Restriction on construction over tank and water body:- A Gram Panchayat shall not give permission for any erection or construction by filling up any tank, pond, or other water body, marshy land or abandoned brickfield, and shall take such steps as may be considered appropriate to maintain them -

- (a) for use as public water body, or
- (b) for drainage facility in the locality, or
- (c) for fire fighting purposes, or
- (d) from environmental and ecological point of view, or
- (e) for promotion of pisciculture, or
- (f) for any other use of public interest:

Provided that subject to any direction or order issued by a competent authority under any law for the time being in force, a Gram Panchayat may, for reasons to be recorded in a resolution adopted in this behalf, give permission under special circumstances for any such erection or construction.

36B. Maximum coverage of residential building :- The maximum building coverage of an individual plot shall be two-third of the total area for a residential building:

Provided that one-third of the total plot area that shall be kept vacant, shall include front side and rear set-back spaces:

Provided further that in the case of any application for any addition to an existing structure or building, the Gram Panchayat shall refuse permission if the existing coverage added with the proposed addition exceeds two-third of the total plot area.

36C. Regulations for construction of residential building :- (1) Subject to such order as may be issued by the Administration in this behalf, structure or a building or a boundary wall made of brick or cement concrete within the jurisdiction of a Gram Panchayat shall be erected or constructed with a setback of at least nine-tenth meters from each side of the plot:

Provided that there shall be a minimum perpendicular distance of one and eight-tenth meter from the side of any proposed new building to the side of an existing building.

(2) Subject to the maximum height of fifteen meter, the height of a new or existing structure shall be one and half times the width of the approach road added with the width of the front set back of that building-

Provided that no set-back in the building shall be allowed.

(3) The area of a habitable room shall be not less than six square meters with a minimum width of two and one-fifth meter.

(4) The area of a kitchen shall be not less than three square meters with a minimum width of one and half meters.

(5) The area of an independent water-closet or an independent bathroom shall be not less than eight-tenth square meters with a minimum width of seventeen-twentieth meters if a water closet is combined with bathroom, its floor area shall not be less than one and a half square meter with a minimum width of nine-tenth meters.

(6) The height of all habitable and multipurpose rooms shall not be less than two and six-tenth meters from the surface of the floor to the lowest point of the ceiling the height of the kitchen, water-closet, bathroom, corridor or passage shall not be less than two and one-tenth meters from the surface of the floor to the lowest point of ceiling.

Explanation:- In this rule, "habitable room" means a room meant for human habitation other than a kitchen, bath, water-closet or store-room.

36D. Prohibition of dry latrine:- A Gram Panchayat shall not accord permission for erection or construction of a dry latrine either in an existing building or as a part of a new construction.

36E. Classification of land for construction:- If any structure or building is proposed to be erected or constructed on any land recorded other wise than as homestead land, the Gram Panchayat shall withhold permission for such erection or construction until the applicant produces an order allowing change of classification of the said land by the collector or any other competent authority having jurisdiction under any law for the time being in force.

36F. Manner of processing or application :- (1) On presentation of an application under sub-rule (1) of rule 31, and upon recommendation by the Sub-Committee under sub-rule (3) of rule 31, the Pradhan or the Up-Pradhan or any other member authorized by the Gram Panchayat in this behalf, shall also examine the right, title and interest of the applicant in respect of the land on which the structure or the building is proposed to be erected, the building plan and the site plan, and, after such inquiry as may be considered necessary, shall within a period of thirty days from the date of receipt of the application, place it before the Gram Panchayat for granting or, as the case may be, refusing permission for the erection or construction applied for.

(2) A Gram Panchayat shall, when granting permission under sub-rule (1) specify a reasonable period within which the structure or the building is to be completed and if the erection or construction is not completed within the period so specified, it shall not be continued thereafter without fresh permission unless the Gram Panchayat, on an application made in this behalf, allows an extension of such period :

Provided that the Gram Panchayat may, if it considers necessary in view of changed circumstances, require a modification of the building plan for reasons to be recorded in writing in case of delay in completion of the work.

- (3) When a Gram Panchayat refuses permission under sub-rule (1),-
- (i) the applicant shall be given an opportunity of being heard;
 - (ii) grounds for refusal shall be recorded in writing and communicated to the applicant;
 - (iii) the applicant may be allowed to submit modified proposal removing the grounds for refusal in a fresh application form or in a plain paper as may be appropriate, with two copies of modified building plan and other records as may be relevant, within a period of one year from the date of communication of such refusal such proposal shall not be taken as a new proposal and the applicant shall not be required to deposit any fee as referred to in rule 36M.

(4) As soon as may be after the Gram Panchayat grants or refuses permission under sub-rule (1), the Pradhan or the Up-Pradhan or the person authorized in this behalf shall communicate in writing to the applicant of the permission granted for the construction sought for or the refusal in this behalf, as the case may be:

Provided that

- (i) in the case of permission, one approved copy of the building plan and of the site plan shall be returned to the applicant, and the date within which the erection or construction should be completed, shall be communicated;
- (ii) in the case of refusal, the applicant shall be informed of the grounds therefore and communicated in writing.

(5) Subject to the provisions of rule 36G and rule 36H, communication to the applicant under sub-rule (2) shall be made by the Gram Panchayat within a period of sixty days from the date of receipt of the application under sub-rule (1) of rule 31.

36G. Construction within Port Blair Municipal Council area:- (1) Notwithstanding anything contained in these rules, any application under sub-rule (1) of rule 31 pertaining to the Port Blair Municipal area as defined in the Andaman & Nicobar Islands (Municipal) Regulation, 1994 shall be subject to the provisions of any rule made, or any order or direction of a competent authority issued, under the Andaman & Nicobar Islands (Municipal) Regulation, 1994 or any rules made thereunder.

(2) An application under sub-rule (1) shall, within a period of thirty days from the date of receipt of the application, be forwarded by the Gram Panchayat with its comments to the Zilla Parishad having jurisdiction and the Zilla Parishad, on receipt of such application and comments of the Gram Panchayat, shall, on a reference of the matter to the Port Blair Municipal Council Authority, if necessary, return the application and other documents within a period of thirty days from the date of such receipt, with its approval or comments as the case may be, to the Gram Panchayat for consideration under sub-rule (4) of rule 36F within a period of ninety days from the date of receipt of the application under sub-rule (1) of rule 31.

36H. Restriction for construction in the vicinity of airport or prohibited area :- No person shall erect near or in the vicinity of any airport or of a prohibited area notified as such by a competent authority under any law for the time being in force, any structure or building tending hazard to aviation or security, as the case may be. The Gram Panchayat, on receipt of such an application under sub-rule (1) of rule 31, shall cause an examination and inquiry under sub-rule (1) of rule 36F, and forward the application on the date of its receipt to the Zilla Parishad with comments. The Zilla Parishad on receipt of the application and the comments of the Gram Panchayat shall –

- (a) approve the proposal and the plan with or without any modification, or
- (b) refuse to approve the proposal and the plan, and return the application and the other papers within a period of thirty days from the date of their receipt by the Zilla Parishad to the Gram Panchayat for appropriate regularization under sub-rule (4) of rule 36F within a period of ninety days from the date of receipt of the application under sub-rule (1) of rule 31.

36I. Right of applicant if the permission or refusal is not communicated within time limit:- If permission or refusal under sub-rule (5) of rule 36F, rule 36G or rule 36H, as the case may be, is not communicated by the Gram Panchayat within the time-limit as prescribed, it shall be presumed that the Gram Panchayat has accorded such permission and it shall be lawful for the applicant to erect any structure or building conforming to the building plan and the site plan furnished by him with the application without waiting for such permission.

36J. Permission for construction of building for commercial or institutional purposes:- (1) Gram Panchayat shall not accord permission for erection of a structure or construction of a building for commercial or institutional purposes or for establishing a Factory or workshop or warehouse or godown—

- (a) in a predominantly residential area, or
- (b) on a road or an approach passage having a width measuring less than five meters.

(2) There shall be a front set back of not less than one and one fifth meters for a structure or building referred to in sub-rule (1).

(3) The maximum allowable building coverage of a structure or building referred to in sub-rule (1) shall be three-fifth of the total plot area.

(4) In the case of a proposed building on a total land measuring between four thousand square meters, and twenty five thousand square meters, the Gram Panchayat shall be handed over management and control of not less than one-sixteenth of the total land accommodating public facilities like power sub-station, public transport terminal, garbage vat and such other facilities; for plots measuring more than twenty five thousand square meters, the Gram Panchayat shall be handed over one-tenth of the total land for such purposes.

(5) Subject to the provisions of this rule, erection or construction of a building for commercial or institutional purposes, shall be governed by the rules applicable for construction of a building for residential purposes.

36K. Grounds for withholding or refusing permission:- (1) A Gram Panchayat may withhold or refuse permission under sub-rule (1) of rule 36F to 36J if-

- (a) the site plan, building plan, elevation, section or specification contravenes any provision of the Regulation or any rule framed thereunder or any other law for the time being in force;
- (b) the application for permission does not contain required particulars or has not been prepared in the manner laid down in these rules;
- (c) any information or document required by the Gram Panchayat under the Regulation or the rules thereunder has not been duly furnished;
- (d) the proposed structure or building shall, or is likely to disturb environment and sanitation of the locality;
- (e) the proposed structure or building is an encroachment on Government land or any land vested with the Gram Panchayat or any other local authority.

(2) When a Gram Panchayat takes a decision under sub-rule (1), the procedure laid down in sub-rules (3), (4) and (5) of rule 36F shall, in so far as they are applicable, be followed.

36L. Inspection of structure or building under construction :- (1) The Pradhan or the Up-Pradhan or any other person authorized by the Pradhan in this behalf, may at any time and without notice, inspect any structure or building in respect of which permission under sub-rule (1) of rule 36F has been given, while the work is in progress.

(2) If, on making an inspection under sub-rule (1), the Pradhan or any other person as aforesaid is satisfied that the structure or building is being erected –

- (a) otherwise than in accordance with the building plan as approved, or
- (b) in such a way as to contravene any of the provisions of the Regulation or these rules, the Pradhan may, after giving the owner of such structure or building an opportunity of being heard, make an order directing the owner to make such alterations within such time as may be specified in the order, with the object of bringing the structure or building in conformity with such plan or provisions, as the case may be, and the owner shall be bound to carry out the direction.

(3) Without prejudice to the provisions of section 37 or any other law for the time being in force, the Pradhan, in any case in which the erection or construction of any structure or building or any work connected therewith has been commenced or is being carried on unlawfully may, with the assistance of the police or any employee of the Gram Panchayat, if necessary, take such steps as he may deem fit to stop the continuance of such unlawful erection or construction:

Provided that if the Pradhan, in order to prevent continuation of the unlawful work, depute any police or any employee of the Gram Panchayat to watch the premises, the cost of providing the same shall be borne by the person undertaking such erection or construction.

36M. Rate of fee for application :- Any person who makes an application under sub-rule(1) of rule 31, shall pay cause to be paid a fee in cash to the Gram Panchayat at the rate shown in the table below.

THE TABLE

<u>Nature of structure or building.</u>	<u>Fee to be paid (in rupees)</u>
(a) Thatched, tin, tile or asbestos shed without brick wall covering an area of more than 18 square meters but not more than 40 square meters.	25.00
(b) Thatched, tin, tile or asbestos shed without brick wall covering area of more than 40 square meters	50.00
(c) Boundary wall made of brick or cement concrete if the bounded area is not kept as vacant plot but is used or likely to be used as stockyard or for any commercial or institutional purpose, either on open space or by erecting temporary shed, when the bounded area is -	
(i) not more than 40 square meters	25.00
(ii) more than 40 square meters.	40.00
(d) Any brick-walled one storied structure or building covering an area of not more than 40 square meters.	70.00
(e) Any brick-walled one storied building or structure covering an area of more than 40 square meters.	100.00
(f) (i) Any brick-walled two-storied structure or building covering an area of not more than 40 square meters on the ground floor.	150.00
(ii) Additional fee for each floor above first floor.	50.00
(g) (i) Any brick-walled two-storied structure or building covering an area of more than 40 square meters on the ground floor.	250.00
(ii) Additional fee for each floor above first floor.	100.00
(h) (i) Any one storied workshop or structure or building covering an area of not more than 100 square meters.	200.00
(ii) Additional fee for each floor above the ground floor.	100.00
(i) (i) Any workshop, shed or one-storied structure or building for commercial or business purpose covering an area of more than 100 square meters.	500.00
(ii) Additional fee or each floor above the ground.	200.00
(iii) Increasing the existing area of the structure or building.	
(i) By not more than one-fifth of the existing covered area.	50.00
(ii) By more than one-fifth of the existing covered area.	100.00

36N. Construction of Park and Garden :- With effect from such date and with respect to such Gram or Grams as may be specified by the Administration by notification, a Gram Panchayat shall endeavor to construct at least one Park and Garden in a vested land in very constituency of the Gram Panchayat and for the said purpose, the Gram Panchayat shall submit proposal to the competent authority for earmarking a particular vested land.

36O. Building of public drain :- With effect from such date and with respect to such Gram or Grams as may be specified by the Administration by notification, a Gram Panchayat shall endeavor to build and maintain, where it considers necessary a system drainage within its predominantly residential area and sufficient out fall in or outside such residential area and, for this purpose, the Gram Panchayat may make use of any vacant land either under its management or as a result of set-back of any structure or building:

Provided that the Gram Panchayat shall not build any super-structure on any vacant land as a result of set-back of any structure or building :

Provided further that for building a system of drainage, a Gram Panchayat shall ensure unhindered use of any approach passage or road.

36P. Collection and disposal of solid waste :- (1) With effect from such date and with respect to such Gram or Grams as may be specified by the Administration by notification, a Gram Panchayat shall endeavor to build and maintain, where it considers necessary, a system of collection, removal and disposal of solid wastes from residential, commercial or institutional buildings.

(2) The Gram Panchayat may provide or appoint in convenient situations, including the situation arising out of any vacant land as a result of set-back of any structure or building, public receptacles, depots or places for the temporary deposit of-

- (a) rubbish,
- (b) offensive matters,
- (c) domestic and trade refuse,
- (d) carcasses of dead animals, and
- (e) excreta and polluted matters.

(3) It shall be the duty of the owners or the occupiers, as the case may be, of all premises to cause all matters referred to in clauses (a) to (e) of sub-rule (2) to be collected from their respective premises and to be deposited in public receptacles, depots or places provided or appointed under sub-rule (2), at such time and in such manner as the Pradhan may, on giving adequate publicity, specify.

(4) The Gram Panchayat shall make adequate provision for preventing receptacles, depots or places from becoming sources of nuisance.

(5) All matters deposited in public receptacles, depots or places as aforesaid and all solid wastes collected shall be the property of the Gram Panchayat.

36Q. Appeal against the decision of the Gram Panchayat:- (1) If, on receipt of an application under sub-rule (1) of rule 31, which has not been referred to the Zilla Parishad under rule 36G or rule 36M, as the case may be, a Gram Panchayat refuses to grant permission to the erection of any structure or building, an aggrieved person may prefer an appeal to the executive Officer of the Panchayat Samiti within ninety days, from the date of communication of such order of refusal the Executive Officer shall decide the matter after giving notice to the parties concerned, and his decision in the matter shall be final.

(2) If, on receipt of an application under sub-rule (1) of rule 31, which has been referred to the Zilla Parishad under rule 36G or rule 36H, as the case may be, a Gram Panchayat or a Zilla Parishad refuses to grant permission for the erection or construction of any structure or building, an aggrieved person may prefer an appeal to the Deputy Commissioner having jurisdiction, within ninety days from the date of communication of the refusal to grant such permission and the Deputy Commissioner shall decide the matter after giving notice to the parties concerned, and his decision in the matter shall be final.

36R. Direction by the Administration:- The Administration may issue such general or special directions, not inconsistent with the provisions of the Regulation or these rules, as may, in its opinion, be necessary for the purpose of giving effect to these rules.

CHAPTER – VIII DISPOSAL OF APPEAL AGAINST THE ORDER OF THE GRAM PANCHAYAT REGARDING SANITATION ETC.

37. Manner of disposal of appeal by the prescribed authority:- When an appeal has been preferred under the provisions of rule 36Q, the prescribed authority shall give at least 15 day's notice of appeal to the Gram Panchayat before disposing of the same.

CHAPTER - IX JOINT COMMITTEE

38. Appointment of Joint Committee and its duties:- (1) Subject to the previous approval of the Panchayat Samiti or Zilla Parishad concerned, two or more Gram Panchayats or Gram Panchayats and Panchayat Samitis or Gram Panchayats, Panchayat Samitis and Zilla Parishad may combine to appoint a Joint Committee consisting of such representatives as may be chosen by the respective Gram Panchayats, Panchayat Samitis and Zilla Parishad for the purpose of transacting any business or carrying out any work in which they are jointly interested or when one or more Gram Panchayat refuse for such a work or project within its geographical area.

(2) The Gram Panchayats/Panchayat Samiti/Zilla Parishad which combine to form the Joint Committee shall subscribe to a written instrument which shall be drawn up for this purpose. The Chairpersons shall sign the instrument.

(3) The written instrument, referred to in sub-rule (2), shall contain the following:-

- (a) the specific purpose for which the Joint Committee is formed and the conditions on which the Joint Committee may frame schemes binding on the constituent Panchayats;
- (b) the period for which the Joint Committee is to function;
- (c) the number of members to be sent to the Joint Committee by each of the Panchayats intending to form the Joint Committee and the term of office of such members;
- (d) the financial and administrative powers, including the power to supervise the construction of any joint work, which the Joint Committee shall exercise;
- (e) the power which the constituent Panchayats shall exercise in relation to any joint scheme.

(4) The Joint Committee shall, from time to time, make such report of progress of work to the constituent Panchayats as may be required by them.

(5) The constituent Panchayats may frame or modify rules regarding the constitution of the Joint Committee and the term of office of the members thereof and the method of conducting business.

39. Manner of resolving the difference of opinion between the constituent Panchayats:- If any difference of opinion arises between the constituent Panchayats forming the Joint Committee, it shall be referred to such officer as the Administration may prescribe, and the decision of such officer thereon shall be final and binding on each of the constituent Panchayats.

CHAPTER-X DELEGATION OF FUNCTIONS BY ZILLA PARISHAD AND PANCHAYAT SAMITIS AND OF FINANCIAL POWERS BY GRAM PANCHAYAT

40. Delegation of functions to Gram Panchayat by Zilla Parishad and Panchayat Samitis :-(1) The functions of the Zilla Parishad/Panchayat Samiti which it may delegate to a Gram Panchayat shall relate to the area of the Gram Panchayat concerned.

(2) Before delegating any of its functions to a Gram Panchayat the Zilla Parishad or the Panchayat Samiti shall communicate its intention in this regard to the Gram Panchayat concerned. The Gram Panchayat after receiving such communication from the Zilla Parishad/Panchayat Samiti shall intimate its willingness or otherwise to discharge the function on behalf of the Zilla Parishad/Panchayat Samiti. The Zilla Parishad/Panchayat Samiti shall delegate the function only when the Gram Panchayat expresses its willingness in writing.

(3) The Zilla Parishad/Panchayat Samiti shall make available the necessary funds and technical assistance to the Gram Panchayat for performing the function delegated by it.

(4) The Zilla Parishad and the concerned Panchayat Samiti shall have the power to supervise the work undertaken by the Gram Panchayat in performing any function delegated to it under this rule and the Gram Panchayat shall abide by the direction of the Panchayat Samiti concerned or the Zilla Parishad concerned as the case may be.

(5) The delegation of function by the Panchayat Samiti and the Zilla Parishad shall be subject to such restrictions and conditions as may be mutually agreed upon.

(6) The order of delegation shall be communicated by the Pramukh/ Adhyaksha to the Pradhan. A copy of such communication shall be sent to the Chief Executive Officer of the Zilla Parishad and the Executive Officer of the Panchayat Samiti.

41. Delegation of financial powers to Chairperson by Panchayat:-The Panchayat shall, while delegating any financial power to a Chairperson or while withdrawing or modifying such power, forthwith give intimation thereof to the Assistant Commissioner, Executive Officer, Chief Executive Officer, Deputy Commissioner, and the Director of Panchayat. The Secretary (Panchayats) of the Administration and any other concerned authority which the Panchayat feels it necessary shall also be informed of the position besides recording the minutes in the minute book of the Panchayat.

CHAPTER - XI
POWERS, FUNCTIONS AND DUTIES OF CHAIRPERSON AND VICE-CHAIRPERSON.

42. Powers, functions and duties of Chairpersons and Vice-Chairpersons:- (1) The Chairperson shall have, in addition to the powers and functions conferred and imposed on him by or under the Regulation, the following powers and functions—

- (a) The Chairperson shall be responsible for custody of the seal of the Panchayat,
- (b) Subject to the prior approval of the Panchayat, the Chairperson shall have the power to enter into any contract relating to works and expenditure of the Panchayat,
- (c) The Chairperson shall have the power to suspend any officer or employee appointed by the Panchayat for misconduct or negligence of duty:

Provided that the Chairperson shall report the same for approval at the next meeting of the Panchayat.

- (d) The Chairperson may, subject to the approval of the Panchayat, give three months notice or three months pay in lieu thereof to any officer or employee appointed by the Panchayat whose services are not required by the Panchayat.
- (e) The Chairperson may, subject to the approval of the Panchayat, give order for the forfeiture of the salary for a period not exceeding one month of any officer or employee appointed by the Panchayat who may be absent from his duties without leave or without giving previous notice of such absence.
- (f) The Chairperson shall, if so required by the Panchayat, ask such officers or employees of the Panchayat to furnish such security as the Panchayat or any other authority may, from time to time, determine.

(2) The Vice-Chairperson shall exercise such of the powers and perform such of the functions of the Chairperson as the Chairperson may, from time to time, delegate to him by order in writing:

Provided that no financial power or function shall be delegated to the Vice Chairperson by the Chairperson without the approval of the Panchayat:

Provided further that the Chairperson may at any time withdraw all or any of the powers and functions delegated to the Vice-Chairperson.

Note:- The terms "Chairperson" in this chapter applies to the "Pradhan" of a Gram Panchayat, "Pramukh" of a Panchayat Samiti and "Adhyaksha" of a Zilla Parishad and the term "Vice-Chairperson" applies to the "Up-Pradhan" of a Gram Panchayat, "Up-Pramukh" of a Panchayat Samiti and "Up-Adhyaksha" of a Zilla Parishad. It shall not apply to a Chairperson or Vice-Chairperson of a Committee or a Sub-Committee or a meeting of a Gram Panchayat, Panchayat Samiti or Zilla Parishad etc.

CHAPTER – XII
SECRETARY AND STAFF OF A PANCHAYAT

43. Method of recruitment, conditions of service, and duties of Secretary of a Panchayat :-

(1) The Secretary of the Panchayat shall be appointed by the Administrator, as provided for in the Regulation.

(2) The Secretary shall be appointed by the competent authority of the Andaman and Nicobar Administration as provided for in the Andaman & Nicobar Islands (Panchayat Secretary) Recruitment Rules, 1995 as amended from time to time and any other Recruitment rules prescribed by the Administrator from time to time.

44. Duties of Secretary of a Panchayat :- (1) The Secretary of a Panchayat shall be incharge of the office of the Panchayat. He shall work under the direct supervision of the Chairperson or the Vice-Chairperson and shall be responsible to the Panchayat through the Chairperson or the Vice-Chairperson as the case may be.

- (2) Notwithstanding anything contained in any other rules, the Secretary shall-
- (a) prepare the assessment list in due time;
 - (b) prepare the budget in due time;
 - (c) be responsible for maintaining the cash book and other books of accounts. He shall also be responsible for preparing the monthly and quarterly statements of accounts and placing the same before the Panchayat;
 - (d) be responsible for keeping all records of the Panchayat in safe custody;
 - (e) be responsible for producing all records before the auditors or inspecting officers as and when directed by the Chairperson;
 - (f) be responsible for maintaining all registers relating to Choudhary and Chowkidars;
 - (g) be responsible for preparing and sending to the appropriate authority necessary reports and returns relating to Choudhary and Chowkidars;
 - (h) be responsible for bringing to the notice of the Chairperson all important information furnished by Choudhary and Chowkidars;
 - (i) be responsible for submission to the appropriate authority in due time all grant-in-aid bills;
 - (j) be responsible for allotting duties to Choudhary and Chowkidars when they report to the Panchayat office for duty;
 - (k) perform such other duties in respect of the work of the Panchayat and of the Administration as the Chairperson, the Vice-Chairperson or the Administrator may direct from time to time;
 - (l) inspect work sites for assessing the works in progress and for giving directions if the works are not carried out according to sanctions;
 - (m) attend to complaints relating to developmental works in progress and to submit reports thereof to the authority calling for such reports;
 - (n) visit the sites where works are undertaken by individuals who are granted loan by the Panchayat and report to the competent authority if the loans are misused and to cause recovery of loss thereof;
 - (o) perform all other duties and functions assigned in the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 and other duties as may be entrusted from time to time.

STAFF OF PANCHAYAT

45. Appointment of officers and employees by Panchayat and conditions of service of such officers and employees :- (1) A Panchayat may, with the prior approval of the Administrator, create such posts of officers and employees as may be necessary for carrying out the work of the Panchayat and may make appointments to such posts:

Provided that no such post shall be created or abolished and no revision of the scale of pay of any such post shall be made by the Panchayat without providing sufficient fund to meet the expenses and without the prior approval of the Administrator.

(2) The salary of the officers and employees of the Panchayat shall be paid out of the Panchayat Fund accrued to the Panchayat from their own income or provided specifically by the Government for the purpose of appointing such officers and staff of a Panchayat.

(3) The staff of any department or organization transferred under the charge of the Panchayats, such department or organization shall also transfer funds for the payment of salary and allowances etc. to the PRIs. Such staff will be paid out of such funds transferred or alternatively, the department concerned may make payment to the staff by cheque/cash/demand draft, through the Panchayats.

(4) The Panchayat, while submitting any proposal to the Administrator through the Director of Panchayat for the creation of any post shall give justification for, and state the duties, qualifications and scale of pay of the proposed post, and also indicate how the pay and allowances for the posts are proposed to be met.

(5) The Director shall forward the proposal to the Administrator with his findings for disposal.

(6) The candidates for appointment to the posts of officers and employees under sub-rule (1) shall be between 18 and 35 years of age, the upper age limit being relaxing up to 35 years in the case of the Scheduled Castes, Scheduled Tribes candidates.

(7) Any appointment of an officer or employee under sub-rule (1) shall be made in accordance with the policy laid down by the Administrator from time to time, and shall be made only on approval by the Administrator. Expenditure for such posts shall not be made out of funds provided for purposes other than the funds mentioned in sub-rule (2).

(8) In the matter of superannuation and re-employment of the officers and employees appointed under sub-rule (1), the provisions of Govt. rule shall apply *mutatis-mutandis*.

46. Discipline and control of officers and employees appointed by a Panchayat:—

(1) The Panchayat may take disciplinary action against any officer or employee appointed under sub-rule (1) of rule 45 by removing or dismissing him from service or by forfeiting his salary for a period not exceeding one month. The Panchayat may also recover from the pay of any such officer or employee the whole or part of any pecuniary loss caused to the Panchayat by negligence or breach of orders.

(2) Before any disciplinary action referred to in sub-rule (1) is taken against any officer or employee, the Panchayat shall give him a reasonable opportunity of being heard.

(3) The Panchayat may place any officer or employee under suspension where a disciplinary proceeding against him under this rule is contemplated or is pending and shall record in writing the circumstances in which the order of suspension is made.

(4) An appeal shall lie to the Director of Panchayat against any disciplinary action under this rule. The appeal shall be preferred by the officer or the employee concerned within thirty days of receipt of the order regarding such disciplinary proceedings. The decision of the Director of Panchayat on such appeal shall be final.

47. Savings :- (1) Nothing in rules 45 and 46 shall be construed to limit or abridge the power of the Administrator to dispense with or relax the requirement of any of these rules to such extent and subject to such conditions as it may consider necessary for dealing with for dealing with a case in a just and equitable manner.

(2) The forms prescribed under these rules are subject to change or modification from time to time and may be changed or modified by issue of executive orders whenever and wherever necessary.

Sd/-
(I.P.GUPTA)
Lieutenant Governor
Andaman and Nicobar Islands

By order and in the name of the Lieutenant Governor

Sd/-
(M.RAJENDRAN)
Assistant Secretary(Panchayats)
F.No. 3-21/96-PR

FORM - 1

[See Rule 5(1)]

Form of notice of Ordinary/Special/Emergent meeting of Gram Sabha

By Special Messenger/Through Police Wireless/by beat of drum/Announcement.

To*

* (All elected members of the Gram Panchayat, Panchayat Samiti/Zilla Parishad member concerned through Special messenger and to all members of the Gram Sabha by affixing the notice in conspicuous places in all villages/important public offices/by beat of drum/announcement over loudspeaker etc.)

Notice is hereby given that to transact under mentioned business, the next meeting of the \$ Gram Sabha will be held at (place) at am/pm on the day of 19.....

Kindly make it convenient to attend the said meeting.

List of business to be transacted :-

- 1.
 - 2.
 - 3.
- etc.

Dated this the day of 19.....

Secretary,
..... Gram Panchayat

^ To be sent to the Zilla Parishad Member/Panchayat Samiti Member and the Executive Officer concerned and all elected members of the Gram Panchayat individually in the manner prescribed in rule 6 and to all the members of Gram Sabha by affixing the notice at all conspicuous places/by beat of drum/announcement through loudspeaker etc.

Score out whichever is not applicable.

\$ Write the name of the Gram Sabha.

FORM - 1 A
[See Rule 5(1)]

*** Form of notice of General/Ordinary/Special/Emergent meeting of a Panchayat
By Special Messenger/Through Police Wireless**

* Notice is hereby given that an Emergent/Special/Ordinary meeting of the _____ (write the name of Gram Panchayat/Panchayat Samiti/Zilla Parishad) at _____ (place of meeting) on _____ (date) at _____ (am/pm) to transact the undermentioned business.

Business

- 1.
- 2.
- 3.

He is requested to make it convenient to attend the said meeting.

Place :

Date :

Secretary/Executive Officer/Chief Executive Officer
_____ Gram Panchayat/Samiti/Zilla Parishad.

* Score out whichever is not applicable.

A & N Islands (Panchayat Administration) Rules, 1997

FORM - 2
[See Rule 7 & 9]

Form of notice of Adjourned meeting of Panchayat

By Special Messenger.

_____ Gram Panchayat/Samiti/Zilla Parishad.

To

Notice is hereby given that the meeting of the _____ *Gram Panchayat/Panchayat Samiti/Zilla Parishad which was adjourned on the _____ day of _____ 19 _____ will be held at _____ (place) at _____ am/pm on the _____ day of _____ 19 _____ to transact the items of business which were on the agenda of the said meeting dated _____.

He is requested to make it convenient to attend the said adjourned meeting.

Dated this _____ day of _____ 19 _____

Secretary/Executive Officer/Chief Executive Officer
_____ Gram Panchayat/Samiti/Zilla Parishad.

* Score out whichever is not applicable.

FORM -- 3
[See Rule 8]

Form for attendance register for meeting of Panchayat

Name of the Gram Panchayat/Panchayat Samiti/Zilla Parishad.

- (1) Date of meeting.
- (2) Place of meeting.
- (3) Time of meeting.
- (4) Nature of meeting : ORDINARY/EMERGENT.

Sl. Name of Member _____ Signature.

Signature of Secretary

Signature of Chairperson.

A & N Islands (Panchayat Administration) Rules, 1997

FORM -- 4
[See Rule 19 to 22]

NOTICE

(To be delivered in person in the office of the Gram Panchayat/Panchayat Samiti/Zilla Parishad concerned and an acknowledgement obtained on the office copy)

To

- *The Pradhan
- *The Pramukh
- *The Adhyaksh

_____ (Name of the Gram Panchayat/Panchayat Samiti/Zilla Parishad).

I, _____ (name) Member _____ (name of Gram Panchayat/Panchayat Samiti/Zilla Parishad) hereby move a motion of no confidence against Shri _____ (name) _____ (designation) i.e. Pradhan/Up-Pradhan/Pramukh/Up-Pramukh/Adhyaksh/Up-Adhyaksh of the concerned Panchayat).

Place:

Date .

Signature :
Name :
Name of Panchayat **

* Score out whichever is not applicable.

** Write the name of Gram Panchayat/Panchayat Samiti/Zilla Parishad.

FORM – 4 A

[See Rule 26]

To

- *The Pradhan
- *The Pramukh
- *The Adhyaksh

_____ (Name of GP/PS/ZP as the case may be)

I, _____ (Name) Member of _____ (Name of Gram Panchayat/Panchayat Samiti/Zilla Parishad) hereby move a resolution as detailed below for adoption in the next meeting of the Panchayat.

Place :

Date :

Name of Member

* Score out whichever is not applicable.

THE RESOLUTION

(Here write or type the full text of the resolution. Append separate sheet if required)

FORM – 5

[See Rule 28]

(Also see rule 41 of Account & Finance Rules)

**INCOME AND EXPENDITURE FOR THE PREVIOUS AND ENSUING YEARS AND ANNUAL
ADMINISTRATION REPORT OF A PANCHAYAT**

INCOME BUDGET FOR	AND	
Heads of receipts	Actual receipt during the year (R.E.)	Anticipated receipt during ensuing year (B.E.)
1	2	3

A. RECEIPTS (PART – I FUND)

1. Opening Balance
2. Contribution by Administration -
 - (a) for maintenance of –
 - (i) Dafadars & Chowkidars
 - (ii) Secretary & Other Officers and employees.
 - (iii) For honorarium of elected member.
 - (iv) For fixed TA, if any, of elected members.
 - (b) for development work
 - (c) in the form of incentive grant
 - (d) in the form of matching grant (for items 3 & 6)
 - (e) as untied fund for general purpose
 - (f) as fund for properties transferred
3. Taxes collected under section 37*/128**/170***
(attach separate detailed list for each item)
4. Fines etc. received from Nyaya Panchayat
5. Receipts from Cattle Pounds
6. Receipts from properties and remunerative assets created by the Panchayat.
7. Receipts in respect of management of estates and all interest therein vested in the State (maintenance fund)
8. Contribution/Grant by Zilla Parishad/Panchayat Samiti.
9. Receipts from Gifts, contribution, income from trust etc.
10. Receipt on account of fines and penalties.
11. Receipt on account of recovery of cost of demolition of bldgs.
12. Receipt on account of recovery of cost of works carried out.
13. Receipts for acting as agent of Zilla Parishad.
14. Any other receipt (give details).
15. Loans and advances
 - (i) From Central/UT Administration.
 - (ii) From financial institutions and other sources.
 Receipts on deposits and advances of Part-I fund.
16. Miscellaneous receipts, if any not classified above.

Sub : Total Receipts – A – (Part-I Funds)

B. RECEIPTS PART – II FUNDS

I. CONTRIBUTION/GRANT FROM A & N ADMINISTRATION, DEPARTMENTS OF THE UT ADMINISTRATION FOR SPECIFIC PURPOSE

Head of receipts.	Actual receipts during the year (R.E)	Anticipated receipts during ensuing year (B.E)
1. Opening Balance		
2. Grant received for construction of roads, footpath, bridges, culverts etc. of plan schemes.		
3. Grants given for Water Supply.		
4. Grants given for Sanitation.		
5. Funds provided by the Departments of the Administration for specific programs (specify)		
(a)		
(b)		
(c)		
6. Receipt from the UT Administration for specific works under any other sector or sub-sector of Annual Plans (specify)		
(a)		
(b)		
(c) Receipts on deposits and advances of Part-II Fund.		
7. Any other Part – II fund not specified above.		
<hr/>		
Sub – Total Receipts – Part –II Funds		

C – PART- III FUND

RECEIPTS FROM CENTRAL GOVERNMENT/DIRECTOR(RD)/DRDA ETC. FOR SPECIFIC SCHEMES

1. Opening balance
Fund received from the Central Government/DRDA/Director (RD) etc.
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
 - (f)
 - (g)

Sub-Total Receipts – C.Part – III Funds

Grant Total Receipts (A+B+C)

EXPENDITURE BUDGET FOR**AND**

Head of receipts	Actual receipt during the year (R.E.)	Anticipated receipt during ensuing year (B.E)
1	2	3

A. EXPENDITURE (PART-I FUND)**Expenditure for :-**

1. Contribution from Administration -
 - (a) for maintenance of –
 - (i) Dafadars & Chowkidars.
 - (ii) Secretary & Other Officers and employees.
 - (iii) For honorarium of elected members.
 - (iv) towards TA, if any, of elected members.
 - (b) for development works as shown in Form 6-A/6-B, 7-A/7-B or 8-A/8-B as the case may be.
2. Taxes re-funded if any (section 37*/128**/170***
(attach separate detailed list for each item).
3. Expenditure towards maintenance of properties of Panchayat.
4. Expenditure towards maintenance of Govt. properties (for which funds specifically provided) attach list.
5. Expenditure on properties and remunerative assets created by the Panchayat.
6. Expenditure for management of estates and all interest therein vested in the State (maintenance fund).
7. Expenditure out of Contribution/Grant by Zilla Parishad/Panchayat Samiti.
8. Expenditure from Gifts, contribution, income from trust etc.
9. Expenditure on account of fines and penalties.
10. Expenditure on account of recovery of cost of demolition of buildings.
11. Expenditure on account of recovery of cost of works carried out.
12. Expenditure for acting as agent of Zilla Parishad.
13. Any other expenditure (give details).
14. Expenditure for getting Loans and Advances (if any)
 - (i) From Central/UT Administration
 - (ii) From financial institutions and other sources
 - (iii) Refund of deposits and advances of Part-I fund.
15. Miscellaneous expenditure, if any not classified above.
(attach separate sheet or relevant Form, if any)

Sub-Total Expenditure – Part-I.Fund (I)

Closing Balance

Total (Expenditure + Closing Balance)

Note : The total expenditure plus closing balance should tally with the total receipts.

FORM – 6-A
[See Rule 28-A]
PART-I

REVISED ESTIMATE (ACTUAL EXPENDITURE) OF WORKS FOR THE YEAR _____

(Enter the details of works done under Part-I fund and show the work-wise expenditure which shall tally the expenditure shown for works in Form 5)

List of works carried out during the year _____ in _____ Gram Panchayat as approved by the Gram Sabha and further discussed in its meeting held on _____

A. EXECUTED BY GRAM PANCHAYAT

Sl. No.	Name of work	Esttd. Cost.	Fund available during the year and head of a/c	Actual Expenditure during the year
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EXPENDITURE ON WORKS OUT OF PART – I FUNDS

A. Roads, Bridle Paths/foot path, bridge, culvert, if any.

- 1.
- 2.
- 3.

Sub – total (A)

B. BUILDINGS including offices, residential qrs., shopping complex, schools, tourist cottages, piggery, poultry, dispensaries, anganwadis etc.

- 1.
- 2.
- 3.

Sub-total (B)

C. Parks, playgrounds, burial grounds, social forestry etc.

- 1.
- 2.
- 3.

Sub-Total (C)

D. Irrigation, soil conservation, water supply, sanitation etc.

- 1.
- 2.
- 3.

Sub-Total(D)

E. General works (including expenditure on street lights etc.)

- 1.
- 2.
- 3.

Sub-Total

Total Part-I

Closing Balance

Note : Total expenditure plus closing balance should tally with the Part-I receipt.

EXPENDITURE ON WORKS OUT OF PART-II FUNDS

(OUT OF GRANT-IN-AID PROVIDED BY THE ADMINISTRATION
FOR SPECIFIC WORKS)

A. Roads, Bridle Paths/foot path, bridge, culvert, if any.

- 1.
- 2.

Sub-Total (A)

B. Buildings including offices, residential qrs., shopping complex, schools, tourist cottages, piggery, poultry, dispensaries, anganwadis etc.

- 1.
- 2.
- 3.

Sub-Total (B)

C. Parks, playgrounds, burial grounds, social forestry etc.

- 1.
- 2.
- 3.

Sub-Total (C)

D. Irrigation, soil conservation, water supply, sanitation etc.

- 1.
- 2.
- 3.

Sub-Total (D)

E. General works (including expenditure on street lights etc.)

- 1.
- 2.
- 3.

Sub-Total

Total Part-II

Closing Balance

Note : Total expenditure plus closing balance should tally with the Part-II receipt.

EXPENDITURE ON WORKS OUT OF PART - III FUNDS

(OUT OF GRANT-IN-AID/FUNDS PROVIDED BY THE DRDA/PROJECT DIRECTOR/CENTRAL
GOVT./ZILLA PARISHAD OR ANY OTHER AGENCY FOR SPECIFIC WORKS)

Sl.No.	Name of work/scheme/works	Estt. Cost	Amount received	Expenditure incurred	% of works completed
1	2	3	4	5	6
1					
2					
3					
Sub-Total					
Total Part - III					
Closing Balance					

Note : Total of Part -III plus closing balance should tally the Part - III receipts

Secretary
(Seal)

Pradhan
(Seal)

B. EXPENDITURE PART-II FUND

I. CONTRIBUTION/GRANT FROM A & N ADMINISTRATION, DEPARTMENTS OF THE UT ADMINISTRATION FOR SPECIFIC PURPOSE

Head of receipts.	Actual expenditure during the year (R.E)	Anticipated expenditure during ensuing year (B.E)
1. Expenditure for construction of roads, footpath, bridges, culverts etc. of plan schemes.		
2. Expenditure on Water Supply programs.		
3. Grants given for Sanitation.		
4. Expenditure on works out of funds provided by the Departments of the Administration for specific programs (attach list)		
5. Expenditure from fund provided by the UT Administration for specific works under any other sector or sub-sector of Annual Plans (specify)		
(a)		
(b)		
(c) Expenditure on deposits and advances of Part-II Fund.		
6. Any other expenditure out of Part II fund not specified above. (attach list or relevant form, if any)		

(Only total needs to be given in this form, if details are given in Form 6-A/7-A/8-A by the GP/PS/ZP)

Total Expenditure – Part – II Funds (II)

Closing Balance

Total :

Note : The total expenditure plus closing balance should tally the total receipt of Part II funds.

C – PART – III FUND

EXPENDITURE OUT OF FUND OF CENTRAL GOVERNMENT/DIRECTOR (RD)/DRDA ETC. FOR SPECIFIC SCHEMES

Expenditure out of funds received from the Central Government/DRDA/Director(RD) etc. (Enter total of expenditure incurred on each scheme and given details in Form 6-A/7-A/8-A, as the case may be).

- (a)
(b)
(c) etc.

Sub-Total Expenditure (III)

Closing Balance

Total

Total Receipts (A+B+C)

Total Expenditure (I+II+III)

Closing Balance (Receipts (-) Expenditure)

Note : The total expenditure plus closing balance should tally the total receipt of Part – III Funds.

ANNUAL ADMINISTRATION REPORT FOR THE PREVIOUS YEAR

1. **General activities of the Panchayat leading to economic development and social justice.**
2. **Important incidents taken place within the jurisdiction of the Panchayat.**
3. **Report on the works of the Committees and Sub-Committees.**
 - (a) **Committees**
 - (b) **Sub-Committees**
4. **Report on the inspections carried out by Committees and Sub-Committees.**
5. **Number of Gram Sabhas convened in the Panchayat. (For Gram Panchayats only)**
(The Panchayat Samitis and Zilla Parishad shall give the number of meetings conducted by them during the year).
6. **Report on natural calamities, untoward incidents taken place.**
7. **Any other activities of the Panchayat.**

Certified that the report has been placed before the Gram Sabha, General Body meeting of the Panchayat Samiti/Zilla Parishad and adopted in its meeting held on _____.

Place:

Date :

Signature

Chairperson of the Panchayat/Panchayat Samiti/Zilla Parishad

Note :

1. Any points omitted in the budget/Annual Administration report form given above may be added by the Panchayat.
2. The above format is common for the Gram Panchayat, Panchayat Samiti and the Zilla Parishad.
3. Sections of the Regulation quoted in the format whichever is not applicable may be scored out by the Gram Panchayat/Panchayat Samiti/Zilla Parishad.
Any item omitted in the format and which are to be included under various sections of the Regulation and rules framed thereunder may be added by the Panchayats.

Pertains to Gram Panchayats

Pertains to Panchayat Samiti

* Pertains to Zilla Parishad

Form 5 is common for Gram Panchayats, Panchayat Samiti and Zilla Parishad.

FORM – 6-B
[See Rule 28-A]
PART-I

BUDGET ESTIMATE ON WORKS PROPOSED FOR THE YEAR _____

(Enter the details of works done under Part-I fund and show the work-wise expenditure which shall tally the expenditure shown for works in Form 5).

List of works carried out during the year _____ in _____ Gram Panchayat as approved by the Gram Sabha and further discussed in its meeting held on _____

(viii) EXECUTED BY GRAM PANCHAYAT

Sl. No.	Name of work	Esttd. Cost	Fund available during the year and head of a/c	Anticipated during the year	Expdr.
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ANTICIPATED EXPENDITURE OUT OF PART – I FUNDS

CONTINUING WORKS FROM PREVIOUS YEAR

A. Roads, Bridle Paths/foot path, bridge, culvert, if any.

- 1.
- 2.
- 3.

NEW WORKS

- 1.
- 2.
- 3.

Sub-Total (A)

B. BUILDINGS including offices, residential qrs., shopping complex, schools, tourist cottages, piggery, poultry, dispensaries, anganwadis etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.
- 3.

NEW WORKS

- 1.
- 2.

Sub-Total(B)

C. Parks, playgrounds, burial grounds, social forestry etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.
- 3.

NEW WORKS

- 1.
- 2.

Sub-Total

D. Irrigation, Soil Conservation, Water Supply, Sanitation etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.
- 3

NEW WORKS

- 1.
- 2.

Sub-Total (D)

E. General works (including expenditure on street lights etc.)

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.
- 3

NEW WORKS

- 1.
- 2.

Sub-Total

Total Part-I

Closing Balance

Note: Total expenditure plus closing balance should tally with the Part-I receipt.

ANTICIPATED EXPENDITURE OF PART – II FUNDS

**(OUT OF GRANT-IN-AID PROVIDED BY THE ADMINISTRATION
FOR SPECIFIC WORKS)**

CONTINUING WORKS FROM PREVIOUS YEAR

A. Roads, Bridle Paths/foot path, bridge, culvert, if any.

- 1.
- 2.
- 3

NEW WORKS

- 1.
- 2.

Sub-Total (A)

B. Building including offices, residential qrs., shopping complex, schools, tourist cottages, piggery, poultry, dispensaries, anganwadis etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.
- 3.

NEW WORKS

- 1.
- 2.

Sub-Total (B)

C. Parks, playgrounds, burial grounds, social forestry etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.

NEW WORKS

- 1.
- 2.

Sub-Total

D. Irrigation, Soil Conservation, Water Supply, Sanitation etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.

NEW WORKS

- 1.
- 2.

Sub-Total (D)

E. General works (including expenditure on street lights etc.)

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.

NEW WORKS

- 1.
- 2.

Sub-Total (E)

Total Part-II

Closing Balance

Note: Total expenditure plus closing balance should tally with the Part-I receipt.

OUT OF PART – III FUNDS

(OUT OF GRANT-IN-AID/FUNDS PROVIDED BY THE DRDA/PROJECT DIRECTOR/CENTRAL GOVT./ZILLA PARISHAD OR ANY OTHER AGENCY FOR SPECIFIC WORKS)

Sl.No.	Name of work/scheme/works	Estt. Cost	Amount received	Expenditure incurred	% of works completed
1	2	3	4	5	6

CONTINUING WORKS FROM PREVIOUS YEAR

1.					
2.					

NEW WORKS

1.					
2.					
Sub-Total					
Total Part – III					
Closing Balance					

Note : Total of Part –III plus closing balance should tally the Part – III receipts.

Secretary

Pradhan

FORM 6-C
[See Rule 28-A]

**LIST OF WORKS EXECUTED DURING THE PREVIOUS YEAR AND PROPOSED TO
BE EXECUTED DURING THE ENSUING YEAR**

(The Gram Panchayats only needs to mention the names of works executed by the Panchayat Samiti and the Zilla Parishad and their estimated cost. The actual expenditure shall be given by the Panchayat Samiti and the Zilla Parishad.)

REVISED ESTIMATE FOR THE YEAR _____

(The work should be entered Fund-wise, namely Part-I Fund, Part-II Fund and Part-III Fund of the Panchayat Samiti and the Zilla Parishad concerned. First of all the works undertaken under Part-I, followed by Part-II and Part-III shall be entered. The Gram Panchayat needs to mention the name of works only. The completed works should be entered first followed by incomplete work under each Part. The Estimated cost of the works and up to what stage the works have been completed shall be given by the Panchayat Samiti and the Zilla Parishad.)

Sl.No. Name of work Estt. Cost Completed % Remarks

EXECUTED BY PANCHAYAT SAMITI

Completed works of Part-I Fund

Continuing works of Part-I Fund

New works of Part-I Fund

Completed works of Part-II Fund

Continuing works of Part-II Fund

New works of Part-II Fund

Completed works of Part-III Fund

Continuing works of Part-III Fund

New works of Part-III Fund

LIST OF WORKS PROPOSED TO BE EXECUTED DURING THE ENSUING YEAR

(The Gram Panchayats only needs to mention the names of works executed by the Panchayat Samiti and the Zilla Parishad and their estimated cost. The actual expenditure shall be given by the Panchayat Samiti and the Zilla Parishad.)

REVISED ESTIMATE FOR THE YEAR _____

(The work should be entered Fund-wise, namely Part-I Fund, Part-II Fund and Part-III Fund of the Panchayat Samiti and the Zilla Parishad concerned. First of all the works undertaken under Part-I, followed by Part-II and Part-III shall be entered. The Gram Panchayat needs to mention the name of works only. The completed works should be entered first followed by incomplete work under each Part. The Estimated cost of the works and up to what stage the works have been completed shall be given by the Panchayat Samiti and the Zilla Parishad.)

<u>Sl.No.</u>	<u>Name of work</u>	<u>Estt. Cost.</u>	<u>Completed %</u>	<u>Remarks</u>
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PROPOSED TO BE EXECUTED BY PANCHAYAT SAMITI

Completed works of Part-I Fund

Continuing works of Part-I Fund

New works of Part-I Fund

Completed works of Part-II Fund

Continuing works of Part-II Fund

New works of Part-II Fund

Completed works of Part-III Fund

Continuing works of Part-III Fund

New works of Part – III Fund

PROPOSED TO BE EXECUTED BY ZILLA PARISHAD

Completed works of Part-I Fund

Continuing works of Part-I Fund

New works of Part-I Fund

Completed works of Part-II Fund

Continuing works of Part-II Fund

New works of Part-II Fund

Completed works of Part-III Fund

Continuing works of Part-III Fund

New works of Part-III Fund

Secretary

Pradhan

FORM – 7-A
[See Rule 28-A]

PART – I

REVISED ESTIMATE (ACTUAL EXPENDITURE) OF WORKS FOR THE PREVIOUS YEAR _____

(Enter the details of works done under Part-I Fund and show the work-wise expenditure which shall tally the expenditure shown for works in Form 5).

List of works carried out during the year _____ in _____ Gram Panchayat as approved by the Gram Sabha and further discussed in its meeting held on _____

(ix) **EXECUTED BY PANCHAYAT SAMITI**

Sl. No.	Name of work	Esttd. Cost.	Fund available during the year and head of a/c	Actual Expenditure during the year
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EXPENDITURE ON WORKS OUT OF PART – I FUNDS

A. Roads, Bridle Paths/foot path, bridge, culvert, if any.

- 1.
- 2.
- 3.

Sub – Total (A)

B. Buildings including offices, residential qrs., shopping complex, schools, tourist cottages, piggery, poultry, dispensaries, anganwadis etc.

- 1.
- 2.
- 3.

Sub-Total (B)

C. Parks, playgrounds, burial grounds, social forestry etc.

- 1.
- 2.
- 3.

Sub-Total I

D. Irrigation, soil conservation, water supply, sanitation etc.

- 1.
- 2.
- 3.

Sub-Total(D)

E. General works (including expenditure on street lights etc.)

- 1.
- 2.
- 3.

Sub-Total

Total Part-I

Closing Balance

Note : Total expenditure plus closing balance should tally with the Part-I receipt.

EXPENDITURE ON WORKS OUT OF PART-II FUNDS

(OUT OF GRANT-IN-AID PROVIDED BY THE ADMINISTRATION
FOR SPECIFIC WORKS)

A. Roads, Bridle Paths/foot path, bridge, culvert, if any.

- 1.
- 2.

Sub – Total (A)

B. BUILDINGS including offices, residential qrs., shopping complex, primary schools, tourist cottages, piggery, poultry, dispensaries, anganwadis etc.

- 1.
- 2.

Sub-Total (B)

C. Parks, playgrounds, burial grounds, social forestry etc.

- 1.
- 2.

Sub-Total I

D. Irrigation, soil conservation, water supply, sanitation etc.

- 1.
- 2.

Sub-Total(D)

E. General works (including expenditure on street lights etc.)

- 1.
- 2.

Sub-Total

Total Part-II

Closing Balance

Note : Total expenditure plus closing balance should tally with the Part-I receipt.

EXPENDITURE ON WORKS OUT OF PART-III FUNDS

(OUT OF GRANT-IN-AID/FUNDS PROVIDED BY THE DRDA/PROJECT DIRECTOR/CENTRAL
GOVT./ZILLA PARISHAD OR ANY OTHER AGENCY FOR SPECIFIC WORKS)

Sl.No.	Name of work/scheme/works	Estt. Cost	Amount received	Expenditure incurred	% of works completed
1	2	3	4	5	6
1.					
2.					
3.					
Sub-Total					
Total Part – III					
Closing Balance					

Note : Total of Part – III plus closing balance should tally the Part-III receipts.

Executive Officer
(Seal)

Pramukh
(Seal)

FORM-7-B
[See Rule 28-A]

PART-I

**BUDGET ESTIMATE ON WORKS PROPOSED FOR THE ENSUING
YEAR _____**

(Enter the details or works done under Part-I Fund and show the work-wise expenditure which shall tally the expenditure shown for works in Form-5)

List of works carried out during the year _____ in _____ Gram Panchayat as approved by the Gram Sabha and further discussed in its meeting held on _____

(x) EXECUTED BY PANCHAYAT SAMITI

Sl. No.	Name of Gram Panchayat and Name of work	Fund available during the year	Estimated cost and head of A/c	Anticipated Expdr. during the year
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ANTICIPATED EXPENDITURE OUT OF PART – I FUNDS

CONTINUING WORKS FROM PREVIOUS YEAR

A. Roads, Bridle Paths/foot path, bridge, culvert, if any.

- 1.
- 2.
- 3.

NEW WORKS

- 1.
- 2.
- 3.

Sub-Total (A)

B. BUILDINGS including offices, residential qrs., shopping complex, schools, tourist cottages, piggery, poultry, dispensaries, anganwadis etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.
- 3.

NEW WORKS

- 1.
- 2.

Sub-Total(B)

C. Parks, playgrounds, burial grounds, social forestry etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.
- 3.

NEW WORKS

- 1.
2.

Sub-Total

D. Irrigation, Soil Conservation, Water Supply, Sanitation etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
2.
3.

NEW WORKS

- 1.
2.

Sub-Total (D)

E. General works (including expenditure on street lights etc.)

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
2.
3.

NEW WORKS

- 1.
2.

Sub-total

Total Part-I

Closing Balance

Note: Total expenditure plus closing balance should tally with the Part-I receipt.

ANTICIPATED EXPENDITURE OF PART - II FUNDS

(OUT OF GRANT-IN-AID PROVIDED BY THE ADMINISTRATION FOR SPECIFIC WORKS)

CONTINUING WORKS FROM PREVIOUS YEAR

A. Roads, Bridle Paths/foot path, bridge, culvert, if any.

- 1.
2.
3.

NEW WORKS

- 1.
2.

Sub-Total (A)

B. Building including offices, residential qrs., shopping complex, schools, tourist cottages, piggery, poultry, dispensaries, anganwadis etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
2.
3.

NEW WORKS

- 1.
- 2.

Sub-Total (B)

C. Parks, playgrounds, burial grounds, social forestry etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.

NEW WORKS

- 1.
- 2.

Sub-Total

D. Irrigation, Soil Conservation, Water Supply, Sanitation etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.

NEW WORKS

- 1.
- 2.

Sub-Total (D)

E. General works (including expenditure on street lights etc.)

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.

NEW WORKS

- 1.
- 2.

Sub-Total (E)

Total Part-II

Closing Balance

Note: Total expenditure plus closing balance should tally with the Part-I receipt.

OUT OF PART - III FUNDS

(OUT OF GRANT-IN-AID/FUNDS PROVIDED BY THE DRDA/PROJECT DIRECTOR/CENTRAL GOVT./ZILLA PARISHAD OR ANY OTHER AGENCY FOR SPECIFIC WORKS)

Sl.No.	Name of work/scheme/works	Estt. Cost	Amount received	Expenditure incurred	% of works completed
1	2	3	4	5	6
CONTINUING WORKS FROM PREVIOUS YEAR					
1.					
2.					
NEW WORKS					
1.					
2.					
Sub-Total					
Total Part - III					
Closing Balance					

Note : Total of Part III plus closing balance should tally the Part - III receipts.

Executive Officer

Pramukh

FORM 7-C
[See Rule 28-A]

**LIST OF WORKS EXECUTED DURING THE PREVIOUS YEAR AND PROPOSED TO
BE EXECUTED DURING THE ENSUING YEAR**

The list of works given by the Gram Panchayats in Form 6-C and as approved by the Panchayat Samiti are to be copied here. The actual expenditure shall be given by the Panchayat Samiti which are concerned to them. The Zilla Parishad shall give the expenditure of works belonging to them in their budget).

REVISED ESTIMATE FOR THE YEAR _____

(The work should be entered Fund-wise, namely Part-I Fund, Part-II Fund and Part-III Fund of the Panchayat Samiti and the Zilla Parishad concerned. First of all the works undertaken under Part-I, followed by Part-II and Part-III shall be entered. The completed works should be entered first followed by incomplete work under each Part. The Estimated cost of the works and up to what stage the works have been completed shall be given by the Panchayat Samiti and the Zilla Parishad).

Sl.No.	Name of work	Estt. Cost.	Completed %	Remarks
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EXECUTED BY PANCHAYAT SAMITI

Completed works of Part-I Fund

Continuing works of Part-I Fund

New works of Part-I Fund

Completed works of Part-II Fund

Continuing works of Part-II Fund

New works of Part-II Fund

Completed works of Part-III Fund

Continuing works of Part-III Fund

New works of Part-III Fund

Total

EXECUTED BY ZILLA PARISHAD

(Panchayat Samiti need not total the amount. This will be done by Zilla Parishad).

Completed works of Part-I Fund

New works of Part-I Fund

Completed works of Part-II Fund

Continuing works of Part-II Fund

New works of Part-II Fund

Completed works of Part-III Fund

Continuing works of Part-III Fund

New works of Part-III Fund

LIST OF WORKS PROPOSED TO BE EXECUTED DURING THE ENSUING YEAR

(The actual expenditure shall be given by the Panchayat Samiti and the Zilla Parishad)

BUDGET ESTIMATE FOR THE YEAR _____

(The work should be entered Fund-wise, namely Part-I Fund, Part-II Fund and Part-III Fund of the Panchayat Samiti and the Zilla Parishad concerned. First of all the works undertaken under Part-I, followed by Part-II and Part-III shall be entered. The completed works should be entered first followed by incomplete work under each Part. The Estimated cost of the works and up to what stage the works have been completed shall be given by the Panchayat Samiti and the Zilla Parishad).

Sl. No. Name of work Estt. Cost. Completed % Remarks

PROPOSED TO BE EXECUTED BY PANCHAYAT SAMITI

Completed works of Part-I Fund

Continuing works of Part-I Fund

New works of Part-I Fund

Completed works of Part-II Fund

Continuing works of Part-II Fund

New works of Part-II Fund

Completed works of Part-III Fund

Continuing works of Part-III Fund

New works of Part-III Fund

Total

Sl.	Name of work	Estt. Cost.	Completed %	Remarks
-----	--------------	-------------	-------------	---------

PROPOSED TO BE EXECUTED BY ZILLA PARISHAD

Completed works of Part-I Fund

New works of Part-I Fund

Completed works of Part-II Fund

Continuing works of Part-II Fund

New works of Part-II Fund

Completed works of Part-III Fund

Continuing works of Part-III Fund

New works of Part-III Fund

(The Panchayat Samiti need not total the expenditure on works of Zilla Parishad. This will be done by Zilla Parishad).

Executive Officer

Pramukh

ABSTRACT OF ACTUAL WORKS EXPENDITURE OF PANCHAYAT SAMITI INCLUDING THE EXPENDITURE OF GRAM PANCHAYATS.

<u>Sl.</u>	<u>Name of Gram Panchayat</u>	<u>Part-I</u>	<u>Part-II</u>	<u>Part-III</u>	<u>Total Expenditure</u>
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
<hr/>					
Total Gram Panchayats					
<hr/>					
Total Panchayat Samiti					
<hr/>					
Grand Total of Panchayat Samiti					
<hr/>					

A copy of the budget of the Gram Panchayat concerned is enclosed.

Place :

Date :

Executive Officer

Pramukh

FORM 8-A
[See Rule 28-A]

PART - I

**REVISED ESTIMATE (ACTUAL EXPENDITURE) OF WORKS FOR THE PREVIOUS
YEAR _____**

(Enter the details or works done under Part-I Fund and show the work-wise expenditure which shall tally the expenditure shown for works in Form 5)

List of works carried out during the year _____ in _____ Gram Panchayat as approved by the Gram Sabha and the Zilla Parishad in its meeting held on _____

(xi) **EXECUTED BY ZILLA PARISHAD**

Sl No.	Name of work	Esttd. Cost.	Fund available during the year and head of a/c	Actual Expenditure during the year.
--------	--------------	--------------	--	-------------------------------------

EXPENDITURE ON WORKS OUT OF PART - I FUNDS

A. Roads, Bridle Paths/foot path, bridge, culvert, if any.

- 1.
- 2.
- 3.

Sub - Total (A)

B. BUILDINGS including offices, residential qrs., shopping complex, schools, tourist cottages, piggery, poultry, dispensaries, anganwadis etc.

- 1.
- 2.
- 3.

Sub-Total (B)

C. Parks, playgrounds, burial grounds, social forestry etc.

- 1.
- 2.
- 3.

Sub-Total I

D. Irrigation, soil conservation, water supply, sanitation etc.

- 1.
- 2.
- 3.

Sub-Total(D)

E. General works (including expenditure on street lights etc.)

- 1.
- 2.
- 3.

Sub-Total (E)

Total Part-I

Closing Balance

Note : Total expenditure plus closing balance should tally with the Part-I receipt.

EXPENDITURE ON WORKS OUT OF PART-II FUNDS
(OUT OF GRANT-IN-AID PROVIDED BY THE ADMINISTRATION
FOR SPECIFIC WORKS)

A. Roads, Bridle Paths/foot path, bridge, culvert, if any.

- 1.
- 2.

Sub – Total (A)

B. BUILDINGS including offices, residential qrs., shopping complex, schools, tourist cottages, piggery, poultry, dispensaries, anganwadis etc.

- 1.
- 2.

Sub-Total (B)

C. Parks, playgrounds, burial grounds, social forestry etc.

- 1.
- 2.

Sub-Total I

D. Irrigation, soil conservation, water supply, sanitation etc.

- 1.
- 2.

Sub-Total(D)

E. General works (including expenditure on street lights etc.)

- 1.
- 2.

Sub-Total (E)

Total Part-II

Closing Balance

Note : Total expenditure plus closing balance should tally with the Part-II receipt.

EXPENDITURE ON WORKS OUT OF PART-III FUNDS

(OUT OF GRANT-IN-AID/FUNDS PROVIDED BY THE DRDA/PROJECT DIRECTOR/CENTRAL
GOVT./ANY OTHER AGENCY FOR SPECIFIC WORKS)

Sl.No.	Name of work/scheme/works	Estt. Cost	Amount received	Expenditure incurred	% of works completed
1	2	3	4	5	6
1.					
2.					
3.					
Sub-Total					
Total Part – III					
Closing Balance					

Note : Total of Part – III plus closing balance should tally the Part-III receipts.

Chief Accounts Officer
(Seal)

Chief Executive Officer
(Seal)

Adhyaksh
(Seal)

FORM-8-B
[See Rule 28-A]

PART-I

**BUDGET ESTIMATE ON WORKS PROPOSED FOR THE ENSUING
YEAR _____**

(Enter the details or works done under Part-I Fund and show the work-wise expenditure which shall tally the expenditure shown for works in Form 5).

List of works carried out during the year _____ in _____ Gram Panchayat as approved by the Gram Sabha and further discussed in its meeting held on _____

(xii) EXECUTED BY ZILLA PARISHAD

Sl. No.	Name of Gram Panchayat and Name of work	Fund available during the year	Estimated cost and head of A/c	Anticipated Expdr. during the year
---------	---	--------------------------------	--------------------------------	------------------------------------

ANTICIPATED EXPENDITURE OUT OF PART - I FUNDS

CONTINUING WORKS FROM PREVIOUS YEAR

A. Roads, Bridle Paths/foot path, bridge, culvert, if any.

- 1.
- 2.
- 3.

NEW WORKS

- 1.
- 2.
- 3.

Sub-Total (A)

B. BUILDINGS including offices, residential qrs. shopping complex, schools, tourist cottages, piggery, poultry, dispensaries, anganwadis etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.
- 3.

NEW WORKS

- 1.
- 2.

Sub-Total (B)

C. Parks, playgrounds, burial grounds, social forestry etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.
- 3.

NEW WORKS

- 1.
- 2.

Sub-Total

D. Irrigation, Soil Conservation, Water Supply, Sanitation etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.
- 3

NEW WORKS

- 1.
- 2.

Sub-Total (D)

E. General works (including expenditure on street lights etc.)

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.
- 3

NEW WORKS

- 1.
- 2.

Sub-Total (E)

Total Part-I

Closing Balance

Note: Total expenditure plus closing balance should tally with the Part-I receipt.

ANTICIPATED EXPENDITURE OF PART – II FUNDS

(OUT OF GRANT-IN-AID PROVIDED BY THE ADMINISTRATION
FOR SPECIFIC WORKS)

CONTINUING WORKS FROM PREVIOUS YEAR

A. Roads, Bridle Paths/foot path, bridge, culvert, if any.

- 1.
- 2.
- 3.

NEW WORKS

- 1.
- 2.

Sub-Total (A)

B. BUILDINGS including offices, residential qrs., shopping complex, schools, tourist cottages, piggery, poultry, dispensaries, anganwadis etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.
- 3.

NEW WORKS

- 1.
- 2.

Sub-Total (B)

C. Parks, playgrounds, burial grounds, social forestry etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.

NEW WORKS

- 1.
- 2.

Sub-Total

D. Irrigation, Soil Conservation, Water Supply, Sanitation etc.

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.

NEW WORKS

- 1.
- 2.

Sub-Total (D)

E. General works (including expenditure on street lights etc)

CONTINUING WORKS FROM PREVIOUS YEAR

- 1.
- 2.

NEW WORKS

- 1.
- 2.

Sub-Total (E)

Total Part-II

Closing Balance

Note Total expenditure plus closing balance should tally with the Part-I receipt.

ANTICIPATED EXPENDITURE OUT OF PART-III FUNDS

(OUT OF GRANT-IN-AID/FUNDS PROVIDED BY THE DRDA/PROJECT DIRECTOR/CENTRAL GOVT./ZILLA PARISHAD OR ANY OTHER AGENCY FOR SPECIFIC WORKS)

Sl No.	Name of work/scheme/works	Estt. Cost	Amount received	Expenditure incurred	% of works completed
1	2	3	4	5	6
CONTINUING WORKS FROM PREVIOUS YEAR					
1.					
2.					
NEW WORKS					
1.					
2.					
Sub-Total					
Total Part - III					
Closing Balance					

Note : Total of Part III plus closing balance should tally the Part - III receipts.

Chief Accounts Officer

Chief Executive Officer

Adhyaksh

FORM 8-C
[See Rule 28-A]

**LIST OF WORKS EXECUTED DURING THE PREVIOUS YEAR AND PROPOSED TO
BE EXECUTED DURING THE ENSUING YEAR**

(The actual expenditure shall be given by the Zilla Parishad)

REVISED ESTIMATE FOR THE YEAR _____

(The work should be entered Fund-wise, namely Part-I Fund, Part-II Fund and Part-III Fund of the Panchayat Samiti and the Zilla Parishad concerned. First of all the works undertaken under Part-I, followed by Part-II and Part-III shall be entered. The completed works should be entered first followed by incomplete work under each Part. The Estimated cost of the works and up to what stage the works have been completed shall be given by the Zilla Parishad).

Sl.No. Name of work Estt. Cost. Completed % Remarks

EXECUTED BY ZILLA PARISHAD

Completed works of Part-I Fund

Continuing works of Part-I Fund

New works of Part-I Fund

Completed works of Part-II Fund

Continuing works of Part-II Fund

New works of Part-II Fund

Completed works of Part-III Fund

Continuing works of Part-III Fund

New works of Part-III Fund

Total

LIST OF WORKS PROPOSED TO BE EXECUTED DURING THE ENSUING YEAR

(The actual expenditure shall be given by the Panchayat Samiti and the Zilla Parishad)

BUDGET ESTIMATE FOR THE YEAR _____

(The work should be entered Fund-wise, namely Part-I Fund, Part-II Fund and Part-III Fund of the Panchayat Samiti and the Zilla Parishad concerned. First of all the works undertaken under Part-I, followed by Part-II and Part-III shall be entered. The Gram Panchayat needs to mention the name of works only. The completed works should be entered first followed by incomplete work under each Part. The Estimated cost of the works and up to what stage the works have been completed shall be given by the Zilla Parishad)

<u>Sl. No.</u>	<u>Name of work</u>	<u>Estt. Cost.</u>	<u>Completed %</u>	<u>Remarks</u>
----------------	---------------------	--------------------	--------------------	----------------

PROPOSED TO BE EXECUTED BY ZILLA PARISHAD

Completed works of Part-I Fund

Continuing works of Part-I Fund

New works of Part-I Fund

Completed works of Part-II Fund

Continuing works of Part-II Fund

New works of Part-II Fund

Completed works of Part-III Fund

Continuing works of Part-III Fund

New works of Part-III Fund

Total

ABSTRACT OF ACTUAL EXPENDITURE (R.E) OF ZILLA PARISHAD
(For the year _____)

Sl.	Name of Panchayat Samiti	Part-I	Part-II	Part-III	Total Expdr.
1.					
2.					
3.					
4.					
5.					
6.					
7.					
<hr/>					
Total Panchayat Samitis					
(xiii) R.E. of Zilla Parishad					
<hr/>					
Grand Total Zilla Parishad					

ABSTRACT OF ANTICIPATED EXPENDITURE (B.E) OF ZILLA PARISHAD
(For the year _____)

Sl.	Name of Panchayat Samiti	Part-I	Part-II	Part-III	Total Expdr.
1.					
2.					
3.					
4.					
5.					
6.					
7.					
<hr/>					
Total Panchayat Samitis (including the expenditure of Gram Panchayat under each Samiti)					
<hr/>					
8. R.E. of Zilla Parishad					
<hr/>					
Grand Total Zilla Parishad					

A copy of the Budget of each Panchayat Samiti including the Gram Panchayats under it is enclosed.

Place :

Date:

Chief Accounts Officer

Chief Executive Officer

Adhyaksh

FORM 10-A

[See Sub-rule (9) of rule 28-A]
(This form is common for all the 3 levels of Panchayats)

**“DETAILS OF PROVISION MADE UNDER THE HEAD “OFFICE EXPENSES”
“MOTOR VEHICLES” “OTHER CHARGES” & “MISCELLANEOUS EXPENSES”**

R.E. FOR.....

Sl.No.	Details of items	Actual Expd. R.E. 199 99	Reason for variation
1	2	3	4
1.	Telephone Installation charges		
2.	Telephone rents		
3.	Telegram charges		
4.	Electricity charges for office		
5.	Conveyance charges		
6.	Printing & binding etc.		
7.	Purchase of rule books		
8.	Rent for office		
9.	Postal stamp.		
10.	Stationery for office use		
11.	Purchase of vehicles, typewriters and other office equipments.		
12.	Repairing & Maintenance of vehicles & equipments		
13.	Publicity & Advertisements		
14.	Freight charges		
15.	Water charges		
16.	Tea and snacks for meetings		
17.	Any other bonafide expenses for the function of the office		
Total			

Signature of Pradhan/Adhyaksh

FORM 10-B
[See Sub-rule (9) of rule 28-A]
(This form is common for all the 3 levels of Panchayats)

**“DETAILS OF PROVISION MADE UNDER THE HEAD “OFFICE EXPENSES”
“MOTOR VEHICLES” “OTHER CHARGES” & “MISCELLANEOUS EXPENSES”**

B.E. FOR.....

Sl.No.	Details of items	Actual Expd. R.E. 199 99	Reason for variation
1	2	3	4
1.	Telephone Installation charges		
2.	Telephone rents		
3.	Telegram charges		
4.	Electricity charges for office		
5.	Conveyance charges		
6.	Printing & binding etc.		
7.	Purchase of rule books		
8.	Rent for office		
9.	Postal stamp		
10.	Stationery for office use		
11.	Purchase of vehicles, typewriters and other office equipments		
12.	Repairing & Maintenance of vehicles & equipments		
13.	Publicity & Advertisements		
14.	Freight charges		
15.	Water charges		
16.	Tea and snacks for meetings		
17.	Any other bonafide expenses for the function of the office		
Total			

Secretary/Executive Officer/Chief Executive Officer

Pradhan/Pramukh/Adhyaksh

FORM 11
[See Rule 31]

Form for application for permission to erect structure or building in a Gram.
(To be submitted in duplicate)

PART-I

To

The Pradhan,
_____ Gram Panchayat.

Sir,

I hereby apply for permission to erect a structure/building as mentioned in Column 1 of the table below in the place covered by Plot No. _____ Survey No. _____ situated in _____ village within the jurisdiction of Tahsil _____ the boundaries of which are given below, on payment of the fee indicated in column 2 of the said table.

	Column - I	Column - II
**		
(a)	Thatched/Tin/tile shed without brick-wall covering an area measuring between 20 sq. meters and 40 sq. meters	Rs. 2.00
(b)	Thatched/Tin/tile shed without brick-wall covering an area above 40 sq meters.	Rs. 4.00
(c)	Brick-walled one storied structure for housing per five sq.meters or part thereof.	Rs. 3.00
(d)	Brick-walled one storied building or structure for commercial purpose per five sq. meters or part thereof.	Rs. 5.00
(e)	(i) Brick-walled structure or building or more than one storey for housing purpose per five sq. meters or part thereof.	Rs. 5.00
	(ii) Brick walled structure or building of more than one storey for commercial purpose per five sq.meters or part thereof.	Rs. 7.00
	(iii) Shop/Shed where upto 10 persons are employed per five sq. meters or part thereof.	Rs. 10.00
	(iv) Shop/Shed where more than 10 persons are proposed to be employed per five sq. meters or part thereof.	Rs. 12.00
	(v) Other permanent structure to be used for commercial or business purpose per five sq. meters or part thereof.	Rs. 15.00

Boundaries

East by Plot No. _____ S.No. _____
West by Plot No. _____ S.No. _____
North by Plot No. _____ S.No. _____
South by Plot No. _____ S.No. _____

2. I hereby undertake to raise the walls of the proposed structure/building after leaving the set back under rule 36-C (for residential)/under rule 36J for commercial purpose. ##

3. I hereby declare that I have undisputed right, title and interest in the land on which the structure/building is proposed to be constructed.

4. A also hereby declare I am not erecting any structure or building either near or in the vicinity of any aerodrome tending to hazard aviation or near any prohibited area.

Score out whichever is not applicable.

** Score out items not applicable.

Signature : _____
Address : _____
Date : _____

PART – II

ORDER OF GRAM PANCHAYAT

1. Permission is hereby accorded to Shri/Smti. _____ to erect a structure/building in the place covered by Plot No. _____ S.No. _____ as per his/her application dated _____ (vide meeting dated _____).

(xiv) Permission is hereby refused to erect a structure/building in the place covered by plot No. _____ S.No. _____ (vide meeting dated _____) for the reason stated below :-

Reasons :

- 1.
- 2.
- 3.
- 4.

Dated _____

Signature
Pradhan
Seal

(Strike off words which are not applicable)

To

The Pradhan,
Gram Panchayat _____

Kindly refund the fee of Rs. _____ paid vide Receipt No. _____ dated _____ on account of permission to erect a structure/building vide application dated _____ which has since been refused.

Signature :
Address :
Date :

PAY ORDER

Pay Rs. _____ (Rupees _____) to Shri/Smti. _____

Signature of Pradhan
Seal
Date

Note: As soon as the permission is granted or refused, the applicant may be informed of the position and the fee refunded if permission is refused after obtaining the signature of the applicant.



असाधारण
EXTRAORDINARY
प्राधिकार से प्रकाशित
Published By Authority

No. 56/2000, Port Blair Dated Monday the 6th March, 2000

**ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT**

Port Blair, dated the 6th March, 2000

NOTIFICATION

No.56/2000 F.No. 3-31/99-PR. In terms of the recommendations contained in the 124th Report of the Committee on Subordinate Legislation, Rajya Sabha communicated by the Ministry of Home Affairs, Govt. of India vide Office Memorandum No. U-16016/5/99-ANL dated 10th September, 1999 and in exercise of the powers conferred by section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994, I, Shri Ishwari Prasad Gupta, Lieutenant Governor (Administrator), Andaman and Nicobar Islands hereby make the following amendments to be Andaman and Nicobar Islands (Panchayats Administration) Rules, 1997, namely :-

1. (i) These rules may be called the Andaman and Nicobar Islands (Panchayats Administration) (Amendment) Rules, 2000.
- (ii) They shall come into force on the date of their publication in the Official Gazette.
- (xv) In the Andaman and Nicobar Islands (Panchayats Administration) Rules, 1997 –
 - (i) The existing entries against Rule 9(2) (a) and (b) shall be substituted as under :
"9(2) Gram Panchayat : (a) Two-thirds of the total membership of Gram Panchayat shall be sufficient quorum for a meeting including a special meeting called under sub-section(2) of section 21 of the Regulation. For an adjourned meeting of an ordinary meeting, no quorum shall be necessary.
 - (xvi) to decide the motion of no confidence under sub-section (3) of section 21, a majority of the total membership of the Gram Panchayat voting in favour of the motion is necessary."
 - (xvii) In rule 12, after the existing proviso, the following shall be inserted, namely :-
" The minutes of the meetings of the Panchayats shall be circulated amongst the members also."
 - (xviii) Existing proviso of Rule 25 shall be substituted as under :-
"25-Rules to be observed while speaking –
 - (xix) A member while speaking shall not –
 - (a) Comment on any matter which is subjudice;
 - (b) Make personal charges or accusation against a member or official of a Local Self Government, the UT Administration, any State Government or Central Government;
 - (c) Use offensive language about the conduct or proceedings of the Parliament, of the Legislature of any State, UT Administration or any Local Self Government;
 - (d) Utter defamatory words;
 - (e) Use unfairly his right of speech for the purpose of obstructing the business of the Panchayat;
 - (f) Reflect on the conduct of a person in high authority.

- (2) (a) A member who has once addressed the meeting on a motion shall not subsequently move or second an amendment thereto,
(xx) A member shall sit down and refrain from speaking if called to order by the Chairperson.

(iv) Existing proviso of Rule 32(1) shall be substituted to read as :

"32(1). No application under rule 31 shall be considered by a Gram Panchayat unless such application is accompanied by a receipt granted by the Gram Panchayat against fee paid by the applicant at such rate as may be applicable under rule 36 M. The Secretary or any other employee of the Gram Panchayat, authorized by the Pradhan in this behalf, shall receive the fee tendered in cash, by cheque, demand draft, pay order, postal order as is convenient to the applicant and shall immediately grant a formal receipt therefore."

(xxi) In sub-rule (1) (a) of rule 36J, the word "predominantly" shall be deleted.

(xxii) In rule 36L, after existing sub-rule (3) and the provision thereunder, the following sub-rule shall be inserted to read as sub-rule (4) :-

"(4). Any construction, erection, addition, alteration to which permission of the Panchayat has not been obtained shall be deemed to be unlawful and the owner of the land on which such construction, erection, addition, alteration are/were made or being undertaken shall be responsible for such unlawful construction. Decision of the Panchayat to stop or demolish such unlawful construction shall be final."

(xxiii) In rule 36M, the following words shall be inserted after the words in cash, namely ;

"by cheque, demand draft, pay order, postal order etc."

(xxiv) Rule 46 shall be substituted as under, namely :-

"46. The Central Civil Services (Conduct) Rules, 1964 and Central Civil Services (CCA) Rules, 1965 as applicable to the Central Govt. servants shall *mutatis mutandis* be applicable to the officers and employees of the Panchayat Administration."

Sd/-
(ISHWARI PRASAD GUPTA)
Lieutenant Governor(Administrator)
Andaman and Nicobar Islands.

By order and in the name of the Lieutenant Governor.

Sd/-
(M.K.BISWAS)
Assistant Secretary (Panchayats)

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

Port Blair, dated the 21st August, 2003

NOTIFICATION

No. /2003. F.No. 6-6(1)/2003-PR(2). In exercise of the powers conferred by section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994, the Lieutenant Governor (Administrator), Andaman and Nicobar Islands is pleased to make the following amendment to the Andaman and Nicobar Islands (Panchayat Administration) Rules, 1997.

- 1.(i) These rules may be called the Andaman and Nicobar Islands (Panchayat Administration) (Amendment) Rules, 2003.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

2. In the Andaman and Nicobar Islands (Panchayat Administration) Rules, 1997, the sub-rule(D) (1) of Rule 28 and sub-rule 6 of Rule 29 shall be substituted as under :

Sub-rule (D) (1) of Rule 28

The last line of this rule shall be substituted as " The allocation of fund between the Zilla Parishad, Panchayat Samiti and Gram Panchayats shall be in the ratio of 15:15:70".

Sub-rule 6 of Rule 29

This rule may be substituted as "Criteria for allotment of fund to Zilla Parishad, Panchayat Samiti and Gram Panchayats shall be as specified under sub-rule (D) (1) of rule 28 of this rule and as at rule 7(A) of A & N Islands (Grant-in-Aid to PRIs) (3rd Amendment) Rules, 2003".

By order and in the name of the Lieutenant Governor.

(Sasikala Viswanathan)
Assistant Secretary (Panchayats)

**ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT**

**The Andaman and Nicobar Islands
(Panchayat Accounts & Finance) Rules, 1997**

PUBLISHED IN GAZETTE NO. 96
VIDE NOTIFICATION NO. 92/97 DATED 17TH JULY, 1997.

Department of Panchayat, Administration of Andaman & Nicobar Islands

**THE ANDAMAN AND NICOBAR ISLANDS
(PANCHAYAT ACCOUNTS & FINANCE) RULES, 1997**

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- 59 Attachment of pay and allowances.
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- 69 Action against mis-appropriation of Panchayat funds.
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Note :- The Forms prescribed for the preparation of budget under rule 28 of the Andaman and Nicobar Islands (Panchayat Administration) Rules, 1997 reproduced under Rule 41 of these rules are available in the said rules.

अण्डमान तथा
ANDAMAN AND



निकोबार राजपत्र
NICOBAR GAZETTE

असाधारण
EXTRAORDINARY
प्राधिकार से प्रकाशित
Published By Authority

No. 96, Port Blair Dated Thursday the 17th July, 1997

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

Port Blair, dated the 17th July, 1997

NOTIFICATION

No.92/97. F.No.3-16/96-PR. WHEREAS the draft Andaman and Nicobar Islands (Panchayat Accounts & Finance) Rules, 1997 were published in the Official Gazette as required under sub-section (1) of section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No.1 of 1994) inviting suggestions and objections from the general public vide notification No.77 dated 5th August, 1996;

AND WHEREAS suggestions and objections were received from general public, political parties etc.;

AND WHEREAS the said suggestions and objections were carefully considered by the Administrative Department and the Finance Department of the Administration and modified with reference to the General Financial Rule, the Regulation etc.;

NOW THEREFORE, in exercise of the powers conferred under section 202 of the said Regulation, I, Ishwari Prasad Gupta, Lieutenant Governor (Administrator) hereby make the following rules with immediate effect, namely,

"THE ANDAMAN AND NICOBAR ISLANDS
(PANCHAYAT ACCOUNTS AND FINANCE) RULES, 1997".

CHAPTER - I

INTRODUCTORY

1. Short title and commencement:-

- (i) These rules may be called the Andaman & Nicobar Islands (Panchayat Accounts and Finance) Rules, 1997.
- (ii) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions :-

In these rules unless there is anything repugnant in the subject or context, -

- a) "Adhyaksh" means the Adhyaksh of a Zilla Parishad elected under section 150 of the Andaman & Nicobar Islands (Panchayats) Regulation, 1994;
- b) "Administrator" means Administrator of the Union Territory of the Andaman & Nicobar Islands.
- c) "Assistant Commissioner" includes Additional District Magistrate;
- d) "Auditor" means any person or persons appointed by the Administrator to perform the functions of an auditor under these rules;
- e) "Block Panchayat" has the same meaning as or "Panchayat Samiti";
- f) "Bank" means any Nationalized Bank or the A&N state Co-operative Bank Ltd.;
- g) "Block" means such local area in a District as the Administrator may constitute to be a Block;
- h) "Chief Executive Officer" means the person appointed by the Administrator to perform the functions as a Chief Executive Officer of Zilla Parishad under section 157(1) of the A & N Islands (Panchayats) Regulation, 1994;

- i) "Chief Accounts Officer" means the person appointed by the Administrator to perform the functions as a Chief Accounts Officer of Zilla Parishad under section 157(3) of the A & N Islands (Panchayats) Regulation, 1994;
- j) "Chief Planning Officer" means the person appointed by the Administrator to perform the functions as a Chief Planning Officer of Zilla Parishad under section 157(3) of the A & N Islands (Panchayats) Regulation, 1994;
- k) "Deputy Commissioner" means the Deputy Commissioner of the District of the Union Territory;
- l) "District" means a district specified by the Administrator by a public notification to be a district for the purpose of these rules and includes two or more districts or portions of district as so specified;
- m) "Executive Officer" means the person appointed by the Administrator to perform the functions as an Executive Officer of a Panchayat Samiti under section 119(i) of the A & N Islands (Panchayats) Regulation, 1994;
- n) "Gram Panchayat" means a Gram Panchayat constituted under sub-section (i) of section 11 of A&N Islands (Panchayats) Regulation, 1994;
- o) "Panchayat Samiti" means a Panchayat Samiti constituted for a Block under section 106 of the A & N Islands (Panchayats) Regulation, 1994;
- p) "Panchayat Secretary" means any person or persons appointed by the Administrator to perform the functions as a Secretary of a Gram Panchayat;
- q) "Pradhan" means the Pradhan of a Gram Panchayat elected under section 11 of the A & N Islands (Panchayats) Regulation 1994;
- r) "Pramukh" means the Pramukh of a Panchayat Samiti elected under sub-section (1) of section 112 of the A&N Islands (Panchayats) Regulation, 1994;
- s) "Prescribed" means prescribed by rules made under the A&N Islands (Panchayats) Regulation, 1994;
- t) "Regulation" means the A & N Islands (Panchayats) Regulation, 1994;
- u) "Samiti" has the same meaning of a "Panchayat Samiti".
- v) "Section" means a section of the A & N Islands (Panchayats) Regulation, 1994;
- w) "Tax" means a tax, cess or other impost leviable under the Regulation;
- x) "Union Territory" means the Union Territory of the Andaman & Nicobar Islands;
- y) "Up-Adhyaksha" means the Up-Adhyaksha of a Zilla Parishad elected under section 150 of the Regulation;
- z) "Up-Pradhan" means the Up-Pradhan of a Gram Panchayat elected under section 16 of the Regulation;
- aa) "Up-Pramukh" means the Up-Pramukh of the Panchayat Samiti elected under sub-section (1) of section 112 of the Regulation;
- ab) "Year" means the financial year beginning on the first day of April and ending on the 31st day of March,
- ac) "Zilla Parishad" means a Panchayat constituted under section 144 of the Regulation, for a Zilla or District.

3. All other expressions not defined in these rules but defined in the Regulation shall have the same meaning respectively assigned to them in the Regulation.

4. The accounts of the Gram Panchayats/Samiti/Zilla Parishad shall be maintained separately for each year.

5. All accounts and registers shall be maintained in English or in Hindi. Wherever the account is maintained in Hindi, its translation into English shall also be given below the entries in Hindi.

6. Cash Books, Accounts Registers, Bill Books etc. shall be strongly bound with pages serially numbered and each page or folio sealed with the Gram Panchayat/Samiti/Zilla Parishad seal. The number of pages contained in each book/ register shall be certified in writing and authenticated after actual verification, on the first page by a responsible officer or Secretary/Executive Officer/Chief Executive officer.

7. Every correction or alteration in accounts shall be made in red ink and attested. Scoring out shall be done by a single line being drawn through the original entry to be scored out, and attested by the dated initials of a responsible officer or the Disbursing Officer. All corrections and alterations, on bills and vouchers shall be similarly attested by a responsible officer or the Disbursing Officer. Eraser shall be absolutely forbidden and documents erased shall not be accepted.

8. Money received in Gram Panchayat/Panchayat Samiti/Zilla Parishad shall, without exception be acknowledged by a receipt in proper form. If the amount exceeds Rs.500/- the receipt shall be with a revenue receipt stamp of proper denomination.

9. Every payment chargeable to the Gram Fund/Samiti Fund/ Zilla Parishad Fund shall bear on the bill or voucher an order to pay the amount which shall be expressed both in figures and words and every such order to pay shall be signed both by the Pradhan and Secretary / Pramukh and Executive Officer / Adhyaksha and Chief Executive Officer as the case may be.

10. All bills and vouchers shall be prepared and signed in ink but where carbon copies are required pencil shall be used. The amount of the bill shall be rounded off to the nearest rupee and shall be written in figures and words and the word "only" shall be suffixed thereto.

11. No money shall be paid on a voucher or order, on rubber or facsimile stamp signature. When the acquittance on a voucher is given by mark or seal or thumb impression, it shall be attested by some known person. Vernacular signatures shall always be translated.

12. Every voucher shall bear or have attached to it an acknowledgement of the payment signed by the person for whom or on whose behalf the claim is put-forth. No payment shall be made in the absence of necessary acknowledgement. If a voucher is lost, a certificate of payment prepared in manuscript and signed by the Pradhan/Pramukh/ Adhyaksha or Secretary/Executive Officer/Chief Executive Officer or Disbursing Officer shall be placed on record. If Pradhan/Pramukh/Adhyaksha himself/ herself is the Disbursing Officer, the certificate of payment shall be signed by the Pradhan/Pramukh/Adhyaksha and also by the Secretary/Executive Officer/Chief Executive Officer concerned.

13. Dates of payments shall invariably be noted by the payees in their acknowledgements. If for any reason such as illiteracy or the presentation of a receipt in anticipation of payment, and it is not possible for the payee to note the date of payment, the date of actual payment shall be noted by the Disbursing Officer under his dated initials either separately for each payment or by groups, as may be found convenient.

14. In the case of payments made by remittances through the Post Office, the postal money order receipt shall be kept with the vouchers. In the case of payments of articles received by value payable by post, the value payable by postal cover, together with the invoice or bill showing the details of the items paid for, shall be kept with the voucher.

15. No duplicate or copy of the receipt granted for money received, or of a bill or other document for the payment of money which has already been paid, shall be issued on the ground that the original has been lost. If any necessity arises for such a document, a certificate may be given that on a specified day, a certain sum on a certain account was received from, or paid to a certain person.

16. All sums paid to the Bank to the credit of the Gram Fund/Samiti Fund/ Zilla Parishad Fund and all payments made by cheques shall be entered in a pass book which shall be sent periodically to be written up at the Bank. At the close of each month, the entries on each side of the pass book can be got totaled and the balance struck under the signature of the Agent of the Bank. No entries shall be made in the pass book except by the Bank Staff.

CHAPTER- II

PANCHAYAT ACCOUNTS

17.(a) All money received or disbursed (other than those relating to sponsored scheme) by or on behalf of the Gram Panchayat/ Samiti/ Zilla Parishad shall, immediately without any reservation, be brought to account in the General Cash Book in Form 1.

(b) All money received or disbursed by or on behalf of the Gram Panchayat/Samiti/ Zilla Parishad on account of implementation of specific schemes shall, immediately without any reservation, be brought to account in a separate Cash Book in Form -1.

NOTE:- All transaction relating to schemes should not be reflected in the General Cash Book referred to in rule 17(a) above.

18. Every Panchayat/ Samiti/ Zilla Parishad servant entrusted with the collection of Panchayat/Samiti/ Zilla Parishad revenue shall be supplied with a Collection Register and forms of receipts. No register or form should be issued without the knowledge of the Pradhan & Secretary, Pramukh & Executive Officer and Adhyaksha & Chief Executive Officer and without entering in the stock account of each register or forms and getting the acknowledgement of the person to whom it is issued. Each entry in the stock account shall be attested by the dated initials of the Secretary/Executive Officer/Chief Executive Officer or a responsible officer appointed for the purpose.

19. The Collection Registers duly checked by the Incharge of the Bill Collectors shall be forwarded to the Secretary/ Executive Officer/ Chief Executive Officer and the same shall be in the personal custody of the Secretary/ Executive Officer/ Chief Executive Officer or a responsible Officer and the particulars in it shall be written up from the carbon copies of the receipts issued at the time of collection under the supervision of the Incharge.

20. Each staff incharge of collection shall deposit his collection daily with the Cashier of the Panchayat/ Samiti/ Zilla Parishad and while doing so, he shall bring with him the collection register and obtain the acknowledgement of the Cashier in the Collection Register of money paid to the Cashier.

21. At the close of every month the receipts and disbursements as recorded in each Cash Book shall be totaled as shown below:-

	Rs.	P.
Opening balance on the 1st of.....	-----	-----
Receipts during the month.....	-----	-----
Total	-----	-----
Expenditure during the month	-----	-----
Balance as on.....	-----	-----

22 (i) All the bills or other vouchers presented as a claim against the Panchayat/ Samiti/ Zilla Parishad shall, on receipt, be entered in a register of bills in Form-2. The bills shall then be sent to the concerned officer for scrutiny and admission or rejection of the claims and return. The Accountant (or any official so authorized) shall then examine the bills under the supervision of the Secretary/ Executive Officer/ Chief Executive Officer and if the claims be admissible and the authority good, i.e. if the expenditure has been sanctioned by a competent authority and if the signature be true and in order, the Accountant shall obtain the sanction of the Secretary/Executive Officer/Chief Executive Officer/ Disbursing officer who shall then make an order for payment at the foot of the voucher and sign it. The Disbursing Officer is personally responsible that the voucher is complete and afford sufficient information as to the nature of the payment being made.

(ii) After the bill has been passed by the Pradhan & Secretary; Pramukh & Executive Officer and Adhyaksha & Chief Executive Officer/ Disbursing Officer and the order to pay endorsed thereon, the payment of the bill may be made. The bill when paid shall be stamped "Paid" and filed alongwith the Payee's receipt. A note of payment shall be made in Form 3 under the signature of the Disbursing Officer.

(iii) At the end of each month the Secretary/Executive Officer/ Chief Executive Officer or an officer duly authorized, shall examine all bills for the month, except those for establishment charges and satisfy himself that the charges have been properly vouched for and sub-vouchers have been so defaced as to preclude the possibility of their being used in support of any other claim.

(iv) When a payment is made on a duplicate bill, or a duplicate receipt is attached to any paid bill, the Disbursing Officer or other Officer duly authorized shall certify thereon that the original bill has not been paid or that the original receipt has not been used in support of any other bill as the case may be.

23. REMITTANCES INTO THE BANK AND OPERATION OF ACCOUNT.

All moneys received (other than those relating to sponsored schemes) in the Panchayat/Samiti/Zilla Parishad Office shall be credited to joint personal deposit account of the Panchayat/Samiti/Zilla Parishad in the Bank every day and the receipts pertaining to sponsored schemes shall be opened in a separate personal deposit account in the same manner. The joint personal deposit account shall be operated by the Pradhan and Secretary/Pramukh and Executive Officer and Chief Accounts Officer & Chief Executive Officer in Panchayat/Samiti/ and Zilla Parishad respectively.

24. **CHEQUES.** (i) Cheques drawn on the Bank shall be in counterfoil in the form prescribed by the Bank. Each cheque shall bear the book number and a serial number. Un-used cheque book shall be kept under lock and key in the personal custody of the Secretary/Executive Officer/Chief Executive Officer or the Disbursing Officer who shall notify to the Bank upon which he drafts, the number of the cheque book brought newly into use from time to time.

(ii) When the Secretary/Executive Officer/Chief Executive Officer or the Disbursing Officer receives a cheque book he shall cause the cheque to be counted and a note recorded on the back of the last counterfoil as to the number of cheques it contains.

(iii) No cheque shall be signed unless required for immediate payment.

(iv) An amount a little in excess of the sum for which the cheque is drawn shall be written across it in red ink as a protection against fraud, e.g. across a cheque drawn for Rs.500.50p, shall be written "Under R.600/- (Rupees Six hundred only)".

(v) No cheque shall be current for more than six months from the date of issue. After the expiry of that period, payment shall be refused at the Bank and it shall be necessary for the payee to return the cheque for re-dating the same. The revalidation of the same cheque shall be done by the Pradhan and Secretary, Pramukh and Executive Officer; Adhyaksha and Chief Executive Officer and a note of re-dating shall be made in the relevant Cash Book against the original entry and upon the counterfoil of the cheque itself.

vi) Whenever a cheque is cancelled after drawal, it shall be enfaced or stamped "Cancelled" by the Secretary/Executive Officer/Chief Executive Officer or Disbursing Officer and attested by him. The fact of cancellation shall be noted in red ink under his initials upon the counterfoil and also across the order of payment which has been enfaced upon the voucher.

vii) Cancelled cheques shall be retained until the accounts for the period to which they relate have been audited, after which they shall be destroyed by or in the presence of the auditor, who shall certify upon the counterfoils that the cheques have been destroyed.

25. LOST CHEQUES: (i) A request for the issue of a cheque in lieu of a cheque alleged to be lost, may be entertained if the request is received by the Disbursing Officer who had, issued the original cheque within a period of one year from the date of issue of original cheque irrespective of the date from which the relevant claim was approved. However the Pradhan/Pramukh/Adhyaksha may nevertheless order entertainment of such a request received within a period of three and a half years, from the date on which the relevant claim had become due.

(ii) The Disbursing Officer shall proceed with such request and if he is satisfied of the above conditions, may issue a new cheque in lieu of the lost in the manner stated below:-

(a) The Disbursing Officer should send an intimation to the bank concerned regarding the alleged loss of the cheque and advise it to stop payment if the cheque alleged to have been lost is presented for payment thereafter.

(b) In case however, the currency of the cheque alleged to have been lost has expired, and if the Bank confirms that no payment has been made against the lost cheque, when the intimation regarding loss of cheque is sent to the Bank, such confirmation of the bank may be treated as sufficient for the record of the Panchayat/Samiti/Zilla Parishad Office, whereupon a new cheque in place of the lost one shall be issued and the fact thereof recorded on the counterfoil of both the lost cheque and the new cheque.

(iii) The Disbursing Officer should also satisfy himself with reference to the pass book that no amount of the cheque alleged to have been lost has been reflected in the pass book. He should also keep a suitable note on the counterfoil of the lost cheque and against the relevant entries in the Bill Register and paid voucher regarding the issue of a fresh cheque in lieu of the lost one.

(iv) The party requesting for the issuance of a fresh cheque should execute an indemnity bond. However, in the case of a Government Department, Public Undertakings wholly owned by Government or the Bank, the execution of such an indemnity bond is not necessary but a fresh cheque should, in these cases, be issued only on receipt of a certificate that the cheque alleged to have been lost was not received by them having received the same, it was lost and further that it will be returned to the Panchayat Samiti/Zilla Parishad Officer, if found afterwards.

(v) On completion of the requirements in clauses (i) to (iii), the Disbursing Officer shall issue a fresh cheque in lieu of the lost one.

26. SPECIMEN SIGNATURE AND OTHER SAFEGUARDS :

When the Pradhan/Pramukh/Adhyaksha or the Officer authorised to sign cheques make over charge of his office to others, the Relieved Officer shall send a specimen of the signature of the relieving-officer to the Bank.

27. CLOSING OF THE CASH BOOK:

(i) The Cash Book shall be closed and balanced daily and shall be signed by the Disbursing Officer. At the end of each month, the receipts and expenditure entered in the Cash book shall be compared item by item with the pass book and the balances agreed, the difference, if any, being explained in foot-note in the Cash Book as under:-

	Rs.	P.
Cash book closing balance	:	
Deduct income not yet credited in the Bank (a)	:	
Add amount of uncashed cheques detailed below(b)	:	
Balance as per Bank Pass Book	:	
Details of (a)	:	
Details of un-cashed Cheque (b)	:	

(ii) The details of investments belonging to the Panchayat/Samiti/Zilla Parishad shall be shown in the General Cash Book at the close of each month.

28. CLASSIFIED REGISTERS :

For the purpose of administration, the items of receipts and expenditure posted in the Cash Book shall be classified through subsidiary classified abstracts in Form -3. One such abstract shall be maintained for each scheme.

At the end of each month totals and progressive totals shall be made under each head.

29. QUARTERLY AND ANNUAL ACCOUNTS :

The quarterly and annual accounts shall be compiled from the totals of the Classified Registers and laid before the Panchayat/Samiti/Zilla Parishad. These accounts shall be open to public inspection and shall be published in such manner as the Panchayat/Samiti/Zilla Parishad may prescribe in this behalf.

The annual accounts shall accompany the Administration Report of the Panchayat/ Samiti/ Zilla Parishad.

30. STATEMENT OF ASSETS AND LIABILITIES :

In order to ascertain the financial position of the Panchayat/Samiti/Zilla Parishad a statement of assets and liabilities shall be prepared as soon as the accounts of the year have been compiled and shall be attached to the Administration Report. A copy of the Administration Report shall be laid before the Auditor at the time of the annual audit of the accounts.

The receipt and payment account, income and expenditure account and balance sheet shall form part of the Annual Administration Report.

CHAPTER - III TAXES ON THE OWNERS OR OCCUPIERS OF BUILDING AND OTHER TAXES AND FEES.

31. (A) ASSESSMENT LIST:

- (i) For the purpose of determining the demand on account of levy as provided under sections 37, 128 and 170 of A & N Islands (Panchayats) Regulation, 1994 an assessment list shall be prepared in Form 4.
- (ii) The following instructions shall be observed in the preparation, compilation and authentication of the list:-
 - (a) The arrangement of entries in the Assessment List shall be first according towards and thereafter according to serial numbers, if any, of house-holds/properties/tenements etc.
 - (b) If each of the tenements, forming part of a property bearing the same number is separately assessable, such tenements shall be marked with suffixes A,B,C etc. added into the number of the property.
 - (c) If the mode of assessing the tax is different for different kinds of property, the necessary particulars shall be given in the assessment list by providing additional columns, if necessary, in order to arrive at the correct value of the property to determine the amount leviable.
 - (d) If in any case the property is exempted from payment of the tax, the grounds of such exemption shall be given in the remarks column of the assessment list. In no case the property exempted from general taxes shall be omitted from the assessment list.

(B) DEMAND REGISTER :

- (i) Immediately after the assessment list has been completed and authenticated the demand register for the year shall be opened in Form 5.
- (ii) The entries in the demand register shall be serially arranged as in the assessment list. The arrears shall be brought forward from the previous year's register. The amounts and the year to which they pertain may be entered separately, if required. The column "current demand" shall be posted from the assessment list and may be sub-divided according to the instalments, if any, prescribed for payment. After the demand columns have been duly completed, a Certificate signed by the head of the Panchayat/Samiti/Zilla Parishad shall be given in each volume to the effect that he has satisfied himself that the entries of demands have been correctly brought over from the assessment list for the year and from the previous year's demand register. The column for "collection" shall be posted from the carbon copy or counterfoils of the collection receipts or from the entries in the collection register, as the case may be, as and when recoveries or payments are made. Those for remissions, write off etc. shall be posted from the connected documents and brief notes of relevant sanctions shall be kept against the entries concerned in the remarks column under the signature of the Secretary/Executive Officer/Chief Executive Officer, or any other officer authorised by him. These postings shall be examined from time to time by the Secretary/Executive Officer/Chief Executive Officer or any other Officer authorised to see that the work is done promptly. The balance, whenever outstanding, shall be worked out at the end of the year.
- (iii) At the end of the year when all the necessary entries in the demand register have been made, the totals of all money columns on each page shall be cast and carried over to an abstract at the end of the register and the totals checked by a person other than the one who posted the entries in the register.
- (iv) No corrections in the demand register shall be made except under the orders of the Secretary/Executive Officer/Chief Executive Officer and if corrected, it shall be attested.

32. HIRE OF PANCHAYAT/SAMITI/ZILLA PARISHAD PROPERTY :

- (a) A register of hire of property of Panchayat/Samiti/Zilla Parishad shall be maintained in Form 6. The amount of fee due with particulars regarding the articles and the person(s) to whom it was let on hire shall be filled in form the details in the application of the party and orders passed thereon by the Pradhan/Pramukh/ Adhyaksha. The date of return shall always be noted in the register as soon as the article is received back. At the end of the year the arrears of fees, if any, shall be carried forward to the next year.
- (b) Where the Panchayat/Samiti/Zilla Parishad has imposed any tax, fee or rate not mentioned in this Chapter the Panchayat/Samiti/Zilla Parishad shall prepare and maintain an assessment register or demand register or both as the case may be, according to the nature and incidence of such tax/fee or rate. Such register or registers shall contain information regarding the nature of the tax/ fee or rate, person, or property liable to such tax/fee or rate, the rate at which tax fee or rate is payable, remission and exemptions, if any, granted and the authority granting such remission or exemption.
- (c) The assessment list and, where detailed particulars relating to any assessment are kept in separate records, the portion thereof containing such particulars shall be open at all reasonable times and without charge to inspection by any person who pays any tax/fee to the Panchayat/Samiti/Zilla Parishad or his authorized agent and such person or agent shall be entitled to take extracts, free of charge, from the said list and records.
- (d) The account books of the Panchayat/Samiti/ Zilla Parishad shall be open without charge to inspection by any person who pays any tax/fee to the Panchayat/Samiti/Zilla Parishad or to his authorized agent on a day or days in each month to be fixed by the Panchayat/Samiti/Zilla Parishad.
- (i) If at any time it appears to the Panchayat/Samiti/ Zilla Parishad that any person or property has been inadequately assessed or inadvertently or improperly omitted from the assessment lists relating to any tax, or fee that there is any clerical or arithmetical error in the said lists, it may direct the Secretary/Executive Officer/Chief Executive Officer to amend the said lists in such manner as it deems just or necessary:

Provided that no such direction shall be given where it involves in increase in the assessment, unless the person concerned is afforded a reasonable opportunity to show cause to the Panchayat/ Samiti/ Zilla Parishad why the assessment lists should not be amended as proposed.

- (ii) Such amendment shall be deemed to have taken, effect on the earliest possible date on which the circumstances justifying the amendment existed.

CHAPTER - IV COLLECTION OF TAXES, FEES AND OTHER DUES

33 (i) Where any tax fee is due from any person, the Secretary/Executive Officer/Chief Executive Officer or on his behalf any other officer shall serve upon such person a bill for the sum due.

(ii) The Bill under Sub-rule (i) above shall be signed by the Secretary/Executive Officer/Chief Executive Officer or on his behalf by any other officer(s) authorized for the purpose. The bill shall have columns containing, the following particulars :-

- a) A statement of the period or periods to which the tax/fee relates;
- b) A description of the occupation, property or thing, for which the tax/fee is charged;
- c) The due date or dates for the payment off the tax/fee; and
- d) A statement of the liability incurred in default of payment.

34 (i) When the bill has been served, the fact shall be noted in the remarks column of the demand register wherever maintained.

(ii) The person(s) engaged for collection of tax/fee shall issue to every person making payment of a tax/fee a receipt therefore signed by him.

(iii) Such receipt shall as far as possible specify :-

- a) The date of grant thereof;
- b) The name of the person to whom it is granted;
- c) The tax in respect of which payment has been made;
- d) The period for which payment has been made; and
- e) The amount paid.

(iv) The particulars of each receipt issued shall be entered in the demand register wherever maintained.

(v) When two or more instalments of taxes/fees or other dues are recoverable from a party and when payment of only one instalment is received, it shall be credited against the earliest instalment due.

(vi) The Particulars of each receipt issued shall be entered in the demand register.

(vii) All refunds in consequence of remissions duly sanctioned by competent authority and refunds of excess recoveries of taxes/fees shall be noted against the items concerned in the remarks column of the demand register to prevent double payments of such refunds.

CHAPTER-V

CONTINGENT AND OTHER CHARGES

35. CONTINGENT CHARGES :

All contingent charges duly sanctioned by the competent authority shall be drawn on a bill in Form-7.

36. STAMP ACCOUNT:

Postage stamps shall be purchased for the use in the office after sanction of the expenditure by the competent authority. A stamps account showing the purchases and issue of stamps shall be maintained in Form-8. The balance of stamps on hand shall be verified once a month by the officer duly authorized, who shall make a note of such verification in the register under his signature. When the stock of stamps is likely to exhaust, the officer concerned shall send a proposal for purchase of stamps for an amount not exceeding Rs.200/- to the Secretary/Executive Officer/Chief Executive Officer. The sanction for purchase of stamp will be accorded by the Secretary/Executive Officer/Chief Executive Officer after verifying the stamp account.

Revenue stamps purchased by the Panchayat/Samiti/Zilla Parishad by the Cash Section for making payment of salary/honorarium will be treated as part of cash balance in the Cash chest. The Revenue stamps for the use in other sections, for issue of pre-receipted bills, will be purchased after sanction of expenditure by the competent authority and the officer incharge of the sections will be responsible for the maintenance of stamp account as in the case of postage stamps.

37. GRANT-IN-AID :

A register of grant-in-aid will be prescribed and maintained for the grants-in-aid received from the Government and utilized by the Gram Panchayat/ Samiti/ Zilla Parishad. For the receipt and utilization of funds the Andaman and Nicobar Islands (Grant-in-aid to Panchayat) Rules shall be followed except the provision for technical sanction of estimates.

CHAPTER-VI AUDIT OF ACCOUNTS

38. GRAM PANCHAYAT:

(A) (i) The accounts of every Gram Panchayat shall be got inspected annually by the Deputy Commissioner through the Inspection parties, preferably of the Local Fund Audit Department of the Administration. The Deputy Commissioner shall authorize the inspection by issue of a notification published in the Official Gazette.

(ii) The accounts of every Gram Panchayat shall also be inspected periodically by the Panchayat Samiti and forward their report to the Zilla Parishad as well as to the Gram Panchayat.

B. The Panchayat Samiti is empowered to :

- (i) Issue summons in writing, require the production of any book, deed, contract, account, voucher, receipt or other document the perusal or examination of which they consider necessary;
- (ii) issue summons in writing, require any person having the custody or control of any such document or persons accountable for it to appear in person before them; and
- (iii) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto. Whoever fails to comply with any requisition lawfully made upon him under this rule shall be proceeded against in the manner prescribed in sub-rule C (i) of rule 38 by the Zilla Parishad to whom the matter shall be referred to by the Panchayat Samiti.

C. (I) **The Zilla Parishad** may after considering the report and making such further enquiry as it may consider necessary, disallow any item which appears contrary to law and surcharge the same on the person making or authorizing the illegal payment and shall:

- (i) If such person is a member of the Gram Panchayat, proceed against him in the manner specified in section 49 of the Andaman & Nicobar Islands (Panchayats) Regulation, 1994 and
 - (ii) If such person is not a member of the Gram Panchayat obtain the explanation of the person and direct such person to pay to the Gram Panchayat the amount surcharged within a specified period and if the amount is not paid within the specified period, the Zilla Parishad shall cause it to be recovered as arrears of land revenue and credit it to the Gram Panchayat Fund.
 - (iii) Any person aggrieved by an order of the Zilla Parishad under sub-rule (a) and (b) above, may within thirty days of the date of the order prefer an appeal to the Administrator whose decision on such appeal shall be final.
- (II)(i) If the Zilla Parishad or the UT Administration feels that a special audit of the accounts of any or all the Gram Panchayats are required to be conducted, the Zilla Parishad may through its own Auditors/Inspection party authorized for the purpose conduct such auditing or inspections.

- (ii) If the UT Administration feels that a special auditor of accounts of any or all the Gram Panchayats are required to be conducted, the Chief Secretary shall authorize the inspection party of the Chief Pay and Accounts Officer of the Administration and shall within one month of the completion of the audit, forward copies of the audit report to the Zilla Parishad, Panchayat Samiti and to the Gram Panchayat.
- (iii) The Gram Panchayat within one month from the date of receipt of the audit report, shall submit the replies to the Zilla Parishad through the Panchayat Samiti.
- (iv) The Panchayat Samiti in turn shall forward the replies to the Administration, with their comments within one month from the date of receipt of the audit report.

39. Panchayat Samiti :

- (A) (i) The Chief Secretary, A&N Administration shall by a notification published in the Official Gazette authorize inspection parties of the Administration, preferably of the Local Fund Audit Department for annual inspection of the Accounts of Panchayat Samitis.
- (ii) The accounts of every Panchayat Samiti shall also be inspected periodically by the Zilla Parishad and forward their report to the Panchayat Samiti.
- (iii) Zilla Parishad is empowered to :
 - (a) issue summons in writing, require the production of any book, deed, contract, account, voucher, receipt or other document, the perusal or examination of which they consider necessary.
 - (b) issue summons in writing, require any person having the custody or control of any such document or person accountable for it, to appear in person before them; and
 - (c) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto. Whoever fails to comply with any requisition lawfully made upon him by the Zilla Parishad under this rule shall be proceeded against under sub-rule (d).
 - (d) The Zilla Parishad may after considering the report and after making such further enquiry as it may consider necessary, disallow any item which appears contrary to law and surcharge the same on the person making or authorizing the illegal payment, and shall -
 - (i) if such person is a member of the Panchayat Samiti, proceed against him in the manner specified in section 140 of the Andaman & Nicobar (Panchayats) Regulation, 1994;
 - (ii) if such person is not a member of the Panchayat Samiti, obtain the explanation of the person and direct such person to pay to the Panchayat Samiti the amount surcharged within a specified period and if the amount is not paid within the specified period, the Zilla Parishad shall cause it to be recovered as arrears of Land Revenue and credit it to the Panchayat Samiti Fund; and
 - (iii) any person aggrieved by the order of the Zilla Parishad under sub-rule (a) and (b) above may within thirty days of the date of the order, prefer an appeal to the Administrator whose decision on such appeal shall be final.
- (B) (i) the accounts of the Panchayat Samiti shall be audited by the inspection party of the Chief Pay & Accounts Officer, Andaman and Nicobar Administration and shall within one month of the completion of the audit, forward copies of the audit report to the Zilla Parishad and to the Panchayat Samiti concerned.
- (ii) the Panchayat Samiti within one month from the date of receipt of audit report, shall forward the replies to the Zilla Parishad.
- (iii) the Zilla Parishad in turn shall forward the replies to the Chief Pay and Accounts Officer with their comments.

40. Zilla Parishad :

- (i) The Chief Secretary by a notification published in the Official Gazette shall authorize the accounts of the Zilla Parishad audited by the inspection party of the Chief Pay and Accounts Officer, Andaman & Nicobar Administration and shall within one month of the completion of the audit, forward copies of the audit report to the Chief Secretary, A & N Administration and to the Zilla Parishad.
- (ii) The Zilla Parishad within one month from the date of receipt of the audit report, shall forward the replies to the Chief Pay and Accounts Officer as well as to the Chief Secretary, A & N Administration
- (iii) The Chief Secretary of the Union Territory Administration may after considering the report and after making such further enquiry as he may consider necessary, disallow any item which appears to him contrary to law and surcharge the same on the person making or authorizing the illegal payment and shall,

- (a) If such person is a member of the Zilla Parishad, proceed against him in the manner specified in section 182 of the Regulation; and
- (b) If such person is not a member of the Zilla Parishad, obtain the explanation of the person and direct such person to pay to the Zilla Parishad the amount surcharged within a specified period; and if the amount is not paid within the specified period, the Chief Secretary shall cause it to be recovered as arrears of land revenue and credit it to the Zilla Parishad Fund.
- (c) Any person aggrieved by an order of the Chief Secretary under sub-rule (a) and (b) above may, within thirty days of the date of the order, prefer an appeal to the Administrator whose decision on such appeal shall be final.

CHAPTER – VII BUDGET

41. Annual Revised Estimates of actual income and expenditure for the previous year and the budget estimate of anticipated income and proposed expenditure for the ensuing year of the Gram Panchayat/Panchayat Samiti/Zilla Parishad shall be prepared in realistic manner and presented to the authorities by due dates and in the formats prescribed in rule 28 of the Andaman and Nicobar Islands (Panchayats Administration) Rules, 1997.

- (i) The budget of a Panchayat Samiti shall show the consolidated budget of all the Gram Panchayats under its jurisdiction and also its own budget. Similarly, the budget of a Zilla Parishad shall show the consolidated budgets of all the Panchayat Samitis (which includes the budgets of the Gram Panchayats under its jurisdiction) and also its own budget.
- (ii) The Zilla Parishad shall monitor the budget of the Panchayat Samitis, while the Panchayat Samitis shall monitor the budget of the Gram Panchayats. The Zilla Parishad and the Panchayat Samitis through their officers and committees appointed for the purpose shall carry out periodical inspections of the accounts of the PRIs under their jurisdiction and also its own accounts with reference to the approved budget and take suitable actions against erring PRIs.
- (iii) The budget shall accompany the Annual Administration report as provided for in rule 28 of the "Andaman and Nicobar Islands (Panchayat Administration) Rules, 1997" which is reproduced below :-

Rule 28 of A & N Islands (Panchayat Administration) Rules, 1997

"Report on the work of the previous year and the proposed work of the following year :-

(A) GRAM PANCHAYAT :- (1) A Gram Panchayat shall prepare and place before the Gram Sabha at its meeting before 10th May each year an Annual Administration report of the previous financial year alongwith the actual income and expenditure budget under different heads of account of the previous year and the budget estimate for the next financial year in the manner prescribed hereunder. The budget estimate shall be realistic based on the last year's performance which shall include the funds transferred/assured by the Panchayat Samiti and the Zilla Parishad, if any, and shall be presented before the Gram Sabha for approval. The Panchayat Samiti Member concerned and the Zilla Parishad Member concerned shall be invited to attend and they shall invariably attend the Gram Sabha. The notice shall invariably attend the Gram Sabha. The notice shall be sent in Form-1 of the A & N Islands (Panchayat Administration) Rules, 1997. All expenditure incurred during the previous year and the anticipated expenditure under each head of accounts proposed to be spend during the next financial year by the Gram Panchayat, within the geographical area of the Gram Panchayat shall be placed before the Gram Sabha for approval. A list of works proposed by the Panchayat Samiti Member and the Zilla Parishad Member to be carried out by the Panchayat Samiti and the Zilla Parishad respectively within the geographical area of the Gram Panchayat shall also be placed before the Gram Sabha for information. If any work or project has been undertaken for meeting any emergent situation on public demand the same shall be got ratified by the Gram Sabha specially convened for the purpose or in the immediate next meeting of the Gram Sabha whichever is earlier. If any work or project is so undertaken by the Panchayat Samiti or by the Zilla Parishad for the benefit of one or more contiguous Gram Panchayats and if any of the Gram Panchayat dispute for carrying out the work/project in the Gram Panchayat, the matter shall be referred to the "Joint Committee" referred to in rule 38 of the A & N Islands (Panchayat Administration) Rules, 1997 whose decision shall have the force of approval of the Gram Sabha. The annual Administration report shall show the work done during the previous year under different heads of account/development in such a manner that the expenditure and the balance under each head shall talley the receipt. Any work done which cannot be classified under any specific head shall be shown under the head "Miscellaneous works". The report shall show the amount of fund placed at the disposal of the Gram Panchayat under section 30, 34, 35, 36 and the taxes collected under section 37 and the amount spent for the performance of any function under section 28 and 29 or for making any provision under section 30. The amount spent on miscellaneous work, if any, shall be shown separately in the report. The report shall also show a detailed account of all the funds and other assistance received from each source. The receipts and expenditure of each head of account/each assistance/grants received together with its balance left over should be tallied

(2) The Annual Administration Report shall also specify in brief on the reports of the committees and the sub-committees of a Panchayat and the number of meetings and inspections, if any, conducted by the committees and sub-committees.

(3) The Gram Panchayat shall also prepare list of works in Form-6(A), 6(B) and 6(C), grouping them separately for the Gram Panchayat, Panchayat Samiti, Zilla Parishad or by any other agency, carried out during the previous year and also proposed to be carried out during the following year alongwith the actual expenditure budget (Revised Budget Estimate) of the previous year and the Budget estimate for the next financial year. In the budget estimate for the next year, the anticipated realistic receipts from different sources and the estimated cost, the amount proposed to be spent during the financial year and whether the approval of the Gram Sabha exist or not shall be indicated. The list of work proposed by the Panchayat Samiti member concerned and the Zilla Parishad member concerned shall also be appended with the report in form 6-C, but the cost of these works shall not form part of the budget of the Gram Panchayat. Form 6-(A), 6-(B) and 6-(C) shall accompany Part-I, Part-II and Part-III of both the Revised Estimate and the Budget Estimate.

(4) The budget both the revised estimate of the previous year and the budget estimate for the ensuing year of a Gram Panchayat shall be in three parts. Part I shall consist of income accrued during the previous year or anticipated to accrue during the ensuing year as the case may be and the expenditure thereon for payment of salary, honorarium, office expenses, works expenditure, expenditure for maintenance of assets transferred to the Panchayat, investments, grant of relief of natural calamities etc. incurred during the next year, as the case may be, out of the Gram Panchayats own income which shall also include the general purpose grant given by the UT Administration. Part II shall consist of funds provided/expected to be provided to the Panchayats for carrying out plan schemes entrusted by the Andaman and Nicobar Administration. Part III shall consist of funds provided/proposed to be provided under Centrally sponsored schemes for carrying out specific schemes, funds placed/proposed to be placed at the disposal by different departments of the administration or other agencies/central government etc. for carrying out the activities entrusted to the Panchayat during the previous year and the next financial year.

(5) The income and expenditure budget of a Panchayat for the previous and ensuing years, to be shown in Part-I shall consist of the following:-

- (a) Income from market, rent, taxes, cess, tolls etc.;
- (b) Grants given to the Panchayat for general purpose;
- (c) Matching grant;
- (d) Donation etc.;
- (e) Funds placed at the disposal of the Gram Panchayat for maintenance of assets transferred to the Panchayat etc.; and
- (f) Funds received from any other source for general purpose:

Provided that the works/items of expenditure which are completed during the previous year shall be listed first and the incomplete works shall be listed last in order of preference in the Revised Budget for the previous year and in the Budget Estimate for the next year, the incomplete work shall be written first and new items of expenditure shall be listed thereafter in order of preference.

(6) The maintenance funds shall be fully utilized for the purpose for which it is granted, but the total expenditure budget of a Gram Panchayat drawn out of Part I minus 5(e) above shall not exceed four-fifth of the income in any financial year.

(7) The income and expenditure budget of a Panchayat for the previous and ensuing years, to be shown in Part II shall consist of the following :-

- (a) Grants given for specific works included in the Annual Plan Programme of the Union Territory for each sector/sub-sector separately, indicating the works in order of preference, the estimated cost, the amount spent during the next year which shall not exceed the funds provided for the purpose;
- (b) Funds transferred to the Panchayat by any department of the UT Administration for carrying out specific plan works indicating the details as in (a) above.

(8) The income and expenditure budget of a Panchayat for the previous and ensuing years to be shown in Part III shall consist of the following :-

- (a) Funds transferred out of centrally sponsored schemes by the Central Government/Director (Rural Development), DRDA/Project Director etc.. indicating the details of works to be done in any particular sphere or place etc.; and
- (b) Funds received from any other source for carrying out capital or any specific work for which such funds are received.

Provided that while preparing the list of work/item of expenditure for the revised estimate for the previous year, the works completed shall be listed first followed by the incomplete work and in the budget estimate for the next year, the incomplete work shall be listed first followed by new items of work.

(9) The establishment budget of both the revised estimate and budget estimate shall be in Form-9 and the budget for contingent expenditure shall be in Form-10 for the Panchayat at all the 3 levels.

(10) The reports mentioned in sub-rule (1) to (9) above finally prepared by the Pradhan shall be submitted to the Panchayat Samiti concerned after having brought before the meeting of the Gram Sabha and adopted through a resolution before 31st May each year. A copy of the report along with a copy of the resolution shall also be forwarded to the Assistant Commissioner concerned.

(B) PANCHAYAT SAMITI : (1) A Panchayat Samiti shall place at its meeting before 10th June each year, an Annual Administration report of the previous financial year alongwith the actual income and expenditure budget under different heads of account of the previous year and the budget estimate for the next financial year in the manner prescribed in sub-rule (1) to (9) of rule 28A. The Panchayat Samiti shall consider and approve the list of works proposed by the Gram Panchayat in the coming financial year on the basis of available financial resources. The Panchayat Samiti shall into change the priority assigned by the Gram Panchayat but will have the power to restrict the number of works to be undertaken in the financial year on the basis of assessment of funds likely to be made available to the Gram Panchayats. The works so approved by the Panchayat Samiti shall be listed in **Volume-I**. The Panchayat Samiti shall also examine the list of works proposed by the Panchayat Samiti Members and prioritize them. Only those works which can be undertaken within the available funds in Part-I, Part-II and part-III of the budget shall be listed for being taken up during the next financial year. List of works to be undertaken by the Panchayat Samiti from its own resources will be listed in **Volume-II**. The budget so drawn out and approved by the Panchayat Samiti in its meeting shall be sent to the Zilla Parishad. A copy of the budget of the Panchayat Samiti under its jurisdiction shall also be sent to each Gram Panchayat. Among other things the report shall also show the amount of fund placed at the disposal of the Panchayat Samiti under section 125, 127, 129, 130 and also the taxes collected under section 128 and all other receipts of funds; and the amount spent for the performance of any and all functions entrusted to it under the Regulation. A report alongwith the Budget Estimate of income and expenditure in like manner as of the Gram Panchayat shall be submitted to the Zilla Parishad before 30th June each year. The budget estimate of both income and expenditure shall be realistic. The list of works to be executed during the next financial year shall also be sent in the manner prescribed in sub-rule (3) of 28-A in Form-7(A), (B) and (C) wherein only the works proposed in Form 6-C by the Panchayat Samiti member concerned shall be included. The priority or works to be undertaken shall be decided in the meeting of the Panchayat Samiti convened for the purpose well before sending the report to the Zilla Parishad. The list of the works shall be entered afresh in Form 7(A), (B) and (C) as the case may be in order of priority assigned to each work by the Panchayat Samiti which shall accompany the Annual Administration Report and the Budget of the Panchayat Samiti to the Zilla Parishad. Form 7(C) shall contain the works proposed by the Zilla Parishad.

(2) The Panchayat Samiti shall follow sub-rule (1) to (9) of rule 28-A. for the preparation of both the Revised estimate for the previous year and the Budget estimate for the next year.

(3) While consolidating the revised budget of the previous year and the budget estimate of next year of the Gram Panchayats under the jurisdiction of the Panchayat Samiti, only the sub-totals of each head of account/development of the budgets of the Gram Panchayats shall be given by the Panchayat Samiti, but they shall enclose a copy of the detailed budget of each Gram Panchayats alongwith the consolidated budget of the Panchayat Samiti.

(4) Both the revised budget of the previous year and the budget estimate of the next year of the Panchayat Samiti shall be in detail.

(5) The Grand Total of the budget of the Panchayat Samiti shall be the sum total of all the Gram Panchayats under its jurisdiction and its own budget.

(6) The report shall be finally prepared by the Pramuks and after it is approved by the Panchayat Samiti shall be forwarded to the Zilla Parishad alongwith a copy of the resolution before 30th June each year. A copy of the report alongwith copy of the resolution shall also be forwarded to the Deputy Commissioner, the Chief Planning Officer and the Secretary of the District Planning Committee.

(C) ZILLA PARISHAD : (1) The Zilla Parishad shall consolidate the Annual Administration Reports of all the Panchayat Samitis containing the reports of the Gram Panchayats, and also its own Annual Administration Report, the income and expenditure budget for the previous and the ensuing financial year and place the same in the meeting of the Zilla Parishad before 10th July each year. The report shall show the funds placed at the disposal of the Zilla Parishad under section 163, 164, 165, 167 and 168, the income received from

the properties vested with the Zilla Parishad under section 169, tax collected under section 170 and any other income accrued to the Zilla Parishad. The budget shall be realistic based on last year's performance. The Zilla Parishad shall examine the list of works listed in Volume-II to be executed by the Panchayat Samiti. It shall not change the order of priority assigned by the Panchayat Samiti but can restrict the number of works to be undertaken during the financial year on the basis of its assessment of resources likely to be available with the Panchayat Samiti. The Zilla Parishad shall also examine the works listed by the Zilla Parishad Members to be executed from within the resources assigned to the Zilla Parishad itself. It shall also finalise the priorities of such works and restrict them on the basis of funds likely to be available. Such works shall be listed in **Volume-III** in Form 8(A), (B) and (C) in the manner prescribed in sub-rule (3) of rule 28A. The Zilla Parishad in its meeting shall accord priority to the works listed in Form 8(A), (B) and (C) and shall select and approve the works proposed to be carried out during the ensuing financial year according to availability of funds.

(2) The Zilla Parishad shall follow sub-rule(1) to (9) of rule 28-A, for the preparation of both the revised budget for the previous year and the budget estimate for the next year.

(3) While consolidating the revised budget of the previous year and the budget estimate of next year of the Gram Panchayats and the Panchayat Samitis under the jurisdiction of the Zilla Parishad, only the totals of each head of accounts/development of the Gram Panchayats and the Panchayat Samitis shall be given by the Zilla Parishad, but they shall enclose a copy of the detailed budget of each Gram Panchayat and each Panchayat Samiti alongwith the consolidated budget of the Zilla Parishad.

(4) Both the revised budget of the previous year and the budget estimate of the next year of the Zilla Parishad shall be in detail.

(5) The Grand Total of the budget of the Zilla Parishad shall be the sum total of all the Gram Panchayats and Panchayat Samitis under its jurisdiction and its own budget.

(6) The report shall be finally prepared by the Adhyaksha and after it is approved by the Zilla Parishad shall be forwarded to the Chief Secretary, A & N Administration alongwith a copy of the resolution before 31st August each year. A copy of the report alongwith copy of the resolution shall also be forwarded to the Deputy Commissioner, the Chief Planning Officer and the Secretary of the District Planning Committee.

(D) DISTRICT PLANNING COMMITTEE : (1) The District Planning Committee shall consolidate the draft Plans of the Zilla Parishad (consisting the draft plans of the Gram Panchayats, Panchayat Samitis and of the Zilla Parishad), Municipal Council and Tribal Councils. The District Planning Committee shall meet before 10th October each year to finalise the consolidated plan and submit the same to the Administration. As soon as the size of the annual plan is decided by the Planning Commission, the Planning Department of the Administration would communicate to the Zilla Parishad and the Municipal Council the quantum of funds earmarked for functions to be performed by the Panchayati Raj Institutions and the quantum of grant-in-aid as well as allocations proposed under various heads for schemes to be executed by the PRIs. The part II budget of the PRIs shall stand approved by the Administrator to the extent of grant-in-aid so allocated. The allocation of funds between the Zilla Parishad, Panchayat Samiti and the Gram Panchayats shall be in the ratio of 20:15:65.

(2) Upon receipt of the allocation of funds and immediately thereafter, the Adhyaksha, Zilla Parishad shall call the meeting of the Parishad to decide the works that are to be executed during the ensuing Financial year within the allocation made by the Administration. Only the works included in the draft plan already approved by the Gram Sabhas, which find place in the draft plan of the Zilla Parishad (comprising the plans of the Panchayat Samitis, the Gram Panchayats and its own plan) can be taken up in order of priority.

(3) The works so decided in the meeting of the Zilla Parishad shall be sent to the Administration for inclusion in the Annual Plan programme of the Union Territory.

42. The following further instructions shall be observed in preparing the budget estimate :-

- (i) The budget estimate shall be for what is expected to be received or paid during the year and not for demands or liabilities likely to fall due within the year;
- (ii) All existing liabilities which cannot be liquidated before the commencement of the year for which the budget is being prepared shall be ascertained and provided for;
- (iii) If there are any abnormal variations/fluctuations in receipts and charges, brief explanation for such variations/fluctuations shall be given;
- (iv) Invested funds of the Gram Panchayat/Samiti/Zilla Parishad shall be shown separately in the opening and closing balances, the details being shown as a foot note to the budget.

43. The draft budget of the Gram Panchayat/Panchayat Samiti/Zilla Parishad shall be prepared and presented by the respective Committees for Finance and Taxation. The Junior Engineer/Assistant Engineer/Executive Engineer of the Engineering Wing of the concerned PRIs shall also attend the meeting. The Secretary/Executive Officer/Chief Accounts Officer of the Gram Panchayat/Samiti/Zilla Parishad shall act as Ex-officio Secretary of the respective Committee. They shall take part in the deliberations and also assist the respective Finance and Taxation Committee in preparing the draft budget but shall not have the right to vote. The Committee for Finance and Taxation shall verify all expenditures, consult all documents, consult the Engineers and others as they deem fit and may also make field verification for preparation of realistic budget. The budget so prepared shall be presented to the Pradhan/Pramukh/Adhyaksha who shall take further action as required under rule 41.

44. The Secretary/Executive Officer/Chief Executive Officer shall cause the budget estimates as finally approved by the Gram Sabha/Panchayat Samiti/Zilla Parishad to be printed/typed and shall, not later than the 10th day of October/November/December as the case may be forward sufficient number of printed/typed copies thereof to the Panchayat Samiti and Zilla Parishad. A copy thereof may also be sent to each member of Gram Panchayat/Samiti/Zilla Parishad, the concerned Assistant Commissioner and the Chief Planning Officer.

45. (a) Before the draft budget is finally adopted, which shall not exceed 25% of the revised estimate of the previous year, all the formalities detailed in rule 41 herein and also rule 28 of the A & N Islands (Panchayat Administration) Rules, 1997 shall be followed.

(b) The restriction of 25% imposed in rule 45(a) shall not apply, if a Panchayat proposes to take up works for which budget support is assured by any other source.

46.(a) The Gram Panchayat/Samiti/Zilla Parishad shall on or before the twentieth day of August/September/October as the case may be, subject to limitations and conditions provided in Rule 31, determine the rates at which taxes shall be levied for the ensuing financial year.

(b) Subject to the requirements of the rules, the Gram Panchayat/Samiti/Zilla Parishad may refer the budget estimate back to the Committee for Finance and Taxation for further consideration for reasons to be recorded in writing or adopt the budget estimates or any adopt a budget estimate revised by themselves as the respective Panchayat may deem expedient for reasons to be recorded in writing.

(c) Provided that the budget estimates finally adopted by the Gram Panchayat/Samiti/Zilla Parishad shall fully provide for each of the matters specified in sections 28, 124 and 163 of the Regulation and for any other works/subjects for which funds have been specifically provided by the Government.

47. (a) The total sum entered under a head of account on the expenditure side which has been adopted by Gram Panchayat/Panchayat Samiti/Zilla Parishad shall be termed as budget grant, provided such grants are actually sanctioned to the Panchayats.

(b) On the recommendation of the Committee for Finance and Taxation, the Gram Panchayat/Panchayat Samiti/Zilla Parishad may from time to time during a financial year, increase the amount of any budget grant, or make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash balance at the close of the year shall be reduced below one fifth of the total sums received during the year.

(c) Such increased or additional budget shall be included in the budget estimates adopted by the Gram Panchayat/Samiti/Zilla Parishad for the year in which they are made, provided such increase has really accrued.

(d) If the whole budget grant or any portion thereof remains unspent at the close of the year in the budget estimate for which such grant was included and if the amount thereof has not been taken into account in the opening balance of the Panchayat Fund/Samiti Fund/Zilla Fund the committee may sanction the expenditure of such budget grant or such unexpended portion thereof, as the case may be, during the next two following years for the completion of programme/project/work according to the original intention or sanction, of the purpose or objects for which the budget grant was made, but not for any other purpose or object. However, a separate account of such funds should be maintained.

48. Subject to the proviso (ii) of rule 50, the Panchayat/Samiti/Zilla Parishad may, on the recommendation of the Committee, from time to time, during a financial year, sanction the transfer of any amount from one budget grant to another.

49. The Committee may at any time during a financial year subject to proviso (ii) of rule 50-

- (i) Reduce the amount of a budget grant;
- (ii) Sanction the transfer of any amount within a budget grant from one minor head to another or from a subordinate head under one minor head to a subordinate head under another minor head or;
- (iii) Sanction the transfer of any amount exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another.

50. Gram Panchayat/Panchayat Samiti/Zilla Parishad may at any time during the financial year sanction the transfer of any amount from one primary unit to another and pass such order as they may think fit, and it shall be incumbent on the committee and the Secretary/EO/CEO to give effect to such order :

Provided that-

- (i) no such transfer of funds from grant-in-aid received from the UT Administration for specific purpose shall be made without the approval of the Administration;
- (ii) if the transfer of fund from one unit to the other is made from the income of the Panchayat including tax, cess, toll etc., or from the Grant-in-aid given for general purpose or the funds provided for "maintenance of assets transferred to the Panchayats", it shall be recouped within three months or before the closure of the financial year whichever is earlier.

CHAPTER – VIII PERSONAL CLAIMS

51. (i) The provisions contained in this chapter apply generally to personal claims such as pay and allowances of Government Servants working in Panchayati Raj Institutions and Honorarium and Travelling Allowance to elected members.
- (ii) Bills for monthly pay and fixed allowances of Govt. Servants may be signed at any time not earlier than five days before the last working day of the month and shall be due for payment on the last working days of the month to which it pertains.

Explanation – For the purpose of this rule, "working day" shall be deemed to be a day on which the office in which the disbursement is to be made and are all open for transacting their respective ordinary business, so that withdrawal of money and disbursement thereof become practicable on the same day.

52. Preparation of bills :

- (i) Bills should be filled in and signed in ink. Use of ball point pens is permissible if it is clear and legible. The amount of the bill should be written both in figures and in words, and at the end the word "only" is to be written.
- (ii) Attested copies of any special orders sanctioning the expenditure should be attached with the bill in which reference to such sanctions are indicated.
- (iii) The bills should always be signed by the Drawing Officer authorized in this behalf by the Chief Executive Officer of the Zilla Parishad. Signature of no other person shall be valid.
- (iv) Dates of payment should, when possible, be noted by the payees in their acknowledgements in sub-vouchers and acquittance rolls. If, for any reason, it is not possible for the dates of payment to be noted by the payees, the dates of actual payment should be noted by the Disbursing Officer on the documents under their initials either separately for each payment or by groups as may be found convenient.
- (v) The space left blank either in the money column or in the column for particulars of the bill should invariably be covered by oblique lines.
- (vi) A note to the effect that the amount of the bill is below a specified amount expressed in whole rupees, which is slightly in excess of the total amount of the bill, should invariably be recorded on the body of the bill in red ink.
- (vii) Pay bills of an officer or a servant of Panchayat/Samiti/Zilla Parishad should be prepared in Form 9. Separate pay bill should be prepared for (i) persons for whom cheque payments are made and (ii) Group 'D' employees.
- (viii) Honorarium to the elected members of the Gram Panchayat/Panchayat Samiti/Zilla Parishad should be prepared in Form-10.
- (ix) A bill Register in Form-11 should be maintained by the Officer who is authorized to draw money on bills signed by him.
- (x) A pay bill register in Form-12 and abstract of pay bill in Form-13 should be maintained, the former being in the form of a ledger for recording the dues payable and deductions made in respect of each claim of pay & allowance of an officer or servant of Gram Panchayat/Panchayat Samiti/Zilla Parishad and the latter being an abstract of pay and allowance bills presented for payment.

53. No payment may be made on a bill or order signed by a clerk or other official instead of the drawing officer. Nor may any money be paid on a bill or order signed with a stamp. When the signature on the bill is given by a mark or seal or thumb or toe impression, it shall be attested by some known person. Signature in Indian languages other than Hindi must always be translated.

54. **Absentee Statement** : The monthly salary bill shall be supported by an absentee statement in Form-14

55. Increment Certificate :

- (i) To the first bill in which a periodical increment is drawn for an officer or servant of the Gram Panchayat/Samiti/Zilla Parishad, a certificate in Form-15 shall be appended.
- (ii) When an increment claimed operates to carry a Government servant over an efficiency bar, it must be supported by a declaration from the authority empowered to allow increment that it has satisfied itself that the official concerned is fit to cross the efficiency bar.

56. Claim for House Rent or any other fixed allowance shall be supported by such certificates as may be prescribed from time to time by the Government.

57. The duty of keeping the records of deductions to be made from pay bills on account of Provident Fund and other funds/dues shall devolve on the drawing and disbursing Officer.

58. When demand statements for licence fee of public buildings recoverable from servants of Gram Panchayat/Panchayat Samiti/Zilla Parishad are received from APWD or any other authority in charge of such buildings, the drawing officer shall make necessary deductions as specified therein from the relevant bill in which pay is drawn. After the recovery is made, on copy of the demand statement shall be returned to the authority from which it was received after noting the amounts recovered alongwith a cheque for the amount.

59. When the pay of an official is attached by any order of a Court of Law, it is the duty of the officer receiving the order to see that proper deduction is made in satisfaction of such order from the pay of the person concerned and to keep a record of such deductions in a register in Form – 16.

60. **Drawal of arrears** : The pay and allowances due in respect of the old post (on account of refixation of pay and allowances) which could not be drawn at the time of a transfer, shall be drawn by the Drawing Officer and disburse the same to the person concerned against the new post. 'Due and Drawn Statement' in respect of arrears should be prepared by the latter drawing officer and sent to that of the earlier office or parent office, as the case may be, for verification and vetting. On its receipt duly vetted, the arrear bill shall be drawn and paid to the party concerned.

61. **Leave Salary** : The leave salary of an officer or servant of the Gram Panchayat/Panchayat Samiti/Zilla Parishad shall be drawn from the office of drawing and disbursement from which his pay was being drawn immediately before proceeding on leave.

62. **Overtime allowance** : Every bill for overtime allowance shall contain a certificate of the Pradhan/Pramukh/Adhyaksha to the following effect :

"Certified that –

- (a) the person(s) for whom overtime allowances are claimed in this bill, have actually earned it by working overtime;
- (b) the periods for which overtime allowances are claimed in this bill have been checked with the initial records and found correct;
- (c) Overtime allowances are claimed at the rates sanctioned by competent authority; and
- (d) The overtime allowances have been taken into account in calculating the income tax due, noted in this bill".

63. **Arrear Bill** : Arrears of pay, fixed allowance or leave salary shall be drawn not in the ordinary monthly bill, but in a separate bill, the amount claimed for each month being entered separately quoting number and date of bill(s) and the date of encashment in which the same was omitted or withheld. A note of the arrear bill shall invariably be made in the pay bill (Form 9) and in the Pay bill register (Form-12) together, over the dated initials of the drawing officer. He shall also record the following certificates on the arrear bill under his dated signatures–

- i) that no part of the amount claimed has been drawn previously,
- ii) that a note of arrear claim has been made in the pay bill register for the period to which the claim pertains "

64. Travelling allowance bills : Bills for travelling allowance other than permanent or fixed travelling allowance shall be prepared and presented with the following provisions :-

- (i) The bill shall be prepared in Form 17-A, 17-B and 17-C for tours, transfer and LTC respectively the instructions printed in the form being strictly observed. When a longer route is taken, the reasons for doing so must invariably be stated in the bill and copy of the orders of competent authority permitting to travel by longer route should accompany the bill.
- (ii) When actual expenses are drawn on account of carriage of conveyances, details of conveyances transported should be furnished in the bill. For the purpose of drawing the allowance for members of his/her family, a certificate must be furnished by the official concerned detailing their names and their relationship with him/her for whom the allowance is claimed.
- (iii) All travelling allowance bills must bear a certificate of the drawing officer in the following form –

“Certified that I have satisfied myself of the amounts included in the bills drawn one/two/three months previous to this date, with the exception of those detailed below (total amount of which has been refunded by deduction from this bill) have been disbursed to the official named therein and their receipts taken on the office copy of the bill or on a separate acquittance roll”.

- (iv) The bills completed as above may be encashed on the receipts furnished by Pradhan/Prumukh/Adhyaksha; but no bill requiring previous counter signature of the controlling authority, shall be presented before such counter signature is obtained.
- (v) The travelling allowance bills of elected members of Gram Panchayat/Panchayat Samiti/Zilla Parishad shall be claimed in Form-18 and shall be countersigned by the controlling officer declared for this purpose.

Note : Various forms have been prescribed for submission of different claims e.g. pay and allowances, T.A., honorarium to elected members, contingent charges, advances etc. and appended to these rules. Should there arise need for any “forms” or “certificate” for drawal of bills of any kind, the forms/certificates used in Government departments of the A & N Administration shall be adopted.

65. Disbursement of Pay and Allowances, acquittances etc.

- (i) The Pradhan/Prumukh/Adhyaksha or the Secretary/EO/CEO, as the case may be, is personally responsible for the amounts drawn on a bill signed by him or on his behalf until he has paid it to the person entitled to receive it and has obtained a legal acquittance. The legal acquittance may be in Form – 19 (Acquittance Roll) as in respect of payment of monthly pay and allowances; and on the office copy of bills, for other payments;
- (ii) If for any reason, payment cannot be made within the course of the month, the amount drawn for the payee shall be refunded by short drawal in the next bill and when the occasion for making the payment arises, the amount may be drawn a new;
- (iii) Acquittance rolls and office copies of the bills on which acquaintance is obtained should be stamped 'PAID' and preserved carefully;
- (iv) In respect of payments made through acquittance rolls on the pay day, the disbursement certificate at the foot thereof should invariably be signed by the disbursing officer in token of the total amount actually paid with a 'PAID' stamp;
- (v) In respect of undisbursed amount paid subsequently, the items should be stamped 'PAID' individually and attested by the drawing officer while signing the cash book.

66. Normally the last payment of pay and allowances in respect a servant of Gram Panchayat/Samiti/Zilla Parishad who finally quits service of the Panchayat or who is placed under suspension shall be paid only after the Pradhan & Secretary/Prumukh & Executive Officer/Adhyaksh & CEO satisfies themselves, by reference to records that there are no demands outstanding against the employee. However, in case his/her security for an amount considered by the Secretary/Executive Officer/CEO to be adequate to cover the aforesaid dues is in deposit with the Panchayat either in cash, or by a surety bond or by with-holding a part of the gratuity payable to the employee, the last pay and allowances shall be paid accordingly and the dues shall be realized from such cash/security/gratuity as the case may be.

EXCEPTION : The disbursement of pay and allowance in lieu of notice period under the provisions of the Central Civil Service (Temporary Service) Rules, 1965 shall *mutatis mutandis* apply to the temporary servants of the Panchayats at Gram/Samiti/Zilla as the case may be wherever such occasions arise.

67. Pay and allowance on the death of an employee of the Panchayat shall be drawn upto and for the date of death, the hour at which death took place has no effect on the claim.

NOTE : “Day” for the purpose of this rule shall mean a calendar day beginning and ending at midnight.

68. (i) Subject to the provisions of the rule 67, pay and allowances of all kinds claimed on behalf of a deceased employee may be paid under the orders of the Pradhan/Secretary, Pramukh/Executive Officer, Adhyaksha/CEO without insisting for production of usual legal authority, subject to satisfaction about the right of the claimant.
- (ii) In case where the gross amount of the claim exceeds Rs.10,000/- payment will be made on the order of the Secretary/Executive Officer/CEO only on the execution of an indemnity bond in Form 20, duly stamped for the gross amount due for payment with such sureties as may be deemed necessary.
- (iii) Provided that the Secretary/Executive Officer/Chief Executive Officer may, subject to the condition prescribed in sub-rule (ii), make anticipatory payment of an amount not exceeding Rs. 10,000/-.

Note : 1 : Normally, there should be two sureties, both of known financial stability, unless the gross amount of the claim is less than Rs. 10,000/-. The authority accepting the indemnity bond in Form 20 for and on behalf of the Gram Panchayat/Samiti/Zilla Parishad shall decide on the merits of each case, whether to accept only one surety instead of two or not. The decision shall be recorded in writing.

Note : 2 : (i) The obligor as well as the sureties executing the indemnity bond should attain majority so that the bond may have legal effect or force. The bond is also required to be accepted on behalf of the Panchayats under the signature of the Pradhan/Pramukh/Adhyaksha concerned;

(ii) In case of any doubt payment shall be made only to the person(s) producing the legal authority;

(iii) On receipt of the claim for payment of arrears of pay and allowance of all kind (including travelling allowance claims), on behalf of the deceased employee from his/her heir(s), the competent authority of the Panchayat shall sanction the drawal of the amount in the appropriate bill form. The amount shall be disbursed to the claimant by the disbursing officer by following the procedure laid down in sub-rule(i). A formal receipt (acquittance) duly stamped shall be obtained from the claimant.

Note : 3: The procedure prescribed in this rule shall apply to all claims for payment of dues or honorarium payable to deceased non-officials, including deceased non-official members of the Panchayat/Samiti/Zilla Parishad.

Note : 4 : A set of 11 Forms for day-to-day use in the PRI Office have been prescribed vide Form No. 21 to 31. These are the forms in which the registers are to be maintained at all the 3 levels of Panchayats to ensure uniformity in accounting and maintaining records of assets and expenses of general nature. These forms are recognized under these rules as "General Forms".

69. Misappropriation of Panchayat funds by any of the functionaries of Gram Panchayat/Panchayat Samiti/Zilla Parishad shall be reported to the Deputy Commissioner(A) and he shall if the report prima-faci found valid, enquire himself or cause to enquire into the affair by authorizing an officer for the purpose. If the report is found genuine and proved, he shall, considering the gravity of the crime :

(i) direct the erring functionary to make good the loss by remitting the amount equal to that misappropriated, or

(ii) report to the police for action under provisions of Cr.PC, or

(iii) initiate action under provisions of the Andaman & Nicobar Islands (Panchayats) Regulation, 1994 for abuse of powers.

If the functionary fails or refuses to make good the loss, the same shall be recovered as arrears of land revenue.

70. **Power to remove difficulties :** If any difficulty arises in giving effect to the provisions of these rules, the Administrator of the Union Territory Government of A & N Islands may, subject to such restrictions and conditions, if any, as he may think fit to impose, dispense with or relax the provision(s) of any of these rules.

71. **Interpretation :** Where any doubt arises as to the interpretation of any these rules, the matter shall be referred to the Andaman and Nicobar Administration for the decision of the Administrator.

72. (i) In respect of matters not specified in these rules, the provisions contained in relevant rules of the Central Government followed by the Andaman and Nicobar Administration shall apply.

(ii) The forms appended to these rules are subject to revision according to requirements from time to time which shall be revised by issuing executive orders whenever necessary.

Sd/-
(I.P.GUPTA)
Lieutenant Governor

By order and in the name of Lieutenant Governor,

Sd/-
(M.RAJENDRAN)
ASSISTANT SECRETARY(PANCHAYAT)

APPENDIX – I

FORMS PRESCRIBED IN

THE ANDAMAN AND NICOBAR ISLANDS

(PANCHAYAT ACCOUNTS AND FINANCE) RULES, 1997

FORM – 1

(See Rule 17)

CASH BOOK

Office of

For the month of

Receipts

Payments

Receipts								Payments							
Date	Receipt No. & date	Particulars from whom received	Cheque/Bill No.	Cash	Bank	Total Rs.	Initials	Date	Voucher No. & date	Particulars to whom paid	Cheque/Bill No.	Cash	Bank	Total Rs.	Initials

FORM - 2
(See Rule 22)

Register of bills for payment during the year

1	Sl. No.
2	Date of Presentation
3	Name of Party
4	Particulars/Bill No. & date
5	Amount
6	Initials of Secretary/ EO/CEO/DDO
7	Date of Payment
8	Voucher No. & date
9	Amount paid
10	Amount disallowed
11	Balance outstanding at the end of the year
12	Reasons for delay in payment, if any
13	Initials of Secretary/ CEO/CEO/DDO
14	Remarks

Classified Register of Receipts/Payments for the Panchayat for 19.....19

Receipts

Payments

Reference & date	Head of accounts	Budget grant Rs.	Date(s)	Total for the month Rs.	Total upto the end of previous month Rs.	Progressive Total Rs.	Balance	Remarks
1	2	3	4	5	6	7	8	9

**Assessment list of buildings and lands in the Panchayat/Samiti/Zilla Parishad area
liable to taxation for the year 19 19**

Sl.No.	Name of Street or Muhalla	Property No.	Description of Property	Name of Owner	Name of Occupier	Annual Value	Particulars on which annual value is based	Amount of tax Assessed				Reference and date of decision on appeal, if any	Result on appeals and subsequent alterations				Remarks including reference to others in the case of subsequent increases and decreases	
								9Tax	10Tax	11Tax	Total 12		14Tax	15Tax	16Tax	Total 17		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	

FORM - 5
[See Rule (31) (B)]

DEMAND REGISTER FOR TAX

021

1	Sl. No.
2	Name of Street or Muhalla
3	Property No.
4	Description of Property
5	Name of Owner
6	Name of Occupier
7	Annual Value
8	Particulars on which annual value is based
9	Amount of Tax demanded
10	Amount of tax paid
11	Variation, if any
12	Reasons for variation
13	Remarks
14	Initials of Secretary

REGISTER OF HIRE OF PANCHAYAT/SAMITI/ZILLA PARISHAD PROPERTY

Sl. No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14
		Date	Name and address of hirer	Name of property hired	Date of hire	Date of return	No. of days/month/year	Rate at which hired	Amount due	Amount received	Receipt No. & date	Balance	Initials of Secretary/Officer	Remarks

FORM - 7
(See Rule -35)

Contingent Bill

Month of19

Serial No. of Sub-voucher	Description of charges and number and date of authority for all charges requiring special sanction	Amount	
	Head and item of budget	Rs.	P
	Total	_____	_____

Total Rupees

*I certify that the expenditure charged in this bill could not, with due regard to the interest of the Panchayat, be avoided and that the charges have been really paid.

Countersigned

ACCOUNTANT

Date :

Secretary/EO/CAO/DDO
(Seal)

Voucher No.

Date :

Pay Rs..... (Rupees))

Accountant

Accounts Officer/Disbursing Officer

*The words "and that the charges have been really paid" apply only when the bill is for recoupment of permanent advances.

FORM – 8
(See Rule -36)

STAMP ACCOUNT FOR THE YEAR 19.....19

Receipts			Issue				
Date	Voucher No.	Value of stamps received	Letter No.	Value of stamps affixed	Daily balance	Initials of dispatcher	Remarks
1	2	3	4	5	6	7	8
		Rs. P.		Rs. P.	Rs. P.		

NOTE : The balance of stamps in hand should be verified and certified at least once a month by the Secretary/EO/CEO.

FORM - 9

(See Rule -52(VII))

PAY BILL

Bill No.....

Dated

Detailed pay bill of incumbents of Temporary/Permanent

Establishment of the Panchayat Samiti/Zilla Parishad for the month of

Allocation/Head of Account.

Entitlements

Sl. No.	Section of establishment and name of incumbent	Pay	Dearness Allowance	Special Compensatory Allowance	Interim Relief
1	2	3	4	5	6

Special Allowance	Deputation Allowances	Washing Allowance	P.T.A	Other Allowance	Total Cols. No. 3 to 11
7	8	9	10	11	12

Deductions/Recoveries

GPF Subscription	GPF Advance	Cycle Advance	Scooter Advance	HB Advance	Leave Salary Advance
13	14	15	16	17	18

LTC Advance	UTGIES	LIC	Total Recoveries (Col. 13 to 21)	Net Payable (Col. 12-32)	Accittance
19	20	21	22	23	24

(Contd..2/-)

1. Certified that the bill has been checked with the scale of the post.

Details of undisbursed pay

2. Certified that all persons for whom pay has been drawn in this bill have already been entertained during the month.

Name

Amount

Passed for Rs..... (Rupees).....

.....ALLOCATION/HEAD OF ACCOUNT

Gross Amount.....

Deduction

Rs.....

Rs.....

Rs.....

Rs.....

Rs.....

Rs.....

Rs.....

Rs.....

Certified that this bill has been checked and found to be in order

Total Deductions
(Col. 13 to 21)

Pay Rs.....

(Rupees.....)

SECRETARY/EO/CEO/DDO

(Seal)

FORM - 10
(See Rule -52(VIII))

FOR HONORARIUM/PAY FOR ELECTED MEMBERS

Name Bill No..... Date.....
Designation Head of Account.....
Received for the month of19.....

Monthly	Rate
Rs.	P.

My Pay/Honorarium

Allowances

1.

2.

Gross Claim

Deduct

1. Income Tax

2. Surcharge

3. Voluntary Cut

4. C.G.H.S.

5. Miscellaneous

Recoveries

Total Deductions

Net Amount Payable

Rupees (in words)

Signature

Name :

Countersigned

Head of Panchayat

BILL REGISTER

1	Bill No. & date	
2	Particulars of Bill	
3	Net Amount of Bill	
4	Dated initials of Officer signing Bill	
5	Date of presentation to Cheque drawing DDO	
6	Amount passed by Cheque drawing DDO	
7	Date of encashment	
8	No. and date of Cheque or Bank draft	
9	Date of entry in Cash book	
10	Initials of Officer in charge of Cash	
11	Month of encashment	Amount disbursed in
12	2 nd Month	
13	3 rd Month	
14	No. & date of bill in which balance shown	
15	Remarks	

ABSTRACT OF

Particulars of dues and deductions	P.B.No		P.B.No.		P.B.No.		P.B.No.		P.B.No.		P.B.No		P.B.No.	
	Rs	P.	Rs	P.	Rs.	P	Rs.	P	Rs.	P.	Rs.	P	Rs	P.
1. Dues Pay leave salary (Cols. 3-4)														
2. DA ADA (Col 7)														
3. C.C.H.R. Allowance (Col. 5)														
4. Other compensatory allowance and other charges (Col. 6)														
5.														
6.														
7. Total dues (Col. 8)														
DEDUCTIONS														
8. (a) Income Tax (Col. 9) (b) Surcharge														
9. C.G.H.S Contributions (Col 10)														
10. Licence Fee (Col 11)														
11 (a) CGEIS (Col 12) (b) CGEGIS														
12 Long Terms Advance (Col 13)														
13. Short Term Advance (Col. 14)														
14 Interest on loans/ advances (Co 15)														
15. GPF/CPF contribution (Col 16)														
16. GPF/CPF advance (Col 17)														
17 Other deductions, if any (Co 18)														
18. Deductions / Recoveries adjustable other AO(S) (Col 24)														
19. Total Deductions (Col 25)														
20. Net amount payable (Col 26)														
21. Over time/Honorarium payments														
22.														
23														
24														
25.														
26.														
27														
28														
29														

FORM – 14

[See Rule 54]

ABSENTEE STATEMENT

Name of absentee	Reference to Item No. in the establishment bill	Designation of vacant post	Nature of Absence				Name of Govt. servant officiating against the vacancy	Reference to Item No. in the establishment bill
			Kind	Period	From (Fore/Afternoon)	To (Fore/Afternoon)		
1	2	3	4	5	6	7	8	9
Dated 19			Signature and Designation of Drawing Officer					

Notes : 1. In Column 4 should indicate nature of absence 'Earned/half pay leave', 'Other duty', Officiating....., 'in transit', 'transferred to', 'suspended', etc., the date for each specified as far as possible in Column 6 and 7.

2. The statement should be divided off into sections corresponding to sections in the bill, only those arrangements affecting one section being shown together.

FORM - 15
[See Rule 55 (1)]

PERIODICAL INCREMENT CERTIFICATE

(1). Certified that the Panchayat servants named below have earned the prescribed periodical increments from the date cited in column 6 having been the incumbent of the posts specified for not less than years) from the date shown in column 5, after deducting periods of absence from duty not counting for increment and absence on leave without pay etc. Further certified that during the period/periods of leave taken from to and from to which have been counted for increment in the case of officiating Panchayat servant/servants named below would have officiated in the post/posts but of his/their proceeding on leave.

(2). Certified that the Panchayat servant/servants named below has/have earned/will earn periodical increments from the date cited for reasons stated in the explanatory memo attached hereto.

Name of incumbent	Whether substantive or officiating	Scale of pay	Present pay	Date from which present pay is drawn	Date of present increment	Future pay	Absence from duty not counting for increment		Leave without pay and in the case of those holding the posts in officiating capacity all other kinds of leave during which he/they would not have continued to officiate in the posts.	
							From	To	From	To
1	2	3	4	5	6	7	8	9	10	11

Signature of DDO

Notes : 1. When the increment claimed in the first to carry a Panchayat Servant over as efficiency bar columns, 5, 6 and 7 should be filled up in red ink.

2. The figure (1) or (2) should be placed against each name accordingly as the certificate (1) (2) applied. The explanatory memorandum should be submitted in any case in which certificate (2) applies.

FORM – 16
[See Rule 59]

ATTACHMENT OF PAY BY ORDER OF COURT OF LAW RECORD OF DEDUCTION

Sl. No.	Name & Designation of Employee	Name of Court attaching pay etc.	F.No. in which order of the Court in records	*Total amount attached	Amount deducted	Balance to be recovered	Remarks, if any	Initials of DDO
1	2	3	4	5	6	7	8	9

* To be recovered in the manner ordered by the Court. When, full recovery is made the Court should be informed in writing and the facts thereof recorded in the remarks column.

FORM – 17(A)
[See Rule 64(i)]

Sub-Bill No.....

Travelling Allowance Bill for Tour

Note : This bill should be prepared in duplicate one for payment and the other as office copy.

PART A (To be filled by Government servant)

1. Name.....
2. Designation
3. Pay.....
4. Headquarters.....
5. Detailed and purposed of journey(s) performed:

Departure		Arrival		Mode of travel & class of accommodation.	Fare paid		Distance in kms for road mileage	Duration of halt		Purpose of journey
Date & time	From	Date & time	To		Rs.	P.		Days	Hrs.	

6. Mode of journey

(I) Air

- | | |
|--|--------|
| (a) Exchange voucher arranged by office. | Yes/No |
| (b) Ticket/Exchange voucher arranged by | |

(II) Rail

- (a) Whether travelled by mail/express/ordinary train : Yes/No
- (b) Whether return tickets available ?
- (c) If available, whether return tickets purchased if not, state reasons.

(III) Road

Mode of conveyance used i.e. by Government transport/by taking a taxi/a single seat in a bus or other public conveyance/by sharing with another Government servant in a car belonging to him or to a third person to be specified.

7. Date of absence from place of halt on account of :-

- (a) R.H. and C.I
- (b) Not being actually in camp on Sundays and holidays.

8. Dates on which free board and/or lodging provided by State or any organization financed by State funds.

- (a) Board only
- (b) Lodging only
- (c) Board and Lodging

9. Particulars to be furnished alongwith hotel receipts etc. In case where higher rate of D.A. is claimed for stay in hotel/other establishments providing board and/or lodging schedule tariffs :-

Period of stay		Name of hotel	Daily rate of lodging charged	Total amount paid
From	To			
1	2	3	4	5

10. Particulars of journey(s) for which higher classes of accommodation than the one to which the Government servant is entitled was used :

Date	Name of places		Mode of conveyance used	Class to which entitled	Class by which travelled	Fare of the entitled class	
	From	To				Rs.	P.
1	2	3	4	5	6	7	

If the journey(s) by higher class of accommodation has been performed with the approval of the competent authority. No. and date of the sanction may be quoted.

11. Details of journey(s) performed by road between places sanctioned by rail :-

Date	Names of places		Free paid	
	From	To	Rs.	P.
1	2	3	4	

12. Amount of TA advance if any drawn.

1. Certified that the information as given above, is true to the best of my knowledge and belief.

(.....)
Signature of Government Servant
Date

PART - B (To be filled in the Bill Section)

The entitlement of account of travelling allowance works out to Rs. as detailed below :

- (a) Railway/air/bus/steamer fair Rs.....
- (b) Road mileage forkms @.....p/km. Rs.....
- (c) Daily allowance

- (i) days @ Rs..... Per day
- (ii) days @ Rs..... Per day
- (iii) days @ Rs..... Per day

- (d) Actual expenses Rs.....
Gross amount Rs.....

- (e) Fees amount of TA, advance, if any drawn vide Voucher No. date
Rs.....

Net amount Rs.....

- (f) The expenditure is debitable to

Initials of bill clerk

Signature of Drawing and Disbursing Officer

Countersigned

Signature of the Controlling Officer

Form 17-B

Sub Bill No.....

TRAVELLING ALLOWANCE BILL FOR TRANSFER

Note :- This bill should be prepared in duplicate – one for payment and the other as office copy.

PART – A (To be filled by the Government servant)

1. Name
2. Designation
3. Pay at the time of transfer
4. Headquarters :

(a) Old	(b) New
---------	---------
5. Residential address :

(a) Old	(b) New
---------	---------

6. Particulars of the members of the family as on the date of transfer [vide S.R. 2(8)]

Sl.No.	Name	Age	Relationship with Govt. servant
1.			
2.			
3.			
4.			
5.			
6.			

7. Details of journey(s) performed by the Govt. servant as well as members of his/her family :

Departure		Arrival		Mode of travel and class accommodation used	No. of fares	Fare paid	Distance of kms. by road
Date & Time	From	Date & Time	To				
1	2	3	4	5	6	7	8

8. Transportation charges of personal effects (Money receipts to be attached) :

Date	Mode	Station		Weight in kgs.	Rate		Amount		Remarks
		From	To		Rs.	P.	Rs.	P.	
Total :									

9. Transportation charges of personal conveyance (Money Order receipts to be attached).

- a) Mode of transport and station, which transported
- b) Amount

10. Amount of advance, if any, drawn.

11. Particulars of journey(s) for which higher class of accommodation than the one to which the Govt. servant is entitled was used.

Date	Name of places		Mode of conveyance used	Class to which entitled	Class by which travelled	Fare of the entitled class	
	From	To				Rs.	Ps.

If the journey by higher class of accommodation has been performed with the approval of the competent authority, no. & date of the sanction may be quoted.

12. Details of journey(s) performed by road between places connected by rail :

Date	Name of places		Free paid	
	From	To	Rs.	P.
1	2	3	4	

Certified that the information as given above, is true to the best of my knowledge and belief.

Signature of Government Servant

Date

PART - B (To be filled in the Bill Section)

The net entitlement on account of travelling allowance works out to Rs..... as detailed below :-

- | | |
|---|----------------|
| a) Railways/air/bus/steamer fare | Rs..... P..... |
| b) Road mileage forkms..... per km | Rs..... P..... |
| c) Transfer grant | Rs..... P..... |
| d) Transfer incidentals (DA fordays Rs.....per day) | Rs..... P..... |
| e) Transportation of personal effects | Rs..... P..... |
| f) Transportation of private conveyance | Rs..... P..... |

- | | | |
|-----|---|----------------|
| | Gross amount | Rs..... P..... |
| (g) | Less amount of advance(s) if any, drawn vide voucher(s) No..... date..... | Rs..... P..... |

Net amount Rs..... P.....

2. The expenditure is debitable to

Signature of drawing and disbursing officer

Initials of Bill Clerk

Countersigned

Signature of Controlling Officer

G.A.R. 14-C
Sub-Bill (LTC)

LEAVE TRAVEL CONCESSION BILL

For the Block of year..... To.....

(NOTE :- This bill should be prepared in duplicate – one for payment and the other as office copy)

PART – A

(To be filled in by the Government Servant)

1. Name..... 2. Designation.....

3. Pay..... 4. Headquarters.....

5. Nature and period of leave sanctioned :

Nature of leave..... From..... To.....

6. Particulars of members of family in respect of whom the Leave Travel Concession has been claimed :

Sl.No.	Name(s)	Age	Relationship with the Govt. Servant

7. Details of journey(s) performed by Government servant and the member of his/her family.

Departure	Arrival	Distance in KM	Mode of travel	Class of accommodation used	No. of fares	Fares paid		Remarks
						Rs.	P.	

8. Amount of advance if any, drawn..... Rs.....

9. Particulars of journey(s) for which higher class of accommodation than the one to which the Government Servant is entitled was used, (Sanction No. & date to be given).

Place		Mode of conveyance	Class to which entitled	Class by which actually travelled	No. of fares	Fares paid	
From	To					Rs.	P.

10. Particulars of journey(s) performed by road between places connected by rail :

Name of places		Class to which entitled	Rail Fare	
From	To		Rs.	P.

CERTIFIED THAT

- The information as given above is true to the best of my knowledge and belief; and
- That my husband/wife is not employed in Government service/that my husband/wife is employed in Government service and the concession has not been availed of by him/her separately for himself/herself or for any of the family members for the concerned block of years.....to.....

Date.....

Signature of Government Servant

PART – B

(To be filled in by the Bill Section)

- The net entitlement on account of leave concession works out to Rs..... (Rupees) as detailed below :

	Rs.	P.
(a) Railway/Air/Bus/Steamer fare		
(b) Less amount of advance drawn vide		
(c) Vr. No. date		
Net Amount		
Rounded off		

- The expenditure is debitable to

Bill Clerk
(Initial)

Drawing and Disbursing Officer
(Signature)

**Countersigned
Controlling Officer
(Signature)**

Certified that necessary entries have been made in the Service Book of
Shri/Smt/Kum.....

Signature of the Officer authorized to attest
entries in the Service Book.

FORM – 18
[See Rule 64(v)]

Sub-Bill No.....

Travelling Allowance Bill for Tour

PART A (To be filled by elected member)

1. Name.....
2. Designation
3. Pay/honorarium.....Grade entitled.....
4. Headquarters.....
5. Detailed and purposed of journey(s) performed:
6. Purpose of journey.

Departure		Arrival		Mode of travel & class of accommodation	Fare paid		Distance in kms for road mileage	Duration of halt		Daily allowances	Total
Date & time	From	Date & time	To		Rs.	P.		Days	Hrs.		

7. Mode of journey
 (i) Air Yes/No

PART – B (To be filled in the Bill Section)

The entitlement of account for travelling allowance works out to Rs..... as detailed below :

- (a) Railway/air/bus/steamer fare Rs.....
- (b) Road mileage forkm @p/km Rs.....
- (c) Daily allowance

- (i) days @ Rs..... per day.
- (ii)days @ Rs.....per day.
- (iii)days @ Rs.....per day.

- (d) Actual expenses Rs.....
- Gross Amount Rs.....

(f) Less amount of TA/advance, if any, drawn vide Voucher No..... dated.....

Rs.....

Net amount Rs.....

8. The expenditure is debitable to

9. Initials of bill clerk

Signature of drawing and disbursing officer

Countersigned

Signature of the Controlling Officer

FORM – 19
[See Rule 65(1)]

ACQUITTANCE ROLL
(Payment of Salary by Cash)

Acquittance Roll of Permanent (or Temporary) Establishment of
 for pay or

Item No.	Name	Designation	Net amount payable		Dated signature with stamp (where necessary unpaid items to be noted as such & attested)
			Rs.	P.	
1	2	3	4		5
Total :					Total unpaid Rs..... (Rupees.....)

Passed for Rs..... (Rupees) on the
 authority of establishment bill of for

shier

Drawing Officer

FORM - 20
[See Rule 68(ii)]

FORM OF BOND OF INDEMNITY FOR DRAWING ARREARS OF PAY AND ALLOWANCES OF PANCHAYAT SERVANTS

KNOW ALL MEN BY THESE PRESENTS that I, (a) widow/husband/son/daughter of Shri/Smti. (b) residing at..... (c) (hereinafter called 'the obligor') which expression shall unless excluded by or repugnant to the context, include his/her heirs, executors, administrators and legal representatives and I/we (1) (d) son of resident of and (2).....(3) son of resident of Surety/Sureties on behalf of the obligor (hereinafter called 'the Surety/'the Sureties' which expression shall unless excluded by or repugnant to the context include his/their heirs, executors, administrators and legal representatives) bind ourselves jointly and severally to pay to the (Name of PRI)..... (hereinafter called 'the obligor') which expression shall unless excluded by or repugnant to the context include his successors and assignees) on demand and without demur a sum of Rs..... (f) (Rupees.....) for which payment will and truly to be made, we bind ourselves firmly by these presents on this day of19.....

WHEREAS the aforesaid Shri/Smti..... (b) was at the time of his/her death in the employment of

AND WHEREAS the said Shri/Smti.....(b) died on the day of19..... and there was due to him/her the sum of Rs.....(f) (Rupees.....) for Pay and Allowances in respect of his/her said employment;

AND WHEREAS the above bounden obligor..... (a) claims to be entitled to the said sum as heir of her/his wife/husband/father, the said Shri/Smti..... (b),but has not obtained letters of administration of or a succession certificate to the property and effects of Shri/Smti..... (b);

AND WHEREAS the obligor has satisfied the obligator that she/he is entitled to the aforesaid sum and that it would cause undue delay and hardship if she/he is required to produce letters of administrations of or a succession certificate to the property and effects of the said Shri/Smti..... (b);

AND WHEREAS the obligator desires to pay the said sum to the obligor but under Andaman and Nicobar Islands (Accounts and Financial Rules), 1995, it is necessary that she/he should first execute a bound with one surety/two sureties to indemnify against all claims to the amount so due to the said Shri/Smti..... (b) before the said sum can be paid to the obligor.

NOW THE CONDITION of this bond is such that if after payment has been made to the obligor, the obligor or the Surety/Sureties shall in the event of a claim being made by any other person against the Panchayat with respect to the aforesaid sum of Rs..... (f) (Rupees.....) refund to the Panchayat the Sum of Rs.....(f) (Rupees.....) and shall otherwise indemnify and save the Panchayat harmless from all liability in respect of the aforesaid sum and all costs incurred in consequence of any claim thereto THEN the above written bond or obligations shall be void but otherwise the said bond shall remain in full force, effect and virtue.

IN WITNESS WHEREOF the parties hereto have hereunto set their respective hands the day, the month and the year first above written.

*Signed by the abovenamed Obligor

Signed by the abovenamed Surety/Sureties in presence of

(1)..... Witnesses ** (1).....
(2)..... *** (2).....

Accepted for an on behalf of the Panchayat byin the presence of (a), (d) & (e).....

NOTES :-

- (a) Full name of the claimant.
- (b) Name of the deceased Employee/Pensioner.
- (c) Full address and place of residence of claimant.
- (d) First Surety.
- (e) Second Surety.
- (f) Amount of Claim.

The Obligor as well as the Sureties should have attained majority so that the bond may have legal effect or force.

* Signature of the Obligor.
** Signature of the First Surety.
*** Signature of the Second Surety.

FORM - 21

[See Rule 68 - Note 4]

REGISTER OF MOVABLE PROPERTY

1	Particulars and description of property
2	Number of property
3	Date of acquirement
4	Cost
5	Number and date of the bill in which charged for
6	Where the property is used or other particulars, if any
7	Initials
8	Date of disposal of property
9	Manner of disposal
10	Number disposed off
11	Number and date of order and Authority
12	Cost realized, if sold
13	Balance after each transaction at the end of each year
14	Signature
15	Remarks

FORM – 22
[See Rule 68 – Note 4]
GENERAL FORM

STOCK BOOK

Description of articles :

Date	Opening	Quantity received			To whom issued or for what purpose	Quantity issued or sold			Sig. of issuing Officer	Sig. of receiving Officer	Remarks
		Voucher No.	Quantity	Total		Date	Quantity	Balance			
1	2	3	4	5	6	7	8	9	10	11	12

CFT

FORM - 23

[See Rule 68 - Note 4]

STOCK ACCOUNT OF RECEIPT BOOKS

Kind of Receipt Books		
	1	Date
	2	From whom received
	3	Number of books received
	4	Sl.No. of each book (From To)
	5	Voucher No. & date
	6	Signature of the person receiving the books
	7	Number of books issued
	8	Sl.No. of each book (From To)
	9	Signature of person to whom issued
	10	Date of issue
	11	Number of counterfoil returned
	12	No. of unused leaves, if any
	13	Initials of the person returning the counter-foils
	14	Signature of person receiving the counter-foil
	15	Remarks

A & N Islands (Panchayat Accounts & Finance) Rules, 1997

FORM – 24
[See Rule 68 – Note 4]

GENERAL FORM

REGISTER OF IMMOVABLE PROPERTY

Sl.No.	Date of acquisition/ purchase or construction	No. and date of orders under which the property was acquired/purch- ased or constructed	Description and situation of property	Purpose for which utilized	Valuation	Initials of Secretary/ EO/CEO	Revaluation				Initials of Secretary/ EO/CEO	Remarks
							Date	Additions	Deductions	Total		
1	2	3	4	5	6	7	8	9	10	11	12	13

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FORM – 25
[See Rule 68 – Note 4]

GENERAL FORM

CONTRACTOR'S BILL

Quantum executed or supplied since last certificate	Quantum executed or supplied to date	Items	Rate	Amount		Remarks
				Up-to-date	Since last Certificate	
1	2	3	4	5	6	7

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Total value of work done or supplied made up-to-date.

Amount of allotment Rs. P.

Deduct previous payment and other deductions, if any, as detailed below :-

Previous expenditure
 Total expenditure including this bill
 Balance available

Net amount payable

FORM – 26
[See Rule 68 – Note 4]

Voucher No.
Estimate No.
Account

MUSTER ROLL OF DAILY LABOUR EMPLOYED ON _____ FOR THE PERIOD
FROM _____ TO _____ 19 _____

Sl.No.	Name & Designation	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total	Rate per diem	Amount	Deductions, fines etc.	Balance	Initials and remarks of paying officer or sign. of Labour

Abstract of work done					Details of payment			
Description	Quantity	As per schedule	Schedule cost	Remarks	Signature of Officer-in-charge	Date	Amount	Initials of Officer
		Rate per						

Amount in words Certified that the above labours were actually employed in the interest of the Panchayat/Samiti/Zilla Parishad on the days mentioned and the day entered in the muster roll was paid to my presence.

Total Examined Date Pay by Cheque No.

Pay Rs. Signature
Pradhan/Pramukh/Adhyaksha
Secretary/EO/CEO

FORM - 27
[See Rule 68 - Note 4]
(GENERAL FORM)

REGISTER OF MUSTER ROLLS

Sl.No.	Month	Branch/Section to which issued	Name of work	No. of sheets		Strength Skilled/Unskilled, Semi-skilled	Signature of the authority issuing the Muster Roll	Signature of the Officer receiving the Muster Roll	Remarks
				Outer	Inner				
1	2	3	4	5		6	7	8	9

FORM – 28
[See Rule 68 – Note 4]
(GENERAL FORM)

Name of article

Stock account for 19 19

Opening balance	Receipts				Issue			Balance	Remarks
	Date	Voucher No. and date	Number/quantity	Total	Date	On what account	Number/quantity		
1	2	3	4	5	6	7	8	9	10

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REGISTER OF LOANS

1	Date of receipt of loan
2	Number & date of order sanctioning the loan
3	Purpose for which loan was taken
4	Amount of loan
5	Rate of interest
6	Number of installments in which repayable and whether yearly or half yearly
7	Amount of each installment
8	Initials of Secretary/EO/CEO
9	Date
10	Principal
11	Interest
12	Total
13	Balance Principal after each payment
14	Initials of Secretary/EO/CEO
15	Remarks

ASSETS ACQUIRED WHOLLY OR SUBSTANTIALLY OUT OF GOVT. GRANTS

NAME OF SANCTIONING AUTHORITY

1	Sl.No.
2	Name of Centre Institutions
3	Amount of the sanctioned grant
4	Brief purpose of the grant
5	Whichever any condition regarding the right of ownership of Government in the property for other assets acquired out of the grant was incorporated in the grant-in-aid sanction
6	Particulars of assets actually credited or acquired
7	Value of the Assists as on
8	Purpose for which utilized at present
9	Encumbered or not
10	Reasons if encumbered
11	Disposed of or not
12	Reasons and authority, if any, for disposal
13	Amount realized on disposal
14	No. and date of sanction
15	Remarks

FORM – 31
[See Rule 68 – Note 4]

REGISTER OF LOANS

REPORT OF SURPLUS, OBSOLUTE AND UNSERVICEABLE STORES FOR DISPOSAL

Item No.	Particulars of Stores	Quantity/Weight	Book Value/Original purchase price	Condition and year of purchase	Mode of disposal (sale, public auction or otherwise)	Remarks
1	2	3	4	5	6	7

Signature :
Pradhan/Pramukh/Adhyaksha
Name of Gram Panchayat
Date :

Signature
Panchayat Secretary/EO/CEO
Date :

The A & N Islands
(Grant-in-Aid Panchayati Raj
Institutions) Rules, 1996

**ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT**

**The Andaman and Nicobar Islands
(Grant-in-Aid to Panchayati Raj Institutions)
Rules, 1996**

ISSUED VIDE NOTIFICATION NO. 25/97 DATED 19TH FEBRUARY, 1997.

Department of Panchayat, Administration of Andaman & Nicobar Islands

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2.	Definitions
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अण्डमान तथा
ANDAMAN AND



निकोबार राजपत्र
NICOBAR GAZETTE

असाधारण
EXTRAORDINARY
प्राधिकार से प्रकाशित
Published By Authority

No. 25/97, Port Blair, Wednesday, February 19, 1997

**ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT
NOTIFICATION**

No.25/97 F.No.6-6(1)/96-PR. Whereas the draft "Andaman and Nicobar Islands (Grant-in-aid to Panchayati Raj Institutions) Rules, 1996" were published in the Official Gazette as required under sub-section 1 of section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No.1 of 1994) inviting suggestions/objections from the general public within 25 days from the date of their publication vide Notification No. 97(A)/96-PR dated 29th November, 1996;

And whereas no suggestion or objection has been received from the general public;

Now, therefore, in exercise of the powers conferred under section 202 of the said Regulation, I, Ishwari Prasad Gupta, Lieutenant Governor (Administrator), hereby make the said rules with immediate effect and publish as contained thereunder.

Sd/-
(ISHWARI PRASAD GUPTA)
LIEUTENANT GOVERNOR

By order and in the name of the Lieutenant Governor,

Sd/-
M. RAJENDRAN
ASSISTANT SECRETARY (PANCHAYATS)

**THE ANDAMAN AND NICOBAR ISLANDS (GRANT-IN-AID TO PANCHAYATI RAJ
INSTITUTIONS) RULES, 1996**

In pursuance of rule 20 of the Delegation of Financial Powers Rules, 1978 and in exercise of the powers conferred under sub-section (1) of Section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 the Administrator (Lieutenant Governor), Andaman and Nicobar Islands, hereby makes the following rules regulating the procedure for sanction of grant-in-aid to Panchayati Raj Institutions (PRIs) of the Union Territory of Andaman and Nicobar Islands, namely:-

1. Short title and commencement :-

- i) These rules may be called the Andaman and Nicobar Islands (Grant-in-aid to Panchayati Raj Institutions) Rules, 1996.
- ii) They shall come into force on the date of their publication in the Andaman and Nicobar Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires.

- (a) "Administration" means the Andaman and Nicobar Administration.
- (b) "Administrative approval" means the formal approval by the PRIs on the necessity of works proposed through its resolution and agreed to by the competent authority or authorities specified in Schedule – I of these rules;
- (c) "Competent authority" means (i) in relation to administrative approval the authorities specified in Schedule-I of these rules.
 - (ii) in relation to a technical sanction, the authority as specified in Schedule- I of these rules:
and
 - (iii) in relation to expenditure sanction, the authority as specified in Schedule -I of these rules.
- (d) "Gram Panchayat" means a Gram Panchayat constituted under sub-section (l) of section (II) of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994.
- (e) "Panchayat Samiti" means as Panchayat Samiti constituted for a block under section 106 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994.
- (f) "Zilla Parishad" means the Zilla Parishad constituted under section 144 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994.
- (g) "Original works" means a scheme of construction work as specified in Schedule -II of these rules;
- (h) "Other works" means works other than "Original works" and also includes periodical repairs and maintenance of works.

Explanation : If any doubt or dispute arises as to whether a work is an original work or other work, the same shall be decided by the Administrator.

- (i) "technical sanction" means sanction of the competent authority to the detailed plans and estimates of the Panchayat works after the administrative approval has been received which shall ensure the proposals are structurally and technically sound and the data and calculations in the estimates are correct.

3. Purpose for which grant-in-aid may be sanctioned to Zilla Parishad/Panchayat Samiti/Gram Panchayats :

(a) Grant-in-aid may be sanctioned for all or any of the schemes specified below :

- (i) **In respect of Zilla Parishad :** All schemes/works specified in Notification No. 179/95 dated 22.12.1995 issued by the A&N Administration including any addition/alteration/deletion made thereon and notified from time to time.
- (ii) **In respect of Panchayat Samiti :** All schemes/works specified in Notification No.181/95 dated 22.12.1995 issued by the A&N Administration including any addition/alteration/deletion made thereon and notified from time to time.
- (iii) **In respect of Gram Panchayat :** All schemes/works specified in Notification No.180/95 dated 22.12.1995 issue by the A & N Administration including any addition/alteration/deletion made thereon and notified from time to time.

(b) Grant-in-aid may also be sanctioned to meet:

- (i) The establishment expenditure/wages of the officers and staff of the Zilla Parishad/Panchayat Samiti/Gram Panchayat.
- (ii) Honorarium, TA/DA etc of elected representatives of PRIs.
- (iii) The office expenses and other charges of the Zilla Parishad/Panchayat Samiti/Gram Panchayat.

4. (a) **Grant-in-aid :-** The amount of grant-in-aid to Zilla Parishad/Panchayat Samiti/Gram Panchayat may be cent percent of the estimated cost of works as technically approved by the competent authority and of the establishment expenditure, office expenses and other charges for which grant-in-aid is sought for or the amount of grant-in-aid applied for whichever is less; Pay and allowances of functionanes, honorarium to elected members and those items which the Administrator may consider fit and proper:

Provided that the Administrator may, for financial or other specific reasons to be recorded in writing, reduce the percentage of grant-in-aid or reject an application made under rule 5(a).

(b) Grant-in-aid may also be sanctioned to Gram Panchayats against actual revenue of individual Gram Panchayats as "matching grant" based on the revenue collected during the previous year at the ratio of 1 (revenue) : 4 (matching grant). The Administrator reserves the right, however, to increase or decrease the ratio at any time as he thinks fit and proper to do so.

Explanation : "Revenue" includes the fees, taxes, cess etc. mentioned in section 37 and shall also include the income from their own sources such as rent etc. but shall not include donations, fines, interests from deposits and other external aids.

5. (a) Procedure for making applications for grant-in-aid :- Every application for grant-in-aid shall be submitted to the Secretary in charge of PRIs of the Administration by the Zilla Parishad in Form 'A' as specified in Schedule-III to these rules through the Director of Panchayats.

(b) Procedure for making application for matching grant :- Application for matching grant shall be submitted to the Secretary-in-charge of PRIs of the Administration by the Zilla Parishad on receipt from the Gram Panchayats in Form 'B' as specified in schedule-III to these rules through the Director of Panchayats duly supported by extract of audit report in respect of actual revenue collected during the previous year.

6. Procedure for sanctioning grant-in-aid :-

(a) On receipt of an application made under rule 5(a) for payment of grant-in-aid, the Secretary in charge of PRIs of the Administration or such other officer as may be authorized by the Administrator shall make such inquiry as he thinks fit to be made into the statements contained in the application and into the utility of the purpose for which the grant-in-aid is proposed to be applied for and forward the application alongwith his recommendation to the Administrator who shall be the sanctioning authority.

(b) If it appears to the Administrator that the scheme of original work proposed to be executed with the grant-in-aid can very well be met by the Zilla Parishad/Panchayat Samiti/Gram Panchayat on account of its financial stability or that there is lack of sufficient funds with the sanctioning authority or for any other specific reasons, to be recorded in writing, he may reject the application.

(c) If it appears to him that the financial assistance is urgently needed for any one of the purposes indicated in rule 3, the Administrator may, after such inquiry as he deems necessary, accord sanction for grant-in-aid with due regard to the principles enunciated in the General Financial Rules, 1963, in respect of grant-in-aid subject to the conditions herein contained and such further special conditions as may be imposed.

(d) On receipt of application made under rule 5(b) for matching grant, the Secretary-in-charge of PRIs of the Administration or such other officer as may be authorized by the Administrator shall make such scrutiny or inquiry as he thinks fit to be made into the statement of actual revenue indicated in the audit report and being satisfied, forward the application alongwith his recommendation to the Administrator, who shall be the sanctioning authority.

7. (i) Mode of payment of grant-in-aid :— The amount of grant-in-aid to Zilla Parishad/Panchayat Samiti/Gram Panchayat may be paid in one instalment or more at the discretion of the sanctioning authority, subject to the following namely :

(a) If the execution of an original work is taken up by the Engineering Wing of PRIs and the same is likely to be spread over for period of years, only so much of the amount of grant-in-aid would be paid during the financial year as is likely to be used during that financial year keeping in view of the progress of the work.

(b) If the execution of the original work taken by the Engineering Wing of PRIs and is likely to be completed within the financial year, the entire amount may be released to the Zilla Parishad/Panchayat Samiti/Gram Panchayat concerned, through the Zilla Parishad.

(c) In case of an original work sponsored by Zilla Parishad/Panchayat Samiti/Gram Panchayat which is to be executed through its on agencies, a cooperative societies of un-employed youth of the concerned jurisdiction, the entire amount shall be placed at the disposal of the Zilla Parishad/Panchayat Samiti/Gram Panchayat concerned in one instalment, through the Zilla Parishad.

(ii) The amount of matching grant to Gram Panchayat may be paid in one or more instalments subject to the condition that the amount shall be utilized or creating infrastructure facilities with which revenue of the Gram Panchayat could be accelerated.

(iii) All payments viz. Grant-in-aid, Matching Grant etc. to PRIs shall be made to the Zilla Parishad, which in turn shall distribute to the concerned institutions as per sanction. Zilla Parishad shall be primarily accountable for all such funds paid.

8. Conditions of grant-in-aid :— (1) In all such cases mentioned in rule 7, the following procedure shall be observed scrupulously by the Zilla Parishad/Panchayat Samiti/Gram Panchayat seeking grant-in-aid, namely :-

- (a) When the Zilla Parishad/Panchayat Samiti/Gram Panchayat proposes to carry out an original work by obtaining grant-in-aid from the Administrator for the entire estimated cost of the scheme or for any part thereof, it must, before applying for grant-in-aid, first ensure that all the preliminaries, regarding the preparation of plans, estimates and phasing programme have been completed.
 - (b) Administrative approval and technical sanction from the competent authority has been obtained.
 - (c) Details of the phased programme in which the contemplated work is proposed to be executed, amount required for each of the phase of the execution and time schedule should be furnished to the Administrator.
 - (d) The authorities who prepare the estimates and plans should indicate the successive stages of execution and the amount, recurring and non-recurring separately, likely to be involved therein.
- (2)(a) The amount of grant-in-aid shall be utilized only for the purpose for which it is granted. However, if the whole or any part of the grant-in-aid deposited with the banks in fixed deposit for the work could not be carried out for reasons like non-receipt of sanctions, land, material or any other reason including administrative and the interest earned therein shall be taken to the general fund of the PRIs. Such money shall not be attracted by the original conditions governing such grants. The PRIs can utilise the interest so earned by them for general purposes including pooling infrastructures for the PRIs.
- (b) Any portion of the amount which is not ultimately required for expenditure for the purpose for which it has been sanctioned shall be duly surrendered to the Administration.
- (3) (a) The Administrator or any officer duly authorized by him, in this behalf, shall have the right of inspections at all reasonable times and calling for plans and estimates in respect of any scheme for which the grant-in-aid is given.
- (b) The Administrator shall also reserve the right to have the accounts of the Zilla Parishad/Panchayat Samiti/Gram Panchayat receiving grant-in-aid audited by the authorities duly specified for the purpose as and when occasion demands for ascertaining and securing that the amount of the grant-in-aid is duly applied to the purpose for which it has been sanctioned and that the unexpended balance of the grant-in-aid amount is not expended otherwise than in accordance with these rules and the General Financial Rules, 1963.
4. The account of Zilla Parishad/Panchayat Samiti/Gram Panchayat receiving grant-in-aid as per these rules shall be given to these check by the Comptroller and Auditor General of India at his discretion and by any officer authorized by the Administrator in this behalf.
5. The amount of grant-in-aid should be utilized within a period of one year from the date of receipt of sanction of the same, except in cases where time limit exceeding one year has been fixed by the sanctioning authority with reference to the successive stages of the implementation of the schemes:
- Provided that the Administrator may, if considered necessary, extend the time limit for any period not exceeding six months at a time.
- 6.(a) The scheme for which the grant-in-aid has been sanctioned should be implemented as per the plans and estimates agreed to by the Administration and under the supervision of the technical unit of Zilla Parishad.
- (b) The Zilla Parishad/Panchayat Samiti/Gram Panchayat shall have no right to alter the plan and estimate of work for which grant-in-aid has been sanctioned without the prior approval of the Administrator.
7. The Zilla Parishad/Panchayat Samiti/Gram Panchayat shall submit a quarterly report to the sanctioning authority who shall scrutinize them to check whether there has been any variation in the plans or diversion of funds.

8. The Zilla Parishad/Panchayat Samiti/Gram Panchayat shall execute the scheme for which grant-in-aid has been obtained, through the Engineering Wing of Zilla Parishad, a contractor or an agency approved by the Zilla Parishad, Public Works Department of the Administration, or an authority approved by the said Public Works Department or Zilla Parishad. The Engineering Wing of the Zilla Parishad shall supervise the work(s) at every stage.
- 9.(a) In all cases of original works, the Zilla Parishad/Panchayat Samiti/Gram Panchayat shall at the close of every financial year or/and immediately on completion of work, apply to the Executive Engineer/Assistant Engineer concerned for the issuance of a completion certificate in Form 'C' as specified in Schedule-III of these rules and attach such certificate alongwith the Utility Certificate to be submitted to the Director of Panchayat.
- (b) The completion certificate shall clearly specify that after actual inspection and measurement of the work or portion of the work as the case may be, for which the grant-in-aid was sanctioned has been duly completed according to the plans and estimates agreed to by the Administration.
- (c) The complete on certificate shall be furnished within three months from the date of completion of the work or receipt of the application under clause(a); whichever is earlier.
10. No grant-in-aid will be paid to Zilla Parishad/Panchayat Samiti/Gram Panchayat in case the completion or utilization certificate as the case may be in Form 'D' as specified in Schedule-III of these rules, is not furnished within the aforesaid period, unless the delay is satisfactorily explained by the Zilla Parishad/Panchayat Samiti/Gram Panchayat.
11. A 'Complete on Certificate' on the basis of the 'Certificate' received from the Zilla Parishad/Panchayat Samiti/Gram Panchayat, will be furnished by the Administration to its Pay and Accounts Officer, to the effect that the grant-in-aid has been utilized for the purpose for which it was sanctioned for a particular financial year.
12. In case of default by the Zilla Parishad/Panchayat Samiti/Gram Panchayat in performing any duty imposed upon it under these rules or the General Financial Rules, 1963, the Administration may fix a period for the performance of that duty and should it not be performed within the period so fixed, it shall appoint a person to perform it and may direct that the expenses thereof shall be paid by the Zilla Parishad/Panchayat Samiti/Gram Panchayat, as fixed.
13. The Administration reserves the right to order refund of the entire amount or a portion of the amount of grant-in-aid sanctioned to the Zilla Parishad/Panchayat Samiti/Gram Panchayat if any serious breach of terms of the grant-in-aid is noticed on the part of Zilla Parishad/Panchayat Samiti/Gram Panchayat and in that case penal interest at the rate of 6 percent per annum or at the rate fixed by the Govt. of India in the Ministry of Finance from time to time in respect of such penal interest, as the case may be, shall be charged on such sums as may be ordered to be refunded.
14. The Zilla Parishad/Panchayat Samiti/Gram Panchayat shall maintain a register in Form 25 & 28 appended to A & N Islands (Panchayat Accounts & Finance) Rules, 1996 for movable and immovable assets acquire wholly or mainly out of grant-in-aid.
15. In addition to the above conditions, the principles laid down in rules 148 to 151 of the General Financial Rules, 1963 and the instructions issued by the government of India from time to time in this regard shall also invariably apply.
16. The orders contained in the Central Public Works Account Code and the General Financial Rules, 1963 regarding calling of tenders of execution of works, etc. shall *mutatis mutandis* apply to the execution of works utilizing the grant-in-aid amount.
- 17(a) Zilla Parishad/Panchayat Samiti/Gram Panchayat receiving grant-in-aid shall submit an annual performance-cum-achievement report on the progress and implementation of various schemes executed with grant-in-aid sanctioned by the Administrator by the 15th April of every year.
- (b) The report shall be submitted to reach the Administrator by the 15th April of every year.

The Administrator may alter amend, include or exclude any provision(s) of these Rules and Schedules thereunder as may be warranted in the safeguard PRI functioning and public money, at any time for reason to be recorded in writing.

SCHEDULE - I

[See Rule -2 (C)]

AUTHORITIES COMPETENT TO ACCORD TECHNICAL SANCTION AND ADMINISTRATIVE APPROVAL

Sl.No.	Estimated cost of work	Authority for according	
		Technical Sanction	A/A and E/S
Estimates for works costing upto :-			
1.	Rs. 60,000/-	AE, ZP	Pradhan, GP
2.	Rs. 3,00,000/-	EE, ZP	Pramukh, PS
3.	Rs. 6,00,000/-	EE, ZP	Adhyaksh, ZP
4.	Rs. 10,00,000/-	SE, APWD	Secy(Panch.), A & N Admn.
5.	Rs. 25,00,000/-	CE, APWD	Chief Secy., A & N Admn.
6.	Above Rs. 25,00,000/-	CE, APWD	Administrator, A & N Islands

Note : This delegation of power is subject to restrictions and provisions of orders issued by the Ministry of Finance from time to time and as also the provisions contained in various codes. In this context instructions contained in the Ministry of Finance OM No. 10(28)/E.Coord/77 dated 20.1.1978 and para 247 of CPWD manual Vol.II regarding technical sanction of competence.

SCHEDULE - II

[See Rule 2 (g)]

ORIGINAL WORKS

The following shall be original works for the purpose of sanction of grant-in-aid :-

(1) A scheme of construction work whether of entirely new work or of additions or alterations to existing work and purchases therefore and also all works whether of additions and alterations or of repairs to bring into use newly purchased or previously abandoned building required for bringing them into use.

(2) all works in relation to building as under:-

- when a portion of an existing structure is to be replaced or remodeled whether or not the change involves any dismantlement and the cost of the change represents a genuine increase in the value of the property, the work of replacement or remodeling, as the case may be, should be classified as an original work;
- when a portion of an existing structure to be dismantled for the reason that it is structurally unsound and is to be replaced by work which is not in material essentials, the same as the work dismantled, the mixed work shall be treated as an original work;
- when an entire structure is re-constructed owing to the occurrence of fire, flood, earth-quake, storm or other calamities or owing to wear and tear, the work should be treated as an original work; and

(3) In relation to road works as under :-

- where an existing portion of a road, road-bridge, causeway, embankment, ferry approach, protective or draining work in connection with the road or a cross drainage work is to be replaced or remodeled (whether or not the change involves any dismantlement), and the change results in improving the strength and stability of the structure, the work of the replacement or remodeling, work of as the case may be, shall be classified as an original work.
- the following items of works should also be classified as original works, namely :-
 - widening the formation or metalled width of a road, cutting back a hill-side to improve vision at curves;
 - improvements of alignments or gradients or change of gradient in roads or approaches or bridges or causeways;
 - construction, reconstruction or remodeling of bridges, culverts, causeways, embankments, ferry approaches, protective or draining works in connection with a road except when the cost of the work does not exceed Rs. 500/-.

- iv) providing improved surfacing of (1) surface dressing, (2) asphalt concrete, (3) pre-mixed assault macadam, (4) bitumen grout, (5) bitumen semi grout, (6) pre-mix carpets, (7) cement concrete and (8) cement macadam;
 - v) Metalling of unmetalled roads;
 - vi) Special repairs to roads due to improper maintenance for series of years or to any special heavy traffic moving on the road owing to extra-ordinary circumstances.
- (4) In relation to drainage and water works as under :-
- i) improvements resulting in augmenting water supply, drainage capacity or the change resulting in improving the strength and subsidy of the structure when a portion of an existing water supply or drainage structure is to be replaced or remodeled in order to improve the facilities available.
 - ii) Construction of draw well, tanks including over head tanks, reservoirs, tube walls with pumping units and distribution system with supply taps.
 - iii) Construction of gutters and side drains to roads and path-ways.

SCHEDULE – III
FORM - A
 [See Rule 5]
APPLICATION FOR GRANT-IN-AID

1. Name of Zilla Parishad/Panchayat Samiti/Gram Panchayat:
2. Purpose for which grant-in-aid is required.
 - (a) (i) Road work :
 - (ii) Water Supply :
 - (iii) Drainage etc :
 - (iv) Local development works :
 - (v) Building works :
 - (b) Establishment expenditure including office expenses and other expenditure.
 - (i) Salary/Wages of Officers & Staff/Honorarium to elected representatives/TA/DA etc.
 - (ii) Office expenses.
 - (iii) Other charges.
3. Amount of grant-in-aid appalled for :
4. Total estimated cost of the work/scheme :
 (Attach detailed plan and estimate of costs of the entire work proposed to be carried out from the grant-in aid funds).
5. Whether the administrative approval has been obtained :
6. If so, whether a copy of the resolution of the Zilla Parishad/Panchayat Samiti/Gram Sabha is attached with the application :
7. Whether technical approval for the detailed plan and estimate work has been obtained :
8. If so, whether duly approved plan and estimate of the work are enclosed herewith :
9. Whether the work is to be executed by the Engineering Wing of Zilla Parishad or by the Zilla Parishad/Panchayat Samiti/Gram Panchayat through their own agencies or through approved contractors of the UT.
10. The period within which the work is to be completed and when it is proposed to complete the work by different stages, the amount of each instalment :
11. Whether the works for which assistance is sought for could be undertaken from Zilla Parishad/Panchayat Samiti/Gram Panchayat Funds, if so to what extent :
12. Outstanding liability :
13. Any other relevant information :

Certified that the Zilla Parishad/Panchayat Samiti/Gram Panchayat by way of resolution No.
 Dated have agreed to abide by all the condition laid down in the rules and instructions issued from time to time by the Government of India and the Andaman and Nicobar Administration. It is also certified that the Utilization Certificate in respect of earlier grant-in-aid received has already been submitted.

Place :
 Date :

Signature
 Name
 Designation & Address

To

The Secretary (Panchayat),
A & N Administration,
Port Blair.

FORM – B

[See Rule 5(b)]

APPLICATION FOR MATCHING GRANT

1. Name of Panchayat :
2. Opening Balance of matching grant during the previous year :
3. Matching grant received during the previous year (199 - 199) :
4. Total :
5. Amount spent during the previous year :
6. Closing balance at the end of previous year :
7. Purpose for which the grant was utilized :
8. Revenue collected during the previous year :
9. Amount of matching grant applied for :
10. Whether account of the Panchayat for the previous year has been audited and if audited, whether an extract of audit report has been enclosed. :
11. Any other relevant information :

Seal of the Panchayat

*Pradhan/Pramukh/Adhyaksh

**.....

.....

*Score out which is not applicable.

** Write the name & address of the Panchayat recommendation of Director of Panchayat.

Director (Panchayat)

FORM – C

[See Rule 8(9)]

ANDAMAN AND NICOBAR ADMINISTRATION
ANDAMAN PUBLIC WORKS DEPARTMENT
(ENGINEERING WING OF PRIs)

F.No.

Certificate No.

Date:

Certificate that the work..... (Name of work) for which..... name of Zilla Parishad/Panchayat Samiti/Gram Panchayat) received grant-in-aid amounting to Rs..... During the year has been –

*(1) taken up and completed upto(indicate %age) and a sum of Rs..... has been spent as on during the current financial year.

** (2) Completed as on (date) strictly according to approved estimates and plan. The expenditure on this work during the current year is Rs..... the total cost of the work is Rs..... The estimated cost of the work was Rs.....

While issuing the certificate, the amount spent on this work during the previous year(s) has been taken into account from the relevant records.

Also certified that the technical stability of the asset created is sound.

Assistant Engineer/Executive Engineer
Engineering wing of PRIs

(Seal)

Place:

Date:

*Score out which is not applicable.

To

(Name and address of the authority to whom issued)

FORM - D

[See rule 8 (10)]

*Office of

COMPLETION/UTILISATION CERTIFICATE

No.

Date :

Certified that the following amounts were received as Grant-in-aid by this Panchayat during the financial year

The balance of grant-in-aid in hand at the close of the last financial year was Rs.....

(1)

(2)

(3)

(4)

.....
Total.....

A sum of Rs. was spent during the current financial year as detailed statement enclosed. The balance in hand at the close of the current financial year is Rs.....

Certified that the amount stated above has been spent strictly according to the approved budget under the following head of development :-

- | | | | |
|-----|------------------------------------|-----|---|
| (1) | Civil Works | Rs. | (List of works and Certificate from Engineering Wing enclosed). |
| (2) | Office Expenses | Rs. | (Statement enclosed) |
| (3) | Other items of expenditure, if any | Rs. | (Statement enclosed) |

*Write the name and address of the Panchayat.

**Score out which is not applicable.

Seal

** Pradhan/Pramukh/Adhyaksh
Name of Panchayat
Address :



असाधारण
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Published By Authority

No. 57/2000, Port Blair Monday, March 6, 2000

**ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT**

NOTIFICATION

Port Blair, dated the 6th March, 2000

No.57/2000 No. 3-31/99-PR.- In terms of the recommendations contained in 124th Report of the Committee on Subordinate Legislation, Rajya Sabha communicated by the Ministry of Home Affairs, Govt. of India vide Office Memorandum No.U-16016/5/99-ANL dated 10th September, 1999 and in exercise of the powers conferred by section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994, I Shri Ishwari Prasad Gupta, Lieutenant Governor (Administrator), Andaman and Nicobar Islands, hereby make the following amendments to the Andaman and Nicobar Islands (Grant-in-aid to Panchayati Raj Institutions) Rules, 1996, namely :-

1. (i) These rules may be called the Andaman and Nicobar Islands (Grant-in-aid to Panchayati Raj Institutions) (Amendment) Rules,2000.
- (ii) They shall come into force on the date of their publication in the Official Gazette.
2. In the Andaman and Nicobar Islands (Grant-in-aid to Panchayati Raj Institutions) Rules, 1996.
 - (i) in sub-rule (b) of rule 4, the last sentence shall be substituted by the following namely:-
"The Administrator reserves the right, however, to increase or decrease the ratio of revenue and matching grant at any time after recording the reason in writing to do, so as he thinks fit and proper to do so".
 - (ii) in rule 6, after the existing sub-rule (4), following shall be inserted as sub-rule (5), namely:-
"(5) The applications received by the Administration or by such authorized officer for sanctioning grant-in-aid under Rule 5 (a) and 5 (b) shall be processed by the Administration and orders of the Administrator thereof shall be communicated within 45 days. But the time limit as prescribed above shall not be applicable for such applications which are submitted without following the procedures laid down in rule 5 (a) and (b) of the said Rule".
 - (iii) in sub-rule (2)(a) of rule 8, the existing entry shall be substituted as under, namely :-
"8(2)(a) The amount of grant-in-aid shall be utilized only for the purpose for which it is granted. However, if the whole or any part of the grant -in-aid deposited with the banks in fixed deposit for the work which could not be carried out for reasons like non-receipt of sanctions, land, materials or any other reason including administrative reasons, the interest earned thereon shall be taken to the same account so as to off set cost escalation caused due to delay in starting the work".

Sd/-
(ISHWARI PRASAD GUPTA)
LIEUTENANT GOVERNOR
Andaman and Nicobar Islands

By order and in the name of the Lieutenant Governor,

Sd/-
(M K Biswas)
ASSISTANT SECRETARY (PANCHAYATS)



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ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

NOTIFICATION

Port Blair, dated the 21st April, 2002

No. 79/2002/F.No. 6-6(1)/2000-PR(PF).- Whereas the draft Andaman and Nicobar Islands (Grant-in-Aid to Panchayati Raj Institutions) (Amendment) Rules, 2002 were published as required under sub-section (i) of section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No.1 of 1994) inviting suggestions and objections from the persons likely to be effected.

AND whereas suggestions and objections were received from general public, organizations and institutions etc.;

AND whereas the said suggestions and objections were carefully considered by the Lieutenant Governor (Administrator), A & N Islands;

Now, therefore, in exercise of the powers conferred under section 202 of the said Regulation, I, Shri N.N.Jha, Lieutenant Governor (Administrator), Andaman and Nicobar Islands hereby make the following rules with immediate effect, namely :-

ANDAMAN AND NICOBAR ISLANDS (GRANT-IN-AID TO PANCHAYATI RAJ INSTITUTIONS) (AMENDMENT) RULES, 2002

1. Short title and commencement :
 - (i) These rules may be called the Andaman and Nicobar Islands (Grant-in-Aid to Panchayati Raj Institutions) (Amendment) Rules, 2002.
 - (ii) They shall come into force from the date of their publication in the Official Gazette.
2. In the Andaman and Nicobar Islands (Grant-in-Aid to Panchayati Raj Institutions) Rules, 1996 -

In Schedule – I the following shall be substituted.

SCHEDULE - I
[See rule 2(C)]

**AUTHORITIES COMPETENT TO ACCORD TECHNICAL SANCTION AND
ADMINISTRATIVE APPROVAL FOR WORKS**

I. A : Technical Sanction :

Sl.No.	Estimated cost of work	Competent Authority
1.	Rs.60,000	AE, ZP
2.	Rs. 6 lacs	EE, ZP
3.	Rs. 70 lacs	SE, ZP
4.	Above Rs. 70 lacs	CE, APWD

I. B (i) : Administrative approval :

Sl.No.	Estimated cost of work	Competent Authority
1.	Rs. 5 lacs	Pradhan, GP
2.	Rs. 15 lacs	Pramukh, PS
3.	Rs. 30 lacs	Adhyaksh, ZP
4.	Rs. 50 lacs	Secretary (Panchayat)
5.	Above Rs. 50 lacs	Administrator

(ii) Cost ceiling for execution of works to be taken up by PRIs shall be as follows :

Sl.No.	Estimated cost of work	Competent Authority
1.	Gram Panchayat	Upto Rs. 10 lacs
2.	Panchayat Samiti	Upto Rs. 50 lacs
3.	Zilla Parishad	Upto Rs. 2 Crores

Work costing above Rs. 2 Crores shall be got done by PRIs as deposit work through APWD. In case of PMGSY or any similar Central/A&N Administration scheme for work costing above Rs. 2 Crores, Zilla Parishad shall seek approval of the Administration on case to case basis.

I. C : Power for award of works to Cooperative Societies without call of tender :

Sl.No.	Estimated cost of work	Competent Authority
1.	Rs. 50,000	Gram Panchayat
2.	Rs. 1 lac	Panchayat Samiti
3.	Rs. 2 lacs	Zilla Parishad

NOTE : (i) The delegation of power is subject to restrictions and provisions of orders issued by the Ministry of Finance from time to time and as also the provisions contained in various codes. In this context instructions contained in the Ministry of Finance OM No. 10(28)/E.Coord./77 dated 20.1.1978 and para 2.47 of CPWD Manual Vol. II regarding technical sanction of competence amended from time to time shall apply to Engineering Wing of PRIs.

(ii) The powers applicable to various level of Engineers as per Appendix-1 of CPWD Manual Volume-II except regarding award of works to Cooperative Societies specified at C above shall be exercised by Engineers attached to PRIs.

**TERMS AND CONDITIONS FOR AWARD OF WORKS TO
COOPERATIVE SOCIETIES**

- (i) Work should be awarded to Registered Labour Co-operative Societies/Unemployed Engineers Societies/Registered Un-employed Youth Cooperative Societies, which have been duly registered with the Registrar of Co-operative Societies (RCS) and enlisted with Zilla Parishad for undertaking works. The list prepared by ZP shall be awarded to the concerned PRI for award of works.
- (ii) All the Societies should have "Civil Works" as one of their activities in the Memorandum of Understanding submitted to the RCS.
- (iii) In the beginning of the year, Zilla Parishad will invite applications from the Registered Labour Cooperative Societies/Unemployed Engineers Societies/Registered Un-employed Youth Cooperative Societies for undertaking work in a specified area. The details of applications so received will be published in the Newspapers and displayed on the Notice Board of Zilla Parishad, Panchayat Samitis and Gram Panchayats.
- (iv) Adhyaksh, ZP, Pramukh, PS, Pradhan, GP shall not award work to such Cooperative Societies in which their family members and relatives are members which includes father/mother, wife/husband, brother/sister, son/daughters, father-in-law/mother-in-law, son-in-law/daughter-in-law/brother-in-law/sister-in-law etc.
- (v) PRIs should award work to the Societies functioning in their respective jurisdiction in case it is not possible to award work to the Society in the PRI area, quotation should be invited from Societies available in the PRIs at the next higher level.
- (vi) Definition of Registered Labour Cooperative Societies and Unemployed Engineers Societies shall be governed by CPWD manual volume-II. Registered Un-employed Youth Cooperative Societies should have atleast one un-employed Engineers as its member. Unemployed Engineer means unemployed diploma holders or degree holders from recognized institutions. 50 percent of members of the society should be matriculate and should not be more than 35 years of age.
- (vii) The work shall be awarded to the Registered Labour Cooperative Societies, Unemployed Engineers Cooperative Societies, Registered Unemployed Youth Cooperative Societies on roster basis and only one work shall be awarded at a time. However, detailed criteria for performance appraisal of those Societies shall be worked out by Zilla Parishad/Director (Panchayat).
- (viii) These terms and conditions shall be applicable initially for a period of one year and shall be reviewed thereafter.
- (ix) The societies, which default in execution of work as per terms and conditions shall be black-listed and will not be awarded any work for a period of three years.
- (x) Work shall be awarded based on APWD Schedule of Rates to be adopted by Zilla Parishad.
- (xi) No person who has been removed from govt. service, or convicted for a criminal offence by court of law shall be a member of the above societies.
- (xii) No works shall be awarded to these societies by the PRI heads without the technical approval by the competent technical authority in the respective PRI.

Sd/-
(N.N.JHA)
Lieutenant Governor (Administrator)
Andaman and Nicobar Islands

By order and in the name of the Lieutenant Governor

Sd/-
(N.G.VISWANATHAN NAIR)
Assistant Secretary(Panchayat)

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

Port Blair, dated the 21st August, 2003

NOTIFICATION

No. /2003. F.No. 6-6(1)/2003-PR(1). In exercise of the powers conferred by section 202 of the Andaman and Nicobar Islands(Panchayats) Regulation, 1994, the Lieutenant Governor (Administrator), Andaman and Nicobar Islands is pleased to make the following amendment to the Andaman and Nicobar Islands (Grant-in-aid to Panchayati Raj Institutions) Rules, 1996, namely :-

1. (i) These rules may be called the Andaman and Nicobar Islands (Grant-in-Aid to Panchayati Raj Institutions) (3rd Amendment) Rules, 2003.
 - (ii) They shall come into force on the date of their publication in the Official Gazette.
2. In the Andaman and Nicobar Islands (Grant-in-Aid to Panchayati Raj Institutions) Rules, 1996 -

- (i) under rule 6, following shall be inserted as rule 7(A) :

“7(A)-Criteria for funding the Panchayati Raj Institutions:

Criteria to be followed by the Administration for funding untied grant to PRIs shall be at the ratio of 15:15:70 to Zilla Parishad, Panchayat Samitis and Gram Panchayats.”

- (ii) Existing rule 7(1) shall be re-numbered as “7(B)(1)”.

By order and in the name of the Lieutenant Governor,

(Sasikala Viswanathan)
Assistant Secretary (Panchayats)

The A & N Islands
(Panchayat Accounts & Finance)
Rules, 1997

अण्डमान तथा
Andaman And



निकोबार राजपत्र
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No. 69, Port Blair, Monday, April 25, 2005

**ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT**

NOTIFICATION

Port Blair, dated the 25th April, 2005.

No. 66/2005/F.No. 6-6(1)/2005-PR.— Whereas the draft Andaman and Nicobar Islands (Grant-in-Aid to Panchayati Raj Institutions) (Amendment) Rules, 2005 were published vide Notification No. 6-6(1)/2005-PR dated 11th March, 2005, as required under sub-section (1) of Section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994) read with Rule 20 of the Delegation of Financial Powers Rules, 1978 inviting suggestions and objections from the persons likely to be affected;

AND whereas suggestions and objections were received from general public, organization and institutions etc.;

AND whereas the said suggestions and objections were carefully considered by the Lt. Governor (Administrator), Andaman and Nicobar Islands;

NOW, therefore, in exercise of the power conferred under section 202 of the said regulation, I, Shri Ram Kapse, Lieutenant Governor (Administrator), Andaman and Nicobar Islands hereby make the following rules with immediate effect; namely—

**ANDAMAN AND NICOBAR ISLANDS (GRANT-IN-AID TO PANCHAYATI RAJ
INSTITUTIONS) (AMENDMENT) RULES, 2005.**

1. Short title and commencement:

(i) These rules may be called the Andaman and Nicobar Islands (Grant-in-Aid to Panchayati Raj Institutions) (Amendment) Rules, 2005.

(ii) They shall come into force from the date of their publication in the Official Gazette.

2. In the Andaman and Nicobar Islands (Grant-in-Aid to Panchayati Raj Institutions) Rules, 1996, read with Notification No. 79/2000-PR (PF) dated 21.04.2002 [Andaman and Nicobar Islands (Grant-in-Aid to Panchayati Raj Institutions) (Amendment) Rules, 2002].

The Schedule - I shall be substituted as under:—

Schedule - I
[See Rule 2 (c)]

AUTHORITIES COMPETENT TO ACCORD ADMINISTRATIVE APPROVAL AND EXPENDITURE SANCTION FOR WORKS

A: Technical Sanction:—

Sl.No.	Estimated cost of work	Competent Authority
1.	Upto Rs. 60,000	AE, ZP
2.	Upto Rs. 6 Lacs	EE, ZP
3.	Upto Rs. 70 Lacs	SE, ZP
4.	Above Rs. 70 Lacs	CE, APWD

I. B(i): Administrative Approval and Expenditure Sanction:—

Sl.No.	Estimated cost of work	Competent Authority
1.	Upto Rs. 10 Lacs	Pradhan, Gram Panchayat
2.	Upto Rs. 25 Lacs	Pramukh, Panchayat Samiti
3.	Upto Rs. 75 Lacs	Adhyaksh, Zilla Parishad
4.	Upto Rs. 100 Lacs	Secretary (Panchayat)
5.	Upto Rs. 150 Lacs	Chief Secretary
6.	Above Rs. 150 Lacs	Administrator

Note:

- (a) The above power shall be exercised in accordance with the Section 26(1), 122(1) and 161(1) of Andaman and Nicobar Islands (Panchayat) Regulation 1994, which provide the provision for constituting various committees.
- (b) The Administrative approval/expenditure sanction for the work shall not exceed the prescribed limit and the PRI shall not seek any Administrative Approval from next tier of Panchayati Raj Institution (PRI) with regards to the works estimate and awards. In the case of exceeding the prescribed limit the administrative approval/expenditure sanction shall be accorded and the work will be executed by the competent tier of the PRI.
- (c) While according the administrative approval/expenditure sanction for the work the respective PRI shall ensure the provision contained under GFRs and CPWD manual are not contravened and the appropriate authority will only accord the approval/sanction of the respective work.

I. B (ii): Cost ceiling for execution of works to be taken up by PRIs shall be as follows:—

1.	Gram Panchayat	Upto Rs. 10 Lacs
2.	Panchayat Samiti	Upto Rs. 50 Lacs
3.	Zilla Parishad	Upto Rs. 2 Crores

Work costing above Rs. 2 crores shall be got done by PRIs as deposit work through APWD. In case of PMGSY or any similar Central/A&N Administration scheme for work costing above Rs. 2 crores. Zilla Parishad shall seek approval of the Administration on case to case basis.

I. C: Power for award of works to Co-operative Societies without call of tender:—

Sl.No.	Estimated cost of work	Competent Authority
1.	Upto Rs. 2 Lacs	Gram Panchayat
2.	Upto Rs. 4 Lacs	Panchayat Samiti
3.	Upto Rs. 6 Lacs	Zilla Parishad

Note:-

- (i) The delegation of power is subject to restrictions and provisions of orders issued by the Ministry of Finance from time to time and as also the provisions contained in various codes in this context. Instructions contained in the Ministry of Finance OM No. 10 (28)/E. Coord./77 dated 20.1.1978 and para 2.47 of CPWD Manual Vol. II regarding technical sanction of competence amended from time to time shall apply to Engineering Wing of PRIs.
- (ii) The powers applicable to various level of Engineers as per Appendix - I of CPWD Manual Volume - II except regarding award of works of Co-operative Societies specified at I C above shall be exercised by Engineers attached to PRIs.
- (iii) The power for award of work without call of tender shall not exceed the prescribed limit and the PRI shall not seek any Administrative Approval from next tier of Panchayati Raj Institution (PRI) with regards to awarding the works without call of tender.
- (iv) The award of work to Co-operative Societies has to be as per the terms and conditions mentioned in the Notification.

I. D: The Chief Executive Officer, Zilla Parishad shall exercise the financial powers equivalent to the Heads of Department of Andaman & Nicobar Administration as notified from time to time for all items except the works.

**TERMS AND CONDITIONS FOR AWARD OF WORKS
TO CO-OPERATIVE SOCIETIES**

- (i) Work should be awarded to Registered Labour Co-operative Societies/Unemployed Engineers Societies/Registered Un-employed Youth Co-operative Societies, which have been duly registered with the Registrar of Co-operative Societies (RCS) and enlisted with the PRIs in the beginning of the financial year. The details of the Co-operative Societies enlisted shall be displayed on the Notice Board of Zilla Parishad, Panchayat Samities and Gram Panchayats. The PRI shall enlist those societies only which fall in their jurisdictional area.
- (ii) All the Societies should have "Civil Work" as one of their activities in the Memorandum of Understanding submitted to the RCS.
- (iii) The Societies shall also furnish documents in favour of works executed by them during the last two years (in case of old societies) in Gram Panchayats, Panchayat Samities, Zilla Parishads, APWD, etc.
- (iv) PRI's should award work to the Societies functioning in their respective jurisdiction. In case it is not possible to award to these Societies in the PRI area, quotation should be invited from the Societies enlisted in the Zilla Parishad or in other Samities.

- (v) Definition of Registered Labour Co-operative Societies and Unemployed Engineers Societies shall be governed by the CPWD Manual volume II. Registered Un-employed Youth Co-operative Societies should have atleast one un-employed Engineer as its consultant/technical adviser for execution of works. Unemployed Engineer means unemployed Diploma holder or Degree holder from recognized Institutions. 50% of members of the Society should be matriculate and should not be more than 45 years of age.
- (vi) The work shall be awarded to the Enlisted Registered Labour Co-operative Societies/Unemployed Engineers Societies / Registered Un-employed Youth Co-operative Societies on roster basis and only one work shall be awarded at a time.
- (vii) The Societies, which default in execution of work as per the terms and conditions shall be Black - Listed and will not be awarded any work for a period of three consecutive years by any of the PR Institutions.
- (viii) Work shall be awarded based on APWD Schedule of Rates to be adopted by Zilla Parishad.
- (ix) No person who has been removed from Govt. Service, or convicted for a Criminal offence by Court of law shall be a member of the above society.
- (x) No works shall be awarded to these Societies by the PRI heads, without the Technical approval by the Engineering Authority of the respective PRI.
- (xi) The Co-operative Societies should furnish annual audit report, income tax clearance certificate and a copy of by - laws and should furnish a undertaking that no member of the Society is related to the PRI members of the area in which they are willing to work, at the time of submitting their application for enlistment.

RAM KAPSE

Lieutenant Governor (Administrator),
Andaman and Nicobar Islands.

By order and in the name of Lt. Governor

Sd/-

(A.R. Gopinathan)

Assistant Secretary (RD & PR)

अण्डमान तथा
Andaman And



निकोबार राजपत्र
Nicobar Gazette

असाधारण

EXTRAORDINARY

प्राधिकार से प्रकाशित

Published by Authority

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अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION

सचिवालय/SECRETARIAT

NOTIFICATION

Port Blair, dated the 4TH January, 2007

No. 5/2007/F.No. 6-6(1)/2006-PR.—WHEREAS the draft Andaman and Nicobar Islands (Grant-in-aid to Panchayati Raj Institutions) Rules, 2006 to amend the existing Note (ii) below Clause C of Schedule I to the Andaman and Nicobar Islands (Grant-in-aid to Panchayati Raj Institutions) (Amendment) Rules, 2005 has been published in The Daily Telegrams on 22.09.2006 as required under sub-section (1) of section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994), vide Notification No. 6-6 (1)/2005-PR dated 15th September, 2005, inviting objections/suggestions from persons likely to be affected for consideration of the Administrator;

AND, WHEREAS, no suggestions or objections have been received by the Administration within the prescribed period in this regard from any corner;

NOW, THEREFORE, in exercise of the powers conferred under section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994). I, Bhopinder Singh, Lt. Governor, Andaman & Nicobar Islands, hereby make following rules:-

1. SHORT TITLE AND COMMENCEMENT:-

- (i) These rules may be called the Andaman and Nicobar Islands (Grant-in-aid to Panchayati Raj Institutions) (Amendment) Rules, 2006.
- (ii) They shall come into force from the date of their publication in the Official Gazette.

AMENDMENT

The existing Note (ii), below Clause C of schedule I to the Andaman and Nicobar Islands (Grant-in-aid to Panchayati Raj Institutions) (Amendment) Rules, 2005 shall be amended to read as under:-

“The powers applicable to various level of Engineers as per Appendix I of CPWD Manual Volume II except regarding award of works of Cooperative Societies specified at I C above shall be exercised by the Engineers attached to PRIs including the Chief Engineer, APWD”.

Sd/-
(Bhopinder Singh)
Lieutenant Governor.
Andaman and Nicobar Islands.

By order and in the name of the Administrator,

Sd/-
(Sasikala Viswanathan)
Deputy Secretary (RD/LSG).

अण्डमान तथा
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ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय/SECRETARIAT

NOTIFICATION

Port Blair, dated the 25th October, 2005

No. 290/2005/F.No.6-6(1)/2005-PR.—Whereas the draft Andaman and Nicobar Islands (Panchayati Raj Institutions) (Constitution of Committees) Rules, 2005 were published under Section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No 1 of 1994) inviting suggestions and objections from the persons likely to be effected;

AND whereas suggestions and objections were received from general public, individuals, organizations and institutions etc.,

AND whereas the said suggestions and objections were carefully considered by the Lieutenant Governor (Administrator), A & N Islands;

Now, therefore, in exercise of the powers conferred under section 202 read with Section 26(1), 122(1) and 161(1) of the said Regulation, the Lieutenant Governor (Administrator), Andaman and Nicobar Islands hereby makes the following Rules to regulate the functions of the Committees in the Panchayati Raj Institutions, namely :-

The Andaman and Nicobar Islands (Panchayati Raj Institutions) (Constitution of Committees) Rules, 2005

1. Short title and commencement:

- i) These rules may be called "The Andaman and Nicobar Islands (Panchayati Raj Institutions) (Constitution of Committees) Rules, 2005.
- ii) They shall come into force on the date of their publication in the Official Gazette.

2. The Panchayati Raj Institutions namely the Zilla Parishad, Panchayat Samitis and Gram Panchayats in A & N Islands shall constitute Committees to conduct business of the respective tier of PRIs as under:-

- (a) **Gram Panchayats:** Every Gram Panchayat shall constitute a Standing Committee, consisting not less than five elected members giving proportionate representation to political parties/opposition members of the Gram Panchayat. The Committee shall be constituted within one month of taking Oath of office by the members.
- (b) **Panchayat Samitis:** Every Panchayat Samiti shall constitute a Standing Committee, consisting not more than five elected members giving proportionate representation to all political parties/opposition members of the Panchayat Samiti. The Committee shall be constituted within one month of taking Oath of office by the members.

3. Terms of reference of Standing Committees at Gram Panchayat and Panchayat Samiti level referred to under sub-rule (a) of rule 2 above

- (a) The Standing Committee shall deal with all matters relating to Finance, Taxation, Accounts, Audit, Public Health, Sanitation, Works, Water Works, Education & Social Justice and shall submit recommendations to the concerned PRIs which shall be considered by the respective Gram Panchayats/Panchayat Samitis.
- (b) The Committee may call for records, accounts and inspect the work/project/material as the case may be of the respective PRI, but the same can not be retained with them

4. Zilla Parishad: The Zilla Parishad shall constitute the following standing committees and each committee shall consist not less than five elected members giving proportionate representation to all political parties/opposition members of the Zilla Parishad. The Committee shall be constituted within one month of taking Oath of office by the members.

- a) Finance, Taxation & Accounts Committee
- b) Public Health & Sanitation Committee
- c) Works & Development Committee
- d) Water Works Committee
- e) Education & Social Justice Committee.

5. Terms of reference of each Committee referred to in rule 4 above

(a) Finance, Taxation & Accounts Committee:

- (i) The Committee on Finance, Taxation & Accounts shall deal with all matters relating to Finance, Taxation, Accounts & Audit of the Zilla Parishad.
- (ii) They shall supervise utilization of budget grant by the Zilla Parishad. The Committee may call for any document, expenditure register, stock register etc. from the Zilla Parishad and scrutinize them and suggest better utilization within the ambit of relevant Rules/provisions of the Regulation.
- (iii) Any short-fall, if noticed by the committee in execution of any work, such shortfall shall be brought to the notice of the ZP through the CEO, ZP.
- (iv) The Committee shall have access to the accounts of the Zilla Parishad.
- (v) Committees shall conduct monthly audit of the ZP accounts and shall check monthly abstract of receipts and expenditure and furnish their opinions /recommendations.

(b) Public Health & Sanitation Committee:

- (i) The Committee shall submit its recommendations to the ZP for efficient management of garbage disposal and solid waste in the Rural areas.
- (ii) The Committee shall prepare guidelines for total achievement of Sanitation Programme in Rural areas.
- (iii) The Committee shall assess requirement of public toilets, urinals in the Rural areas.
- (iv) The Committee shall formulate plans to prevent spread of epidemics and communicable diseases and submit its recommendation to the Zilla Parishad.
- (v) The Committee shall draw Programme/scheme for inclusion in the Annual Plan of the PRI in respect of the Sanitary and Public Service.

(c) Works & Development Committee:

- (i) The Committee shall have power to inspect, execution of all works/programmes or schemes within the jurisdiction of the Zilla Parishad Short-fall or lapse, if any noticed, shall report its observations to the Zilla Parishad.
- (ii) The Committee on receipt of proposals from members of the PRI of each tier in respect of public works, improvement and development, shall, after considering the proposal, fix up the priority to be given to each of the works and submit its recommendation to the Zilla Parishad.

- (iii) The Committee shall scrutinize plans of the building being constructed by the Zilla Parishad and recommend its observation.
- (iv) The Committee shall submit its recommendation for protection and improvement of the environment in areas under the jurisdiction of Zilla Parishad.
- (v) The Committee shall scrutinize the estimates for civil works and suggest its recommendations to the Zilla Parishad.

(d) Water Supply & Works Committee:

- (i) The Committee shall prepare plan for efficient distribution, improvement of water supply in the rural areas.
- (ii) The Committee shall have the right to inspect all the works relating to Water Supply and suggest improvement.
- (iii) The Committee shall review the revision of water charges from time to time.
- (iv) The Committee on receipt of proposal from the PRI members shall, after considering the proposal, fix up priority to be given to each works and recommend its implementation to the Zilla Parishad.

(e) Education & Social Justice Committee:

- (i) The Committee shall prepare plans for establishment and functioning of pre-primary and primary school in the concerned areas.
- (ii) The Committee shall recommend establishment of adult education centre wherever necessary.
- (iii) The Committee shall formulate and submit schemes for providing assistance to the physically disabled persons, destitute women, orphans and home-less persons and submit the same to the Zilla Parishad.
- (iv) The Committee shall suggest schemes for development of Sports and Cultural activities in the concerned areas.
- (v) The Committee shall render assistance for the proper implementation of nutrition, family welfare schemes, health education, immunization programme undertaken by the PRIs.
- (vi) The Committee shall prepare proposals/make recommendations to the Zilla Parishad for construction and maintenance of old age home, yatri niwas etc. if any available within the jurisdiction of the PRIs.

6. General Terms & Conditions For All Committees:

- a) All the Committees shall meet once in every month and have not less than eight sitting in a year and will submit its recommendations to the concerned PRIs. The minutes of every meeting shall be drawn up and recorded by the Panchayat Secretary/Executive Officer/Chief Executive Officer as the case may be in the capacity of ex-officio Secretary of the relevant committees and invariably endorse a copy of minutes to the Administration.
- b) If there is different of opinion on any motion or resolution shall be put to vote by show of hands or by ballot and may be decided. In the case of not arriving to a conclusion or a decision, the matter shall be referred to the Administration through the Director (RD/LSG). The decision of the Administration in such cases shall be the final.
- c) Each Committee shall consist not less than three and more than five members; one amongst them shall be the Chairperson of the Committee. To the possible extent, women elected member may also be accommodated.
- d) The Committee shall be a Recommending Body. However, in case of any deviation from the recommendation of the Committee, the concerned PRI shall invariably record the same in writing duly justifying the reason thereof and communicate the Director(RD/LSG) and Administration within seven days of such decision and seek ratification.

- e) Selection of members to the Committee shall be in proportion of the members representing various political parties in each PRI by means of the single transferable vote and preferably the member of opposition will be the Chairperson.
- f) The Panchayat Secretary of GP, The Executive Officer of Panchayat Samiti and the Chief Executive Officer of Zilla Parishad shall function as ex-officio Secretary of the Committees in respective PRIs.
- g) Orders constituting committees shall be issued by the concerned PRIs and copies endorsed to the Director of RD/LSG and Administration.
- h) The Chairman or members of the Committees shall not be eligible for any extra/additional remuneration.
- i) Any work/project on the emergent situation on public demand as referred in Rule 28 of the Andaman and Nicobar Islands (Panchayat Administration) Rules, 1997 shall be considered by the respective Committees for recommendation, in addition to ratification of such works by the concerned Gram Sabhas as defined under rule *ibid*.
- j) The committees shall be of advisory in nature. The tenure of the Committee will be one year from the date of its Constitution and shall be re-constituted in every year either by the same members or by electing new members by the respective Panchayat in a specially convened meeting.
- k) vacancies any arised subsequently after Constitution of the Committee shall be filled within 15 (fifteen) days of occurring such vacancy.

Sd/-

(Prof. RAM KAPSE)

Lieutenant Governor (Administrator),
Andaman and Nicobar Islands.

By order and in the name of the Lt. Governor,

Sd/-

(Sasikala Viswanathan)

Assistant Secretary(RD/LSG)

**The Andaman and Nicobar Islands
(District Planning Committee
conduct of meetings, quorum
and procedure in regards to
Transaction of Business)
Rules, 2002**



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ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT
NOTIFICATION

Port Blair, dated the 3rd September, 2002.

No. 171/2002/11-3/92-93 (RD).—In exercise of the powers conferred under Sub-Section 1 and 2 (r) of Section 203 read with Section 196 of A&N Islands (Municipal) Regulation, 1994, Lt. Governor (Administrator), A&N Islands hereby makes the following rules for conduct of the District Planning Committee constituted under Section 196 of the Andaman and Nicobar Islands (Municipal) Regulation 1994.

1. SHORT TITLE AND COMMENCEMENT :

These rules may be called the Andaman & Nicobar Islands (District Planning Committee conduct of meetings, quorum and procedure in regard to Transaction of Business) Rules, 2002.

2. DEFINITION :

In these rules unless the context otherwise requires :

- (i) "Regulation" means the Andaman and Nicobar Islands (Municipal) Regulation, 1994.
- (ii) "Committee" means District Planning Committee.
- (iii) "Urban Local Bodies" means the Municipal Council, Port Blair,
- (iv) "Member Secretary" means Chief Executive Officer, Zilla Parishad and "Chairperson" means the Chairperson of Zilla Parishad.
- (v) All other words and expressions used in these rules but not defined therein shall have the meaning respectively assigned to them in the Regulation.

3. PERIOD OF MEMBERSHIP IN THE COMMITTEE :

Elected representatives of the Panchayats, Urban Local Bodies, Tribal Council and Member of Parliament shall cease to be members of the Committee, the moment they cease to be representatives of the respective Panchayats, Urban Local Bodies, Tribal Council and the Parliamentary Constituency of A & N Islands. This shall also apply for the post of Chairperson of the committee.

4. PROCEDURE FOR CONVENING AND CONDUCT OF MEETING :

- (i) Chairman, DPC shall convene meetings after obtaining the consent of Administrator which shall be conducted at the place specified by the Chairperson.
- (ii) No meeting shall be held on any day declared by the Government as holiday.

5. PREPARATION AND SUBMISSION OF DRAFT DEVELOPMENT PLAN :

The Zilla Parishad, Municipal Council and Tribal Council shall prepare a development plan every year for the area under its jurisdiction and submit to the District Planning Committee by 30th June every year. The District Planning Committee shall deliberate upon it and submit its recommendations on the Draft Development Plan to the Administrator before 10th October every year.

6. NOTICE OF THE MEETING :

No meeting shall be held unless the day and time when the meeting is to be held and of the business to be transacted there at, has been given not less than ten clear days prior to the day of the meeting.

7. AGENDA & BUSINESS :

The agenda for the meeting shall be prepared in writing within the limits of the statutory functions mentioned in sub-section (3) of section 196 of the Regulation by the Member Secretary of the Committee.

The transaction of business shall be unanimously done and not through voting and passing of resolutions. Dissenting views should be compulsorily recorded.

8. SERVICE OF MEETING NOTICE AND AGENDA :

Notice of the meeting with the agenda shall be served on all the members of the Committee following the procedure specified below :—

- (i) by giving or tendering notice of the meeting to the member concerned in person ; or
- (ii) in case personal service could not be effected, by tendering it to an adult member of the Committee member's family; or
- (iii) if no adult member of his family is available for such service, it shall be sent by registered post with acknowledgement due ;
- (iv) if no adult member of his family is available for such service, by affixing it on the conspicuous place of his last known residence or business place of member in the presence of a responsible person of that village.
- (v) the copies of the notice of the meeting with agenda of the Committee may be supplied to the local press representatives.

9. ATTENDANCE OF THE MEETING :

The members attending the meeting of the Committee shall sign in the attendance register kept for the purpose.

10. QUORUM :

- (i) No business shall be transacted at a meeting unless there be present not less than one-fifth of the number of members of the Committee including the ex-officio members, throughout the duration of the meeting.
- (ii) If within half an hour after the time appointed for a meeting, a quorum is not present, the meeting shall be adjourned to a date and time to be specified by the Chairperson.

11. ADJOURNMENT OF THE MEETING FOR OTHER REASONS :

The Chairperson while transacting the business at the meeting can adjourn any meeting sine die for valid reasons.

12. MINUTES OF THE PROCEEDINGS :

At each meeting of the Committee, minutes shall be drawn up and entered in a book kept for that purpose. The responsibility for recording the minutes shall vest with the Member Secretary of the Committee or in his absence any other officer authorized by the Chairperson.

Minutes of the meeting should be issued within 7 days. No video recording shall be permitted during meetings. Audio recording will be permitted.

13. CUSTODY OF RECORDS :

The Member Secretary of the Committee shall have the custody of proceedings and records of the Committee.

14. OFFICIAL MEMBERS WITHOUT VOTING RIGHT :

All Heads of Government departments and Government bodies as specified by the Government by order from time to time shall be the special invitees of the Committee without voting right. They cannot be counted for the purpose of the quorum.

By order and in the name of the Lieutenant Governor,

Sd/-

(Sasikala Viswanathan)
Assistant Secretary (Panch.)

*Guidelines for Allotment of Fixed
Assets constructed
by PRIs*

GUIDELINES FOR ALLOTMENT OF FIXED ASSETS CONSTRUCTED BY PRIs

The Panchayati Raj Institutions (PRIs) have started creating fixed assets like Panchayat Market, Shops, Gumtias, etc. out of the grants given by the Administration to augment their resources and sustainability. A need has been felt to evolve guidelines for grant of license for such assets to ensure the interest of weaker sections of society apart from ensuring a mechanism to take care of inflation. The policy to be followed for grant of license of Shops/Gumtias by the PRIs shall come under force with effect from 1st January, 2002.

CONDITIONS

1. **Licensors:** The licensees will necessarily be the ordinary residents of the PRIs concerned, as defined under section 4(2) of A & N Islands (Panchayat) Regulation, 1994.
2. **Reservation:** To safeguard the interests of the weaker sections of society following reservations will be made.
 - 10% for physically handicapped.
 - 20% for people below poverty line (BPL).
 - 10% for widows.
 - 10% for ex-servicemen.
3. **System of licence:** For general category, the allotment will be made on the basis of highest bid amount of security added with 5 years rental quoted by the bidders. Minimum amount of security and monthly rental may be prescribed by the PRI concerned. For the categories reserved for weaker sections, the allotment will be made on the minimum amount of security prescribed by the PRI concerned. If the number of applicants exceed the reserved quota in each category, allotment will be done on the basis of lottery system. If the reserved quota remains unfilled in a particular category, that will be taken in the general category for allotment for the period mentioned in item 5 of the guidelines.
4. **Inflation:** Increase of the monthly license fee @ 10% p.a. shall be incorporated in the agreement to be signed between the PRI and the licensee.
5. **Period of License:** The allotment will be made for a period of 11 months which may be extended by a further period of 11 months on mutual acceptance.
6. **Agreement:** An agreement shall be executed by the licensee with the PRI concerned in the enclosed format.
7. **Payment of Duty/Tax/Charges:** All duties/taxes/charges leviable upon allottee on enterprise, such as electricity & water charges, conservancy tax, taxes on business/profession etc. will be borne by the licensee, except tax on property, if levied in future.
8. **Payment:** The fee will be payable by 10th of the month to which it pertains. Any delay beyond this date will attract penal interest at rate of 5% p.m. for which the period less than 30 days will be counted as one month. In case of non-payment of license fee for 3 consecutive months, without any approval of PRI, the license will stand cancelled automatically.
9. **Recovery of Unpaid Rent:** The unpaid rent will be recovered as arrears of land revenue, if it is more than security deposit.
10. **Sub-letting of premises:** Sub-letting of premises by the licensee to any third party shall lead to cancellation of allotment.
11. **Insurance of property:** The licensee shall insure the property against flood, fire, earthquake and other natural calamities on his own expenses.
12. The PRIs shall have right to take back the property for their reasonable requirement after returning the security at any time with an advance notice of one month.
13. **Allotment Committee:** The Allotment Committee shall consist of atleast three members of the PRI concerned and the senior most revenue officer available there (Patwari in case of Gram Panchayat, Tehsildar/Assistant Commissioner in case of Samiti and Dy. Commissioner in the Case of Zilla Parishad) will be the special invitee who will submit a report on the process of allotment to Director (Panchayat). The Allotment Committee shall be constituted by PRI concerned by majority vote in the open house.

Sd/-
(Sanjiv Kumar)
Secretary (Panchayat)

AGREEMENT

This Agreement is made on this day of _____ 20____ between the Panchayat Secretary/Executive Officer/Chief Executive Officer (here-in-after called the licensor which expression unless repugnant to the context shall include successors) on the one part and Shri/Smti _____ S/o/W/o _____ (here-in-after called the licensee) on the other part.

Whereas the _____ Gram Panchayat/Panchayat Samiti / Zilla Parishad proposes to grant licence of the shop room(s) bearing No (s) _____ to the licensee in the _____ market namely _____ at _____ vide Order No. _____ dated _____ for running the business/trade of (clearly specify the nature & character of business / trade) _____;

Whereby, it is agreed between the parties as follows :

1. License is granted for _____ years commencing from the date of execution of the agreement.
2. The licence fee of Rs. _____ per mensem shall be paid by the licensee on 10th of every month and if not paid for three consecutive months, the licensee shall liable to be terminated. Fine of 5 % per month on licence fee shall be charged in case the licence fails to pay the fee on or before 10th of the month concerned. Period of less than 30 days shall be counted as one month for calculation of the fine. The licence fee will increase 10% every year and the licensee will be bound to pay the revised monthly licence fee from the date of its effectiveness by 10th of every month in advance.
3. The licensee shall take over the shop room(s) from the Panchayat Secretary/Executive Officer /Chief Executive Officer or his/her authorized representative(s) duly acknowledging the taking over possession of the room(s) alongwith its fittings and fixtures.
4. The licensee shall not sublet, sell or transfer his/her licence to any other person(s) at any time under any circumstances.
5. The grant of licence of the shop room(s) is for the purpose of running the business/trade only and the licensee shall have no rights or claims over the property/premises.
6. That if the licensee fails to pay the monthly licence fee to the PRI concerned for a period of three months consecutively, licence will stand terminated without notice and the PRI concerned will take over the premises and initiate legal action for recovery of the arrears of rent as arrears of land revenue.
7. The licensee shall not convert the shop(s) for his/her residential purpose. Also the licensee shall not use the shop room(s) for cooking or for any other activities than the one for which licence is granted.
8. The licensee shall not run any offensive business/trade/activities in the shop room(s) detrimental to the public policy.
9. The licensee shall make his/her own arrangements for the water supply and electricity at his/her own cost and the charges towards the water supply and electricity shall be borne directly by him/her which shall have no part with the licensee fee levied.
10. The licensee shall not make any addition or alternations to the shop room(s).
11. The license must not add or erect on the room/premises any permanent structure.
12. The licensee shall not carry out any business/trade other than the business/trade for which the shop has been allotted.
13. Upon the termination of the licence the licensee shall put the licensor into the possession of the property in the same original condition in which it was granted except reasonable wear and bear.
14. The licensee shall insure the property against flood, fire, earthquake and other natural calamities on his own expenses.
15. The licensor shall have the right to reenter the property and take over possession for their reasonable requirement after returning the security at any time with an advance notice of one month.
16. The order of licence and the relevant clause/sections of Panchayat Regulation/Rules/Bye-laws also form a part of this agreement.
17. The licensee shall abide all such Panchayat Raj Regulations Rules & Bye-laws made thereunder, which may be in force alongwith their amendments made from time to time.
18. Any breach or violation of this agreement shall be the ground for termination of the licence and the Gram Panchayat/Panchayat Samiti/Zilla Parishad shall not be responsible for any loss(s) or damage(s) whatsoever caused to the licensee due to such termination.

In witness whereof the Panchayat Secretary/Executive Officer/Chief Executive Officer, and the licensee have subscribed their respective hands on this agreement today the day of _____ 20_____.

Signature of the tenant.

Witness

(1)

(2)

Signature of the PS/EP/CEO

*The A & N Islands
(Panchayats) (Preparation of
Electoral Rolls and Conduct of
Elections) Rules, 1995*

अण्डमान तथा
ANDAMAN AND



निकोबार राजपत्र
NICOBAR GAZETTE

असाधारण
EXTRAORDINARY
प्राधिकार से प्रकाशित
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No.56/95, Port Blair, Thursday, 23rd March, 1995

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

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

THE ANDAMAN AND NICOBAR ISLANDS (PANCHAYATS) PREPARATION OF
ELECTORAL ROLLS AND CONDUCT OF ELECTIONS
RULES, 1995

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असाधारण
EXTRAORDINARY
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ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

NOTIFICATION

Port Blair, the 23rd March, 1995

No. F.No. 4-118/94 (Panch) —WHEREAS the draft Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and conduct of Election) Rules, 1995 were published in the Official Gazette as required under sub-section 1 of section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994) inviting suggestions/objections from the general public within 15 days from the date of their publication vide Notification No.27/95/F.No.4-118(6)/94 (Panch) dated 22.2.1995;

AND WHEREAS no suggestion or objection has been received in the matter;

NOW, THEREFORE, in exercise of the powers conferred under section 202 of the said Regulation, I, VAKKOM PURUSOTHAMAN, LIEUTENANT GOVERNOR (ADMINISTRATOR), hereby make the following Rules with immediate effect:

THE ANDAMAN AND NICOBAR ISLANDS (PANCHAYATS)
(PREPARATION OF ELECTORAL ROLLS AND CONDUCT OF ELECTION) RULES, 1995.

CHAPTER - I

PRELIMINARY

1. Short title and commencement : (1) These rules may be called the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and conduct of Elections) Rules, 1995.

(2) These rules shall come into force at once.

2. Definitions : In these rules, unless there is anything repugnant in the subject or context—

- (1) "Ballot box" include any box, bag or other receptacle used for the insertion of ballot papers by voters;
- (2) "Candidate" means a candidate for election as a member of a Panchayat;
- (3) "Commission" means the Election Commission appointed under section 185 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994;
- (4) "Constituency" means the territorial constituency of a Gram Panchayat or of a Panchayat Samiti or of the Zilla Parishad, as the case may be;
- (5) "Counterfoil" means the counterfoil attached to ballot paper printed under the provisions of these rules;

- (6). "Deputy Commissioner" means the Deputy Commissioner of Andaman District for the purposes of these rules;
- (7). "District Magistrate" means the District Magistrate of the Andaman District for the purposes of these rules;
- (8). "Elector" means a person whose name entered in the electoral roll of a constituency for the time being in force and who is not subject to any of the disqualifications for voting;
- (9). "Form" means a form appended to these rules and includes a translation thereof in the language or any of the languages in which the electoral roll is prepared;
- (10). "Marked copy of the electoral roll" means the copy of the electoral roll set apart for the purpose of marking the names of electors to whom ballot papers are issued at an election;
- (11). "Member" includes a member of a Gram Panchayat (including its Pradhans), Panchayat Samiti or Zilla Parishad.
- (12). "Order" means an order published in the Official Gazette.
- (13). "Panchayat" means a Gram Panchayat or a Panchayat Samiti or the Zilla Parishad, as the case may be;
- (14). "Panchayat area" means the Territorial area of a Panchayat.
- (15). "Person" does not include a body of Persons;
- (16). "Presiding Officer" means any person appointed as such under these rules and includes any polling officer performing any of the functions of a presiding officer under these rules;
- (17). "Public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881 (26 of 1881);
- (18). "Regulation" means the Andaman and Nicobar Islands (Panchayats) Regulation, 1994;
- (19). "Returning Officer" means any person appointed by the Commission to discharge the functions of the returning officer and these rules;
- (20). "Roll" means the electoral roll for a Gram Sabha;
- (21). "Section" means a section of Regulation;
- (22). "Union Territory" means the Union Territory of the Andaman and Nicobar Islands;
- (23). "Voter" in relation to a constituency means a person whose name is for the time being entered in the electoral roll of that constituency.

CHAPTER - II

DETERMINATION OF SEATS AND DELIMITATION OF CONSTITUENCIES

3. Determination of Seats in Gram Panchayats :

- (1) The number of seats in a Gram Panchayat shall not be less than nine or more than fifteen (including the Pradhan) as may be determined under sub-section (2) of section 11 by the Deputy Commissioner.
- (2) The number of seats to be reserved in a Gram Panchayat, for the Scheduled Tribes, women belonging to the Scheduled Tribes and women under sub-section (5), (6) and (7) of section 11, shall be determined by the Administrator by order, published in the Official Gazette.
- (3) The number of offices of Pradhans in the Gram Panchayats reserved for the Scheduled Tribes and for women under sub-section (9) of section 11 shall be determined by Deputy Commissioner by Order published in the Official Gazette.

4. Filling of Seats in the Gram Panchayats :

- (1) All the seats, in a Gram Panchayat, determined under rule 3 shall be seats to be filled by persons chosen by direct election from Gram Panchayat Constituencies.
- (2) Every Gram Panchayat Constituency referred to in sub-rule (1) shall be a single member constituency.

5. Determination of Seats in Panchayat Samities :

- (1) The number of seats in a Panchayat Samiti, referred to in sub-section (1) of section 107, and the number of seats reserved therein for the Scheduled Tribes, women belonging to those Tribes, and women, referred to in sub-section (4) of section 107, shall be determined by notification, by the Administrator, published in the Official Gazette.
- (2) The number of Offices of Pradhans in the Panchayat Samities reserved for the Scheduled Tribes and for women referred to in sub-section (5) of section 112, shall be determined by the Deputy Commissioner, by Order, published in the Official Gazette.
- (3) Every Territorial Constituency referred to in sub-section (2) of section 107 shall be a single member Constituency.

6. Determination of Seats in Zilla Parishad :

- (1) The number of seats referred to in sub-section (1) of section 145, to be filled by person chosen by direct election and the number of seats reserved for the Scheduled Tribes, women belonging to those Tribes, and women in the Zilla Parishad shall be determined by the Administrator, by Order, published in the Official Gazette.
- (2) Every Territorial Constituency for the Zilla Parishad referred to in sub-section (2) of section 145 shall be a single member constituency.

DELIMITATION OF GRAM PANCHAYATS, PANCHAYAT SAMITIES AND ZILLA PARISHAD CONSTITUENCIES.

7. Delimitation of Constituencies :

- (1) Subject to the provisions of sections 11, 107 and 145, the Commission shall distribute the seats assigned to each Gram Panchayat, Panchayat Samiti and the Zilla Parishad to single member Territorial Constituencies and delimit them on the basis of the latest census figures, having regard to the following provisions, namely:-
 - (a) all constituencies shall, as far as practicable be geographically compact areas, and in delimiting them regard shall be held to physical features, existing boundaries of Administrative Units, facilities of communication and public convenience;
 - (b) every Gram Panchayat Constituency shall be so delimited as to fall wholly within one— Panchayat Samiti constituency;
 - (c) constituencies in which seats are reserved for the Scheduled Tribes, women belonging to those Tribes and women shall, as far as practicable, be distributed in different parts of the Gram Panchayat, Panchayat Samiti and the Zilla Parishad and they shall be rotated by the Commission by draw of lots, so that it is ensured that seats are so reserved in all the constituencies of a Gram Panchayat, Panchayat Samiti and the Zilla Parishad as the case may be atleast once during three or more consecutive General Elections.
- (2) The Commission shall :-
 - (a) publish its proposals for the delimitation of constituencies, in the Official Gazette and also in such other manner as it thinks fit, inviting objections and suggestions in this regard;
 - (b) specify a date by which objection and suggestions to the said proposals could be made;
 - (c) consider all objections and suggestions which may have been received by it by the date so specified under clause (b), and for the purpose of such Consideration, hold one or more public sittings at such place or places as it thinks fit; and
 - (d) thereafter, by one or more Orders, determine —
 - (i) the delimitation of Gram Panchayat Constituencies;
 - (ii) the delimitation of Gram Panchayat Samities Constituencies; or
 - (iii) the delimitation of Zilla Parishad Constituencies.

8. Publication of Orders and their date of Operation :

- (1) The Commission shall cause each of its orders made under rule 7 to be published in the Official Gazette.
- (2) Upon publication in the Official Gazette, every such order shall have the force of law and shall not be called in question in any Court.
- (3) Nothing in this rule shall affect the representation in the Gram Panchayat or in the Panchayat Samiti or in the Zilla Parishad, as the case may be, until its dissolution, existing on the date of publication in the Official Gazette of the first order or orders of the Commission relating to the delimitation of Gram Panchayat constituencies or the Panchayat Samiti Constituencies or the Zilla Parishad Constituencies, as the case may be, and any bye-election to fill any vacancy in such a Panchayat shall be held as if no such Order had been made.

9. Power of the Commission to maintain Delimitation Orders up-to-date :

The Commission may, from time to time, by notification published in the Official Gazette —

- (a) correct any printing mistake in any order or any order arising therein from inadvertent slip or omission;
- (b) where the boundaries or name of any Territorial division mentioned in the Order or it is altered, make such amendments as appear to it to be necessary or expedient for bringing the Order up-to-date.

10. Public Inspection :

An order published under rule 8 shall remain available for public inspection free of charge for a period of ten days from the date of such publication in the office of the Commission.

11. Copies and Extracts :

A person shall have the right to get an attested copy of any entry or extracts from such an order or to get a copy or copies of the order in such manner and on payment of such fee as may be fixed by the Commission

CHAPTER – III

OFFICERS

12. Director of Panchayats Elections :

- (1) There shall be a Director of Panchayats Elections who shall be such officer of Administration as the Commission may, in consultation with the Administrator, designate or nominate in this behalf.
- (2) Subject to the superintendence, direction and control of the Commission, the Director of Panchayats Elections shall supervise the preparation, revision and correction of all electoral rolls and shall supervise conduct of elections to all Panchayats under the Regulation and these rules.

13. Electoral Registration Officer :

- (1) The Electoral roll for each Gram Sabha, for each Gram Panchayat Constituency, for each Panchayat Samiti Constituency or for each Zilla Parishad Constituency shall be prepared and revised by an Electoral Registration Officer who shall be such Officer of Administration or of a local authority as the Commission may, in consultation with the Administrator, designate or nominate in this behalf :

Provided that the Assistant Commissioner shall, under section 8, be the Electoral Registration Officer for the electoral roll of members of a Gram Sabha.

- (2) An Electoral Registration Officer may, subject to such restrictions as may be imposed by the Director of Panchayats Elections, employ such persons as he thinks fit for the preparation and revision of the electoral roll referred to in sub-rule (1).

14. Assistant Electoral Registration Officers :

- (1) The Commission may appoint one or more persons as Assistant Electoral Registration Officers to assist any Electoral Registration Officer in the performance of his functions.
- (2) Every Assistant Electoral Registration Officer shall, subject to the control of the Electoral Registration Officer, be competent to perform all or any of the functions of the Electoral Registration Officer.

CHAPTER – IV

ELECTORAL ROLLS FOR CONSTITUENCY

15. Electoral Rolls for Constituencies :

- (1) The electoral roll for every constituency shall consist of the electoral rolls of members of all the Gram Sabha comprised within a Zilla Parishad constituency, or a Panchayat Samiti constituency or a Gram Panchayat Constituency, as the case may be. Appropriate alterations in the arrangement, serial numbering and the headings of the rolls shall be made.
- (2) The rolls shall be divided into such convenient parts as the Commission may direct.
- (3) It shall not be necessary to prepare or revise separately the electoral roll for any such constituency.

CHAPTER- V

ELECTORAL ROLL OF MEMBERS FOR GRAM SABHAS

16. Electoral Roll of Members for every Gram Sabha :

- (1) For every Gram Sabha there shall be an electoral roll which shall be prepared in accordance with the provisions of section 8 by the Assistant Commissioner under the superintendence, direction and control of the Commission.
- (2) The electoral roll referred to in sub-rule (1) shall be revised at least once in a financial year.

17. Inclusion of names in the Electoral Rolls :

- (1) Such part of the electoral rolls of the Andaman and Nicobar Islands House of the people constituency prepared under the representation of people Act, 1950, and the rule made hereunder, for the time being in force, as is comprised in the relevant territorial area of a Gram Sabha shall be the electoral roll of members of that Gram Sabha. Appropriate alteration in the arrangement, serial numbering and the headings of the rolls shall be made.

- (2) The rolls shall be divided into such convenient parts as the Commission may direct.

18. Publication of Rolls in Draft :

- (1) As soon as the electoral roll for a Gram Sabha is prepared under rule 17, the Electoral Registration Officer shall publish it in draft together with a notice in Form 1 inviting suggestions and objections by making a copy thereof available for inspection at his office if it is within the territorial area of the Gram Sabha, as may be specified by him for the purpose, if his office is outside the territorial area of the Gram Sabha.
- (2) The draft rolls so published under sub-rule (1) shall remain available for public inspection and for lodging suggestions and objections for a period of fifteen days from the date of such publication.

Provided that the Commission may, by notification in the Official Gazette, extend the period in respect of the territorial area of a Gram Sabha.

- (3) The Electoral Registration Officer shall supply free of cost two copies of the roll to every political party for which a symbol has been exclusively reserved by the Commission.

19. Suggestions and Objections :

- (1) A suggestion or objection shall be presented to the Electoral Registration Officer or to such other officer as may be designated by him in this behalf or be sent by post in Form 2.
- (2) It shall be presented in duplicate by the person concerned or through his authorized agent.
- (3) The Electoral Registration Officer shall immediately after a suggestion or objection has been filed, issue an acknowledgement to the person filing the same.

20. Disposal of Suggestions and Objections :

- (1) The Electoral Registration Officer shall, as soon as may be, after the expiry of the period specified in sub-rule (2) of rule 18 consider the suggestions and objections, if any received by him and shall pass necessary orders after recording in writing a brief statement of his reasons for acceptance or rejection of any suggestion or objection. The Electoral Registration Officer may also correct any clerical or printing errors or other inaccuracies subsequently discovered in the roll.

21. Final Publication of Roll :

- (1) The roll as amended under rule 20 shall be re-published in Form 3 in the manner specified in sub-rule (1) of the rule 18. The roll, so published, shall be final.
- (2) The Electoral Registration Officer shall make a complete copy of the roll available for inspection and display the notice in Form 3 at his office.
- (3) Subject to such general or special directions as may be given by the Commission, the Electoral Registration Officer shall supply, free of cost, two copies of the roll, as finally published, to every political party for which a symbol has been exclusively reserved by the Commission.

22. Appeals from Orders Deciding Claims and Objections :

- (1) An appeal shall lie from any decision of the Electoral Registration Officer under rule 20 to such officer of Government or of local authority as the Commission may designate in this behalf (hereinafter referred to as the appellate officer) :

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of his right to be heard by, or to make representation to, the electoral Registration Officer on the matter which is the subject of appeal.

- (2) Every appeal under sub-rule (1) shall be -
 - (a) in the form of a memorandum signed by the appellant, and
 - (b) presented to the appellate officer within a period of fifteen days from the date of announcement of the decision or sent to that officer by a registered post so as to reach him within that period.
- (3) The presentation of an appeal under this rule shall not have effect of staying or postponing any action to be taken by the Electoral Registration Officer under rule 21.
- (4) Every decision of the appellate officer shall be final, but in so far as it reverses or modifies a decision of the Electoral Registration Officer shall take effect only from the date of the decision in appeal.
- (5) The Electoral Registration Officer shall cause such amendments to be made in the roll as may be necessary to give effect to the decisions of the appellate officer under this rule.

23. Identity Cards for Elections :

- (1) The Commission may, with a view to preventing impersonation of electors and facilitated their identification at the time of poll, by notification in the Official Gazette, direct that the provision of this rule shall apply to the territorial area of any Gram Sabha or to any constituency or part thereof as may be specified in the notification.

- (2) The identity cards issued under rule 28 of the Registration of Electoral Rules, 1960 shall be deemed to be the identity cards for the purposes of this rule.

24. Custody and Preservation of Rolls and Connected Papers :

- (1) After the roll for a Gram Sabha or a constituency has been finally published, the following papers shall be kept in the office of the Electoral Registration Officer or at such other place as the Director of the Panchayats Elections may, by order specify, until the expiration of one year after the completion of the next revision of that roll :-
- (a) a complete copy of the roll;
 - (b) papers relating to claims and objections;
 - (c) papers relating to appeals under rule 22.
- (2) One complete copy of the roll duly authenticated by the Electoral Registration Officer shall also be kept in such place as the Director of Panchayats Elections may specify as permanent record.

25. Inspection of Electoral Rolls and Connected Papers :

Every person shall have the right to inspect the election papers referred to in rule 24 and to get attested copies thereof on payment of such fees as may be fixed by the Director of Panchayats Elections.

26. Disposal of Electoral Rolls and Connected Papers :

- (1) The paper referred to in rule 24 shall, on the expiry of the period specified therein and subject to such general or special directions, if any, as may be given by the Commission in the behalf, be disposed of in such manner as the Director of Panchayats Elections may direct.
- (2) Copies of the Electoral Roll for any Gram Sabha or for any constituency in excess of the number required for deposit under rule 25 and for any other public purposes shall be disposed of at such time and in such manner as the Commission may direct and until such disposal, shall be made available for sale to the public :

Provided that the fees realized under rule 25 and under this rule shall be deposited in the fund of the Panchayat concerned.

CHAPTER - VI

ELECTIONS OF THE PANCHAYATS

27. Superintendence, Direction and Control of Elections .

- (1) The conduct of elections to the Panchayats under these rules shall be under the general Superintendence, direction and control of the Commission.
- (2) Without prejudice to the generality of the provisions of sub-rule (1), the Commission may, if it considers expedient, by the order, direct that such of the powers, duties and functions of any authority connected with the work of conducting elections under these rules, as may be specified by it in the order shall be exercised or discharged, subject to such restrictions and conditions, by such officer or person as may be specified in the order.

CHAPTER - VII

QUALIFICATIONS FOR MEMBERSHIP

28. A person shall not be qualified to be chosen to fill a seat in a Gram Panchayat, a Panchayat Samiti or the Zilla Parishad, as the case may be, unless -

- (a) in the case of a seat reserved for the Scheduled Tribes he is a member of any of those Tribes of the Union Territory and is an elector for any Gram Panchayat Constituency or Panchayat Samiti Constituency or Zilla Parishad Constituency as the case may be in the Union Territory;
- (b) in the case of a seat reserved for women belonging to Scheduled Tribes of the Union Territory, she is a member of any of those Tribes and is an elector for the relevant constituency referred in clause (a) above;
- (c) in the case of a seat reserved for women she is women for the relevant constituency; and
- (d) in the case of any other seat, he is an elector for the relevant constituency in the Union Territory.

CHAPTER – VIII

NOTIFICATION OF GENERAL ELECTIONS

29. General Elections :

A general election shall be held in accordance with the provisions of this Chapter for the purpose of constituting a new Panchayat and on the expiration of its duration or on its dissolution.

30. Notification for General Election :

The Administrator shall, by one or more notifications published in the Official Gazette on such date or dates as may be recommended by the Commission, call upon all the concerned constituencies to elect members in accordance with the provisions of the Regulation and of the rules and orders made thereunder :

Provided that where a general election is held otherwise than on the dissolution of the existing Panchayats, no such notification shall be issued at any time earlier than six months prior to the date on which the duration of the Panchayats would expire under the provisions of section 13, or section 114 or section 152, as the case may be.

CHAPTER – IX

ADMINISTRATIVE MACHINERY FOR THE CONDUCT OF ELECTIONS

31. Returning Officers :

- (1) For each Constituency, the Commission shall, in consultation with the Administrator, designate or nominate a returning officer who shall be an officer of the Administration or of a local authority :

Provided that nothing in these rules shall prevent the Commission from designating or nominating the same person to be the returning officer for more than one constituency.

- (2) It shall be the general duty of the returning officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by the Regulation or rules or orders made thereunder.

32. Assisting Returning Officers :

- (1) The Commission may appoint one or more persons to assist any returning officer in the performance of his functions ;
Provided that every such person shall be an officer of the Administration or of a local authority.
- (2) Every assistant returning officer shall, subject to the control of the returning officer, be competent to perform all or any of the functions of the returning officer.

Provided that no assistant returning officer shall perform any of the functions of the returning officer which relate to the scrutiny of nominations unless the returning officer is unavoidably prevented from performing the said function.

33. Polling Stations:

The returning officer shall, with the previous approval of the Commission, provide sufficient number of polling stations for every constituency and shall publish, in such manner as the Commission may direct, a list showing the polling stations so provided and the polling areas or group of voters for which they have respectively been provided.

34. Presiding Officers and Polling Officers :

- (1) The returning officer shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by, or on behalf of, or has been otherwise working for, a candidate in or about the election :

Provided that if a polling officer is absent from the polling station, the presiding officer may appoint any person who is present at the polling station other than a person who has been employed by, or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the polling officer during the absence of the former officer, and in case of any such appointment he shall inform the returning officer accordingly :

Provided further that nothing in this sub-rule shall prevent the returning officer from appointing the same person to be presiding officer for more than one polling station in the same premises.

- (2) A polling officer shall, if so directed by the presiding officer, perform all or any of the functions of a presiding officer under these rules or orders made thereunder.
- (3) If the presiding officer is absent from the polling station, his functions shall be performed by such polling officer as has been previously authorized by the returning officer to perform such functions during any such absence.
- (4) It shall be the general duty of the presiding officer at a polling station to keep order against threat and to see that the poll is fairly taken.
- (5) It shall be the general duty of the polling officer at a polling station to assist the presiding officer for such station in the performance of his functions.

CHAPTER - X

POLITICAL PARTIES

35. Reservation of Symbol for Political Parties :

- (1) For the purposes of election in any constituency, the Political Parties recognized as "National Party" or "State Party" by the Election Commission of India under the Election Symbols (Reservation and Allotment) Order, 1968 shall be deemed to be the recognized Political Parties in the Union Territory and the candidates set up by those parties shall choose, and shall be allotted, the symbol reserved for that party and no other symbol.
- (2) The choice of symbols and allotment thereof shall, as far as practicable, be Governed by the Election symbols, (Reservation and Allotment) Order, 1968.

CHAPTER - XI

NOMINATION OF CANDIDATES

36. Appointment of dates for Nominations etc;

As soon as the notification under rule 30 is issued, the Commission shall, by notification in the Official Gazette, appoint:-

- a) the last date and hours for making nominations which shall be the seventh day after the date of publication of the said notification under rule 30;
- (b) the date, time and place for the scrutiny of the nominations, which shall be the day immediately following the last date for making nominations;
- (c) the last date and hour for the withdrawal of the candidatures, which shall be the second day after the date for the scrutiny of nominations;
- (d) the date or dates on which and the hours during which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the twentieth day after the last date for the withdrawal of the candidatures; and
- (e) the date before which the election shall be completed.

Explanation : For the purpose of clauses (a), (b) and (c), if the date or the last date is a public holiday, the next succeeding day which is not a public holiday shall be deemed to be the date or the last date, as the case may be.

37. Public notice of election:

- (1) On the issue of a notification under rule 36, the returning officer shall subject to any direction of the Commission, give, in such manner as he thinks fit, public notice of the intended election in Form 4 inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered and also setting out a list of approved symbols which may be chosen by the candidates.
- (2) The public notice under sub-rule (1) shall be published in the Official Gazette and copies thereof shall be displayed at the office of the Commission and also of the Panchayat, and at one or more conspicuous places within the Panchayat area.

Explanation : For the purposes of sub-rule (1), the Commission shall, subject to rule 36, by notification in the Official Gazette, specify the symbols that may be chosen by candidates at elections in a constituency and the restrictions to which their choice shall be subjected.

38. Nomination of candidate for election :

Subject to the provisions of the Regulation and these rules, any person may be nominated as a candidate for election to fill a seat if he is qualified to fill that seat.

39. Presentation of nomination paper and requirement of valid nomination :

- (1) On or before the date appointed under clause (a) of rule 36, each candidate shall, either in person or by his proposer, between the hours of eleven O'clock in the forenoon and three O'clock in the afternoon deliver to the returning officer at the place specified in this behalf in the notice issued under rule 37, a nomination paper completed in Form 5 clearly specifying the constituency from which he proposes to contest and signed by the candidate himself as assenting to the nomination and by an elector of the constituency as proposer :

Provided that no nomination paper shall be delivered to the returning officer on a day which is a public holiday.

- (2) In a constituency where any seat is reserved for woman, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless the nomination paper contains a declaration by her that she is a woman.
- (3) In a constituency where any seat is reserved for the Scheduled Tribes, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular tribe of which he is a member.
- (4) Any nomination paper which is not received before three O'clock in the afternoon on the last date appointed under clause (a) of rule 36 shall be rejected.
- (5) On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls:

Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place, mentioned in the electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper, shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood; and the returning officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary, direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked.

- (6) Where the candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or relevant part thereof or a certified copy of the relevant entries in such roll shall be produced before the returning officer at the time of scrutiny.
- (7) Nothing in these rules shall prevent any candidate from being nominated by more than one nomination paper :

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the returning officer for election in the same constituency.

40. Symbols:

Subject to any general or special direction issued by the Commission, where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered, and no other declaration as to symbols, shall be taken into consideration even if that nomination paper has been rejected.

- (2) Every nomination paper delivered under rule 39 shall be accompanied by a declaration by the candidate in writing specifying a particular symbol which he has chosen as his first preference, within the list of symbols notified by the Commission and also specifying two other symbols out of that list which he has chosen as second and third preferences respectively.

41. Deposits :

- (1) A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited a sum of two hundred and fifty rupees. The deposit shall be forfeited if the candidate does not secure at least one-sixth of the total number of valid votes polled. The deposited money if not forfeited, shall be returned to the candidate after the declaration of the result :

Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency not more than one deposit shall be required of him under this sub-rule.

- (2) Any sum required to be deposited under sub-rule(1) shall not be deemed to have been so deposited unless at the time of delivery of the nomination paper under sub-rule (1) of rule 39 the candidate has either deposited or caused to be deposited that sum with returning officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in any bank functioning in that area which is authorized for making government transactions.

42. Printing and price of nomination forms:

The returning officer shall arrange for the supply of printed nomination forms to the candidates. The price of each nomination form shall be such as may be fixed by the Commission.

43. Notice of nomination and the time and place for their scrutiny:

The returning officer shall, on receiving the nomination paper under rule 39, inform the person delivering the same, the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall, as soon as may be thereafter, cause to be prepared a list of nominations received by him as per Form 6 and also cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both the candidate and of the proposer.

44. Scrutiny of nominations:

- (1) On the date fixed for the scrutiny of nominations under clause (h) of rule 39, the candidates their election agents, one proposer of each candidate and one other person duly authorized in writing by each candidate, but no other person, may attend, at the appointed time and place, and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in rule 39.
- (2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, namely :-
 - (a) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under the Regulation or these rules;
 - (b) that there has been any failure to comply with any of the provision of the rules 39 and 41; or
 - (c) that the signature of the candidate or the proposer on the nomination paper is not genuine.
- (3) Nothing contained in clause (b), or clause (c) of sub-rule (2) shall be deemed to authorize the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.
- (4) The returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.
- (5) The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 39 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control.

Provided that in case an objection is raised by the returning officer or is made by any other person the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the returning officer shall record his decision on the date to which the proceedings had been adjourned.

- (6) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.
- (7) For the purposes of this rule a certified copy of the entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency.
- (8) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the returning officer shall prepare a list of validly nominated candidates in Form 7, that is to say, candidates whose nomination have been found valid, and affix it on the notice board of his office. The list shall be prepared in Hindi and English languages and the names shall be arranged in an alphabetical order in Hindi.
- (9) The name of every such candidate shall be shown in Form 7 as it appears in his nomination paper :

Provided that if a candidate considers that his name is, incorrectly spell or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may, at any time before the list of contesting candidates is prepared, furnish in writing to the returning officer the proper form and spelling of his name and the returning officer shall, on being satisfied as to the genuineness of the request, make the necessary correction or alteration in the list and adopt the form and spelling in the list of contesting candidates.

45. Withdrawal of candidature :

- (1) Any candidate may withdraw his candidature by a notice in writing in Form 8. On receipt of such notice, the returning officer shall note thereon the date and time at which it was delivered.

- (2) Every notice of withdrawal of candidature under sub-rule(1) shall be subscribed by the candidate and delivered before three O'clock in the afternoon on the day fixed under clause(c) of rule 36 to the returning officer either by such candidate in person or by his proposer or election agent who has been authorized in this behalf in writing by such candidate.
- (3) No person who has given a notice of withdrawal of his candidature under sub-rule(1) shall be allowed to cancel such notice.
- (4) The returning officer shall on being satisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-rule(1) cause the notice to be affixed on the notice board of his office.

46. Publication of list of contesting candidates :

- (1) Immediately after expiry of the period within which candidatures may be withdrawn under rule 45, the returning officer shall prepare and publish in English and Hindi languages, a list of contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period in Form 9.
- (2) The said list shall contain the names in Hindi alphabetical order and the addresses of the contesting candidates as given in the nomination paper. The list shall also indicate the symbols assigned to such candidates.
- (3) The returning officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special direction, issued in this behalf by the Commission -
 - (a) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice, and
 - (b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted.
- (4) The allotment by the returning officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the Commission in this behalf in which case the Commission may revise the allotment in such manner as it thinks fit.
- (5) Every candidate or his election agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the returning officer.
- (6) A copy of the list of contesting candidates indicating the symbols allotted to each candidate shall be sent to the Commission and the Director of Panchayat Elections.

47. Declaration of result in uncontesting election:

- (1) If the number of the contesting candidate is one, the returning officer shall, forthwith in Form 21B or 21C, whichever is applicable, declare such candidate to be duly elected to fill that seat and send signed copies of declaration to the Commission and the Director of Panchayat Elections.
- (2) If there is no contesting candidate, the Commission shall, by notification in the Official Gazette, call upon the constituency to elect a person to fill that seat.

Provided that where the constituency having already been called upon under this rule has failed to elect a person to fill the vacancy, the Commission, shall not be bound to call upon the constituency until it is satisfied that if called upon again, there will be no such failure on the part of the constituency.

**CHAPTER -XII
CANDIDATES AND THEIR AGENTS**

48. Appointment and functions of election agent :

- (1) A candidate at an election may appoint any one person to be his election agent in Form 10 and notice of such an appointment shall be given by forwarding the same in duplicate, to the returning officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of his approval of the appointment.
- (2) Any person who is for the time being disqualified under the Regulation for being a member of a Panchayat shall, so long as the disqualification subsists, also be disqualified for being appointed as an election agent under sub-rule(1).
- (3) The revocation of appointment of an election agent shall be made in Form 11. Such a revocation shall be signed by the candidate and shall operate from the date on which it is lodged with the returning officer.
- (4) In the event of such a revocation or of the death of an election agent the candidate may, at any time before the result of election is declared, appoint another person to be his election agent in the manner specified in sub-rule(1).
- (5) An election agent may perform such functions in connection with the elections as are authorized by these rules to be performed by an election agent.

49. Appointment and revocation of polling agents:

- (1) A contesting candidate or his election agent may appoint one polling agent and two relief agents to act as polling agents of such candidate at each polling station.
- (2) Every such appointment shall be made in Form 12 and shall be made over to the polling agents for production at the polling station.
- (3) No polling agent shall be admitted into any polling station unless he has delivered to the presiding officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the presiding officer the declaration contained therein.
- (4) The revocation of the appointment of a polling agent shall be signed by the candidate or his election agent and shall be in Form 13. It shall operate from the date on which it is lodged with the presiding officer.
- (5) In the event of any such revocation or the death of a polling agent, the candidate or his election agent may, at any time before the poll is closed, make a fresh appointment in the manner specified in sub-rule(2).

50. Appointment of counting agent :

- (1) A contesting candidate or his election agent may appoint one or more persons but not exceeding such number as may be determined by the returning officer, to be present as his counting agent or agents at the counting of votes, and when any such appointment is made, notice of the appointment shall be given in Form 14 in duplicate, one copy of which shall be forwarded to the returning officer while the other copy shall be made over to the counting agent for production before the returning officer not later than one hour before the time fixed for the counting of votes.
- (2) No counting agent shall be admitted into the place fixed for the counting unless he has delivered to the returning officer the second copy of the appointment order under sub-rule(1) after duly completed and signing the declaration contained therein and receiving from the returning officer an authority for entry into the place fixed for counting.
- (3) The revocation of an appointment of a counting agent shall be in Form 15 and lodged with the returning officer. Any such revocation shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the returning officer. In the event of such a revocation, or of the death of counting agent before the close of the counting, the candidate or his election agent may make a fresh appointment in accordance with this rule.

51. Functions of polling agents and counting agents :

- (1) A polling agent may perform such functions in connection with the poll as are authorized by these rules to be performed by a polling agent.
- (2) A counting agent may perform such functions in connection with the counting of votes as are authorized by these rules to be performed by a counting agent.

52. Attendance of a contesting candidate or his election agent at polling stations and performance by him of the functions of a polling agent or counting agent :

- (1) At every election where a poll is taken each contesting candidate at such election and his election agent shall have a right, to be present at any polling station.
- (2) A contesting candidate or his election agent may himself do any act or thing which any polling agent or the counting agent of such contesting candidate, if appointed would have been authorized by or under these rules to do, or may assist any polling agent or the counting agent of such contesting candidate in doing any such act or thing.

53. Non-attendance of polling or counting agents :

Where any act or thing is required or authorized by or under these rules to be done in the presence of the polling or counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

CHAPTER - XIII
PROCEDURE AT ELECTIONS

54. Death of candidate before the poll :

If a candidate, set up by a recognized political party :-

- (a) dies at any time after 11 a.m. on the last date for making nominations and his nomination is found valid on scrutiny under rule 44;
- (b) whose nomination has been found valid on scrutiny under rule 44 and who has not withdrawn his candidature under rule 45 dies and in either case, a report of his death is received at any time before the publication of the list of contesting candidates under rule 46, or
- (c) dies as a contesting candidate and a report of his death is received before the commencement of the poll, the returning officer shall upon being satisfied about the fact of the death of the candidate by order, countermand the poll and report the fact to the Commission and to the Director of Panchayat Elections and all proceedings with reference to the election shall be commenced a new in all respects as if for a new election ;

Provided that no order for countermanding a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate :

Provided further that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll :

Provided also that no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 45 before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

Explanation: For the purpose of this rule, a recognized "Political party" means, a political party recognized by the Election Commission of India under the Election Symbols (Reservation and Allotment) order, 1968.

55. Procedure in contested election :

- (1) contesting candidates is more than the number of seats to be filled, a poll shall be taken.
- (2) if a poll becomes necessary the returning officer shall supply to each candidate or his election agent -
 - (a) a copy of the list of contesting candidates; and
 - (b) specimen of the symbol allotted to them.

56. Eligibility of members of Scheduled Tribes and women to hold seats not reserved for them :

For the avoidance of doubt it is hereby declared that a member of the Scheduled Tribes or a woman shall not be disqualified to hold a seat not reserved for members of those tribes or women, if he or she is otherwise qualified to hold such seats under the Regulation and these rules.

57. Publication of hours fixed for polling:

The Commission shall fix the hours during which the poll will be taken and the hours so fixed shall be published by notification in the Official Gazette.

Provided that the total period allotted on any one day for polling at an election in a constituency shall not be less than eight hours.

58. Voting normally to be in person:

All electors voting at an election shall do so in person at the polling station, and no vote shall be received by proxy.

59. Adjournment of poll in emergencies:

- (1) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the presiding officer for such polling station shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by a presiding officer, he shall forthwith inform the returning officer.
- (2) Whenever a poll is adjourned under sub-rule (1), the returning officer shall immediately report the circumstances to the Director of Panchayat Elections and the Commission and shall, as soon as may be with the previous approval of the Commission, publish a notice appointing the day on which the poll shall re-commence from the stage at which it was left immediately before the adjournment and fix the polling station at which, and the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the returning officer shall notify in such manner as the Commission may direct the date, place and hours of polling fixed under sub-rule (2).

60. Procedure on adjournment of poll :

- (1) If the poll at any polling station is adjourned under rule 59, the provisions of rules 79 to 82 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 57.
- (2) When an adjourned poll is recommenced under sub-rule (2) of rule 59 the electors who have already voted at the poll so adjourned shall not be allowed to vote again.
- (3) The returning officer shall provide the presiding officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll and a new ballot box.
- (4) The presiding officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the electoral roll for marking the names of the electors to whom the ballot papers are issued at the adjourned poll without however recording therein the serial number thereof.
- (5) The provisions of rules 63 to 82 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

61. Adjournment of poll or countermanding of election on ground of booth capturing :

- (1) If at any election —
 - (a) booth capturing has taken place at a polling station in such a manner that the result of the poll at that polling station cannot be ascertained; or
 - (b) booth capturing takes place in any place for counting of votes in such a manner that the result of counting cannot be ascertained; the returning officer shall forthwith report the matter to the Commission.
- (2) The Commission shall, on receipt of a report from the returning officer under sub-rule (1) and after taking all material circumstances into account, either -
 - (a) declare that the poll at that polling station be void, appoint a day, and fix the hours, for taking fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it may deem fit; or
 - (b) if satisfied that in view of the large number of polling stations involved in booth capturing, the result of the election is likely to be affected, or that booth capturing had affected counting of votes in such a manner as to affect the result of the election, countermand the election in that ward.

Explanation : For the purposes of this rule, "booth capturing" includes, among other things, all or any of the following activities namely :-

- (i) seizure of a polling station fixed for the poll by any person or persons, making polling authorities surrender the ballot papers and doing of any other act which affects the orderly conduct of elections;
- (ii) taking possession of a polling station fixed for the poll by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting;
- (iii) threatening any elector and preventing him from going to the polling station fixed for the poll to cast his vote ;
- (iv) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers and the doing of anything which affects the orderly counting of votes;
- (v) doing by any person in the service of Government of all or any of the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

62. Fresh poll in the case of destruction etc. of ballot boxes:

- (1) If at any election -
 - (a) any ballot box used at a polling station is unlawfully taken out of the custody of the presiding officer or the returning officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained; or
 - (b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station; the returning officer shall forthwith report the matter to the Commission.
- (2) Thereupon the Commission shall, after taking all material circumstances into account, either -
 - (a) declare the poll at that polling station void, appoint a day and fix the hours for taking a fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as it may deem fit; or

- (b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election of that constituency or that the error or irregularity in procedure is not material, issue such directions to the returning officer as it may deem proper for the further conduct and completion of the election.
- (3) The provisions of the Regulation and these rules made thereunder shall apply to every fresh poll as they apply to the original poll.

63. Design of ballot boxes :

Every ballot box shall be of such design as may be approved by the Commission.

64. Form of ballot papers:

- (1) Every ballot paper shall have a counterfoil attached thereto and the set ballot paper and the counterfoil shall be in such form and the particulars therein shall be in such language or languages as the Commission may direct.
- (2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.
- (3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

65. Arrangements at Polling Stations:

- (1) Outside each polling station there shall be displayed prominently -
 - (a) a notice specifying the polling area the electors of which are entitled to vote at the polling station and when the polling area has more than one polling station, the particulars of the elector so entitled; and
 - (b) a copy of the list of contesting candidates.
- (2) At each polling station, there shall be set up one or more voting compartments in which the electors can record their votes screened from observation.
- (3) The returning officer shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers and such other materials, as are necessary for the conduct of poll.

66. Admission to Polling Station:

The presiding officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than -

- (a) polling officers;
- (b) public servants on duty in connection with the election;
- (c) persons authorized by the Commission;
- (d) candidates, their election agents and one polling agent of each candidate;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other persons as the returning officer or the presiding officer may employ for the purpose of election.

67. Facilities for women electors :

- (1) Where a polling station is both for men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.
- (2) The returning officer or the presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors, and in particular to help in searching any woman elector in case it becomes necessary.

68. Identification of electors :

(1) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station the presiding officer or the polling officer authorized by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) Where the polling station is situated in a constituency, electors of which have been supplied with identity cards under the provisions of the Registration of Electors Rules, 1960, the elector shall produce his identity card before the presiding officer or the polling officer authorized by him in this behalf.

(4) In deciding the right of a person to obtain a ballot paper, the presiding officer or the polling officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

69. Preparation of ballot boxes for poll :

(1) Where a paper seal is used for securing a ballot box, the presiding officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as are desirous of affixing the same.

(2) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefore in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper there into remains open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed it is not possible to open it without breaking the seal.

(4) Where it is not necessary to use paper seals for securing the ballot boxes, the presiding officer shall secure and seal the ballot boxes in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(5) Every ballot box used at a polling station shall bear labels, both inside and outside, marked with -

- (a) the serial number, if any and the name of the constituency;
- (b) the serial number and name of the polling station;
- (c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box only); and
- (d) the date of poll.

(6) Immediately before the commencement of the poll, the presiding officer, shall demonstrate to the polling agents that the ballot box is empty and bears the labels referred to in sub-rule (5).

(7) The ballot box shall then be closed, sealed and secured and placed in full view of the presiding officer and the polling agents.

70. Marked copy of Electoral Roll :

Immediately before the commencement of the poll, the presiding officer shall allow the polling agents and others present to inspect the marked copy of the electoral roll to be used during the poll.

71. Challenging of identity :

(1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.

(2) On such deposit being made, the presiding officer shall-

- (a) warn the person challenged of the penalty for personation;
- (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry;
- (c) enter his name and address in the list of challenged votes in Form 16;
- (d) require him to affix his signature, or left thumb impression in the said list.

(3) The presiding officer shall thereafter hold a summary inquiry into the challenge and may for that purpose -

- (a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;
- (b) put to the person challenged any question for the purpose of establishing his identity and require him to answer them on oath; and
- (c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, the presiding officer considers that the challenge has not been established, he shall allow the person challenged to vote and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the presiding officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to the Panchayat Fund, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

72. Safeguards against personation :

(1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the presiding officer or polling officer and an indelible ink mark to be put on it.

(2) If any elector refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or he fails or refuses to produce his identity card as required by sub-rule (3) of rule 68; he shall not be supplied with any ballot paper or allowed to vote.

(3) Where a poll is taken simultaneously in a Gram Panchayat Constituency, in a Panchayat Samiti Constituency or in a Zilla Parishad Constituency, an elector whose left forefinger has been marked with indelible ink or who has produced his identity card at one such election shall, notwithstanding anything contained in sub-rule (1) and (2), be supplied with a ballot paper for the other election.

(4) Any reference in this rule to the left forefinger of an elector shall in the case where the elector has his left forefinger missing, be construed as a reference to any other finger of his left hand, and shall in the case, where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other fingers of his right hand, and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

73. Issue of ballot papers to electors:

(1) Every ballot paper before it is issued to an elector and the counterfoil attached thereto shall be stamped on the back with such distinguishing mark as the Commission may direct, and every ballot paper, before it is issued, shall be signed in full, on its back by the presiding officer.

(2) At the time of issuing a ballot paper to an elector, the polling officer shall -

- (a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the electoral roll;
- (b) obtain the signature or thumb impression of that elector on the said counterfoil; and
- (c) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however recording therein the serial number of the ballot paper issued to that elector :

Provided that no ballot paper shall be delivered to an elector unless he has put his signature or thumb impression on the counterfoil of that ballot paper.

(3) It shall not be necessary for any presiding officer or polling officer or any other officer to attest the thumb impression of the elector on the counterfoil.

(4) No person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.

74. Maintenance of secrecy of voting by electors within the polling station and voting procedure :

(1) Every elector to whom a ballot paper has been issued under rule 73 shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.

(2) The elector on receiving the ballot paper shall for with:-

- (a) proceed to one of the voting compartments;
- (b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
- (c) fold the ballot paper so as to conceal his vote;
- (d) if required, show to the presiding officer the distinguishing mark on the ballot paper;
- (e) insert the folded ballot paper into the ballot box; and
- (f) quit the polling station.

(3) Every elector shall vote without undue delay.

(4) No elector shall be allowed to enter a voting compartment when another elector is inside it.

(5) If an elector to whom a ballot paper has been issued, refuses after warning given by the presiding officer to observe the procedure as laid down in sub-rule (2), the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the presiding officer or a polling officer under the direction of the presiding officer .

(6) After the ballot paper has been taken back, the presiding officer shall record on its back the words "Cancelled: voting procedure violated" and put his signature below those words.

(7) All the ballot papers on which the words "Cancelled: voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Ballot papers: Voting Procedure Violated".

(8) Without prejudice to any other penalty to which an elector from whom a ballot paper has been taken back under sub-rule (5) may be liable, the vote, if any, recorded on such ballot paper shall not be counted.

75. Recording of votes of blind or infirm electors :

(1) If the presiding officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognize the symbols on the ballot paper or to make a mark thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day :

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule, the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling station on that day.

(2) The presiding officer shall keep a record in Form 17 of all cases under this rule.

76. Spoilt and returned ballot papers:

(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the presiding officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned and the counterfoil of such ballot paper shall be marked "spoilt: Cancelled" by the presiding officer

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the presiding officer, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "Returned: Cancelled" by the presiding officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

77. Tendered votes:

(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter in these rules referred to as a "tendered ballot paper") in the same manner as any other elector.

(2) Every such person shall before being supplied with a tendered ballot paper sign his name against the entry relating to him in a list in Form 18.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling except that -

(a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "Tendered ballot paper" by the presiding officer in his own hand and signed by him.

(4) The elector after marking a tendered ballot paper in the voting compartment and folding it, shall instead of putting it into ballot box, give it to the presiding officer, who shall place it in a cover specially kept for the purpose.

78. Closing of poll :

(1) The presiding officer shall close the polling station at the hour fixed in that behalf and shall not thereafter admit any elector into the polling station:

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed, it shall be decided by the presiding officer and his decision shall be final.

79. Sealing of ballot box after poll :

(1) As soon as practicable after the closing of the poll, the presiding officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first ballot box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before any other ballot box is put into use.

(4) The foregoing provisions of this rule shall not apply at a polling station to the presiding officer of which the Commission has issued a direction asking him to proceed in accordance with sub-rule (5).

(5) At any such polling station, as soon as practicable after the close of poll, the presiding officer shall -

(a) transfer all the ballot papers contained in the ballot box or boxes used at that polling station, without examining or counting them and with due regard to the secrecy of the ballot, into a cloth bag or cloth-lined cover after demonstrating to the polling agents present that the bag or cover is empty;

(b) allow the polling agents present to inspect each ballot box and demonstrate to them that it has been emptied;

(c) record on the bag or cover the name of the constituency, the name of the polling station and the date of the poll; and

(d) seal the bag or cover and allow any polling agent present to affix his seal thereon.

80. Account of ballot paper :

(1) The presiding officer shall at the close of the poll prepare a ballot paper account in Form 19 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

(2) The presiding officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent therefore and shall also attest it as a true copy.

81. Sealing of other packets :

- (1) The presiding officer shall then make into separate packets -
 - (a) the marked copy of the electoral roll;
 - (b) the counterfoil of the used ballot papers;
 - (c) the ballot paper signed in full by the presiding officer but not issued to the voters;
 - (d) any other ballot papers not issued to the voters;
 - (e) the ballot papers cancelled for violation of voting procedure;
 - (f) any other cancelled ballot papers;
 - (g) the cover containing the tendered ballot papers and the list in Form 18;
 - (h) the list of challenged votes; and
- (2) any other papers directed by the Commission to be kept in a sealed packet.
- (3) Each such packet shall be sealed with the seals of the presiding officer and with the seals either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seals thereon.

82. Transmission of ballot boxes, etc. to the returning officer :

- (1) The presiding officer shall then deliver or cause to be delivered to the returning officer at such place as the returning officer may direct -
 - (a) the ballot boxes, or as the case may be, the bags or covers referred to in rule 79 ;
 - (b) the ballot paper account ;
 - (c) the sealed packets referred to in rule 81; and
 - (d) all other papers used at the poll.
- (2) The returning officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

CHAPTER - XIV

COUNTING OF VOTES

83. Counting of votes : At every election where a poll is taken, votes shall be counted by or under the supervision and direction of the returning officer, and each contesting candidate, his election agent, and the counting agents shall have a right to be present at the time of counting.

84. Time and place for counting of votes : The returning officer shall, at least one week before the date fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time at which the counting will commence and shall give notice of the same in writing to each candidate or his election agent:

Provided that if for any reason the returning officer finds it necessary so to do, he may alter the date, time and place or places so fixed, or any of them, after giving notice of the same in writing to each candidate or his election agent.

85. Admission to the place fixed for counting :

- (1) The returning officer shall exclude from the place fixed for counting of votes all persons except -
 - (a) such persons (to be known as counting supervisors and counting assistants) as he may appoint to assist him in the counting;
 - (b) persons authorized by the Commission;
 - (c) public servants on duty in connection with the election; and
 - (d) candidates, their election agents and counting agents.
- (2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause(a) of sub-rule (1).
- (3) The returning officer shall decide which accounting agent or agents shall watch the counting at any particular counting table or group of counting tables.
- (4) Any person who, during the counting of votes misconduct himself or fails to obey the lawful directions of the returning officer can be removed from the place where the votes are being counted by the returning officer or by any police officer on duty or by any person authorized in this behalf by the returning officer.

86. Maintenance of secrecy of voting :

- (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.
- (2) The returning officer shall before he commences the counting read out the above provision to such persons as may be present.

87. Scrutiny and opening of ballot boxes :

- (1) The returning officer may have the ballot box or boxes used at more than one polling station opened and the ballot papers found in such box or boxes counted simultaneously.
- (2) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is in tact.
- (3) The returning officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.
- (4) If the returning officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 62 in respect of that polling station. .

88. Destruction, loss, etc. of ballot papers at the time of counting :

- (1) If any time before the counting of votes is completed, any ballot papers used at a polling station are unlawfully taken out of the custody of the returning officer or are accidentally or intentionally destroyed or lost, or are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained, the returning officer shall forthwith report the matter to the Commission.
- (2) Thereupon, the Commission shall, after taking all material circumstances into account, either -
 - (a) direct that the counting of votes shall be stopped, declare the poll at that polling station to be void, appoint a date, and fix the hours, for taking a fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as it may deem fit; or
 - (b) if satisfied that the result of a fresh ballot at that polling station will not, in any way, affect the result of the election, issue such directions to the returning officer as it may deem proper for the resumption and completion of counting and for the further conduct and completion of the election in relation to which the votes have been counted.
- (3) The provisions of these rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

89. Counting of votes :

- (1) Subject to such general or special directions, if any, as may be given by the Commission in this behalf, the ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.
- (2) The returning officer shall reject a ballot paper-
 - (a) if it bears any mark or writing by which the elector can be identified; or
 - (b) if it bears no mark at all to indicate the vote or it bears a mark elsewhere than on or near the symbol of one of the candidates on the face of the ballot paper or if it bears a mark made otherwise than with the instrument supplied for the purpose; or
 - (c) if votes are given on it in favour of more than one candidate; or
 - (d) if the mark indicating a vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given; or
 - (e) if it is a spurious ballot paper; or
 - (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
 - (g) if it bears a serial number or is of a design, different from the serial number, or design, as the case may be, of the ballot papers authorized for use at the particular polling station; or
 - (h) if it does not bear both the mark and the signature which it should have borne under the provision of the sub-rule (1) of rule 73:

Provided that where the returning officer is satisfied that any such defect as is mentioned in clause (g) or clause (h) has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

- (3) Before rejecting any ballot paper under sub-rule (2) the returning officer shall allow each counting agent present a reasonable opportunity to inspect that ballot paper but shall not allow him to handle it or any other ballot paper.
- (4) The returning officer shall endorse on every ballot paper which he rejects the word 'Rejected' and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.

(5) All ballot papers rejected under this rule shall be bundled together.

(6) Every ballot paper which is not rejected under this rule shall be counted as one valid vote:

Provided that no cover containing tendered ballot papers shall be opened and no such ballot paper shall be counted.

(7) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed-

- (a) the counting supervisor shall fill in and sign Part-II result of counting in Form 19, which shall also be signed by the returning officer; and
- (b) the returning officer shall make the entries in a result sheet in Form 20 and announce the particulars.

90. Sealing of used ballot papers : The valid ballot papers of each candidate and the rejected ballot papers shall thereafter be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seals of the returning officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon: and on the packets so sealed shall be recorded the following particulars, namely -

- (a) the name of the constituency; and
- (b) the particulars of the polling station where the ballot papers have been used; and
- (c) the date of counting.

91. Counting of ballot papers transferred to bags or covers under rule 79 : The provisions of rules 87, 89, and 90 shall apply so far as may be in relation to counting of ballot papers and votes, if any, which have been transferred from ballot boxes to cloth bags or cloth lined covers under sub-rule (5) of rule 79:

Provided that any reference in the said rules to a ballot box shall be construed as a reference to a bag or cover to which the contents of a ballot box have been transferred.

92. Counting to be continuous : The returning officer shall as far as practicable, proceed continuously with the counting and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

93. Recommencement of counting after fresh poll :

- (1) If a fresh poll is held under rule 62, the returning officer shall, after completion of that poll, recommence the counting of the votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

94. Recount of votes:

- (1) After the completion of the counting, the returning officer shall record in the result sheet in Form 20 the total number of votes polled by each candidate and announce the same.
- (2) After such announcement has been made, a candidate or in his absence, his election agent or any of his counting agents may apply in writing to the returning officer to recount the votes either wholly or in part stating the grounds on which he demands such recount.
- (3) On such an application being made the returning officer shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable.
- (4) Every decision of the returning officer under sub-rule (3) shall be in writing and contain the reasons therefor.
- (5) If the returning officer decided under sub-rule (3) to allow a recount of the votes either wholly or in part he shall -
 - (a) do the recounting in accordance with rule 89;
 - (b) amend the result sheet in Form 20 to the extent necessary after such recount; and
 - (c) announce the amendments so made by him.
- (6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the returning officer shall complete and sign the result sheet in Form 20 and no application for recount shall be entertained thereafter :

Provided that no step under this sub-rule shall be taken on the completion of counting until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

95. Equality of votes : If after the counting of the votes is completed an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

96. Declaration of result of election and return of election :

- (1) When the counting of votes has been completed, the returning officer shall, in the absence of any direction by the Commission to the contrary, forthwith declare the result of the election in the manner provided in these rules.
- (2) The returning officer shall -
 - (a) declare in Form 21 or Form 21A, whichever is applicable, the candidate to whom the largest number of valid votes have been given, to be elected and send signed copies thereof to the Director of Panchayat Elections, the Commission and the Administrator;
 - (b) complete and certify the return of election in Form 22 and send signed copies thereof to the Commission and the Director of Panchayat Elections.

97. Grant of certificate of election to returned candidates : As soon as may be after a candidate has been declared by the returning officer to be elected, the returning officer shall grant to such candidate a certificate of election in Form 23 and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement by registered post to the Director of Panchayat Elections.

98. Publication of names of members elected to Panchayat : The Commission, shall, as soon as possible, publish in the Official Gazette the list containing the names of the members elected to the Panchayat and also cause such a list to be affixed on the notice board of his officer and the office of the Panchayat.

99. Date of election of candidates : For the purposes of these rules, the date on which the candidate is declared by the returning officer to be elected to a Panchayat shall be the date of election of that candidate.

CHAPTER – XV

MULTIPLE ELECTIONS

100. Vacation of seats when elected to two or more Panchayats :

- (1) Any person who is chosen as a member of two or more Panchayats and who has not taken his seat in any Panchayat may, by notice in writing signed by him and delivered to the concerned Returning Officer and the Commission within ten days from the date, or the later of the dates, on which he is so chosen, intimate in which of the Panchayat he wishes to serve, and thereupon, his seat in the Panchayat or Panchayats on which he does not wish to serve shall become vacant.
- (2) In default of such intimation within the aforesaid period, his seat -
 - (a) his seat in the Gram Panchayat, in case he is chosen as a member of a Gram Panchayat and a Panchayat Samiti; or
 - (b) his seats in the Gram Panchayat and in the Panchayat Samiti, in case he is chosen as a member of a Panchayat Samiti and the Zilla Parishad; or
 - (c) his seat in the Panchayat Samiti, in case he is chosen as a member of a Panchayat Samiti and the Zilla Parishad; shall, at the expiration of that period, become vacant.
- (3) Any intimation given under sub-rule (1) shall be final and irrevocable.
- (4) For the purposes of this rule and of rule 101, the date on which a person is chosen to be a member of the Panchayat shall be the date of his election.

101. Vacation of seats by persons already members of one Panchayat on election to another Panchayat :

- (1) If a person who is already a member of one Panchayat and has taken his seat in such Panchayat is chosen a member of another Panchayat, his seat in the Panchayat in which he has already taken his seat shall, on the date on which he is so chosen to another Panchayat, become vacant.

102. Election on to more than one seat in one Panchayat : If a person is elected to more than one seat in any Panchayat or Panchayats, then, unless within fourteen days from the date of his election or where the dates of his election are different in respect of different seats, fourteen days from the last of those dates, he resigns all but one of the seats by writing under his hand addressed to the Director of Panchayat Elections and the Commission, all the seats shall become vacant.

**CHAPTER -XVI
PUBLICATION OF ELECTION RESULTS**

103. Publication of results of general elections to Panchayats : Where a general election is held for the purpose of constituting a new Panchayat, there shall be notified by the Commission in the Official Gazette, as soon as may be, after the results of the elections in all the constituencies other than those in which the poll could not be taken for any reason on the date originally fixed under clause (d) of rule 36 or for which the time for completion of the election has been extended under the provisions of these rules, have been declared by the returning officer, the names of the members elected for those constituencies and upon the issue of such notification that Panchayat shall be deemed to be duly constituted:

Provided that the issue of such notification shall not be deemed –

(a) To preclude –

- (i) the taking of the poll and the completion of the election in any constituency or constituencies in which the poll could not be taken for any reason on the date originally fixed under clause (d) of rule 36; or
- (ii) the completion of the election in any constituency or constituencies for which time has been extended under the provisions of these rules; or

(b) to affect the duration of the Panchayat functioning immediately before the issue of the said notification.

CHAPTER -XVII

MISCELLANEOUS

104. Custody of ballot boxes and papers relating to election :

- (1) All ballot boxes used at an election shall be kept in such custody as the Director of Panchayats Elections may direct.
- (2) The returning officer shall keep in safe custody -
 - (a) the packets of unused ballot papers with counterfoils attached thereto;
 - (b) the packets of the used ballot papers whether valid, tendered or rejected;
 - (c) the packets of the counterfoils of used ballot papers;
 - (d) the packets of the marked copy of the electoral roll; and
 - (e) all other papers relating to the election.

105. Production and inspection of election papers :

- (1) While in the custody returning officer -
 - (a) the packets of unused papers with counterfoils attached thereto;
 - (b) the packets of used ballot papers whether valid, tendered or rejected;
 - (c) the packets of the counterfoil of used ballot papers; and
 - (d) the packets of the marked copy of the electoral roll; shall not be opened and their contents shall not be inspected by or produced before, any person or authority except under the orders of a competent court.
- (2) Subject to such conditions and to the payment of such fee as the Commission may direct -
 - (a) all other papers relating to the election shall be open to public inspection; and
 - (b) copies thereof shall on application be furnished.
- (3) Copies of the returns that the returning officer forwards under rule 96 shall be furnished by the returning officer on payment of a fee of five rupees for each such copy.

106. Disposal of election papers : Subject to any directions to the contrary given by the Commission or by a competent court –

- (a) the packets of unused ballot papers shall be retained for a period of six months and shall thereafter be destroyed in such manner as the Commission may direct;
- (b) the other packets, referred to in sub-rule (1) of rule 105 shall be retained for a period of one year and shall thereafter be destroyed:

Provided that packets containing the counterfoils of used ballot papers shall not be destroyed except with the previous approval of the Commission.

- (c) all other papers relating to the election shall be retained for such period as the Commission may direct.

CHAPTER – XVIII

CASUAL ELECTIONS

107. Casual Elections –

- (1) When the seat of a member elected to the Panchayat becomes vacant or is declared vacant or his election to the Panchayat is declared void, the Commission shall subject to the provisions of the sub-rule (2), by a notification in the Official Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification, and the provisions of the Regulation and these rules and orders made thereunder shall apply, as far as may be, in relation to the election of a member to fill such vacancy.
- (2) If the vacancy so caused be a vacancy in a seat reserved in any such constituency for the Scheduled Tribes or for women, the notification issued under sub-rule (1) shall specify that the person to fill that seat shall belong to the Scheduled Tribes or be a woman, as the case may be.

CHAPTER – XIX

DISPUTES REGARDING ELECTIONS

108. Definitions : In this Chapter unless the context otherwise requires -

- (a) "candidate" means a person who has been or claims to have been duly nominated as a candidate at any election to any Panchayat;
- (b) "costs" means all costs, charges and expenses of, or incidental to, a trial of an election petition;
- (c) "electoral right" means the right of a person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate, or to vote or refrain from voting at an election to a Panchayat;
- (d) "High Courts" means, the High Courts within the local limits of whose jurisdiction the election to which the election petition relates has been held;
- (e) "returned candidate" means a candidate whose name has been published under rule 98 in the Official Gazette as duly elected.

109. Presentation of petitions :

(1) An election petition calling in question any election may be presented on one or more of the grounds specified in sub-rule (1) of rule 122 and rule 123 to the District Judge by any candidate at such election or any elector within fifteen days from, but not earlier than the date of election, of the returned candidate.

Explanation : In this sub-rule 'elector' means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

(2) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

110. Parties of the petition : A petitioner shall join as respondents to his petition --

(a) where the petitioner, in addition to claiming declaration that the election of the returned candidate is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates; and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition.

111. Contents of petition : (1) An election petition -

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings:

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in Form 24 sworn before a magistrate of the first class or a notary or a commissioner of oaths in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any Schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition

112. Relief that may be claimed by the petitioner : A petitioner may, in addition to claiming a declaration that the election of the returned candidate is void, claim a further declaration that he himself or any other candidate has been duly elected.

113. Trial of Election petitions :

(1) The District Judge shall dismiss an election petition which does not comply with the provisions of rule 109 or rule 110 or rule 133.

Explanation : An order of the District Judge dismissing an election petition under this sub-rule shall be deemed to be an order made under clause (a) of rule 120.

(2) Where more election petitions than one are presented to the District Judge in respect of the same election, he may, in his discretion, try them separately or in one or more groups.

(3) Any candidate not already a respondent shall, upon application made by him to the District Judge within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the District Judge, be entitled to be joined as a respondent.

Explanation : For the purposes of this sub-rule and of rule 119, the trial of a petition shall be deemed to commence on the date fixed for the respondents to appear before the District Judge and answer the claim or claims made in the petition.

(4) The District Judge may, upon such terms as to costs and otherwise as he may deemed fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in his opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

(5) The trial of an election petition shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion, unless the District Judge finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(6) Every election 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 election petition is presented to the District Judge for trial.

114. Procedure before District Judge :

(1) Subject to the provisions of the Regulation and of any of rules made thereunder, the trial of every election petition by the District Judge shall be, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (5 of 1908) to the trial of suits:

Provided that the District Judge shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(2) The provisions of the Indian Evidence Act, 1872 (1 of 1872) shall, subject to the provisions of the Regulation and these rules, be deemed to apply in all respects to the trial of an election petition.

115. Documentary evidence: Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

116. Secrecy of voting not to be infringed : No witness or other person shall be required to state for whom he has voted at an election.

117. Answering of criminating questions and certificate of indemnity :

(1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may criminate or may tend to criminate him, or that it may expose or may tend to expose him of any penalty or forfeiture.

Provided that -

(a) a witness, who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the District Court; and

(b) an answer given by a witness to a question put by or before the District Court shall not, except in the case of any criminal proceedings for perjury in respect of evidence, be admissible in evidence against in any civil or criminal proceeding.

(2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under any law, arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by the Regulation or any other law.

118. Expenses of witnesses: The reasonable expenses incurred by any person in attending to give evidence may be allowed by the District Judge to such person and shall, unless he otherwise directs, be deemed to be part of the costs.

119. Recrimination when seat claimed : (1) When in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election :

Provided that the returned candidate or such other party, as aforesaid, shall not be entitled to give such evidence unless he has, within fourteen days from the date of commencement of the trial, given notice to the District Judge of his intention to do so and has also given the security and the further security referred to in rule 133.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and particulars required by rule 111 in the case of an election petition and shall be signed and verified in like manner.

120. Decision of the District Judge : At the conclusion of the trial of an election petition, the District Judge shall make an order -

- (a) dismissing the election petition; or
- (b) declaring the election of the returned candidate to be void; or
- (c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected.

121. Other orders to be made by the District Judge :

(1) At the time of making an order under rule 120, the District Judge shall also make an order -

- (a) Where any charge is made in the petition of any corrupt practice having been committed at the election, recording -
 - (i) a finding whether any corrupt practice has or has not been proved to have been committed at the election, and the nature of that corrupt practice; and
 - (ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and
- (b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid:

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless -

- (a) he has been given notice to appear before the District Judge and to show cause why he should not be so named; and
- (b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the District Judge and has given evidence against him, of calling evidence in his defence and of being heard.

(2) In this rule and in rule 122, the expression 'agent' has the same meaning as in section 123 of the Representation of the People Act, 1951 (43 of 1951).

122. Grounds for declaring election to be void :

(1) Subject to the provisions of sub-rule (2) if the District Court is of opinion -

- (a) that on the date of his election, the returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Regulation; or
- (b) that any corrupt practice has been committed by the returned candidate or his election agent or by any other person with the consent of the returned candidate or his election agent; or
- (c) that any nomination has been improperly rejected; or
- (d) that the result of the election, in so far as it concerns the returned candidate, has been materially affected -
 - (i) by the improper acceptance of any nomination, or
 - (ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his Election Agent, or
 - (iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or
 - (iv) by any non-compliance with the provisions of the Regulation or of these rules or orders made thereunder, the District Court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the District Judge the returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice, but the District Judge is satisfied -

- (a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate or his election agent;

- (b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and
- (c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents; then the District Judge may decide that the election of the returned candidate is not void. -

123. Grounds for which a candidate other than the returned candidate may be declared to have been elected : If any person who has lodged a petition has, in addition, to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the District Judge is of opinion -

- (a) that in fact the petitioner or such other candidate received a majority of the total valid votes; or
- (b) that but for the votes obtained by the returned candidate by corrupt practices, the petitioner or such other candidate would have obtained a majority of the valid votes; the District Judge shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected.

124. Procedure in case of equality of votes : If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidate to be declared elected, then -

- (a) any decision made by the returning officer under the provisions of the Regulation and these rules shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and
- (b) in so far as that question is not determined by such a decision, the District Judge shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

125. Withdrawal of election petitions :

- (1) An election petition may be withdrawn only by leave of the District Court.
- (2) Where an application for withdrawal is made under sub-rule (1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Official Gazette.

126. Procedure for withdrawal of election petitions :

- (1) If there are more petitioner than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners.
- (2) No application for withdrawal shall be granted if, in the opinion of the District Judge, such application has been induced by any bargain or consideration which ought not to be allowed.
- (3) If the application is granted-
 - (a) the petitioner shall be ordered to pay the costs of the respondents theretofore incurred or such portion thereof as the District Judge may think fit;
 - (b) the District Judge shall direct that the notice of withdrawal shall be published in the Official Gazette and in such other manner as he may specify and thereupon the notice shall be published accordingly;
 - (c) a person who might have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the District Judge may deem fit.

127. Report of withdrawal by the District Judge to the Commission : When an application for withdrawal is granted by the District Judge and no person has been substituted as petitioner under clause (c) of sub rule (3) of rule 126, in place of the party withdrawing, the District Judge shall report the fact to the Commission and thereupon the Commission shall publish the report in the Official Gazette.

128. Abatement of election petitions :

- (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of the several petitioners.
- 2) Where an election petition abates under sub rule (1), the District Judge shall cause the fact to be published in such manner as he may deem fit.
- 3) Any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the District Judge may deem fit.

129. Abatement or substitution on death of respondent : If before the conclusion of the trial of an election petition, the sole respondent dies or gives notice that he does not intend to oppose the petition or any of the respondents dies or gives such notice and there is no other respondents who is opposing the petition, the District Judge shall cause notice of such event to be published in the Official Gazette, and thereupon any person who might have been a petitioner may, within seven days of such publication, apply to be substituted in place of such respondent to oppose the petition and shall be entitled to continue the proceedings upon such terms as the District Judge may deem fit.

130. Appeals to High Court :

(1) Notwithstanding anything contained in any other law for the time being in force, an appeal shall lie to the High Court from every order made by a District Judge under rules 120 and 121.

(2) Every appeal under these rules shall be preferred within a period of thirty days from the date of the order of the District Judge under rules 120 and 121:

Provided 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 had sufficient cause for not preferring the appeal within such period.

131. Stay of operation of orders of District Judge :

(1) An application may be made to the District Judge for stay of operation of an order made by him under rule 120 or rule 121 before the expiration of the time allowed for appealing there from and the District Judge may, on sufficient cause being shown and on such terms and conditions as he may think fit, stay the operation of his order; but no application for stay shall be made to the District Judge after an appeal has been preferred to the High Court.

(2) Where an appeal has been preferred against the order of the District Judge, the High Court may, on sufficient cause being shown and on such terms and conditions as it may think fit, stay the operation of the order appealed from.

(3) When the operation of an order is stayed by the District Judge, or as the case may be, the High Court, the order shall be deemed never to have taken effect and a copy of the stay order shall immediately be sent by the District Judge or, as the case may be, the High Court to the Commission and to the Director of Panchayats Elections.

132. Procedure in appeal :

(1) Every appeal shall be heard and determined by the High Court as nearly as may be in accordance with the procedure applicable to the hearing and determination of an appeal from an order passed by a District Judge in the exercise of its original civil jurisdiction; and all the provisions of the Code of Civil Procedure, 1908 (5 of 1908) shall, so far as may be, apply in relation to such appeal.

(2) As soon as an appeal is decided, the High Court shall intimate the substance of the decision to the Commission and the Director of Panchayats Elections and as soon as may be thereafter shall send to the Commission an authenticated copy of the decision and upon its receipt, the Commission shall -

(a) forward copies thereof to the authorities to which the copies of the order of the District Judge were forwarded; and

(b) cause the decision to be published in the Official Gazette.

133. Security for costs :

(1) At the time of presenting an election petition, the petitioner shall deposit in the District Court in accordance with the Rules of that Court, a sum of two thousand rupees as security for the costs of the petition.

(2) During the course of trial of an election petition, the District Judge may, at any time, call upon the petitioner to give such further security for costs as he may direct.

134. Costs : Costs shall be in the discretion of the District Judge :

Provided that where a petition is dismissed under clause (a) of rule 120, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the District Judge shall make an order for costs in favour of the returned candidate.

135. Payment of costs out of security deposits and return of such deposits :

(1) If in any order as to cost under the provisions of these rules, there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of the security deposit and the further security deposit, if any, made by such party on an application made in writing in that behalf within a period of one year, from the date of such order to the District Judge by the person in whose favour the cost have been awarded.

(2) If there is any balance left of any of the said security deposits after payment under sub-rule (1) of the costs referred to in that sub-rule, such balance, or where no costs have been awarded or no application as aforesaid has been made within the said period of one year, the whole of the said security deposits may, on an application made in that behalf in writing to the District Judge by the person by whom the deposits have been made, or if such person dies after making such deposits by legal representatives of such person, be returned to the said person or to his legal representatives, as the case may be.

136. Execution of order as to costs : Any order as to costs under the provisions of these rules may be produced before the concerned court and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit :

Provided that where any such costs or any portion thereof may be recovered by an application made under sub -rule(1) of rule 135, no application shall lie under this rule within a period of one year from the date of such order unless it is for the recovery of the balance of any costs which has been left unrealized after an application has been made under that sub-rule owing to the insufficiency of the amount of the security deposits referred to in that sub-rule.

CHAPTER – XX

CORRUPT PRACTICES AND ELECTORAL OFFENCES

137. Corrupt practices : The corrupt practices specified in section 123 of the Representation of the People Act, 1951 (43 of 1951) shall be deemed to be the corrupt practices for the purposes of elections to any Gram Panchayat, Panchayat Samiti and the Zilla Parishad, with such modifications, as the Administrator may by one or more orders to be published in the Official Gazette, specify, from time to time.

138. Promoting enmity between classes in connection with election : No person shall, in connection with an election under the Regulation and these rules, promote or attempt to promote on grounds of religion, caste, race, community or language, feelings of enmity or hatred between different classes of the citizens of India.

139. Prohibition of public meetings on the day preceding the election day and on the election day :
No person shall convene, hold or attend any public meeting in any Panchayat area during the period of forty eight hours ending with the hour fixed for the conclusion of the poll for any election in that area.

140. Disturbances at election meetings :

(1) No person shall, at a public meeting act or incite others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together.

(2) This rule applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under the Regulation or these rules calling upon the constituency to elect a member and the date on which such election is held.

141. Restrictions on the printing of pamphlets, posters, etc. :

(1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster -

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document, to the Director of Panchayats Elections.

(3) For the purpose of this rule, -

(a) any process for multiplying copies of a document other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly; and

(b) "election pamphlet or poster" means any printed pamphlet, handbill, or other document distributed for the purpose of promoting or prejudicing the election of a candidate or a group of candidates or any placard or poster having reference to an election, but does not include any handbill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

142. Officers, etc. at elections not to act for candidates or to influence voting:

(1) No person who is a returning officer or an assistant returning officer, or a presiding officer or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospect of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force shall endeavor -

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

143. Prohibition of canvassing in or near the polling stations :

(1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling stations or in any public or private place within a distance of one hundred metres of the polling station, namely :-

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

144. Prohibition of disorderly conduct in or near polling station :

(1) No person shall, on the date or dates on which a poll is taken at any polling station -

- a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as megaphone or loudspeaker; or
- (b) shout, or otherwise act in a disorderly manner within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) If the presiding officer of a polling station has reason to believe that any person is not complying with the provisions of sub-rule (1), he may direct any police officer to take such steps as may be reasonably necessary for preventing any such contravention and the police officer may seize any apparatus used for such contravention.

145. Misconduct at the polling station :

(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any polling officer on duty or by any person authorized in this behalf by any such presiding officer.

(2) The powers conferred by sub-rule (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station for having an opportunity of voting at that station.

146. Failure to observe procedure for voting : If any elector to whom a ballot paper has been issued, refuses to observe the procedure prescribed for voting, the ballot paper issued to him shall be liable for cancellation.

147. Government servants not to act as election agent, polling agent or counting agent : No government servant shall act as an election agent or a polling agent or a counting agent of a candidate at an election.

148. Ballot papers from polling station are not to be removed :

(1) No person at any election shall fraudulently take or attempt to take a ballot paper out of a polling station or willfully aid or abet doing of any such act.

(2) If a presiding officer of a polling station has reason to believe that any person is contravening the provisions of sub rule (1), such officer may before such person leaves the polling station, direct a police officer to search such person :

Provided that when it is necessary to cause a woman to search, the search shall be made by another women with strict regard to decency.

(3) Any ballot paper found upon such person shall be made over for safe custody to a police officer by the presiding officer.

149. Other acts : No person shall at an election -

- (a) fraudulently deface, fraudulently destroy any nomination paper; or
- (b) fraudulently deface, or destroy or remove any list, notice or other document affixed by or under the authority of a returning officer; or
- (c) fraudulently deface or fraudulently destroy any ballot paper or the official mark on any ballot paper or any declaration or identity; or
- (d) without due authority supply any ballot paper to any person or receive any ballot paper from any person or possess any ballot paper; or
- (e) fraudulently put into any ballot box anything other than the ballot paper which he is authorized by law to put in; or
- (f) without due authority destroy, take, open, or otherwise interfere with any ballot box or ballot paper then in use for the purpose of the election; or
- (g) fraudulently or without due authority, as the case may be, attempt to do any of the foregoing acts or willfully aid or abet the doing of any such acts.

CHAPTER - XX)

POWERS OF ELECTION COMMISSION IN CONNECTION WITH INQUIRIES AS TO DISQUALIFICATIONS OF MEMBERS

150. Powers of Election Commission :

(1) Where in connection with the tendering of any opinion to the Deputy Commissioner under section 14, and to the Chief Secretary under sections 111, and 149 of the Regulation, the Commission considers it necessary or proper to make an inquiry, and the Commission is satisfied that on the basis of the affidavits filed and the documents produced in such enquiry by the parties concerned of their own accord, it cannot come to a decisive opinion on the matter which is being inquired into, the Commission shall have, for the purposes of such inquiry, the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely :-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document or other material object producible as evidence;
- (c) receiving evidence on affidavits;
- (d) requisition any public record or a copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents.

(2) The Commission shall also have the power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, the subject matter of the inquiry.

(3) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code (45 of 1860).

151. Statements made by persons to the Commission : No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving a false evidence by such statement :

Provided that the statement -

- (a) is made in reply to a question which he is required by the Commission to answer; or
- (b) is relevant to the subject matter of the inquiry.

152. Procedure to be followed by the Commission : The Commission shall have the power to regulate its own procedure (including fixing of places and times of its sittings and deciding whether to sit in public or in private).

153. Protection of action taken in good faith : No suit, prosecution or other legal proceeding shall lie against the Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of this Chapter or of any order made thereunder or in respect of tendering of any opinion by the Commission to the Deputy Commissioner or Chief Secretary, as the case may be, or in respect of the publication, by or under the authority of the Commission of any such opinion, paper or proceedings.

CHAPTER - XXII

MISCELLANEOUS

154. Extension of time for completion of election : It shall be competent for the Commission for reasons which it considers sufficient, to extend the time for the completion of any election by making necessary amendments in the notification issued by it.

155. Requisitioning of premises, vehicles, etc. for election purposes :

- (1) If it appears to the Administrator that in connection with an election to be held to any Panchayat:
 - (a) any premises are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken; or
 - (b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the Administrator may, by order in writing requisition such premises or such vehicle, as the case may be, and may make such further orders as may appear to him to be necessary or expedient in connection with the requisitioning:

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-rule until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Administrator to be the owner or person in possession of the property and such order shall be served on the person to whom it is addressed -

- (a) where the person so addressed is a Corporation or firm, in the manner provided for the service of summons in the Code of Civil Procedure, 1908 (5 of 1908); and
- (b) where the person to whom such an order is addressed is an individual -
 - (i) personally by delivering or tendering the order; or
 - (ii) by registered post; or
 - (iii) if the person cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for again.

(3) Whenever any property is requisitioned under sub-rule(1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-rule.

(4) In this rule-

- (a) 'premises' means any land, building or part of a building and includes hut, shed or other structure or any part thereof.
- (b) 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

156. Payment of Compensation : whenever in pursuance of rule 155 the Administrator requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:-

- (i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;
- (ii) if in consequence of the requisition of the premises, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within fourteen days from the date of determination of the amount of such compensation or where the amount of such compensation has been determined in the absence of the person interested or, as the case may be, the owner, fourteen days, from the date on which the intimation of such determination is sent to that person or owner, to the Administrator for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Administrator may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the Administrator to an arbitrator appointed in this behalf by him for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation : In this sub-rule, the expression 'person interested' means the person who was in actual possession of the premises requisitioned under rule 155 immediately before the requisition, or where no person was in such actual possession the owner of such premises.

(2) Whenever in pursuance of rule 155, the Administrator requisitions any vehicle, vessel or animal there shall be paid to the owner thereof compensation the amount of which shall be determined by the Administrator on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal :

Provided that where there is a dispute regarding the amount of compensation or apportionment of the amount of compensation, the procedure laid down in sub-rule (1) shall be followed.

157. Power to obtain information : The Administrator may with a view to requisition any property under rule 155 or determining the compensation payable under rule 156, by an order, require any person to furnish to such authority as may be specified by him in the order, such information in possession relating to such property as may be so specified.

158. Powers to entry into and inspection of premises etc. :

(1) Any person authorized in this behalf by the Administrator may enter into any premises and inspect such premises and any vehicle, vessel or animal for the purpose of determining whether, and if so in what manner, an order under rule 155 should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that rule.

(2) In this rule the expression 'premises' and 'vehicle' have the same meanings as in rule 155.

159. Eviction from requisitioned premises :

(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under rule 155 may be summarily evicted from the premises by any officer empowered by the Administrator in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

160. Release of premises from requisition :

(1) When any premises requisitioned under rule 155 are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the Administrator to be the owner of such premises, and such delivery of possession shall be a full discharge of the Administrator from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may, be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under rule 155 is to be given under sub-rule(1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the Administrator shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-rule(2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the Administrator shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

161. Delegation of functions of the Administrator with regard to requisitioning : The Administrator may, by notification in the Official Gazette, direct that any powers conferred or any powers conferred or any duty imposed on him by any of the provisions of rules 155 to 160 shall, under such conditions, if any, as may be specified in the direction, be exercise or discharged by such officer or class of officers as may be so specified.

APPENDIX TO THE A & N ISLANDS

**(PANCHAYAT) (PREPARATION OF ELECTORAL ROLLS
AND CONDUCT OF ELECTION) RULES, 1995**

Form Nos.

Form No.1	Notice of publication of Electoral Roll in draft.
Form No.2	Suggestion or objection to the inclusion or exclusion of names of voters residing in the territorial limits of Gram Sabha.
Form No.3	Notice of final publication of electoral roll.
Form No.4	Notice of Election.
Form No.5	Nomination paper.
Form No.6	Notice of Nomination.
Form No.7	List of validly nominated candidates.
Form No.8	Notice of withdrawal of candidature.
Form No.9	List of contesting candidates.
Form No.10	Appointment of election agent.
Form No.11	Revocation of appointment of election agent.
Form No.12	Appointment of polling agent.
Form No.13	Revocation of appointment of polling agent.
Form No.14	Appointment of counting agents.
Form No.15	Revocation of the appointment for counting agent.
Form No.16	List of challenged votes.
Form No.17	List of blind and infirm voters.
Form No.18	List of tendered votes.
Form No.19	Part - I : Ballot paper account Part - II : Result of counting.
Form No.20	Final result sheet
Form No.21	Declaration of the result under rule 96(2)
Form No.21 A	Declaration of the result of election under rule 92(2) (a).
Form No.21 B	Declaration of the result of election under rule 47.
Form No.21 C	Declaration of the result of election under rule 47.
Form No.22	Return of election.
Form No.23	Certificate of election.
Form No.24	Affidavit

FORM 1

(See rule 18)

NOTICE OF PUBLICATION OF ELECTORAL ROLL IN DRAFT

To

The Electors of the Gram Sabha.

Notice is hereby given that the electoral roll has been prepared in accordance with rule 10 of the Andaman and Nicobar Islands (Panchayat) (Preparation of electoral Rolls and conduct of Elections) Rules, 1995 and a copy thereof is available for inspection at my office and at during office hours.

If there be any suggestion or objection to the inclusion or exclusion of names of voters residing within the territorial limits of the said Gram Sabha, as appear in the electoral roll relating to the Andaman and Nicobar Islands House of the People Constituency, it should be lodged on or before19..... in Form 2.

Every such suggestion or objection (in duplicate) should either be presented in my office or to or sent by post to the address given below so as to reach me not later than the aforesaid date.

(Assistant Commissioner)

Electoral Registration Officer

Date

(Address)

FORM 2
(See rule 19)

Suggestion or objection to the inclusion or exclusion of names of voters residing in the territorial limits of
..... Gram Sabha.

To
The Electoral Registration Officer,
..... Gram Sabha.

Sir,
*I/We request that the names of voters residing in the following houses falling within the territorial
limits of Gram Sabha may be included/excluded as these houses are within/outside the
territorial limit of the Gram Sabha.

Place.....
Date.....

Signature or thumb impression of
the *applicant/applicants.

Intimation of action taken

The application in Form 2 relating to inclusion/exclusion of names of voters residing in the following
houses has been. –

*a) accepted and their names have been included in/excluded from the electoral roll vide Serial
No..... in part No.

*b) rejected for the reason

*House Nos.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Electoral Registration Officer

(Address)

Date

Receipt for application

Received the application in Form 2 relating to the following house numbers :-**

- | | |
|----|----|
| 1. | 5. |
| 2. | 6. |
| 3. | 7. |
| 4. | 8. |

Electoral Registration Officer
(Address)

Dated

*Score out the words not applicable

** To be filled by the applicant.

FORM 3

(See rule 15)

Notice of final publication of Electoral Roll

It is hereby notified for public information that the list of amendments to the draft electoral roll for theGram Sabha has been prepared in accordance with the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995. A copy of the said roll together with the said list of amendments has been published and will be available for inspection at my office.

.....
Electoral Registration Officer

Place

(Address)

Date.....

.....

FORM 4

(See rule 37)

NOTICE OF ELECTION

Notice is hereby given that : -

1. An election is to be held of a member to constituency of Gram Panchayat/Panchayat Samiti/Zilla Parishad.

2. Nomination papers may be delivered by a candidate or his proposer to the Returning Officer, at or to the Assistant Returning Officer, atbetween 11 a.m. and 3 p.m. on any day (other than a public holiday) not later than the

3. Forms of nomination paper may be obtained at the place and time aforesaid.

4. The nomination paper will be taken up for scrutiny at (place) on at (time)

5. Notice of withdrawal of candidature may be delivered by a candidate or his proposer or his election agent who has been authorized in writing by the candidate to deliver it to either of the officers specified in paragraph 2 above at his office before 3 p.m. on the

6. In the event of the election being contested, the poll will be taken on between the hours of and

Place

Date.....

Returning Officer

*Strike off inappropriate words.

FORM 5

(See rule 39)

NOMINATION PAPER

Election to the Constituency of Gram Panchayat/Panchayat Samiti/Zilla Parishad.

I, nominate as a candidate for election to *Gram Panchayat/Panchayat Samiti/Zilla Parishad from the constituency.

Candidate's name

Father's/Husband's name

His postal address

.....

.....

His name is entered at S.No. in part No. of the electoral roll for constituency.

My name is and it is entered at S.No. in part No. of the electoral roll for Constituency.

Date

Signature of proposer

I, the abovementioned candidate, assent to this nomination and hereby declare -

- a) that I have completed 21 years of age;
- *b) that I am set up at this election by the party;
- c) that the symbols I have chosen are, in order of preference (i)..... (ii)..... and (iii)
- d) that my name and my *father's/husband's name have been correctly spelt out above in (name of the language);
- e) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the *Gram Panchayat/Panchayat Samiti/Zilla Parishad.
- * I further declare that I am a woman.

* I further declare that I am a member of the tribe which is a scheduled tribe in the Union Territory.

Cash deposit Receipt bearing No. dated for rupees..... is attached/has already been attached with my nomination paper received at S.No.

Date

(Signature of Candidate)

*Score out the inappropriate alternative.

(To be filled by the Returning Officer)

Serial No. of nomination paper

This nomination was delivered to me at my office at (hours) on (date) by the *candidate/proposer.

Date

Returning Officer

*Score out the words not applicable.

Decision of Returning Officer accepting or rejecting the nomination paper.

I have examined this nomination paper in accordance with rule 44 of the Andaman and Nicobar islands (Panchayats) (Preparation of Electoral Rolls and conduct of Elections) Rules, 1995 and decide as follows :-

Date

Returning Officer

Receipt for nomination paper and notice of scrutiny (To be handed over the person presenting the nomination paper)

Serial No. of nomination paper.....

The nomination paper of a candidate for election from Constituency of the 'Gram Panchayat/Panchayat Samiti/Zilla Parishad was delivered to me at my office at(hour) on (date) by the *candidate/proposer. All nomination papers will be taken up for scrutiny at (hour) on.....(date).....at.....(place)
.....

Date.....

Returning Officer

*Score out the words not applicable.

FORM 6

(See rule 31)

NOTICE OF NOMINATION

Election to the Port Blair Municipal Council from Ward

Notice is hereby given that the following nomination in respect of the above election have been received upto 3 p.m. today :-

Serial No. of nomination paper	Name of candidate	Name of *father/ husband	Age of candidate	Address	Party affiliation	Whether the candidate is a woman	Electoral roll No. of candidate	Name of proposer	Electoral roll number of proposer
1	2	3	4	5	6	7	8	9	10

Place

Returning Officer

Date

*Strike off the inappropriate alternative.

FORM 7

[See rules 44(8) and 44 (9)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to the *Gram Panchayat/Panchayat Samiti/Zilla Parishad from Constituency.

Serial No.	Name of candidate	Name of *father/husband	Address of the candidate	Party affiliation
1	2	3	4	5

Place

Returning Officer

Date

*Strike off the inappropriate alternative.

FORM 8

(See rule 45)

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to the *Gram Panchayat/Panchayat Samiti/Zilla Parishad from the constituency.

To

The Returning Officer,

I, a candidate validly nominated at the above election do hereby give notice that I withdraw my candidature.

Place

Signature of validly nominated candidate

Date

This notice was delivered to me at my office at(hour) on (date) by (name) the

Date.....

Returning Officer

Receipt for notice of withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by a validly nominated candidate at the election to the *Gram Panchayat/Panchayat Samiti/Zilla Parishad from constituency was delivered to me by the * at my office at.....(hour) on (date).

Returning Officer

* Here insert one of the following alternatives as may be appropriate:-

- (1) Candidate
 - (2) Candidate's proposer who has been authorized in writing by the candidate to deliver it.
-

FORM 9

(See rule 46)

LIST OF CONTESTING CANDIDATES

Election to *Gram Panchayat/Panchayat Samiti/Zilla Parishad fromconstituency.

Serial No.	Symbol allotted	Name of candidate	Address of the candidate	Party affiliation
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

It is hereby declared that the poll will be taken on (date) between the hours ofand at the polling stations.

Place.....

Returning Officer

Date.....

*Strike off the inappropriate alternatives.

[See rule 48 (1)]

APPOINTMENT OF ELECTION AGENT

Election to*Gram Panchayat/Panchayat Samiti/Zilla Parishad fromconstituency.

To

The Returning Officer,

..... Constituency.

I,.....of a candidate at the above election do hereby appoint of as my election agent from this day at the above election.

Place

Signature of the Candidate

Date.....

I accept the above appointment.

Place

Signature of the election agent

Date.....

Approved

Signature and seal of the Returning Officer.

Note : To be submitted to the Returning Officer in duplicate.

* Strike off the inappropriate alternatives.

FORM 11

[See rule 48 (3)]

REVOCATION OF APPOINTMENT OF ELECTION AGENT

Election to*Gram Panchayat/Panchayat Samiti/Zilla Parishad from theconstituency.

To

The Returning Officer

I,, a candidate at the above election, hereby revoke the appointment ofmy election agent.

Place.....

Date

Signature of Candidate

* Strike off the inappropriate alternatives.

FORM 12

[See rule 49 (2)]

***APPOINTMENT OF POLLING AGENT**

Election to*Gram Panchayat/Panchayat Samiti/Zilla Parishad fromconstituency.

I,**candidate/the election agent of who is a candidate at the above election do hereby appointment..... (Name and address) as a polling agent to attend polling station No..... fixed for the pollat.....

Place.....

Date.....

Signature of **candidate/election agent

I agree to act as such polling agent.

Date

Signature of polling agent

DECLARATION OF POLLING AGENT

TO BE SIGNED BEFORE PRESIDING OFFICER

I, hereby declare that at the above election, I will not do anything forbidden by Rule 73 of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995 which I have read/has been read over to me.

Date.....

Signature of polling agent

Signed before me

Date.....

Presiding Officer

*To be handed over to the Polling Agent for production at the polling station fixed for the poll.

** Strike off the inappropriate alternatives.

FORM 13

[See rule 49 (4)]

REVOCATION OF APPOINTMENT OF POLLING AGENT

Election to*Gram Panchayat/Panchayat Samiti/Zilla Parishad fromconstituency.

To

The Presiding Officer,

.....
.....

I, a **candidate/election agent of at the above election, hereby revoke the appointment of**my/his polling agent.

Signature of the Candidate
**/Election agent

Place

Date

** Strike off the inappropriate alternatives.

FORM 14
[See rule 50 (1)]
APPOINTMENT OF COUNTING AGENTS

Election to*Gram Panchayat/Panchayat Samiti/Zilla Parishad from
.....constituency.

To
The Returning Officer,

.....

.....

I, a candidate **/the election agent of
who is a candidate at the above election, do hereby appoint the following persons as may **/his counting
agents to attend the counting of votes at

Name of the counting agent

Address of the counting agent

1.

2.

3.

etc.

Date :

Signature of the candidate
**/ Election agent

We agree to act as such counting agents.

1.

2.

3.

etc.

Place.....

Date.....

Signature of the counting agents

Declaration of the Counting agents
(To be signed before the Returning Officer)

We hereby declare that at the above election we will not do anything forbidden by rule 73 of
the Andaman and Nicobar Islands (Panchayat) (Preparation of Electoral Rolls and Conduct of Elections)
Rules, 1995 which we have read **/has been read over to us.

1.

2.

3.

etc.

Date:

Signature of the counting agents

Signature before me

Date :

Signature of the Returning Officer

** Strike off the inappropriate alternatives.

[See rule 50 (3)]

REVOCATION OF THE APPOINTMENT FOR COUNTING AGENT

Election to**Gram Panchayat/Panchayat
Samiti/Zilla Parishad from theconstituency.

To

The Returning Officer,
.....
.....

I, a candidate **/the election agent of
..... who is a candidate at the above election hereby revoke the
appointment of my **/his counting agent.

Place.....

Date.....

Signature of the candidate
**/ Election agent

** Strike off the inappropriate alternatives.

FORM - 16

[See rule 71 (2) (c)]

LIST OF CHALLENGED VOTES

Election to*Gram Panchayat/Panchayat Samiti/Zilla Parishad fromconstituency.

Number and name of Polling Station constituency.

Sl.No. of entry	Name of elector	Sl. No. of part of roll	Sl. No. of elector's name in that part	Signature or thumb impression of the person challenged	Address of the person challenged	Name of identified, if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving refund of deposit.
1	2	3	4	5	6	7	8	9	10

Date.....

Signature of Presiding Officer

*Appropriate particulars of election to be inserted here.

FORM - 17

[See rule 75 (2)]

LIST OF BLIND AND INFIRM VOTERS

Election to **Gram Panchayat/Panchayat Samiti/Zilla Parishad fromconstituency.

Number and name of polling station

Part No. & Sl. No. of elector	Full name of elector	Full name of companion	Address of companion	Signature of companion
1	2	3	4	5

Date :

Signature of the Presiding Officer

*Strike off whichever is inapplicable.

FORM - 18

[See rule 77 (2)]

LIST OF TENDERED VOTES

Election to **Gram Panchayat/Panchayat Samiti/Zilla Parishad fromconstituency.

Number and name of polling station

Part No., Sl. No. & name of elector	Address of elector	Sl. No. of tendered ballot paper	Sl. No. of ballot paper issued to the person who has already voted	Signature of thumb impression of person tendering vote.
1	2	3	4	5

Date.....

Signature of Presiding Officer

** Appropriate particulars of the election to be inserted here.

FORM - 19

[See rule 80 (1)]

PART I : BALLOT PAPER ACCOUNT

Election to **Gram Panchayat/Panchayat Samiti/Zilla Parishad from theconstituency.

Number and name of polling station

	Serial	Nos.
Total		

	From	To

1. Ballot paper received.
2. Ballot papers unused (i.e. not issued to voters)
 - a) with the signature of presiding officer
 - b) without the signature of presiding officer
 - * Total (a+b)
3. *Ballot paper used at the polling station (1-2-3)
4. *Ballot papers used at the polling station but NOT INSERTED INTO THE BALLOT BOX.
 - a) Ballot paper cancelled for violation of voting procedure
 - b) Ballot papers cancelled for other reasons
 - c) Ballot papers used as tendered ballot papers
 - * Total (a+b+c)
5. *Ballot paper to be found in the ballot box (3-4-5)
 * (Serial number need not be given)
 ** Strike off whichever is inapplicable.

Date.....

Signature of Presiding Officer

Part II – Result of Counting

I	Name of Candidate	No. of valid votes
Cast		
1.		
2.		
3.		
4.		
5.		
etc.		
II	Rejected Ballot papers	
III	Total	

Whether the total number of ballot papers
 Shown in item No. III tallies with the total

Shown against item No.5 of part I or any
Discrepancy noticed between these two
Totals.

Place

Signature of the Counting Supervisor

Place.....

Signature of the Returning Officer

FORM - 20

[See rule 89 (7)]

FINAL RESULT SHEET

Election to **Gram Panchayat/Panchayat Samiti/Zilla
Parishad fromconstituency.

Sl. No. of polling station	No. of valid votes cast in favour of candidates				Total of valid votes	No. of rejected votes	Total No. of valid and rejected votes	Total No. of tendered votes
	A	B	C	D				
1	2				3	4	5	6
1.								
2.								
3. etc.					1			
Total votes polled								

Place

Returning Officer

Date.....

*Strike off the alternative inapplicable.

FORM - 21

[See rule 96 (2)]

Declaration of the result under rule 96(2) of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995.

Election to** Gram Panchayat/Panchayat Samiti/Zilla Parishad from the constituencies ** reserved for Women/Scheduled Tribes.

In pursuance of the provisions contained in rule 96(2) (a) of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995 I declare that

..... (Name)
..... (Address)

sponsored by(name of the recognized/registered Political Party) has been duly elected to fill the seat in the said Panchayat from the above constituency.

Place
Date

Returning Officer

** Strike off the inappropriate alternative.

FORM - 21 A

[See rule 96 (2)]

Declaration of result of Election under rule 96(2) (a) of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995.

Election to** Gram Panchayat/Panchayat Samiti/Zilla Parishad from the constituencies.

In pursuance of the provisions of rule 96 (2) (a) of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and conduct of Elections) Rules, 1995, I declare that (Name)(address) sponsored by(name of the recognized political party) has been duly elected to fill the vacancy caused in that Panchayat by the resignation ofdeath of election ofhaving become/having been declared vacant.

Place
Date

Signature of returning Officer

**Score out, if inappropriate.

FORM – 21 B

[See rule 47 (1)]

(For use in General Election when seat is uncontested)

Declaration of the Result of election under rule 47.

Election to** Gram Panchayat/Panchayat Samiti/Zilla Parishad from the constituencies.

In pursuance of the provisions of sub-rule (1) of rule 47 of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995, I hereby declare that (Name) sponsored by (Name of the political party)..... (address of the candidate) has been duly elected to fill the seat in that Panchayat from the above constituency.

Place

Date

Signature of Returning Officer

** Score out the inappropriate words.

FORM – 21 C

[See rule 47 (1)]

(For use in Election to fill a casual vacancy when seat is uncontested)

Declaration of the Result of election under rule 47.

Election to* Gram Panchayat/Panchayat Samiti/Zilla Parishad from the constituencies.

In pursuance of the provisions contained in sub-rule (1) of rule 47 of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and conduct of Elections) Rules, 1995, I hereby declare that (Name) sponsored by (Name of the political party) has been duly elected to fill the vacancy caused in that Panchayat by the *resignation/death/election of (having been declared void) and the seat having been vacant.

Place

Date

Returning Officer Signature

** Score out, if inappropriate.

FORM - 22

[See rule 96 (2) (b)]

RETURN OF ELECTION

Election to the Gram Panchayat/Panchayat Samiti/Zilla Parishad from the constituency reserved for **/Scheduled Tribes/Women.

Serial Number	Name of Candidate	Party affiliation	Number of votes polled
1	2	3	4

Total number of electors
 Total number of valid votes polled
 Total number of rejected votes
 Total number of tendered votes

I declare that -

of address has been duly elected to fill the seat.

Place
 Date

Returning Officer

* Appropriate particulars of the election to be inserted here.
 ** Strike off the inappropriate alternative.

FORM - 23

(See rule 97)

CERTIFICATE OF ELECTION

I, Returning Officer for the * Gram Panchayat/Panchayat Samiti/Zilla Parishad from constituency hereby certify that I have on the day of 199.....declared Shri/Smti. of sponsored by (Name of recognized political party) to have been duly elected by the said constituency in the General election/Bye-election to be a member of the said Panchayat and that in token thereof I have granted to him this Certificate of Election.

Place
 Date

Returning Officer
 (Seal)

* Appropriate particulars of the election to be inserted here.
 ** Strike off the inappropriate alternative.
 + Score out, if not inappropriate.

FORM - 24

[See rule 111 (1)]

AFFIDAVIT

I, the petitioner in the accompanying election petition calling in question the election of Shri/Smti. (respondent No..... in the said petition) make solemn affirmation and say—

(a) that the statement made in paragraphsof the accompanying election petition about the commission of the corrupt practice of * Rs..... and the particulars of such corrupt practice mentioned in paragraphs of the same petition and in paragraph of the schedule annexed thereto are true to my knowledge;

(b) that the statement made in paragraphs..... of the said petition about the commission of the corrupt practice of *..... and the particulars of such corrupt practices given in paragraphs..... of the said petition and in paragraphs..... of the said petition and in paragraphs..... of the Schedule annexed thereto are true to my information;

(c)

(d)

Signature of deponent

*Here specify the name of the corrupt practice.

Solemnly affirmed/sworn by Shri/Smti..... at this day of199.....

Before me,
Magistrate of the first class/
Notary/Commissioner of Oaths.

VAKKOM PURUSHOTHAMAN
LIEUTENANT GOVERNOR

By order and in the name of the Lieutenant Governor,

M. RAJENDRAN
ASSISTANT SECRETARY (PANCHAYATS)



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Published By Authority

No. 146/95, Port Blair Friday, September 1, 1995

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

Port Blair, dated the 1st September, 1995

NOTIFICATION

No.146/95 F.No. 4-11B/95(Panch). WHEREAS the draft Andaman and Nicobar Islands (Panchayats) Preparation of Electoral Rolls and Conduct of Elections) (Amendment) Rules, 1995 were published in the Official Gazette inviting suggestions/objections from the general public upto 31st August, 1995 vide Notification No. 142/95 F.No.4-11B/95 (Panch.) dated 25th August, 1995.

AND WHEREAS no suggestion or objection has been received in the matter.

NOW, THEREFORE, in exercise of the powers conferred under section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994, I, VAKKOM PURUSHOTHAMAN, LIEUTENANT GOVERNOR (ADMINISTRATOR) hereby make the following rules with immediate effect.

THE ANDAMAN AND NICOBAR ISLANDS (PANCHAYATS) (PREPARATION
OF ELECTORAL ROLLS AND CONDUCT OF ELECTIONS)
(AMENDMENT) RULES, 1995

1. Short title and commencement.

- (i) These rules may be called the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) (Amendment) Rules, 1995.
- (ii) These rules shall come into force at once.

2. After the existing rule 58 of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995, the following shall be added:

"However, this will not apply to electors on election duty"

58 A. Casting of votes by electors on election duty.

An elector, who by reason of his being on election duty is unable to vote at the polling station where he is entitled to vote, may send an application in Form 25 addressed to the returning officer expressing his wish to vote by post. Such application should reach the returning officer seven days or such shorter period as the returning officer may allow before the date of poll. The returning officer, if he is satisfied that the applicant is an elector on election duty, shall issue a ballot paper to him. Such ballot paper shall be in the same form as an ordinary ballot paper but without any symbol.

Explanation : "Elector on election duty" means any presiding officer, polling officer or other public servant engaged on election duty.

58 B. Issue of ballot papers to electors on election duty.

- (i) A ballot paper shall be delivered to an elector on election duty by the returning officer or such other officer as may be authorized by the Commission together with a copy of Form 26 (Declaration by elector) and Form 26 A (Instructions for the guidance of the Elector).
- (ii) The returning officer shall record on the counterfoil of the ballot paper the electoral roll number of the elector as entered in the marked copy of the electoral roll.
- (iii) The returning officer shall seal in a separate packet the counterfoils of the ballot papers issued to the electors on election duty and record on the packet a brief description of the contents and the date on which it was sealed.

58C. An elector on election duty, who has received a ballot paper and desires to vote, shall record his vote on the ballot paper in accordance with the directions contained in form 26 A and then enclose it in a cover.

58D. After an elector has recorded his vote and made his declaration in Form 26, he shall return the ballot paper and declaration to the returning officer in accordance with the instructions communicated to him in Form 26A so as to reach the returning officer before the close of poll.

3. After the existing rule 86 of the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995, the following shall be added :

"86A. Counting of votes of electors on election duty.

- (i) No cover containing ballot papers received by the returning officer after the close of poll shall be opened and no vote contained in any such cover shall be counted.
- (ii) The returning officer shall place all the declarations in Form 26 which he has found to be in order in a separate packet which shall be duly sealed.
- (iii) A ballot paper shall be rejected -
 - (a) if it bears any mark (other than the mark to record the vote) or writing by which the elector can be identified; or
 - (b) if no vote is recorded thereon; or
 - (c) if votes are given on it in favour of more candidate than one; or
 - (d) if it is spurious ballot paper; or
 - (e) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
 - (f) if the mark indicating the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been given.
- (iv) A vote recorded on a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.
- (v) The returning officer shall count all the valid votes received from the electors on election duty in favour of each candidate, record the total thereof in the result sheet in Form 20 and announce the same.
- (vi) Thereafter all the valid ballot papers and all the rejected ballot papers shall be separately bundled and kept together in a packet, which shall be sealed with the seals of the returning officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon; and on the packet so sealed shall be recorded the name of the constituency, the date of counting and a brief description of its contents".

Sd/-
VAKKOM PURUSHOTHAMAN
LIEUTENANT GOVERNOR

By order and in the name of the Lieutenant Governor,

Sd/-
M. RAJENDRAN
ASSISTANT SECRETARY (PANCHAYATS)
PFN : Amendment

FORM NO. 25

(See rule 58 A)

APPLICATION FOR BALLOT PAPER FOR ELECTORS ON ELECTION DUTY

To

The Returning Officer,

.....

.....

Sir,

I intend to cast my vote by post at the ensuing election to the Zilla Parishad/Panchayat Samiti/Gram Panchayat/Pradhan fromconstituency.

My name is entered at Serial No.....Part No..... of the electoral roll for constituency.

Yours faithfully

Place

Date

(.....)

FORM NO. 26

(See rule 58 B)

DECLARATION BY ELECTOR ON ELECTION DUTY

Election to the Zilla Parishad/Panchayat Samiti/Gram Panchayat/Pradhan.

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number..... has been issued at the above election.

Date

Signature of elector.....

Address.....

.....

FORM NO. 26 A

(See rule 58 B)

INSTRUCTIONS FOR GUIDANCE OF ELECTORS

The persons whose names are printed on the ballot paper issued herewith are candidates at the above election. Record your vote by placing clearly a mark opposite the name of the candidate to whom you wish to give your vote. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark so placed as to make it doubtful to which candidate you have given your vote, your vote will be invalid.

Please remember that you only one vote. Accordingly you should not vote for more than one candidate. If you do so, your ballot paper will be rejected.

Do not put your signature or write any word or put any mark, sign or writing whatsoever on the ballot paper other than the mark required to record your vote.

After you recorded your vote on the ballot paper, place the ballot paper in a cover. Close the cover and secure it by seal or otherwise.

You may then sign the declaration in Form No. 26 also issued herewith.

You must ensure that the cover reaches the Returning Officer before the close of poll. Please note that if the cover reaches the Returning Officer after the hour fixed for close of the poll, your vote will not be counted.



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प्राधिकार से प्रकाशित
Published By Authority

No. 70/98 Port Blair Tuesday, Dated the 2nd June, 1998

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

Port Blair, dated the 2nd June, 1998

NOTIFICATION

No. 65/98. F.No. 1-14/98-EC/PR. Whereas the draft Andaman and Nicobar Islands (Panchayats) (Preparation of electoral rolls and conduct of elections) Amendment-II Rules, 1998 were published in the official Gazette inviting suggestions/objections from the general public and those likely to be affected by the final publication of the said draft amendment rules, giving a period of one month for filing objections and or suggestions vide Notification No. 42/98 F.No.1-14/98-EC/PR and Gazette No. 47/98 dated 16th April, 1998;

AND WHEREAS, no suggestions and or objections has been received in the matter;

NOW THEREFORE, in exercise of the powers conferred under section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994, Ishwari Prasad Gupta, Lieutenant Governor (Administrator), Andaman and Nicobar Islands hereby make the following rules with immediate effect being the 11th amendment to the Andaman and Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995.

AMENDMENT - II

1. **Short title and Commencement** : (i) These rules may be called the Andaman and Nicobar Islands (Panchayats) (Preparation of electoral rolls and conduct of elections) (Amendment-II) Rules, 1998.

(ii) They shall come into force from the date of their publication in the Official Gazette.

2. In sub-rule 1 of rule 17 of the Andaman and Nicobar Islands (Panchayats) (Preparation of electoral rolls and conduct of election) Rules, 1995 (hereinafter referred to as "the said rules") the following proviso shall be added :

"Provided that for the revision of Electoral Rolls under section 8 of Andaman and Nicobar Islands (Panchayats) Regulation, 1994, the latest finalized Electoral Rolls as is comprised in the relevant territorial area of a Gram Sabha shall be the draft Electoral Rolls of members of that Gram Sabha to be finalized after settlement of claims and objections so received after draft publication."

3. In the said rules after sub-rule(2) of rule 17, the following shall be inserted as sub-rule(3):-

"(3) The Assistant Commissioner, under superintendence, direction and control of the Election Commission shall revise the electoral rolls so prepared atleast once in a financial year by publishing the last finalized the Electoral Rolls as the draft Electoral Rolls to finalized the Electoral Rolls under rule 18 to 21 of these rules".

Sd/-
(ISHWARI PRASAD GUPTA)
LIEUTENANT GOVERNOR

By order and in the name of the Lieutenant Governor,

Sd/-
M. RAJENDRAN
ASSISTANT SECRETARY (PANCHAYATS)



असाधारण

EXTRAORDINARY

प्राधिकार से प्रकाशित
Published by Authority

सं. 24, पोर्ट ब्लेयर, सोमवार, 23 जनवरी, 2006
No. 24, Port Blair, Monday, January 23, 2006

अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय/SECRETARIAT

NOTIFICATION

Port Blair, dated the 23rd January, 2006.

No. 22/2006/F.No.4-118/2005(Elect. Rules) PR—Whereas the draft Andaman & Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) (Amendment) Rules, 2005 were published under Section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No.1 of 1994) on 6.12.2005, inviting suggestions and objections from the persons like to be effected;

AND whereas one suggestion from the Officer-in-charge, Office of the Director of Panchayat Elections (Deputy Commissioner, Andaman District) regarding inclusion of form 18 A under Rule 77(2) of the Principal Rule,

AND whereas the said suggestions were carefully considered by the Lieutenant Governor (Administrator), A & N Islands;

NOW, therefore in exercise of the powers conferred under section 202 of the said Regulation, the Lieutenant Governor (Administrator), Andaman and Nicobar Islands hereby makes the following Rules.

"THE ANDAMAN & NICOBAR ISLANDS (PANCHAYATS) (PREPARATION OF ELECTORAL ROLLS AND CONDUCT OF ELECTIONS) (AMENDMENT) RULES, 2006."

1. Short title and commencement.

I. These Rules may be called the Andaman & Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) (Amendment) Rules, 2006.

II. These Rules shall come into force at once.

2. Amendment of Rule 77 under Chapter VIII of the Andaman & Nicobar Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995.

After the existing sub-rule(4) of rule 77, the following additional provision shall be added:-

"77(5) – for the use of voting machine Form 18 A shall be used for tendered ballot paper".

3. Amendment of Rule 82 under Chapter XIII of the A & N. Islands (Panchayats) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995, after the existing rules the following additional provisions shall be added :

82(A). Notwithstanding anything contained in these rules, the giving and recording of votes by voting machines in such manner as may be prescribed may be adopted in such constituency/constituencies as the Election Commission having regard to the circumstances of each area specify.

Explanation :- "Voting Machine" means any machine or apparatus, whether operated electronically or otherwise, used for giving or recording of votes and any reference to a ballot box or ballot paper in these rules shall, save as otherwise provided, be constructed as including a reference to such voting machine wherever such voting machine is used at any election.

82(B). Design of Electronic Voting Machine :- Every electronic machine (hereinafter referred to as the voting machine) shall have a control unit and a balloting unit and shall be of such designs as may be approved by the Election Commission.

82(C). Preparation of voting machine by the Returning Officer :-

- (1) The balloting unit of the voting machine shall contain such particulars and in such languages as the Election Commission may specify.
- (2) The names of the candidates shall be arranged on the balloting unit in the same order in which they appear in the list of the contesting candidates.
- (3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.
- (4) Subject to the foregoing provisions of this rule, the Returning Officer shall —
 - (a) fix the label containing the names and symbol of the contesting candidates in the balloting unit and secure that unit with his/her seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same;
 - (b) set the number of contesting candidates and close the candidate set section in the control unit and secure it with seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same.

82(D). Arrangements at the polling stations :-

- (1) The Returning Officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other elections material as may be necessary for taking the poll.
- (2) Without prejudice to the provisions of sub-rule (3), the Returning Officer may, with the previous approval of the Election Commission, provide one common voting machine for two or more polling stations located in the same premises.

82(E). Preparation of voting machine for poll :-

- (1) The control unit and balloting unit of every voting machine used at polling station shall bear a label marked with —
 - (a) the serial number if any, and the name of the constituency;
 - (b) the serial number and name of the polling stations or stations as the case may be;
 - (c) the serial number of the unit; and
 - (d) the date of poll.
- (2) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that no vote has already been recorded in the voting machine and it bears the label referred to in sub-rule (4).

- (3). A paper seal shall be used for securing the control unit of the voting machine, and the Presiding Officer shall affix his/her own signature on the paper seal and obtain thereon the signature of such of the polling agents present as the desirous of affixing the same.
- (4). The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the control unit of the voting machine and shall secure and the same.
- (5). The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the "result button" without breaking the seal.
- (6). The control unit shall be closed and secured and placed in full view of the Presiding Officer and the polling agents and balloting unit placed in the voting compartment.

82(F). Procedure for voting by voting machines :-

- (1). Before permitting an elector to vote, the Polling Officer shall :-
 - (a). record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of voters in Form 26 B.
 - (b). obtain the signature or the thumb impression of the elector on the said register of votes; and
 - (c). mark the name of the elector in the marked copy of the electoral roll to indicate that he/she has been allowed to vote.

Provided that no elector shall be allowed to vote unless he/she has his/her signature or thumb impression on the register of voters.

- (2). It shall be necessary for any Presiding Officer or Polling Officer or any other Officer to attest the thumb impression of the elector on the register of voters.
- (3). If an elector, after his/her electoral roll number has been duly entered in the register of voters in Form 26 B and has put his/her signature or thumb impression thereon as required under clause (b) of sub-rule 82 F, deciding not to record his/her vote, a remark to this effect shall be made against the said entry in Form 26 B by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark.

82(G). Maintenance of secrecy of voting by electors within the polling and voting procedures.

- (1). Immediately on being permitted to vote the elector shall proceed to the Presiding Officer or the Polling Officer in charge of the control unit of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit, for recording of elector's vote.
- (2). The elector shall thereafter forthwith -
 - (a). proceed to the voting compartment,
 - (b). record his/her vote by pressing the button on the balloting unit against the name and symbol of the candidate for whom he/she intends to vote; and
 - (c). come out of the voting compartment and leave the polling station.
- (3). If an elector who has been permitted to vote under sub-rule (3) of Rule 74 refuses after warning given by the Presiding Officer to observe the procedure laid down in the said sub-rule (3) of the said rules, the Presiding Officer or a Polling Officer under the direction of the Presiding Officer shall not allow such elector to vote.
- (4). Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedures has been violated shall be made against the elector's name in the register of voters in Form 26 B by the Presiding Officer under his/her signature.

82(H). Recording of votes of blind or infirm electors :-

- (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmities an elector is unable to recognize the symbol on the balloting unit of the voting machine or unable to record his/her vote by pressing the appropriate button thereon without assistance the Presiding Officer shall permit the elector to take with him/her a companion of not less than eighteen years of age to the voting compartment for recording the vote on behalf of the voter in accordance with voters wishes:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule that person shall be required to declare that he/she will keep secret the vote recorded by him/her on behalf of the elector and that he/she has not already acted as the companion of any other elector at any other polling station on that day.

- (2) The Presiding Officer shall keep a record in Form 17 of all cases under this rule.

82(I). Presiding Officer's entry in the voting compartment during poll :-

- (1) The Presiding Officer may whenever he/she considers it necessary so to do, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered with any way.
- (2) If the Presiding Officer has reason to suspect that an elector who has entered the voting compartment is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he/she shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll.
- (3) Wherever the Presiding Officer enters the voting compartment under this rule, he/she shall permit the polling agents present to accompany him/her if they so desire.

82(J). Account of votes recorded :-

- (1) The Presiding Officer shall at the close of the poll prepare an account of votes recorded in Form 19A and enclose it in a separate cover with the words "Account of Votes Recorded" superscripted thereon.
- (2) The Presiding Officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in Form 19A after obtaining a receipt from the said polling agent thereof and shall attest it as a true copy.

82(K). Sealing of voting machine after poll :-

- (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.
- (2) The control unit and the balloting unit shall thereafter be sealed, and secured separately in such manner as the Election Commission may direct and the seal used for securing them shall be so affixed that it will not be possible to open the units without breaking the seals.
- (3) The polling agents present at the polling station, who desire to affix their seals, shall also be permitted to do so.
- (4) In addition to the packets as prescribed under rule 81 the Presiding Officer shall then make into separate packet, the register of voters in Form 26 B.

82(L). Transmission of voting machines, etc to the Returning Officer :-

- (1). The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct.
 - (a). the voting machine;
 - (b). the account of votes recorded in Form 19A;
 - (c). the sealed packets referred to in sub-rule (4) of rule 82 K and rule 81; and
 - (d). all other papers used at the poll.
- (2). The Returning Officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.
- (3). Procedure on adjournment of poll.
 - (a). If the poll at any polling station is adjourned under rule 60 the provision of rules 82 (L) and 82 (M) shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 57.
 - (b). The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the electoral roll, register of voters in Form 26 B and a new voting machine.

82(M). Closing of voting machine in case of booth capturing :-

Where the Presiding Officer is of opinion that booth capturing is taking place at a polling station or at a place fixed for the poll, he/she shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

4. After rule 99 of the Principal rules, the following rules shall be inserted :

99(A). Scrutiny and inspection of voting machines :-

- (1). The Returning Officer may have the control units of the voting machines used at more than one polling station take up for scrutiny and inspection and votes recorded in such units counted simultaneously.
- (2). Before the votes recorded in any control unit of the voting machines are counted under sub-rule(1), the candidate or his/her election agent or his/her counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.
- (3). The Returning Officer shall satisfy himself/herself that none of the voting machines has infact been tampered with.
- (4). If the Returning Officer is satisfied that any voting machine has infact been tampered with, he/she shall not count the votes recorded in that machine and shall follow the procedure laid down in rule 61, rule 62 or rule 88 as may be applicable in respect of the polling station or stations where the machine was used.

99(B). Counting of votes :-

- (1). After the Returning Officer is satisfied that the voting machine has infact not been tampered with, he/she shall have the votes recorded therein counted by the pressing the appropriate button marked "Result" provided in the control unit whereby the total votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.

- (2). As the votes polled by each candidate are displayed on the control unit, the Returning Officer shall have –
- the number of such votes recorded separately in respect of each candidate in Part II on Form 19 A.
 - Part II of the Form 19 A completed in other respects and signed by the counting supervisor and also the candidates or the election agent or their counting agent present; and
 - Corresponding entries made in the result sheet in Form 20 A and the particulars so entered in the result sheet announced.

99(C). Sealing of voting machine :-

- After the result of voting recorded in the control unit has been ascertained candidate wise and entered in Part II of Form 19 A and Form 20 A under this rule, the Returning Officer shall reseal the unit with his/her seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result.
- The control unit so sealed shall be kept in a specially prepared boxes on which the Returning Officer shall record the following particulars, namely :-
 - the name of the constituency;
 - the particulars of polling station or stations where the control unit has been used ;
 - serial number of the control unit;
 - date of poll; and
 - date of counting.
- The provisions of rules 92,93,94,96 and 97 shall so far as may be, apply in relation to voting by voting machines and any reference in those rules to –
 - ballot paper shall be construed as including a reference to such voting machine;
 - any rule shall be construed as a reference to the corresponding rule in chapter VI or as the case may be to rule 99, 99 B or 99 C.

5. After rule 106 the following rules shall be inserted :

106 A. Disposal of election papers :-

Subject to any directions to the contrary given by the Election Commission or by a competent court:-

The Director of Panchayat Elections shall retain intact the used Electronic Voting Machines, statutory covers and non statutory covers and all other used and unused polled materials for such period in his custody as the Election Commission may direct and shall not be used at any subsequent election without the previous approval of the Election Commission.

6. The word Ballot Box wherever appeared in the principal Rules, shall be amended and read as "Ballot Box/Electronic Voting Machine".

Prof. RAM KAPSE
LIEUTENANT GOVERNOR(ADMINISTRATOR)
Andaman & Nicobar Islands.

By order and in the name of Lt. Governor

Sd/-
(Sasikala Viswanathan)
Assistant Secretary(RD/LSG)

FORM - 18 A
 [(See Rule 77(2))]

LIST OF TENDERED VOTES

Election to * Gram Panchayat/Panchayat
 Samiti/Zilla Parishad from the Constituency.

Number and Name of Polling Station.

Part Number, Serial No. and Name of elector	Address of elector	Serial No. of tendered ballot paper	Serial No. of register of voters of the person who has already voted	Signature or thumb impression of person tendering vote
1	2	3	4	5

Date :

Signature of the Presiding Officer

* Appropriate particulars of the election to be inserted here.

FORM - 19 A
 [(See Rule 80(1)]

PART 1 - ACCOUNT OF VOTES RECORDED

- a) Election to Gram Panchayat from the Constituency.
- b) Election to Office of Pradhan Gram Panchayat from the Constituency.
- c) Election to Panchayat Samiti from the Constituency.

- From :
- No. & Name of Polling Station :
- Machine used at the Polling Station : Control Unit
- Machine used at the Polling Station : Balloting Unit
- 1. Total No. of electors assigned to the Polling Station. :
- 2. Total No. of voters as entered in the Register for Voters (Form 26 B). :
- 3. No. of voters deciding not to record votes under rule 82 F(3). :
- 4. No. of voters not allowed to vote under rule 82 G(4). :
- 5. Total No. of votes recorded as per voting machine. :
- 6. Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus No. of voters deciding not to record votes as against item 3 minus No. of voters as against item 4 (2-3-4) or any discrepancy noticed. :
- 7. No. of voters to whom tendered ballot papers were issued. :
- 8. No. of tendered ballot papers. :

Sl. No.

From

To

- a) received for use :
- b) issued to electors :
- c) not used and returned :

FORM – 26 B
 [(See Rule 82F)]

REGISTER OF VOTERS

- a) Election to Gram Panchayat from the Constituency.
- b) Election to Office of Pradhan Gram Panchayat from the Constituency.
- c) Election to Panchayat Samiti from the Constituency.
- d) Election to Andaman & Nicobar Zilla Parishad from the Constituency.
- e) Number and Name of Polling Station.....

Sl.No.	Sl. No. of elector in the electoral roll	Signature / thumb impression of elector	Remarks
1	2	3	4

Date :.....

Signature of the Presiding Officer

9 Account of Seals

(i). Paper Seal

- a). Serial Numbers of paper seals supplied : Fromto
- b). Total numbers supplied :
- c). Sl.No. and number of papers seals used :
- d). Sl. No. and number of unused paper seals returned to Returning Officer (*Deduct item (c) from item (b)*) :
- e). Serial number and No. of damaged paper seals, if any :

(ii). Strip Seal

- a). Serial Numbers of strip seals supplied : Fromto
- b). Total numbers supplied :
- c). Sl.No. and number of strip seals used :
- d). Sl. No. and number of unused strip seals returned to Returning Officer (*Deduct item (c) from item (b)*) :
- e). Serial number and No. of damaged strip seals, if any :

(iii). Special Tag

- a). Serial Numbers of Special Tag supplied : Fromto
- b). Total numbers supplied :
- c). Sl.No. and number of Special Tag used :
- d). Sl. No. and number of unused Special Tag returned to Returning Officer (*Deduct item (c) from item (b)*) :
- e). Serial number and No. of damaged Special Tag, if any :

Signature of Polling Agents

- a).
- b).
- c).
- d).
- e).

Place :

Date :

Signature of Presiding Officer
Polling Station No.

PART II – RESULT OF COUNTING

Sl.No.	Name of Candidate	No. of votes recorded
1.		
2.		
3.		
4.		
5.		
6.		
Total :		

Whether the total Nos. of votes shown above tallies with the total No. of votes shown against item 5 of Part 1 or a discrepancy noticed between the two totals.

Place :

Date :

Signature of Counting Supervisor

Sl.No.	Name of Candidate/Election agent/ Counting agent	Full Signature
--------	--	----------------

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Place :

Date :

Signature of Returning Officer

Form - 20 A
[(See Rule 99 B)]

REGISTER OF VOTERS

(To be used for recording the result of voting at polling stations)

- a) Election to Gram Panchayat from the Constituency.
Or
- b) Election to Office of Pradhan Gram Panchayat from the Constituency.
Or
- c) Election to Panchayat Samiti from the Constituency.
Or
- d) Election to Andaman & Nicobar Zilla Parishad from the Constituency.
* : Strike out whichever is not applicable.

2. Details of polled ballot papers.

Polling Station No.	Name of Polling Station	No. of valid votes cast in favour of Candidates											No. of rejected votes	Total No. of tendered votes				
		A	B	C	D	E	F	G	H	I	J	K			L	M		

*The A & N Islands
Gram Panchayats (Levy of Taxes
and Fees) Rules, 2002*

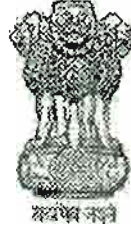
THE ANDAMAN AND NICOBAR ISLANDS

GRAM PANCHAYAT

(LEVY OF TAXES AND FEES)

RULES, 2002

अण्डमान तथा
ANDAMAN AND



निकोबार राजपत्र
NICOBAR GAZETTE

असाधारण
EXTRAORDINARY
प्राधिकार से प्रकाशित
Published By Authority

No. 91, Port Blair, Wednesday, April 24, 2002

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

NOTIFICATION

Port Blair, dated the 24th April, 2002

F.No. 3-27/98-PR.- Whereas the draft Andaman and Nicobar Islands Gram Panchayats (Levy of Taxes and Fees) Rules, 1998 were published in the Official Gazette as required under sub-section(1) of section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994) inviting suggestions/objections from the general public;

And whereas no specific suggestions or objections acceptable to the Administrator has been received in the matter;

Now therefore, in exercise of the powers conferred under section 202 read with section 37 of the said Regulation, I, Shri N.N.Jha, Lieutenant Governor, Andaman and Nicobar Islands hereby make the following Rules with immediate effect.

THE ANDAMAN AND NICOBAR ISLANDS GRAM PANCHAYATS
(LEVY OF TAXES AND FEES) RULES, 2002

1. SHORT TITLE, EXTENT AND COMMENCEMENT :-

- (i) These Rules may be called the Andaman and Nicobar Gram Panchayats (Levy of Taxes and Fees) Rules, 2002.
- (ii) They shall extend to the whole of the Union Territory of Andaman and Nicobar Islands except the areas included in the municipality under the provisions of the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957 and the areas notified before the commencement of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994) as reserved areas under sub-section (1) of section 3 of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956.
- (iii) These rules shall come into force at once after final publication.

2. DEFINITIONS :-

In the rules, unless the context otherwise requires :-

- (a) "Regulation" means the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994).
- (b) "Rule" means a rule of these Rules;
- (c) "Secretary" means the Secretary of a Gram Panchayat; and
- (d) all other expressions, words and phrases used in these Rules and not defined herein but defined in the Regulation, shall have the meanings respectively assigned to them in the Regulation.

9. PREPARATION OF ASSESSMENT LIST : (1) The Pradhan shall prepare or cause of preparation of an assessment list showing :-

- (a) the serial number of each building;
- (b) name of the owner and the occupier, if known;
- (c) capital valuation or the annual letting value, as the case may be; and
- (d) the amount of tax assessed thereon.

Provided that Gram Panchayat may and if so required by the Administrator shall entrust the preparation of the assessment list to an Officer of the Revenue Department of the Administration not below the rank of a Naib Tehsildar.

2. Where the tax is assessed on the building on the annual letting value, a sum equal to 10 percent of the said valuation shall be deducted from the valuation in lieu of all allowances for repairs or any other accounts whatsoever.

3. For the purpose of preparing such assessment list the Pradhan or the Secretary acting under his authority or an Officer of the Revenue Department of the Administration, not below the rank of Naib Tehsildar, as the case may be in respect any building in the gram at a reasonable time of the day with prior notice to the occupant.

10. PERSON PRIMARILY LIABLE FOR TAX HOW TO BE DESIGNATE IF HIS NAME CANNOT BE ASCERTAINED : Where the name of the person primarily liable for the payment of the tax cannot be ascertained, it shall be sufficient to designate him in the assessment list and in any notice which it may be necessary to serve upon the said person as "the holder" of such premises without further description.

11. PUBLICATION OF NOTICE OF TIME FIXED FOR LODGING OBJECTIONS ON THE ASSESSMENT LIST : When the assessment list is completed, the Pradhan shall cause a notice to be given by the beat of drum, announcement over loudspeaker in the gram to the effect that the assessment list is open for inspection at the office of the Gram Panchayat and the objections, if any, with regard to the assessment of tax therein shall be considered :

- (i) where the assessment list is prepared by the Pradhan or by the Panchayat; and
- (ii) where the assessment list is prepared by an Officer of the Revenue Department of the Administration entrusted under the proviso to rule 9, by a such officer (hereinafter referred to as "the Government Officer") in consultation with the Pradhan, on a day after the expiry of thirty days of the date of notice thereof.

12. INSPECTION OF ASSESSMENT LIST : Every person whose name is included in the assessment list as the owner or occupier of any building, every person claiming to be owner or occupier of any building, every person in possession of any building, included in the list, and any agent of such person may inspect the assessment list and take extract there from without payment of any charge therefore.

13. CONSIDERATION OF OBJECTIONS TO ASSESSMENT LIST AND AUTHENTICATION OF LIST : (1) All objections to the assessment list shall be duly considered and decided by the Gram Panchayat or the Government Officer, as the case may be, on the date specified in the notice published under rule 11, or on any later date, and the decision of the Panchayat or the Government Officer, as the case may be, shall be communicated to the person objecting to the assessment made in the assessment list.

(2) Aggrieved by such decision any person desiring to appeal under section 38 of the Regulation, to the authority mentioned therein, against the assessment, shall do so within 30 days of the date of communication of the decision under sub-rule (1).

(3) The Gram Panchayat shall cause all amendments as may be necessary by virtue of the orders passed by the appellate authority prescribed in section 38 of the Regulation, to be made in the assessment list which shall be duly authenticated by the signature of the Pradhan or the Government Officer, as the case may be, not later than the 31st day of July of the year in which the assessment list is prepared.

14. ENTRIES IN THE AUTHENTICATED ASSESSMENT LIST TO BE CONCLUSIVE EVIDENCE : The entries in the assessment list authenticated under sub-rule (3) of the rule 13 shall be conclusive evidence of the amount of tax leviable under these Rules.

15. AMENDMENT OF ASSESSMENT LIST : (1) Gram Panchayat may at any time after the assessment list is finalized, amend it by inserting or altering any entry in respect of any building, such entry having been inadvertently omitted from or erroneously made in the assessment list through fraud, accident or mistake or in respect of any building constructed new, altered, added to or reconstructed in whole or in part, where such new construction, alteration, addition or reconstruction has been completed after preparation of the assessment list and after giving notice in writing to any person likely to be adversely affected by such alteration of the assessment list specifying a date therein not earlier than one month after the date of service of such notice before which any objection to such alteration in the assessment list should be made.

(2) Any objection made under sub-rule(1) by any person likely to be adversely affected by any such alteration before the date specified in such notice shall be dealt with in all respect and in the same manner as if it were an objection under rule 11.

(3) Any entry or alteration made under this rule shall have the same effect as if it had been in the case of a building constructed, altered, added to or reconstructed on the date on which such construction, alteration, addition or re-construction was completed or on date on which the new construction, alteration, addition or re-construction was first occupied whichever first occurs, or in other cases on the earliest day in the current calendar year in which the circumstances justifying the entry or alteration existed, and the tax or the enhanced tax, as the case may be, shall be levied in such year in the proportion which the remainder of that calendar year after such day bears to the whole year.

16. NOTICE TO BE GIVEN TO PRADHAN FOR DEMOLITION OR REMOVAL, ETC. OF THE EXISTING BUILDING :

(1) Where any building or any portion of an existing building which is liable to the payment of tax under these rules in this Part is demolished or removed or is burnt, destroyed or falls down, the person primarily liable for the payment of the said tax shall give notice thereof in writing to the Pradhan.

(2) Until such notice is given, the person aforesaid shall continue to be liable to pay such tax as he would have been liable to pay in respect of such building if the same, or any portion thereof, had not been demolished, removed, burnt, destroyed or fallen down as the case may be.

17. ASSESSMENT LIST TO BE REVISED EVERY FIVE YEARS : The assessment list shall be completely revised once in every five years :

Provided that the Gram Panchayat may, sue mote or on an application made in that behalf to it by a person who is a resident of the gram, make such alteration, every year, in the assessment list authenticated under rule 13 and the provisions of rules 9 to 16 shall apply in relation to such alterations as they apply in relation to an assessment list prepared under those provisions, with the modification that in sub-rule (3) of rule 13, for the portion "assessment list which shall be duly authenticated by the signature of the Pradhan or the Government Officer, as the case may be not later than the 31st July of the year in which the assessment list is prepared", the portion "the assessment list which shall be duly authenticated by the signature of the Pradhan or the Government Officer, as the case may be, not later than 31st July of the year to which such alteration relate" were substituted.

18. TAX FROM WHOM PRIMARILY LEVIABLE : The tax shall be leviable primarily from the actual occupier of the building upon which it is assessed, if such occupier is the owner of the building. If the building is not occupied by the owner himself, the tax shall be primarily leviable from.

- (a) the lessor, if the building is let;
- (b) the superior lessor if the building is sub-let;
- (c) the person in whom the right to let the same vests if it is un-let; and
- (d) the person to whom the building has been transferred if the owner of the building has let the gram or cannot otherwise be found. On failure to recover any sum due and recoverable on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the building in respect of which such tax is due and recoverable in ratio which the Pradhan decides to be an equitable ratio to the amount of tax assessed on the whole building in the authenticated list. The decision of the Pradhan in the matter shall be appealable to the Gram Panchayat.

19. REMISSION OF TAX IN THE CASE OF VACANCIES : Where any building which is assessed to rate of tax payable by the year has remained vacant and un-production of rent for a continuous period of three months or more during a year, the Gram Panchayat shall remit the whole or any portion of the amount paid or payable for such period:

Provided that no such remission or refund shall be granted unless a notice in writing of the fact of the building being vacant and un-productive or rent has been given to the Pradhan by the person seeking for such remission or refund:

Provided further that no remission or refund shall be granted for any period previous to the date on which such notice is given to the Pradhan.

20. RECOVERY OF TAX :

(1) As soon as the tax under these Rules becomes due and payable to the Gram Panchayat, the Secretary of the Gram Panchayat shall, without least practicable delay cause to serve a notice of demand upon the person liable for the payment specifying therein the amount of the tax and the period for which it is due and payable and requiring the person to whom such notice is addressed to pay the amount to the Gram Panchayat within thirty days from the date of such notice.

(2) If the sum for which such notice of demand has been served is not paid within the specified period of thirty days, the Gram Panchayat shall recover the same as arrears of land revenue in the manner as provided for in sub-section (3) of section 41 of the Regulation.

Procedure of service of the notice of demand for recovery taxes has been prescribed in separate Rules relating to Notice of Demand Rules.

SCHEDULE [See Rule 7]

RATE OF TAX ON BUILDINGS

DESCRIPTION OF TAX	MINIMUM TAX
1. Rate of tax based on capital value	0.5% of the Capital Value
2. Rate of tax based on annual letting value	5% of the Annual letting value

EXPLANATION :

(1) "Capital value" means the sum arrived at after deducting 10% of maintenance charges on the value of a building (excluding the cost of the land, electrical fittings, furniture and machinery provided for lifts and water supply) assessed at current price by the body appointed by the Panchayat during every assessment period).

(2) "Annual letting value" means the annual rent for which any building exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to be let from year to year.

PART - III

TAX ON PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENT

21. RATE OF TAXES AND TAXABLE PROFESSIONS :- (1) A tax on professions, trades, callings and employment referred to in clause (b) of sub-section (1) of section 37, shall, after following the procedure prescribed in rules 3 and 4, be levied, every year gram at the rates specified in sub-rule (2) on -

- (i) every company which transacts business in the gram for not less than 120 days in a year; and
- (ii) every person who in that year-
 - (a) exercises, profession or art or calling or transacts business or holds any appointment, public or private within such gram, for not less than 120 days in aggregate, or outside such gram who resides in it for not less than 120 days in the aggregate, or
 - (b) resides in such gram for not less than 120 days in the aggregate and is in receipt of any pension or any income from investments.

(2) The rate of tax to be levied under sub-rule(1) shall be as follows, namely:-

Every company/or person specified in sub-rule (1) whose monthly pay, salary, pension or estimated income from all sources other than agriculture shall classify the income ceiling in the manner prescribed below and shall pay the tax as may be decided by each Gram Panchayat from time to time, the minimum of which shall not be less than 0.5% of their annual income.

Class I	Rs. 10,000/-	or upwards
Class II	Rs. 5,000/-	or upwards but below Rs. 10,000/-
Class III	Rs. 3,000/-	or upwards but below Rs. 5,000/-
Class IV	Rs. 2,000/-	or upwards but below Rs. 3,000/-
Class V	Rs. 1000/-	or upwards but below Rs. 2,000/-
Class VI	Rs. 500/-	or upwards but below Rs. 1000/-

Provided further that no such tax shall be levied by the Gram Panchayat, if such tax is levied by the Zilla Parishad from persons domiciled within the jurisdiction of the Gram Panchayat.

(3) A person shall be chargeable in the class appropriate to his grade income from all sources other than agriculture specified in sub-rule (1) as being liable to tax.

(4) Nothing contained in this rule shall be deemed to render a person who resides within the local limits of one Gram Panchayat and exercises his profession, art or calling or transacts business or holds any appointment public or private within the limits of any other Gram Panchayat, liable to profession tax for more than one amount of tax leviable by any of the Gram Panchayats. However, in such a case, the Deputy Commissioner shall apportion the tax between the concerned Gram Panchayats in such a manner as he may determine, subject to any general or special order that the Administrator may make in this behalf.

22. EXEMPTION : A Gram Panchayat may exempt any one or more of the classes mentioned in sub-rule (2) of rule 21 from the liability to pay tax on profession, trade, calling or employment but no case shall be exempted from tax liability when any lower class is liable to tax.

23. POWER TO CALL FOR A RETURN AND ASSESSMENT : (1) If, in the opinion of the Pradhan or the Secretary acting under his authority, a tax on profession, trade, art or calling or employment is or will be due from a company or person for any year, he shall serve a notice on such company or person either in that year or in the succeeding year requiring the company or person to furnish within thirty days, a return in the Form given in the Schedule annexed to this part showing the income on the basis of which, according to such company or person, it or he is liable to be assessed to the tax on profession trade calling or employment in the year in question. Thereupon, it shall be open to such company or person to submit the return showing the income derived by it or him during the year in which such tax is claimed or for the corresponding period of the previous year and produce any evidence on which the company or person may rely in support of the return made.

(2) If a return is furnished as required by sub-rule (1) and the Pradhan or the Secretary acting under his authority is satisfied that it is correct and complete, he shall levy the tax on the profession, trade, calling or employment from such company or person on the basis of such return.

(3) If, no return is furnished, as required under sub-rule (1) or if the Pradhan or the Secretary acting under his authority is satisfied that any return as furnished is incorrect or incomplete, the Pradhan or such other person shall assign to the company or person the class in the scale appropriate to the yearly income of such company or person, as may be estimated by him.

(4) The Pradhan or the Secretary as the case may be, when, classifying any company or person under sub-rule (3), do so on general considerations with reference to the nature and reputed value of the business transacted and the size and rental of residential and business premises, the quantity and number of articles dealt with, the number of person employed and the income tax paid.

(5) The Pradhan or the Secretary shall not be entitled to call for the accounts of the company or person.

24. RETURNS TO BE TREATED AS CONFIDENTIAL : All statements made, the returns furnished or accounts or documents produced in connection with the assessment of profession tax by any company or person shall be treated as confidential and copies thereof shall not be granted to public.

25. POWER TO CALL FOR CERTAIN INFORMATION : The Pradhan or the Secretary may, by notice, require, the owner, or occupier of any building or land, every Secretary or Manager of hotel, boarding or lodging house, club or residential chambers to specify the profession, art or calling of every such person and the rent, if any, paid by him and the period of such occupation.

SCHEDULE

[See Sub-Rule (1) of Rule (23)]

Return of income for assessment to profession tax during the year ending

1. Name of the Company or person.
 2. Description of business, profession, art or calling or appointment.
 3. Income derived by the assessee during the corresponding previous year, from the exercise of any profession, art or calling or from holding any appointment, public or private, or from money lending business
- (a) within the gram for not less than 120 days in the aggregate during the year; and
(b) outside the gram if the assessee has resided within the village for not less than 120 days in the aggregate during the year-

4. Where business other than money lending is transacted exclusively within the gram -
- (a) where income-tax has been assessed on the company or person for the year the amount of such company or persons were computed under section of the Income tax Act, 1961, for the purpose of assessing such income-tax.
 - (b) Where the said profits and gains are not ascertainable or where income-tax has not been assessed for the year.
 - (i) the turn-over of business transacted within the gram during the year, or
 - (ii) where such turn-over is not ascertainable, the turn-over of business in the gram during the corresponding previous year.
5. Where such turn-over is not ascertainable, the turn-over of the person partly in the gram and partly outside such gram.
- (a) The turn-over of the business transacted in the gram during the year or
 - (b) Where such turn-over is not ascertainable, the turn-over of the business in the gram during the corresponding previous year.
6. Income derived by the assessee:
- (a) From the business transacted outside the gram; and
 - (b) From any person or investment during the year if the assessee has resided within the village for not less than 120 days in the aggregate during the year.
7. The aggregate income on the basis of which according to company or person, it or he is liable to be assessed.

Place :
Date :

Signature of the Assessee

PART - IV

TAX ON VEHICLES OTHER THAN MECHANICALLY PROPELLED VEHICLE KEPT WITHIN THE LIMITS OF THE VILLAGE

26. RATE OF TAX : A Gram Panchayat which decides to levy a tax on vehicles other than mechanically propelled vehicles (hereinafter referred to as "vehicles") shall, after following the procedure prescribed in rules 3 and 4, levy it at such rate as may be fixed by it but not below the minimum rates specified in the Schedule to this Part.

27. VEHICLES ON WHICH TAX SHALL BE LEVIED : (1) Subject to the provisions of sub-rule (2) of this rule, the tax shall be levied for the whole year beginning on the 1st April of each calendar year on all vehicles, owned by or in the possession of persons for the time being resident within the limits of a gram and used within the jurisdiction of the Gram Panchayat, whether they are actually kept within or outside the Gram Panchayats.

(2) No tax shall be levied on -

- (i) vehicles belonging to and used for service of a Gram Panchayat, Panchayat Samiti or Zilla Parishad;
- (ii) vehicle used by salaried servants of a Gram Panchayat, Panchayat Samiti or Zilla Parishad and intended for discharge of their official duties in rotation to these local self bodies not exceeding one vehicle in the case of any salaried servant.
- (iii) vehicles used by police officers and other Govt. officers in the discharge of their official duties and certified accordingly by the Head of the Department/Offices concerned.

28. PERSONS LIABLE FOR PAYMENT OF TAX : Every person whose name stands recorded in the register of tax on vehicles maintained by the Gram Panchayat unless he has given a notice in writing to the Gram Panchayat to the effect that he has ceased to use the vehicle or has disposed it of so that a demand notice for payment of tax may not be served on him.

29. **PREPARATION OF REGISTER OF PERSONS LIABLE TO TAX :** The Secretary shall prepare or cause the preparation of a register containing the names of person who own or possess a vehicle, which under rule 27 is liable to tax.

30. **VEHICLES TO BEAR A NUMBER :** All vehicles which are liable to tax shall bear a number plate provided by the Gram Panchayat at the cost of the owner or the person in possession of the vehicle.

31. **RECEIPT FOR PAYMENT AT TAX :** The Secretary of the Gram Panchayat or the person authorized by him in this behalf shall receive the payment of the tax and give a receipt, duly signed by him token of receipt of the tax.

The Gram Panchayat shall determine the form of the receipt.

32. **PENALTY :** Any person who commits a breach of rule 29 shall, on conviction, be punishable with fine which may extend to ten rupees, and in the case of continuing breach, with fine which may extend to two rupee for every day during which the breach continue, after conviction for the first breach.

SCHEDULE
[See Rule -2]

<u>Description of vehicle</u>	<u>Minimum per annum</u>
1. Private bicycle or tricycle	Rs. 6.00
2. Bicycle on hire	Rs. 5.00
3. Vehicle drawn by a single animal	Rs. 10.00
4. Vehicle drawn by two animals or more	Rs. 5.00
5. Cart or any other vehicle (not drawn by a motor)	Rs. 5.00

PART - V

TAX ON SALE OF CATTLE WITHIN THE LIMITS OF THE GRAM

33. **RATE OF TAX AND PERSON LIABLE TO PAY :** (1) A Gram Panchayat which decides to levy a tax on sale of cattle within the limits of a gram, shall after following the procedure prescribed in rules 3 and 4, levy it at such rates as may be fixed by it but not below 5 percent and not exceeding eight percent of the sale price of the cattle sold.

(2) Subject to the provisions of rule 34, every person making a sale of the cattle owned by him within the limits of the gram in which he resides, shall, in addition to the sale price of the cattle sold by him, also recover at source from the purchaser of the cattle the tax payable by him on such sale, and the purchaser shall be liable to pay the tax:

Provided that a sale of a cattle shall be deemed to have taken place within the limits of the gram in which the owners of the cattle sold resides notwithstanding the fact that the actual transition of sale physically takes place outside the limits of such gram or even out side the limits of the Gram Panchayat.

(3) The amount of the tax recovered under sub-rule (2) shall be deposited by the seller with the Gram Panchayat within a period of seven days from the date of recovery. He shall also produce before the Gram Panchayat a Xerox copy of the relevant money receipt witnessing the transaction of sale of cattle, duly attested by him as "true copy". Such receipt shall invariable contain the sale price of the cattle sold and the amount the tax paid by the purchaser whose full name, percentage and address shall also be described in the money receipt, in addition to the full description of the cattle sold if any short payment of the tax at source has been made, the purchaser shall, on a demand from the Gram Panchayat, deposit with the Gram Panchayat the amount of such short payment of tax within a period seven days from the date of receipt of the demand notice by him.

(4) The form of money receipt shall be such as may be devised by the Gram Panchayat.

34. **NOTWITHSTANDING ANYTHING CONTAINED TO THE CONTRARY IN SUB-RULE(2) OF THE RULE 32 :** The tax on sale of an elephant taking place within the limits of a gram shall be payable at source by the purchaser of the elephant to the Gram Panchayat having jurisdiction over that gram regardless of the fact that the owner of the elephant making sale is neither a resident of such gram nor even of the Gram Panchayat in which the sale takes place and that no mention of such an elephant is contained in the register of cattle maintained for the purpose by the Gram Panchayat under rule 35.

35. NO TAX SHALL BE LEVIED ON THE SALE OF A --

- (i) cattle belonging to a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad and kept for use of such local self bodies;
- (ii) cattle belonging to Government and kept by Govt. for its use; and
- (iii) cattle which being un-claimed by its owner, is sold through a public auction by pound-keeper of a cattle pond located in a gram.

36. PREPARATION OF REGISTER OF PERSONS OWNING CATTLE IN THE GRAMS : The Secretary shall gram-wise preparation or cause such preparation of a register containing a list of the persons who own cattle in the gram, which cattle on their sale, are liable to tax. Such list in the register shall contain:

NAME OF THE GRAM

- (a) name of the owner of the cattle;
- (b) full description of the cattle including its sex, whether minor or major, colour and identification mark, if any; and
- (c) such other details as may be considered necessary.

37. RECEIPT FOR PAYMENT OF THE TAX : The Gram Panchayat shall receive the tax tendered to it and issue a receipt for the same in the name of actual payee of the tax describing the name of the person through whom it is deposited. Such receipt will be passed on by the person depositing the tax to the person being the purchaser of the cattle from whom the tax has been recovered.

The Panchayat shall determine the form of the receipt.

38. CHANGE OF OWNERSHIP, BIRTH AND DEATH OF CATTLE TO BE REPORTED TO THE GRAM PANCHAYAT : Change of ownership of a cattle on account of its sale or donation to a religious or charitable institution and every birth and death of cattle taking place within the limits of the gram shall be reported by its owner to the Gram Panchayat within a period of seven days from the date of such occurrence to facilitate the Gram Panchayat to update its register maintained under rule 35.

39. PENALTY : Any person who commits a breach of any of the provision of the Rules in this Part shall, on conviction be punished with fine which may extend to ten rupees and in the case of a continuing breach, with fine which may extend to two rupees for every day during which the breach continues after conviction for the first breach.

PART - VI

THEATRE OR SHOW TAX ON ENTERTAINMENT AND AMUSEMENTS

40. DEFINITION :- In this Part unless there is anything repugnant in the subject, context, or meaning :-

- (i) "Entertainment and amusement " means a drama, cinema, circus, exhibition, games or sport to which persons are admitted for payment;
- (ii) "payment for admission" means:-
 - (a) any payment for seats or other accommodation in a place of entertainment and amusement; and
 - (b) any payment for a programme or synopsis of an entertainment or amusement;
- (iii) "proprietor" in relation to any entertainment or amusement includes owner, manager, agent, or any person responsible for the management thereof; and
- (iv) "admission to an entertainment" includes admission to a theatre, cinema hall or any other place where the entertainment or amusement is held.

41. RATE OF ENTERTAINMENT OR AMUSEMENT TAX :- A Gram Panchayat which decides to levy a tax on theatre or show tax on entertainment and amusement, shall, after following the procedure prescribed in rules 3 and 4, levy it at such rate as may be fixed by it but not below the minimum and not exceeding the maximum rate prescribed here in below. namely :-

RATE OF THEATRE OR SHOW TAX ON ENTERTAINMENT AND AMUSEMENT :-

		Minimum
(1)	A theatre or show tax on entertainment and, amusement, including exhibition, game or sport	Rs. 10/- per show or per performance
(2)	For a show of drama, circus or cinema	- do -

Provided that nothing in this rule shall apply to a theatre or show tax on entertainment or amusement held for a charitable or educational purposes, or for a philanthropic cause and the proceeds thereof are also exclusively utilized for such a purpose or cause, after deducting the expenses incurred.

42. MANNER OF PAYMENT AND RECOVERY OF THEATRE OR SHOW TAX ON ENTERTAINMENT AND AMUSEMENTS : The tax on theatre or show on entertainment and amusements shall be due and payable on each show, exhibition or occasion before the beginning of each entertainment and it shall be recovered from the Proprietor.

43. RECEIPT FOR PAYMENT OF A THEATRE OR SHOW TAX ON ENTERTAINMENT AND AMUSEMENTS : The Secretary or the person authorized by him in this behalf, receive the payment of the tax under rule 40 and give a receipt for the same.

44. FORM OF RECEIPT : The Gram Panchayat shall determine the form of receipt under rule 43.

45. REFUND OF THEATRE OR SHOW TAX ON ENTERTAINMENT AND AMUSEMENT : If after payment of tax, the entertainment or amusement is not held on account of some unforeseen or unavoidable circumstances, the amount of tax paid shall be refunded to the payee, if he applies for such refund within 48 hours of payment.

46. PENALTY : Any person who commits a breach of rule 41 shall on conviction, be punished with fine not exceeding ten rupees and in the event of continuing breach, with additional fine which may extend to two rupees for every day during which the breach continues, after conviction for the first breach.

PART – VII

LIGHTING TAX

47. DEFINITIONS : In this Part unless there is anything repugnant in the subject or context :-

- (i) "House" means any building or set of building within the same enclosure and used by the same occupier and includes a hut;
- (ii) "Occupier" includes a person in actual possession of a house whether as owner, agent of the owner or tenant;
- (iii) "Owner" includes a person who receives or is entitled to receive rent of the house, if the house is let; and
- (iv) "Hut" means any building which is constructed principally or wood, mud, leaves, grass, straw, cloth or thatch and includes any temporary structure of whatever kind or size.

48. RATE OF LIGHTING TAX : (1) A Gram Panchayat, which decides to levy the lighting tax for the purpose of street lights, shall, after following the procedure prescribed in rule 3 and 4, levy on all the houses within the limits the gram at such rate, based on the capital value or the annual letting value of the house, as may be fixed by it but not below the minimum rate specified in the schedule annexed to this Part.

(2) No lighting tax under sub-rule (1) shall be levied on—

- (a) any house used for a charitable, educational or religious purpose and yielding no rent to the owner;
- (b) on any house owned by a Gram Panchayat, a Panchayat Samiti, or Zilla Parishad; and
- (c) on any house owned by the Government.

49. LIGHTING TAX EFFECTIVE FROM WHAT DATE : (1) The lighting tax shall be leviable for the year beginning on the first day of April of a calendar year and ending on the 31st day of March on the next following calendar year. Where the lighting tax comes into force on any day other than that first day of April, it shall be leviable by the quarter commencing on first day of July, 1st day of October, 1st day of January and 1st day of April next following and thereafter by the year.

(2) if the house is not occupied by the owner, the lighting tax shall be leviable primarily from :-

- (a) the lessee or tenant if the house is let;
- (b) the superior lesser or tenant if the house is sub-let; or
- (c) the person in whom the right to let the same vests, if it is unlet.

(3) On failure to recover any sum due on account of the drainage tax from the person from whom it is primarily leviable, the tax may be recovered from the occupier of any part of the house in respect of which the tax is due, such portion of that sum as the Pradhan decides to be proportionately leviable in respect of that part of the house:

Provided that, such occupier shall not be liable to pay the tax for any period for which he was not in occupation of the house.

50. REMISSION OR REFUND OF LIGHTING TAX IN CASE OF VACANCIES :

Where any house is liable to the lighting tax has remained vacant or un-occupied for a continuous period of three months or more, the Gram Panchayat shall refund or remit the whole or any portion of the amount of the tax paid or payable for such period:

Provided that no such remission or refund shall be granted –

- (a) unless a notice in writing of the fact of the building being vacant or un-occupied has been given to the Secretary; or
- (b) for any period previous to the date on which such notice is given to the Secretary.

SCHEDULE (See rule 47)

Rate of lighting tax

Sl.No.		Minimum
1.	Capital value of a house not exceeding Rs. 15,000/-	No tax
2.	Capital value of a house exceeding Rs. 15,000/-	Rs. 6.00 per annum
3.	Capital value of a house exceeding Rs. 50,000/-	Rs. 12.00 per annum
4.	Capital value of a house exceeding Rs. 1,00,000/-	Rs. 18.00 per annum
5.	Capital value of a house exceeding Rs. 2,00,000/-	Rs. 24.00 per annum
6.	Capital value of a house exceeding Rs. 5,00,000/-	Rs. 48.00 per annum
7.	Annual letting value of a house not exceeding Rs. 1,800/- per annum	Rs. 6.00 per annum
8.	Annual letting value exceeding Rs. 1,800/- per annum	Rs. 12.00 per annum
9.	Annual letting value exceeding Rs. 6,000/-	Rs. 18.00 per annum
10.	Annual letting value exceeding Rs. 12,000/-	Rs. 36.00 per annum
11.	Annual letting value exceeding Rs. 30,000/-	Rs. 48.00 per annum

PART – VIII

DRAINAGE TAX

51. DEFINITIONS : In this Part, unless the context otherwise requires the words "House", "Hut" "Occupier", and "Owner" shall have the same meaning as are assigned to them in Part VII of these Rules.

52. RATE OF DRAINAGE TAX : (1) A Gram Panchayat which decides to levy the drainage tax, shall, after following the procedure prescribed in rules 3 and 4 levy it on all houses within the limits of the grams at such rates, based either on the capital value or the annual letting value of the houses, as may be fixed by it but not below the minimum and not exceeding the maximum rates specified in the Schedule annexed to this Part.

(2) No drainage tax shall be levied on –

- (a) any house used for a charitable, educational or religious purpose and yielding no rent to the owner or trustee thereof;
- (b) any house owned by a Gram Panchayat, a Panchayat Samiti, or a Zilla Parishad and whether or not let on rental basis; and
- (c) any house owned by the Govt. whether or not let on rental basis.

53. DRAINAGE TAX EFFECTIVE FROM WHAT DATE : The drainage tax shall be leviable for the calendar year beginning on the first day of April and ending on the 31st day of March next following where the tax comes into force on any day other than the first day of April, it shall be leviable by the quarter commencing on or from 1st day of July, 1st day of October, 1st day of January and 1st day of April next following, and thereafter by the year commencing on 1st day of April.

54. DRAINAGE TAX FROM WHOM PRIMARILY LEVIABLE : (1) The drainage tax shall be leviable primarily from the actual occupier of the house if he is the owner of the house.

(2) If the house is not occupied by the owner, the tax shall be leviable primarily from,

- (a) the lessor, if the house is let;
- (b) the superior lessor, if it is sub-let; and
- (c) the person in whom the right to let the house vests, if it is unlet.

(3) On failure to recover any sum due on account of the drainage tax from the person from whom it is primarily leviable, the tax may be recovered from the occupier of day part of the house in respect of which the tax is due, such portion of that sum as the Pradhan decides to be proportionately leviable in respect of that part of the house:

Provided that, such occupier shall not be liable to pay the tax for any period for which he was not in occupation of the house.

55. REMISSION OR REFUND OF TAX IN CASE OF VACANCIES : Where any house which is liable to the drainage tax has remained vacant for a continuous period of three months or more, the Gram Panchayat shall refund or remit the whole or any part of the tax paid or payable for such period :

Provided that no such remission or refund shall be granted –

- (a) unless notice in writing of the fact that the house being vacant has been given in writing to the Secretary; or
- (b) for any period previous to the date on which such notice is given to the Secretary.

SCHEDULE
[See rule 50(1)]

Drainage Tax

Sl.No.		Minimum
1.	Capital value of a house not exceeding Rs. 15,000/-	No tax
2.	Capital value of a house exceeding Rs. 15,000/-	Rs.6.00 per annum
3.	Capital value of a house exceeding Rs. 50,000/-	Rs.12.00 per annum
4.	Capital value of a house exceeding Rs. 1,00,000/-	Rs. 18.00 per annum
5.	Capital value of a house exceeding Rs. 2,00,000/-	Rs.24.00 per annum
6.	Capital value of a house exceeding Rs. 5,00,000/-	Rs. 48.00 per annum
7.	Annual letting value of a house not exceeding Rs.1,800/- per annum	Rs.6.00 per annum
8.	Annual letting value exceeding Rs. 1,800/- per annum	Rs. 12.00 per annum
9.	Annual letting value exceeding Rs. 6,000/-	Rs. 18.00 per annum
10.	Annual letting value exceeding Rs.12,000/-	Rs. 36.00 per annum
11.	Annual letting value exceeding Rs.30,000/-	Rs. 48.00 per annum

PART – IX

FEEES FOR PROVIDING SANITARY ARRANGEMENTS AT PLACES OF WORSHIP OR PILGRIMAGE, FAIRS AND MELAS WITHIN THE JURISDICTION OF THE GRAM PANCHAYAT

56. DEFINITIONS OF PILGRIM : In this rule, "pilgrim" means a person visiting a gram during such period as may be fixed by the Deputy Commissioner as a period of pilgrimage, fair or mela, but does not include a person so entering who is under the age of 3 years or a resident of the gram or a servant of Government or an official of the Gram Panchayat deputed for duty as the places of working of the pilgrimage, fair or mela :

Provided that nothing in this rule shall be deemed to prevent any Gram Panchayat from levying, with the previous approval of the Deputy Commissioner, the fee under this part.

57. RATE OF FEE FOR PROVIDING SANITARY ARRANGEMENTS AT THE PLACES OF WORSHIP OF PILGRIMAGE, FAIRS AND MELAS : (1) A Gram Panchayat which decides to levy a fee for providing sanitary arrangements at the places of worship of pilgrimage, fairs and melas shall, after following the procedure prescribed in rules 3 and 4, levy it at such rate as may be fixed by it, but not below the minimum and not exceeding the maximum rate specified herein below, namely :-

Per Pilgrim or visitor	Minimum Rs. 1.00
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Provided that the fee in the case of children between age group of 3 and 12 years shall not be levied at more than half the rate fixed for an adult under this sub-rule.

(2) If a question arises as to the age of a child the matter shall be decided by the person collecting it and his decision in this regard shall be conclusive, final and binding of all concerned.

58. ISSUE OF PASS ON PAYMENT OF THE FEE : On payment of the fee a pass shall be issued to the person paying it.

59. SIZE, FORM AND COLOUR OF PASSES : The Gram Panchayat shall determine the size, form and colour of the passes and shall have them painted and stocked in sufficient quantity.

60. PLACE OF COLLECTING THE FEE : The fee shall be collected at such place or places of entry as may be fixed by the Pradhan for the purpose.

PART – X
FEEES FOR SALE OF GOODS IN MARKETS, MELAS, FAIRS AND FESTIVALS

61. RATE OF FEES FOR SALE OF GOODS IN MARKETS, MELAS, FAIRS & FESTIVALS : A Gram Panchayat which decides to levy a fee for sale of goods in markets, melas, fairs and festivals as the case may be, shall, after following the procedure prescribed in rules 3 and 4, levy it at such rates as may be fixed by it but not below the minimum rates specified in the Schedule annexed to this part.

62. DETERMINATION OF LIMITS OF AREA WITHIN WHICH FEES FOR SALE OF GOODS IN MARKETS, FAIRS AND FESTIVALS SHALL BE LEVIED : The fees for sale of goods in the markets, melas, fairs and festivals shall be levied by the Gram Panchayat within the limits of such area as may be determined by it for the purpose.

63. PROHIBITION AGAINST SELLING COMMODITIES ETC. WITHOUT PERMIT : No person shall sell any goods or commodity, including animal or birds or occupy any open space or plot of land for the purpose of shop, both or shall or for doing any business of any kind whatsoever in markets, melas, fairs and festivals as the case may be, within the limits fixed under rule 61 without obtaining a permits from the Gram Panchayat on payment of the fee leviable under rule 61.

64. POWERS OF GRAM PANCHAYAT TO RECOVER FEES : The person authorized by the Gram Panchayat may restrain any person from sale of the goods or commodity brought for sale without the prescribed permit and if done so shall seize the goods or commodity brought for sale and sell on the spot sufficient portion of the goods or commodity so seized to recover the fees payable to the Panchayat. He shall then issue a receipt for the sum so recovered.

65. VALIDITY OF PERMIT : The permit shall be valid for the period or for the number of days for which it is issued.

66. RECEIPT FOR PAYMENT OF FEE AND ISSUE OF PERMIT : The person authorized by the Gram Panchayat shall receive the payment of fee, give a receipt for the same and thereupon issue a permit.

67. FORM OF RECEIPT AND PERMIT : The Gram Panchayat shall determine the form of receipt and of the permit to be granted under rule 66.

68. REMISSION OR REFUND OF FEE WHEN ALLOWED : No remission or refund of the fee once recovered shall be made :

Provided that if the permit for the occupation of space is for a period longer than one month and if the permit is surrender to the person authorized by the Gram Panchayat before the expiry of the period for which the permit is valid, refund shall be paid for the aggregating to the period for which the permit is not utilized.

Provided further than no refund shall be granted for the fraction of a month.

SCHEDULE
(See rule 60)

Sl.No.		Minimum
1.	For every plot measuring not more than 8 sq.mtrs .	Re.1.00 per day or Rs. 25.00 per month.
2.	For every additional space of 4 sq.mtrs part thereof.	Re.0.50 per day or Rs. 15.00 per month.
3.	For goods/commodity brought to the market, melas, fairs and festivals for the purpose of trade.	Re. 0.75 per basket or head load (not being a bag) or Re. 1.00 per bag or Rs. 4.00 per cart load.
4.	For every pig, lamb, goat and kid brought for sale.	Re. 1.00 per animal.
5.	For every kind of cattle other than those mentioned in Sl.No. 4 brought for sale.	Rs. 2.00 per cattle.
6.	For every bird brought for sale.	Re. 0.50 P. per day.

PART - X

FEE FOR GRAZING CATTLE IN GRAZING LANDS UNDER THE MANAGEMENT OF THE GRAM PANCHAYAT

69. DEFINITION : In this Part the expression "fee" means the fee for grazing of cattle in the grazing lands under the management of the Gram Panchayat and assigned for that purpose.

70. FEE FOR GRAZING OF CATTLE: A Gram Panchayat which decides to levy a fee to grazing of cattle in the grazing lands under the management of the Gram Panchayat shall, after following the procedure prescribed in rules 3 and 4, levy it at such rate as may be fixed by it, but no below the minimum rate specified in the Schedule annexed to the Part.

71. NO GRAZING OF CATTLE WITHOUT A PERMIT : When a Gram Panchayat levies fee for grazing of cattle in the grazing lands under its management, no grazing of cattle shall be allowed in any such land assigned by it for that purpose, except under a permit issued in this behalf.

72. PERMIT TO BE ISSUED TO WHOM : Permits for grazing of cattle may be issued by the Gram Panchayat only to persons residing in the gram and owning cattle within its jurisdiction.

73. FEE FOR PERMIT LEVIABLE FOR WHAT PERIOD : Permits shall be issued by the Gram Panchayat for a period of 365 days (366 days in the case of leap year) commencing from the date of issue of the permit

74A. RECEIPT FOR PAYMENT OF FEE AND ISSUE OF PERMIT : The person authorized by the Gram Panchayat shall receive the payment of fee, issue a receipt thereof and thereupon issue a permit indicating the date of commencement and date of ending.

74B. FORM OF RECEIPT AND PERMIT : The Gram Panchayat shall determine the form of receipt and of the permit granted under rule 74.

74C. REMISSION OR REFUND OF FEE WHEN ALLOWED : No remission or refund of the fee once recovered shall be made.

SCHEDULE

[See rule 69]

Sl.No.	Cattle	Minimum grazing fee per head of cattle
1.	Buffalo, cow or horse or any other bovine.	Rs. 25.00 per year
2.	Goat, deer etc.	Rs. 15.00 per year

PART -XI

FEE FOR PROVIDING THE WATCH AND WARD OF CROPS IN THE GRAM

75. DEFINITIONS : In these rules, unless the context or meaning otherwise requires :

- (a) "annual letting value" means the rent for which the land might reasonably be expected to be let from year to year;
- (b) "Capital value" means the estimated market value of a land;
- (c) "land" means cultivable occupied land which is subject to payment of agricultural assessment;
- (d) "Occupier" includes a person in actual possession of a land whether as owner, agent or tenant and
- (e) "owner" includes the person, who receives or is entitled to receive rent of the land if such land is let.

76. COST OF WATCH AND WARD ON CROPS TO BE LEVIED AND RECOVERED AS FEE : (1) Where a Gram Panchayat provides for the watch and ward within its jurisdiction of the crops the cost of such watch and ward shall be levied and recovered by the Gram Panchayat as a fee assessed on every owner or occupier of a land in the gram in the manner provided for in rule 77 at such rate as shall from time to time be fixed by the Gram Panchayat after following the procedure prescribed in sub-rule 2 and 3.

(2) Every Gram Panchayat shall before deciding to levy the costs of watch and ward of crops in the village follow the following procedures, namely :-

- (a) The Gram Panchayat shall pass a resolution at its meeting sanctioning the proposal to levy the costs of such watch and ward at the rate specified therein.
- (b) The Gram Panchayat shall then notify to the proposal by beat of drum/announcement through loud speaker in the gram and by means of a suitable notice together with copy of the rules in this part affixed in the notice Board at the Office of the Gram Panchayat and at a conspicuous place in the grams, specifying a date, not earlier than one month after which the Gram Panchayat shall take the proposal into consideration.
- (c) Any inhabitant of the gram adversely affected by the proposal may make any objection or suggestion in writing to the Gram Panchayat on or before the date specified in the notice under clause (b) or orally on the day or days on which the Gram Panchayat considers the proposal.
- (d) On or after the date fixed under clause (b), the Gram Panchayat shall consider all objections and suggestions made under clause (c) and may approve or make such modification, if any, as it may consider necessary to make.

(3) Where a Gram Panchayat finally decides to levy the fee for providing watch & ward of crops in the gram, it shall publish a final notice specifying therein the rate at which it shall be levied. Copies of such notice together with a copy of the rules in this Part shall be affixed in the notice board at the office of the Gram Panchayat. It shall also announce by beat of drum/loudspeakers in the gram the fact of such publication. The fee shall accordingly be levied from such date, not earlier than one month from the date of publication of final notice, as may be specified in the notice.

77. PERIOD FOR LEVY OF FEE FOR PROVIDING WATCH AND WARD OF CROPS : The fee shall be leviable for the year beginning 1st day of April and ending on 31st day of March next following. If, however, the levy of fee comes into force on any day other than the 1st day of April, it shall be leviable for the quarter beginning on the 1st day of July, 1st day of October and 1st day of January next following and thereafter for the beginning on the 1st day of April.

78(A). PERSONS LIABLE TO PAY FEE : The fee shall be primarily leviable from the owner of the land who occupied the land.

(2) If the land is not occupied by the owner himself the fee shall be primarily leviable from :-

- (a) a lessee, if the land is let;
- (b) the superior lessor, if it is sub-let;
- (c) the person in whom the right to let the same vests, if it is unlet; and
- (d) the person to whom the land has been transferred if the owner of the land has left the gram or cannot otherwise be found.

(3) On failure to recover any sum due on account of such fee from the person primarily liable to pay, a portion of the sum be recovered from the occupier of any part of the land in respect of which it is due in the ratio which the Pradhan or Secretary, duly authorized by him in this behalf decides to be an equitable ratio to the amount of the fee assessed on the owner of the land as a whole tenant. An appeal against the decision of the Pradhan or the Secretary, as the case may be made within a period of 30 days from the date of communication of the decision, by the owner to the Assistant Commissioner under Section 38 of the Regulation and his decision in the matter shall be final and binding :

Provided that if any sum is paid by or levied from any person who is not primarily liable under the rules in this Part, such person shall be entitled to credit such sum in account with the person primarily liable for payment of that sum.

78B. RECEIPT FOR PAYMENT OF FEE : The Secretary or the person duly authorized by the Secretary in this behalf shall receive the payment of the fee and give a receipt for the same.

79. FORM OF RECEIPT : The Gram Panchayat shall determine the form of receipt.

LICENCE FEE FOR PLYING PUBLIC FERRY

80. DEFINITION :- Unless the context or meaning otherwise requires in this Part :

- (a) "Form" means a form appended to this part of these Rules;
- (b) "Inland Water" means any canal, river, lake or other navigable water;
- (c) "Licence" means a licence issued under the Rules in this Part authorizing the Proprietor of a public service vessel to ply a public ferry;
- (d) "Public ferry vessel" means a vessel either registered under the Merchant Shipping Act, 1958 (44 of 1958) or the Inland Vessel Act, 1917 Act, (1 of 1918) and engaged for plying a public ferry and includes "a sailing vessel" as defined in the Merchant Shipping Act, 1958 and a canoe/country boat driven partly by oars and partly with the aid of wind or both or wind alone, or a country boat fitted with an outboard engine, but does not include a pleasure craft;
- (e) "Public ferry" means a regular public ferry service maintained by a public ferry vessel for carriage or passengers or goods or both for hire or reward from one destination in a Gram Panchayat to another will in the jurisdiction of the Gram Panchayat or to a destination outside the jurisdiction of a Gram Panchayat through the inland water;
- (f) "Proprietor" in relation to a public ferry vessel includes owner, manager, agent or any person responsible for the management thereof;
- (g) "Passenger" includes any person carried on board a public service vessel other than Master and Crew employed or engaged on the business of such vessel; and
- (h) "Voyage" means a round about trip or journey of a public service vessel originating from one destination and returning to the same destination after touching the last destination on the forward journey.

81. APPLICATION OF THE RULES : The rule under this part shall apply to all public ferry vessels owned by an individual or body of individuals or a Company as defined in the Companies Act, 1956 or a registered Cooperative Society as defined under the Andaman and Nicobar Islands Cooperative Societies Regulation, 1973.

82. EXEMPTION :The public ferry vessels owned by or in service of the Government or a local self body other than a Municipal Council shall be exempt from the operation of the rules in this Part.

83. RATE OF LICENCE FEE FOR RUNNING A PUBLIC FERRY : A Gram Panchayat which decides to levy licence fee for plying public ferry shall, after following the procedure prescribed under rules 3 and 4 levy it at such rate as may be fixed by it, but not below the minimum rates specified in the Schedule annexed to this Part.

84. PERSONS PRIMARILY LIABLE TO PAY FEE : The fee shall be primarily liable from the Proprietor of a public ferry vessel.

85. NO PUBLIC FERRY TO BE PLIED WITHOUT THE AUTHORITY OF A VALID LICENCE : No one shall ply or cause to a public ferry service within the jurisdiction of a Gram Panchayat without first acquiring a licence for plying such ferry service under the rules in this Part.

86. APPLICATION FOR GRANT OF LICENCE : (1) An application for obtaining a licence for plying public ferry shall be made to the Pradhan in Form I or Form II as the case may be.

(2) The application form shall be issued by the Secretary or the person authorized by him in this behalf free of cost to the persons desirous of applying for the grant of a licence under the rules in this Part.

(3) Any application which is not accompanied with the certificate of the registration, shall be rejected forthwith.

87. SCRUTINY OF THE APPLICATION : (1) On receipt of an application for grant of a licence under the rules in this Part, a preliminary scrutiny of the particulars furnished in such application shall be made by the Secretary or the person authorized in this behalf by him to satisfy that all the columns in the application have been correctly filled in and that the attested copies of the documents required to be enclosed with such application have also been annexed to the application with a view to ensuring that the application is complete in all respect. The licence fee shall also be recovered and necessary endorsement to that effect recorded on the body of the application by the Gram Panchayat Official recovering the fee. Such endorsement shall also indicate that the amount of the fee recovered has been duly credited to the Gram Panchayat at account mentioning the relevant receipt number and date.

(2) The Secretary shall examine the application at length to ensure that the particulars furnished in and the documents annexed to the application are prima facie correct. He shall also ensure the bonafides of the applicant. After the Secretary has satisfied himself about all these requirements, he shall either recommend the grant or rejection of the application and submit the application with his such recommendation to the Pradhan for his approval and/or orders:

Provided that wherever the Secretary considers necessary to call for some additional information or particulars from the applicant, he shall do so by making a reference to the applicant after obtaining approval of the Pradhan in this regard.

(3) The Pradhan shall consider the recommendations of the Secretary and pass such orders as to the grant or refusal to grant of licence as he may deem necessary in the facts and circumstances of the case and return the application to the Secretary alongwith his orders.

88. GRANT OF LICENCE : Wherever the Pradhan passes orders for grant of licence, the Secretary shall issue the licence to the Proprietor in Form III or IV as the case may be.

89. DURATION OF LICENCE : Unless revoked earlier, every licence shall be valid for a period of one year from the date of its issue:

Provided that the validity of a licence may be restricted to less than one year in the case wherever the remaining period of validity of the certificate of registration held by the public service vessel either under the Merchant Shipping Act, 1958 (44 of 1958) or the Inland Vessels Act, 1917 (1 of 1917) is less than one year from the date of issue of the licence. In such a case the validity of the licence shall be restricted upto the date of expiry of such certificate of registration of the public service vessel.

90. DEEMED SUSPENSION OF THE VALIDITY OF THE LICENCE : Whenever the certificate of registration of a public service vessel is revoked or cancelled by the authority lawfully competent to do so for any reason whatsoever, the licence held by such vessel shall automatically be deemed to have been suspended till such time the certificate registration of the public service vessel is restored.

91. LICENCE TO REMAIN ALWAYS THE PROPERTY OF THE GRAM PANCHAYAT : A licence issue under this Part of the rules shall always remain the property of the Gram Panchayat and it shall be produced before or surrendered to the Gram Panchayat whenever the holder thereof is called upon to do so.

92. ISSUE OF DUPLICATE LICENCE: Whenever a licence is reported to have been lost, destroyed or mutilated, a duplicate licence shall, on an application made by the holder thereof, be issued on payment of the fee as may be prescribed for the purpose under rule 82.

93. REGISTER OF LICENCE : A register of all licence issued under this Part shall be maintained in the Gram Panchayat office describing the full particulars of such licences.

94. REASONS TO BE RECORDED FOR POWER TO REJECT AN APPLICATION FOR GRANT OF LICENCE ONLY ON REJECTION : (1) Whenever the Pradhan passes an order for rejection of an application, he shall record the reason in writing for such rejection.

(2) The Secretary shall communicate such order to the Proprietor or the applicant indicating the reasons as recorded under sub-rule (1).

95. REVOCATION OF LICENCE : (1) Whenever it comes to the notice of the Gram Panchayat either through a complaint or on its own motion that the proprietor of a public ferry vessel has violated or abused or has been violating or abusing any or all of the terms and conditions of the licence or abused or has been violating or abusing any or all of the terms and conditions of the licence granted to him, the Gram Panchayat shall make such enquiry as it deems necessary, and on being satisfied about the correctness of such violation or abuse on part of the Proprietor or his agents or servants, it shall serve a notice by registered post with acknowledgement due on the Proprietor specifying therein such violation or abuse or the instances of such violation or abuse calling upon him to show cause within a period 20 days from the date of receipt by him of such notice as to why the licence should not be revoked till such time he rectifies the commission of such violation or abuse.

(2) Unless the Proprietor convincingly satisfied the Gram Panchayat within the period the notice that he has duly rectified the questioned violation or abuse of the licence and gives an assurance that such violence or abuse shall not be allowed by him to recur in future, the Pradhan may revoke the licence till such time the Proprietor intimates him rectification of such violence or abuse of the licence.

96. RESTORATION OF THE REVOKED LICENCE : On furnishing an undertaking by the Proprietor of having rectified the questioned violation or abuse of the licence and after due verification and satisfaction about the factual correctness of such undertaking, the Pradhan shall pass an order restoring the licence to the Proprietor and the Secretary shall communicate such order to the Proprietor.

97. RENEWAL OF LICENCE : The procedure, form of application and terms and conditions for renewal of a licence shall be the same as are applicable for the grant thereof.

98. APPEAL : An appeal against the order passed by the Pradhan under sub-rule (1) of rule 94 shall lay to the Gram Panchayat within a period thirty days from the date receipt by the Proprietor of such order. The decision of the Gram Panchayat on such appeal shall be conclusive, final and binding.

99. REMISSION OR REFUND OF LICENCE FEE : Where an application on its receipt in the Gram Panchayat Office has been duly processed regardless of the fact whether a decision thereon for the grant or refusal to grant the licence has been, no fee shall be refundable :

Provided that the licence fee may be refunded if the Proprietor or the applicant makes an application to the Gram Panchayat for such refund requesting at the same time for withdrawal of the application before the process of examination of the application has been initiated in the Gram Panchayat office.

100. RECEIPT FOR PAYMENT OF LICENCE FEE : The Secretary or the person authorized by him in this behalf shall receive the payment of licence fee under rule 83 and give a receipt for the same.

101. FORM OF RECEIPT : The Gram Panchayat shall determine the form of receipt under rule 100.

SCHEDULE
[See Rule 82]

**FEES PAYABLE FOR GRANT OR RENEWAL OF LICENCE FOR
PLYING PUBLIC FERRY**

		Minimum Fees per year
a.	Public ferry vessel upto and including 50 tons gross.	Rs. 50/-
b.	Public ferry vessels from 51 to 100 tons gross.	Rs. 75/-
c.	Public ferry vessels from 101 to 200 tons gross; and for every additional 50 tons gross or fraction thereof.	Rs. 100/-
d.	Issues of duplicate licence.	Rs. 15/-
e.	Transfer of ownership of licence within the same Panchayat or another.	Rs. 15/-
f.	Public service vessel being a sailing vessel, a canoe (dinghi) propelled by outboard motor.	Rs. 15/-
g.	A canoe operated manually by oars.	Rs. 15/-
h.	Issue of duplicate licence for public service vessels described at item (f) and (g) above.	Rs. 15/-

FORM - I

APPLICATION FORM FOR GRANT OF A FRESH LICENCE/RENEWAL OF AN EXISTING
LICENCE FOR PLYING PUBLIC FERRY BY DEPLOYMENT OF A MECHANICALLY
PROPELLED PUBLIC FERRY VESSEL

From

(Name of the owner/proprietor)
Agent & his full postal address.

To

The Pradhan
..... Gram Panchayat,
..... (Station).

Sir,

I do hereby apply for the grant of a fresh licence/renewal of my existing licence for plying public ferry between (place of commencement of the voyage) and..... (ultimate destination of the voyage) via (place or places of transit halt) through the deployment of the public ferry service namely M.V./S.S..... owned chartered by me (hereinafter referred to the said vessel), and registered under the Merchant Shipping Act, 1958.

An attested Xerox copy of the certificate of the vessel containing her full particulars/description is annexed hereto.

The licence fee of Rs..... (Rupees only) in cash/through DD No./Cheque No. drawn in favour of the Secretary of your Gram Panchayat on (name and place of location of the Bank) is remitted herewith.

I do hereby undertake to abide myself with the terms and conditions of the licence.

I request you to please grant/renew or cause the grant/renewal of necessary licence as applied for at your earliest convenience.

Yours faithfully,

Place :

Date :

Signature of the owner/proprietor/
Agent/charterer of the vessel

FOR OFFICIAL USE ONLY

Received the application alongwith the requisite fee of Rs..... (Rupees only) in cash by DD.No./Cheque No..... vide Receipt No..... dated and credited the amount to the Gram Panchayat account.

Secretary/Authorized Official

FORM - II
[See Rule 85]

APPLICATION FORM FOR GRANT OF A FRESH LICENCE OR RENEWAL OF AN EXISTING LICENCE
FOR PLYING PUBLIC FERRY SERVICE THROUGH DEPLOYMENT OF A PUBLIC FERRY VESSEL
BEING A SAILING BOAT OR A CANOE NOT PROPELLED BY MECHANICAL POWER

From

(Name of the owner/proprietor)
Agent & his full postal address.

To

The Pradhan
..... Gram Panchayat,
..... (Station).

Sir,

I do hereby apply for the grant of a fresh licence/renewal of an existing licence for plying public ferry between (place of commencement of the voyage) and (place of ultimate destination of the voyage) via (place or places of transit halt) through the deployment of the sailing boat/canoe namely..... owned/chartered by me hereinafter referred to as 'the vessel'.

The full particulars/description of the vessel are as under :-

- (1) Name of the vessel
- (2) Mark
- (3) Overall length
- (4) Breadth
- (5) Depth
- (6) Whether wooden, fiber etc. make
- (7) Year or make
- (8) Capacity (i) No. of passenger (ii) (Quantum of Cargo)
- (9) No. of sail and oars on board
- (10) No. of crew members deployed (i) Technical (ii) Non-Technical
- (11) Type and quantity of life savings appliances provided on board.
- (12) Date of expiry of the licence, of applicable.
- (13) Any other information considered relevant/useful

The licence fee of Rs. (Rupees only) in cash/through DD No./Cheque No..... drawn in favour of the Secretary of your Gram Panchayat on (name and location off the Bank) is remitted herewith.

I do hereby undertake to abide myself with the terms and conditions of the licence, if granted/renewed.

I request you to please grant/renew or cause the grant/renewal of the licence as applied for at your earliest convenience.

Yours faithfully,

Place :
Date :

Signature of the owner/proprietor/
Agent of the vessel

LICENCE FOR PLYING PUBLIC FERRY BY ENGAGING A MECHANICALLY PROPELLED PUBLIC FERRY IN THE INLAND WATERS

LICENCE

This licence for plying public ferry between (indicate place of commencement of voyage) and (indicate ultimate destination of voyage) via (indicate place or places of transit halt) is hereby granted to the person whom name and other particulars, including residential/postal address, alongwith the detailed description of the public service vessel namely, M.V./S.S. (hereinafter referred to as the "vessel") to be deployed by him/her for the purpose, are given, namely :-

1. Name of the Proprietor/Owner/Agent of the vessel :
2. Father's/Husband's name :
3. Full residential/postal address :
4. Particulars of the vessel :
 - a) Length overall
 - b) Breadth
 - c) Make
 - d) Year of make
 - e) Hull is of wood, steel, fiber etc.
 - f) Passenger & cargo carrying capacity (i) Passenger (ii) Cargo

DESCRIPTION OF ENGINES

- a) Name & address of makers
- b) When made
- c) No. of sets of engines
- d) No. of shafts
- e) N.H.P. : B.H.P.
- Estimated speed of the vessel :
 - Reciprocating engine : No. of diameter of cylinder in each set :
 - Rotary engines : No. of cylinders in each set :
- f) Gross tonne/tonnage
- g) Registered tonne/tonnage

VALIDITY OF THE LICENCE

Unless sooner determined, the validity of this licence shall expire on The licence shall be subject to the following terms and conditions, namely :-

- (a) With the expiry or cancellation of the certificate of registration of the vessel, the validity of the licence shall automatically expire on and from the date of such expiry or cancellation as the case may be.
- (b) If the certificate of registration of the vessel is suspended, the validity of the licence shall also remain automatically under suspension till the period of suspension of the certificate of registration of the vessel.
- (c) The licence as subject to cancellation in the event of abuse or violation or non-compliance of any of the terms and conditions of the licence. In the event of such cancellation, the Proprietor or owner of agent of the vessel shall surrender the licence forthwith to the Gram Panchayat.
- (d) The licence is also subject to cancellation, if it is noticed at any stage that the licence was obtained by furnishing any incorrect or false information or suppression of any material particulars by the Proprietor, owner or agent of the vessel.
- (e) The licence may be transferred to another person only with the prior permission of the Gram Panchayat. While seeking for such permission, the reason(s) for such transfer shall be indicated.
- (f) The licence shall always be carried or kept on board the vessel.
- (g) No inflammable or dangerous cargo shall be carried or allowed to be carried on board the vessel.
- (h) On demand by an authorized official of the Gram Panchayat the licence shall be produced for verification.

Place:

Date :

Signature of Secretary,

..... Gram Panchayat
..... (Station).

The A & N Islands
Panchayat Samitis (Levy, Assessment,
Collection and Appropriation of Taxes,
Duties, Cess Tolls and Fees)
Rules, 2002

THE ANDAMAN AND NICOBAR ISLANDS
PANCHAYATS

PANCHAYAT SAMITIS
(LEVY, ASSESSMENT, COLLECTION AND
APPROPRIATION OF TAXES, DUTIES,
CESS TOLLS AND FEES)
RULES, 2002



असाधारण
EXTRAORDINARY
प्राधिकार से प्रकाशित
Published By Authority

No. 94, Port Blair, Wednesday, April 24, 2002

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

NOTIFICATION

Port Blair, dated the 24th April, 2002

No.93/2002/F.No.3-27/97-PR. Whereas the draft Andaman and Nicobar Islands Panchayat Samitis (Levy, Assessment, Collection and Appropriation of Taxes, Duties, Cess, Tolls and Fees) Rules, 1998 were published in the official Gazette as required under sub-section(1) of section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No.1 of 1994) inviting suggestions/objections from the general public;

And whereas no suggestions or objections has been received in the matter;

Now, therefore, in exercise of the powers conferred under section 202 of the said Regulation, I, Shri. N.N.Jha, Lieutenant Governor, Andaman and Nicobar Islands hereby make the following Rules with immediate effect:

THE ANDAMAN AND NICOBAR ISLANDS PANCHAYAT SAMITIS (LEVY, ASSESSMENT, COLLECTION AND APPROPRIATION OF TAXES, DUTIES, CESS TOLLS AND FEES) RULES,2002.

1. Short title, extend and commencement:-

- (i) These Rules may be called the Andaman and Nicobar Islands Panchayat Samitis (Levy, Assessment, Collection and Appropriation of Taxes, Duties, Cess Tolls and Fees) Rules,2002.
- (ii) They shall extend to whole of the Union Territory of Andaman and Nicobar Islands except the areas included in the Municipality under the provisions of the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957 and the areas notified before the commencement of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 as reserved areas under sub-section(1) of section 3 of the Andaman Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956.
- (iii) These Rules shall come into force at once.

2. Definitions:- In these Rules, unless the context otherwise requires,-

- (a) "clause" means clause of a rule or sub-rule of these Rules;
- (b) "Executive Officer" means the Executive Officer of a Panchayat Samiti,
- (c) "Part" means a part of these Rules;
- (d) "Regulation" means the Andaman and Nicobar Islands(Panchayats) Regulation, 1994 (No.1 of 1994);
- (e) "Rule" means a rule of these Rules; and
- (f) All other words, expressions and phrases used in these rules and not defined herein, but defined in the Regulation, shall have the same meanings respectively assigned to them in the Regulation.

3. Procedure and limits for levy, assessment, collection and appropriation of taxes, duties, tolls, cess and fees:—

Subject to the provisions of section 128 of the Regulation, the Panchayat Samiti shall levy, collect, assess and appropriate the taxes, duties, tolls, cess and fees described therein by observing the following procedure, name'y:-

- a) the Panchayat Samiti shall, by a resolution passed in its meeting, select a tax, duty, toll, cess or fee.
- b) The Panchayat Samiti shall then notify to the public the proposal together with that Part of these Rules which relates to that tax, duty toll, cess or fee by beat of drums and by means of a notice affixed in the office of the Panchayat Samiti, Assistant Commissioner and the Tahsildar specifying therein a day not earlier than one month after the date of the notice on or after which the Panchayat Samiti shall take the proposal into consideration.
- c) Any inhabitant of the Gram objecting to the levy proposed by the Panchayat Samiti may send his objection or suggestion in writing on or before the date specified in the notice published under clause (b).
- d) On or after the date fixed under clause(b) the Panchayat Samiti shall consider all objections and suggestions made under clause(c) and thereafter may finally select a tax, duty, toll, cess or fee, as the case may be.

4. Final publication of Rules relating to tax, duty, toll, cess or fee to be levied:—

Where a Panchayat Samiti finally decides to levy any tax, duty, toll, cess or fee, the rules in respect of these Rules which relate to such tax, duty, toll, cess or fee together with the notice stating the tax, duty, toll, cess or fee to be levied and the rate thereof shall be published by the Panchayat Samiti by affixing a copy thereof in the area and shall also announce by the beat of drum in the gram the fact of such publication.

The tax, duty, toll, cess or fee, as the case may be shall accordingly be levied from the date which shall be specified in the notice and which shall not be earlier than one month after the date of publication of such notice.

5. Appeal against levy of taxes, duties, tolls cess or fee:—

Any person aggrieved by the assessment, levy or imposition of any tax, duty, toll, cess or fee under these rules may appeal to the Deputy Commissioner within a period of thirty days from the date of publication of the notice under rule 4. The decision of the Deputy Commissioner on such appeal shall be final, conclusive and binding on all concerned.

PART - II

LEVY OF TOLL ON PERSON, VEHICLES OR ANIMALS OR ANY CLASS OF THEM

6. Definitions : - In this Part, unless there is anything repugnant to the context or meaning thereof :

- a) "Animal" does not include a bird or reptile;
- b) "Toll Bar" means a toll bar established, controlled and managed by the Panchayat Samiti;
- c) "vehicle" includes a mechanically propelled vehicle; and a manually pulled vehicle and cart, a cart or vehicle dragged by an animal or animals; and
- d) the expression 'light motor vehicle' 'medium motor vehicle' and 'heavy motor vehicle' shall have the meaning respectively assigned to them in the Motor Vehicles Act, 1988 (No. 59 of 1988).

7. Rate of toll : Every Panchayat Samiti, shall after following the procedure prescribed in rules 3 and 4, levy, assess, collect and appropriate a toll on persons, vehicles or animals or any class of them at any toll bar established by it on any road class of them at any toll bar established by it on any road other than a Katcha road or any bridge vested in it or under its management and control at such rates and terms and conditions as may be determined by it by making necessary bye-laws passed in its meeting as provided for in the second proviso to clause(g) of section 128 of the Regulation:

Provided that the rates of such toll determined in such bye-laws shall not be less than the minimum rates as specified in the Schedule appended to this Part.

8. In the case of vehicles carrying passengers for hire or reward, the toll shall be leviable on vehicles alone and for the vehicles carrying animals, the toll shall be levied on such vehicles and animals both.

9. Erectors of barriers across roads or bridges where toll bar is established by the Panchayat Samiti.

The Panchayat Samiti may erect such barrier or barriers across the roads or bridges where its toll bar are established as it may consider necessary for temporarily preventing the movement of any person, vehicles or animal for the purpose of collection of the toll due and payable.

10. Stoppage of person, vehicle or animal at the Toll bar:—

Every person and incharge of every vehicle or animal shall stop before crossing the Toll Bar and pay the toll due and payable to the incharge of the toll bar and collect a token from him for such payment.

11. Where a vehicle is driven by an animal or animals or where a vehicle being a hand cart pulled manually by a person or person, the toll shall be leviable on such vehicles only:

Provided that such vehicles do not carry on board as their cargo on animal or animals, which are subject to the levy of toll.

12. Issue of token against payment of toll :-

On receipt of toll, the incharge of the toll bar shall issue a proper token with his dated signature to the person paying such toll in proof of the toll having been paid by such person either for himself and animal or animals carried by him or for both or for the vehicle under his charge.

13. Form of token :- The Form or Forms of the Token shall be devised, got printed in sufficient quantity and kept by the Panchayat Samiti.

14. Maintenance of proper accounts for the token issued :-

1) The Executive Officer shall maintain or caused to be maintained a proper account in respect of the token for levy of tolls issued by the Panchayat Samiti to the incharge of every toll bar.

2) The in-charge of every toll bar shall render proper accounts to the Panchayat Samiti for the token issued by him against the collection of tolls and deposit the amount realized by him on account of such collection to the Panchayat Samiti at such intervals as may be specified by the Executive Officer.

SCHEDULE
(See Rule 7)

		Minimum Per day
a	Persons	Rs.2.00 each
b	Cattle other than an elephant	Rs.4.00 each
c	Elephant	Rs.10.00 each
d	Monkey	Rs.2.00 each
e	All other animals not covered by items(b),(c) and (d) above	Rs.2.00 each
f	Light motor vehicles	Rs.4.00 each
g	Medium motor vehicles other than those used for carriage of passengers or goods or both for hire or reward.	Rs.6.00 each
h	Medium motor vehicles used for carriage of passenger, goods or both for hire or reward.	Rs.10.00 each
i	Heavy motor vehicles, including tractor or road roller or the like.	Rs.20.00 each
j	Tractor other than that used for agricultural purposes.	Rs.10.00 each
k	Motor vehicles being 2 wheelers or 3 wheelers other than auto rickshaws used for carriage of passengers or goods for hire or reward.	Rs.5.00 each
l	Auto rickshaws used for carriage of passenger; or goods for hire or reward.	Rs.5.00 each
m	Bicycle or tricycles, including its puller/driver.	Rs.2.00 each
n	Two or three wheeled vehicles drawn by one or two animal other than those used for agricultural purposes.	Rs.2.00 each
o	Four wheeled vehicles drawn by two or more animals other than those used for agricultural purposes.	Rs.5.00 each
p	Handicrafts pulled by any number of persons other than those used for agricultural purposes.	Rs.2.00 each

PART - III

Levy of toll in respect of any ferry established by a Panchayat Samiti
or under its management.

15. **Definition:** In this Part, unless the context of meaning otherwise requires, "ferry" means a regular ferry service established by or under the management of a Panchayat Samiti for carriage of passenger and goods or passengers alone from one destination to another for hire or reward operated through a mechanically propelled vessel, including a dinghy or canoe equipped by an outboard motor and includes a country boat propelled annually through oars or through wind sails or both.

16. **Rate of toll on ferry:** Subject to the procedure prescribed in rules 3 and 4, every Panchayat Samiti shall levy a toll on all ferries at such rates and subject to such terms and conditions as may be determined by it by making necessary bye-laws unanimously passed in its meeting as provided for in the second provision to clause (g) of sub-section (1) of section 128 of the Regulations:

Provided that the rates of such toll determined in such bye-laws shall not be less than the minimum rates as specified in the schedule appended to this part.

17. **Toll from whom leviable:** The toll shall primarily be leviable from the intending passengers desirous of travelling by a ferry and it shall be collected at the time of issuing ferry tickets to them. Such tickets shall distinctly and separately show the amount of fare and the toll charged and collected.

18. **Design and colour of ferry tickets:** The design and colour of the ferry tickets shall be determined by the concerned Panchayat Samiti and different designs and colours may be determined for such tickets issued for journeys to different destinations. The Panchayat Samiti shall also get such tickets printed from time to time according to its requirements and kept in its custody for use.

SCHEDULE
[See rule 16]

RATES OF TOLL ON FERRY

	Minimum
Where the fare charged in a ferry ticket for a single Journey per passenger.	
a) does not exceed Rs. 10/-	Rs. 1.00
b) exceed Rs. 10/-	Rs. 2.00

PART - IV

Rules for levy of fee on registration of vehicles.

18(A). **Rates of fees :** (1) Subject to the first and second proviso to clause (g) of sub-section(1) of section 128 of the Regulation, every Panchayat Samiti, shall after following the procedure prescribed in rules 3 and 4, undertake, within its jurisdiction, registration of all vehicles and levy of fees therefore at such rates as may be fixed by it, but not below the minimum rates specified in the Schedule to this Part.

Explanation : The expression vehicle does not include a mechanically propelled vehicle.

2) All vehicles owned by or in possession of the any person, firm, company or any other organization whether Govt. or Private residing or having its office or carrying on its business within the jurisdiction of the Panchayat Samiti, and used within or outside such limits, whether they are actually kept within or outside such limits, shall be liable to registration and payment of fee therefore :

Provided that the Panchayat Samiti may exempt any vehicle or class of vehicles from registration and payment of fee therefore

3) The fee shall be payable at the time of registration of the vehicle by its owner.

19. **Preparation of a register of persons etc. liable to payment of fee :** The Executive Officer of the Panchayat Samiti shall prepare or cause to be prepared a register containing the names and other particulars, including addresses of persons, firms, companies, organization, whether govt. or private etc. owning or possessing a vehicle, which under sub-rule (2) of rule 18 is liable to registration and payment of fee therefore.

20. **Vehicles to bear a number plate** : All vehicles which are liable to registration and payment of registration fees shall bear a number plate in such form or design as may be determined and provided by the Panchayat Samiti. It shall be obligatory for the owner of the vehicle to obtain such number plate from the Panchayat Samiti on payment:

Provided that the owner of the vehicle may himself provide such number plate on his vehicle, subject to the condition that the number plate provided by the owner is strictly in conformity with the form or design of the number plate determined by the Panchayat Samiti.

21. On receipt of the payment of fee for registration of a vehicle, the Panchayat Samiti shall issue a receipt in token of such payment to the owner of such vehicle.

22. **Penalty** : Any person who commits a breach of rule 20 shall on conviction, be punished with a fine which may extend to ten rupees, and in the case of continuing breach, after conviction for the first breach, with fine which may extend to rupees two for every day during which the breach continues, after conviction for the first time.

SCHEDULE
[See sub-rule (1) of rule 18]

RATES OF FEES FOR REGISTRATION OF VEHICLES

Description	Minimum
Bicycle or tricycle	Rs. 10.00
Vehicle drawn by a single animal	Rs. 10.00
Vehicle drawn by two or more animals	Rs. 20.00
Cart or any other vehicle	Rs. 10.00

PART - V

**RULES FOR LEVY OF FEES BY THE PANCHAYAT SAMITI FOR PROVIDING SANITARY
ARRANGEMENTS AT SUCH PLACES OF WORSHIP OR PILGRIMAGE,
FAIR OR MELAS WITHIN ITS JURISDICTION**

23. **Definition of 'Pilgrim' and Visitor'**: In this part, the expressions 'Pilgrim and 'Visitor' mean a person visiting or entering place of worship, pilgrimage, fair or melas within the jurisdiction of the Panchayat Samiti during such period as may be fixed by the Deputy Commissioner as a period of worship, pilgrimage, fair or melas, as the case may be, but does not include a person so visiting or entering who is under the age of three years or a resident of the same gram where such places of worship, pilgrimage, fair or melas are situated or a servant of the Government or of a Gram Panchayat, Panchayat Samiti or Zilla Parishad deputed for duty at such places:

Provided that nothing in this rule shall be deemed to prevent any Panchayat Samiti from levying with the previous approval of the Deputy Commissioner, the fee under this Part.

24. **Rates of fees:** (1) Subject to the first and second provision to clause (g) of sub-section (1) of section 128 of the Regulation, every Panchayat Samiti shall, after following the procedure prescribed in rules 3 and 4, levy, assess, collect and appropriate a fee for providing sanitary arrangements at the places of worship, pilgrimage, fair and melas within its jurisdiction at such rate not below the minimum rate as specified below, namely:-

	Minimum
Per pilgrim or visitor per visit.	Rs. 5.00

Provided that the fee in the case of children between the age group of three and twelve years shall not be levied at more than half the rates fixed under this rule;

Provided further that no fee shall be levied at all if sanitary arrangements have not been provided by the Panchayat Samiti at such places.

2) If a question arises as to the age of a child, the matter shall be referred to the senior most officer of the Panchayat Samiti available on the spot and his decision on such a question shall be conclusive and final and binding on all concerned.

25. Issue of passes on payment of fee: On payment of the prescribed fee, a pass shall be issued to the person paying it:

Provided that a person may obtain as many passes as he may need, subject to the payment of fees at the prescribed rate.

26. Size, design and colour of pass: The Panchayat Samiti shall determine the size, design and colour of the pass and shall have the same printed and stocked.

27. Place of collecting the fee: The fee shall be collected at such place or places as may be determined by the Panchayat Samiti for issue of passes.

PART VI

LEVY OF FEE BY THE PANCHAYAT SAMITI FOR LICENCE FOR A FAIR OR MARKET WITH ITS JURISDICTION

28. Definitions: In this part, unless there is anything repugnant to the context or meaning thereof:—

- a) "Licence" means a licence issued under this Part;
- b) "Licencee" means a person or organization holding a licence issued under this Part; and
- c) "Licence place" means a place within the jurisdiction of the Panchayat Samiti licensed for a fair or market under this Part.

29. Rates of fees for issue of a licence for a fair or market:

Subject to the second provision to clause (g) of sub-section (1) of section 128 of the Regulation, every Panchayat Samiti shall levy a fee for issue of a licence for holding or organizing a fair or market within its jurisdiction at such rate as may be fixed by it, but not below the minimum as specified hereunder:

	Minimum
Fees for issue of a licence for holding or organizing a fair or market within the jurisdiction of a Panchayat Samiti.	Rs.5,000/- per fair or market

30. Terms and conditions for issue of licence: The terms and conditions for issue of a licence for a fair or market under this Part shall be such as may be determined by the Panchayat Samiti in the manner laid down in the second provision to clause(g) of sub-section(1) of section 128 of the Regulation, the Panchayat Samiti shall also determine the form in which a license under this Part shall be issued and also determine the place within which a fair or market can be held or organized.

31. The Panchayat Samiti shall, keeping in view of the location of the area, availability of facilities of drinking water, transport facilities and other conveniences of the visitors, determine the place within its jurisdiction for fair or market.

Allotment of space by the licensee within the place licensed for a fair or market for the purpose of fabricating temporary stalls or structures for running shops, shall be against payment of rent or premium to the Licensee.

32. The licensee may allot space for fabrication of temporary stalls or structures to persons interested to run temporary shops or business at the place licensed for a fair or market and collect rent or premium therefore at such rate based on the size of the space allotted and subject to such terms and conditions as may be determined by the Panchayat Samiti in consultation with the Deputy Commissioner.

Duration of a fair or market

33. The duration of a fair or market shall not normally exceed ten days:

Provided that the Panchayat Samiti may, having due regard to the popularity; of such fair or market, public demand and other factors, extend such duration for a further period not exceeding five days beyond the date of expiry of the initial period.

The Panchayat Samiti not to impose any additional levy save the fee leviable for providing sanitary arrangements under Part V.

34. The Panchayat Samiti shall not impose any additional levy on the visitors or shop-keepers visiting or doing temporary business in the place licensed for a fair or market under this Part save the levy of the fee for providing sanitary arrangements at such licensed place under Part V. For this purpose, the Rules; under Part V shall *mutatia mutandis* apply to the visitors; and others in the place licensed under this Part in the same manner as they apply to the visitors and others for visiting place of worship or pilgrimage, fairs and melas within the jurisdiction of the Panchayat Samiti under the Rules in Part V.

PART – VII

Levy of water rates, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Panchayat Samiti within its jurisdiction.

35. **Tariff for water rates:** Subject to the second provision to clause(g) of sub-section(1) of section 128 of the Regulation, every Panchayat Samiti shall, after following the procedure prescribed in rules 3 and 4, levy, assess, collect an appropriate water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by it within its jurisdiction, and tariff for such rates shall be such as may be fixed by it, but not below the minimum and not more than the maximum rates as specified in the schedule to this Part:

Provided that no water rate shall be levied from the persons using or fetching drinking water from a public hydrant provided in a gram or public places within the jurisdiction of the Panchayat Samiti.

36. **Water rate from whom primarily leviable:** The water rate shall be primarily leviable from the actual occupier or owner of a residential building or the owner of commercial establishment to which the facility of supply of drinking water has been provided through pipe line by the Panchayat Samiti. For supply of water for irrigation, commercial and other purposes, it shall be leviable from the owner concerned or the person on whose requisition the supply of water is made.

37. Where the occupier or owner of a residential building temporarily ceases to reside in the building occupied or owned by him or where a commercial establishment is temporarily closed down for a period of not less than one month, the Panchayat Samiti shall remit or refund the whole or any part of the amount of water rate leviable or already levied, as the case may be in such cases and shall also temporarily disconnect the water supply line in such cases:

Provided that no such remission or refund shall be granted unless a notice in writing of the fact of the residential building being vacant or the commercial establishment closed is given to the Panchayat Samiti in advance :

Provided further that no remission or refund shall be granted in such cases for any period previous to the date on which such notice is given to the Panchayat Samiti.

38. As and when a request is made in writing by the occupier or owner of the residential building or owner of the commercial establishment for restoration of the water supply line disconnected under rule 37, the Panchayat Samiti shall restore such disconnected water supply line.

39. **Preparation of register of persons who are liable to pay water rates:** The Panchayat Samiti shall prepare or caused to be prepared a register containing the names other particulars and addresses of the persons who are liable to pay water rate under rule 35.

40. **Recovery of water rates:** The water rates shall be recovered by such official or officials as may be authorized in this behalf by the Panchayat Samiti. A receipt for every such payment shall be issued by the official of the Panchayat Samiti receiving it. The Form of such receipt shall be designed and got printed by the Panchayat Samiti.

SCHEDULE
(See Rule 35)

RATES OF WATER SUPPLY

Sl.No	Size of Pipes/mode of supply of water	Minimum per month
1	1" tap connection without overhead storage tank	Rs.10.00
2	½" tap connection with overhead storage tank	Rs.20.00
3	¾" tap connection without overhead storage tank	Rs.20.00
4	¾" tap connection with overhead storage tank	Rs.30.00
5	1" tap connection without overhead storage tank	Rs.30.00
6	1" tap connection without overhead storage tank	Rs.40.00
7	Water Supply by truck on casual basis	Rs.10.00 (per drum)
8	Water Supply by truck on regular basis	Rs.20.00 (per drum)
9	Bulk supply of water for commercial purpose	Rs.50.00 (Per tonne)
10	Bulk supply of water for irrigation purpose	Rs.30.00 (per tonne)
11	Water rate for bulk supply to Govt. Deptts., Institutions i.e. Hotels, Govt. Guest Houses, Tourist Home etc.	Rs.25.00 (per 1000 liters)

PART- VIII

Rules for levy, assessment, collection and appropriation of a water rate, where arrangement for lighting on public streets and places is made by the Panchayat Samiti within its jurisdiction.

41. Definition:— In this part, unless there is anything repugnant in the subject or context :

- (i) "House" means any building or set of buildings within the same enclosure and used by the same occupier and includes a hut;
- (ii) "Occupier" includes a person in actual possession of a house whether as owner, agent of the owner or tenant;
- (iii) "Owner" includes a persons who receive or is entitled to receive rent of the house if the house is let; and
- (iv) "Hut" means any building, which is constructed principally of wood mud, leaves, straw, grass, cloth, paper, and tin or rubber sheet and includes any temporary structure constructed of whatsoever materials and of whatever size.

42. Subject to the second provision to clause(g) of sub-section (1) of section 128 of the Regulation, the Panchayat Samiti shall, after following the procedure prescribed in rules 3 and 4, levy, asses, collect and appropriate a lighting rate, where arrangement for lighting on public streets and places is made by it within its jurisdiction at such rates as may be fixed by it, but not below the minimum and not exceeding the maximum rates as specified in the schedule to this part.

43. Lighting rate effective from what date:- The lighting rate shall be leviable for the year beginning on the 1st day of April and ending on the 31st day March next following and where the lighting rate come into force on any day other than the first day of April, it shall be leviable by the quarter ending on the 30th day of June, 30th day of September, 31st day of March next following and thereafter by the year.

44. Lighting rates from whom primarily leviable:

- (1) The lighting rate shall be leviable primarily from the actual occupier of the house if he is the owner of the house
- (2) If the house is not occupied by the owner himself.
 - (a) By the tenant if the house is let;
 - (b) By the superior tenant if the house is sub-let ; or
 - (c) The person in whom the right to let the same and collect rent thereof vests, if it is un-rent.
- (3) On failure to recover any sum due on account of the lighting rate from the person from whom it is primarily leviable, recovery may be made from the occupier of any part of the house in respect of which the rate is due such portion of that sum as the Pramukh of the Panchayat Samiti decides to be proportionately leviable in respect of that part of the house.

Provided that such occupier shall not be liable to pay that lighting rate for any period for which he as not in occupation of the house.

Exemption: The Panchayat Samiti may, for reason to be recorded in writing, exempt from the levy of the lighting rate-

- a) any house used for a charitable, educational or religious purpose or for a philanthropic cause; provided such house does not yield any rent to the owner or trustee thereof;
- b) any house or set or class of house as it may deem appropriate.

45. Remission or refund of lighting rate in the case of vacancies: Where any house which is liable to the lighting rate has remained vacant for a continuous period of three months or more, the Panchayat Samiti shall refund or remit the whole or any portion of the amount of the lighting rate paid or payable for such period.

Provided that no such remission or refund shall be granted-

- a) unless a notice in writing of the fact of the building or house being vacant has been given to the Pramukh of the Panchayat Samiti, or
- b) for any period previous to the date on which such notice is given to the Pramukh of the Panchayat Samiti.

SCHEDULE
(See Rule 42)

TARIFF OF LIGHTING RATES

		Minimum per annum
1	Where capital valuation of a house does not exceed Rs.50,000/-	0.1% of the capital valuation.
2	Where capital valuation of a house exceeds Rs.50,000/- but it does not exceed Rs.1,00,000/-	0.15% of the capital valuation.
3	Where capital valuation of a house exceeds Rs.1,00,000 but it does not exceed Rs.2,00,000/-	0.20% of the capital valuation.
4	Where capital valuation of house exceeds Rs.2,00,000/- but it does not exceed Rs.5,00,000/-	0.25% of the capital valuation.
5	Where capital valuation of a house exceeds Rs.5,00,000/- but it does not exceed Rs.10,00,000/-	0.25% of the capital valuation.
6	Where capital valuation of a house exceeds Rs.10,00,000/- and above.	0.25% of the capital valuation.
7	Where rental value of a house does not exceed Rs.1,200/-	Rs. 50.00
8	Where capital value of a house exceeds Rs.1,200/- per annum, but it does not Rs. 2,500/- per annum.	Rs. 60.00
9	Where rental value of a house exceeds Rs. 2,500/- per annum, but it does not exceed Rs. 3,600/- per annum.	Rs.180.00
10	Where rental value of house exceeds Rs. 3,600/- per annum, but it does not exceed Rs. 4,800/- per annum.	Rs.100.00
11	Where rental value of a house exceeds Rs. 4,800/- per annum, but it does not exceed Rs. 6,000/- per annum.	Rs.75.00
12.	And for every additional increase of Rs.700/- or part thereof in the annual rental value of a house over and above Rs.6,000/- per annum.	Rs.20.00 plus Rs.75.00

Sd/-
(N.N.JHA)
Lieutenant Governor
Andaman & Nicobar Islands.

By Order and in the name of Lieutenant Governor,

Sd/-
Assistant Secretary (Panchayats)
A & N Administration.

The A & N Islands
Panchayats (Levy, Assessment,
Collection and Appropriation of Taxes,
Duties and Fees by the Zilla Parishad)
Rules, 2002

THE ANDAMAN AND NICOBAR ISLANDS
PANCHAYATS

(LEVY, ASSESSMENT, COLLECTION
AND APPROPRIATION OF TAXES,
DUTIES AND FEES BY THE
ZILLA PARISHAD)

RULES, 2002



असाधारण
EXTRAORDINARY
प्राधिकार से प्रकाशित
Published By Authority

No. 92, Port Blair, Wednesday, April, 24, 2002

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

NOTIFICATION

Port Blair, dated the 24th April, 2002

No. 91/2002-F.No. 3-27/97-PR – Whereas the draft Andaman and Nicobar Islands Gram Panchayats (Levy, Assessment, Collection and Appropriation of Taxes, Duties and Fees by the Zilla Parishad) Rules, 1998 were published in the Official Gazette as required under sub-section (1) of section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994) inviting suggestions/objections from the general public;

And whereas no specific suggestions or objections acceptable to the Administrator has been received in the matter;

Now, therefore, in exercise of the powers conferred under section 202 read with Section 170 of the said Regulation, I, Shri N.N.Jha, Lieutenant Governor, Andaman and Nicobar Islands hereby make the following Rules with immediate effect :

THE ANDAMAN AND NICOBAR ISLANDS PANCHAYATS (LEVY, ASSESSMENT, COLLECTION AND APPROPRIATION OF TAXES, DUTIES AND FEES BY THE ZILLA PARISHAD) RULES, 2002

1. Short title, extend and commencement :-

- (i) These Rules may be called the Andaman and Nicobar Panchayats (Levy, Assessment, Collection and Appropriation of Taxes, Duties and Fees by the Zilla Parishad) Rules, 2002.
- (ii) They shall extend to the whole of the Union Territory of Andaman and Nicobar Islands except the areas included in the Municipality under the provisions of the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957 and the areas notified before the commencement of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 as reserved areas under sub-section(1) of section (3) of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956.
- (iii) These Rules shall come into force at once after final publication.

2. Definitions :-

- (a) In these Rules, unless the context otherwise requires;
- (b) "Chief Executive Officer" means the Chief Executive Officer of the Zilla Parishad;
- (c) "Clause" means clause of a rule or sub-rule of these Rules;
- (d) "Part" means Part of these Rules;
- (e) "Regulation" means the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994);
- (f) "Rule" means a rule of these Rules; and
- (g) all other expressions, words and phrases used in these Rules and not defined herein, but defined in the Regulation, shall have the meaning respectively assigned to them in the Regulation.

3. Procedure and limits for levy, assessment, collection and appropriation of taxes, duties and fees by the Zilla Parishad :-

Subject to the provisions contained in section 170 of the Regulation.

a) The Zilla Parishad shall, by a resolution passed in its meeting proposing the levy, assessment, collection and appropriation of taxes, duties and fees described in section 170 and in such resolution shall specify the rates at which they shall be levied and collected :

Provided that such rates shall not be less than the minimum rates specified by the Administrator in these Rules.

b) The Zilla Parishad shall then notify to the public the proposal contained in its resolution together with the relevant Part of these Rules which related to that tax or duty or toll or cess or fee by beat of drum in all the grams comprised in its jurisdiction and by means of a notice in the offices of the Gram Panchayats, Panchayat Samitis, Zilla Parishad, Tahsils and the Directorate of Panchayats specifying a day not earlier than one month after the date of such publication, on or after which the Zilla Parishad shall take the proposal into consideration.

c) Any person residing within the jurisdiction of the Zilla Parishad objecting to the levy and collection of the tax or duty or toll or cess or fee, as the case may be, may send his objection or suggestion in writing on or before the date specified in the notice published under clause (b).

d) On or after the date fixed under clause (b), the Zilla Parishad shall consider all objections and suggestions made under clause (c) and may finally decide the levy and collection of the tax or duty or toll or cess or fee, as the case may be and shall also determine the rate at which it is to be levied and collected.

4. Final publication of Rules relating to tax or duty or toll, cess and fee, as the case may be, to be levied and collected :-

Where a Zilla Parishad finally decides to levy and collect the tax or duty or toll or cess or fee, as the case may be, the relevant Rules contained in that Part of these Rules which relate to such tax or duty or toll or cess or fee, together with the notice stating the particular levy to be imposed and collected and the rate thereof shall be published by the Zilla Parishad by affixing a copy thereof in the Notice Board of the Zilla Parishad as also in the official Gazette and by affixing a copy thereof in the offices as specified in clause(b) of rule 3 and shall also announce by beat of drum in all the grams comprised in its jurisdiction, the fact of publication of such notice.

The tax or duty or toll or cess or fee, as the case may be, shall accordingly be levied and collected from the date which shall be specified in the notice and which shall not be earlier than one month after the date of publication of the notice.

5. Appeal against levy of any tax or duty or toll or cess or fee, as the case may be :-

Any person aggrieved by the assessment, levy or imposition of any tax or fee or duty or toll or cess, as the case may be, under section 170 of the Regulation may, if he so desires, make an appeal to the Deputy Commissioner of the District concerned within 30 days from the date of publication of the notice under rule 4.

PART - II

TAX ON LANDS AND BUILDINGS WITHIN THE LOCAL LIMITS OF THE ZILLA PARISHAD

6. Definitions:- In this Part unless there by anything repugnant to be subject or context -

- a) "Owner" includes the person who receives or is entitled to receive rent of the land or building if the land or building is let;
- b) "Occupier" includes a person in actual possession of a land or building whether as owner, agent or tenant;
- c) "Annual letting value" means the annual letting value for which the land or building may reasonably be expected to be let per year or from year to year; and
- d) "Capital value" means the estimated market value of a land or building.

7. Rate of tax on lands and buildings :- (1) The Zilla Parishad deciding to levy and collect a tax on lands and buildings within the local limits of its jurisdiction shall, subject to the provisions of sub-rule (2) and after following the procedure prescribed in rule 3 and 4, levy and collect it at such rate, based either on the capital value or the annual letting value of the lands and buildings, as may be decided by it, but not exceeding the maximum rate specified in the schedule annexed to this Part.

(2) The following lands and buildings shall be exempt from the levy of tax under sub-rule (1), namely -

- a) lands and buildings which are exclusively used for agricultural purposes and which are subject to agricultural assessment under the provisions for the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation 1966 (No. 2 of 1966) and the Rules made thereunder;
- b) lands or buildings belonging to a Gram Panchayat, a Panchayat Samiti and the Zilla Parishad and used or intended to be used solely for a public purpose and not used for purposes of profit;
- c) land and building used solely for religious, educational or charitable purposes or for a philanthropic cause;
- d) lands or buildings belonging to the Government and used or intended to be used for a public purpose and not used for purposes of profit; and
- e) lands and buildings, the capital value of which is less than Rs.500/- or annual letting value of which is less than Rs. 100/-.

8. Tax effective from what date : The tax on land and buildings shall be leviable for the year beginning on the 1st day of April and ending on the 31st day of March of the next following Calendar year and shall not come into force except on the following date viz., 1st day of April, 1st day of July, 1st day of October or 1st day of January, in any calendar year and if it comes into force on any day other than 1st day of April, it shall be leviable by the quarter till the 1st day of April next following.

9. Preparation of assessment :- (1) The Chief Executive Officer shall, subject to the general superintendence, control and supervision of the Adhyaksha, prepare or cause the preparation of an assessment list showing -

- a) the serial number or the revenue survey number of each land and building on such land, their actual measurement or size and the plinth area covered by the building.
- b) name of the owner and the occupier, if known;
- c) the Capital valuation or the annual letting value, as the case may be; and
- d) the amount of the tax assessed thereon:

Provided that the Zilla Parishad may, and if so desired by the Administrator, shall entrust the preparation of the assessment list to an Officer of the local Revenue Department not below the rank of a Naib Tahsildar (hereinafter called "the Government Officer" in this Part).

(2) Where the tax is assessed on the annual letting value, a sum equal to ten percent of the said valuation shall be deducted from the valuation in lieu of all allowances for repairs or any other account whatsoever.

3) For the purpose of preparing such assessment list, the Chief Executive Officer or any person acting under his authority or the Government Officer, as the case may be, may inspect any land or building located within the jurisdiction of the Zilla Parishad.

10. Person primarily liable for tax how to be designated if his name cannot be ascertained :- Where the name of the person primarily liable for the payment of tax cannot be ascertained, it shall be sufficient to designate him in the assessment list and in any notice which it may be necessary to serve upon the said person as "the holder" of such land or building without further description.

11. Publication of notice of time fixed for lodging objection : When the assessment list is complete in all respect, the Chief Executive Officer shall cause a notice to be given by beat of drum in the grams within the jurisdiction of the Zilla Parishad that the list is open for inspection at the Offices of the Gram Panchayats, Panchayat Samitis and Tahsildars and the Directorate of Panchayats and that the objection, if any, from any person aggrieved or adversely effected by the assessment list will be considered and decided -

- a) where the assessment list is prepared by the Chief Executive Officer, by the Zilla Parishad; and
- b) where the assessment list prepared by the Government Officer, by such Government Officer, on a day after thirty days of the date of notice thereof.

12. Inspection of amusement list :- Every person whose name is included in the assessment list, the owner or occupier of any land or building, every person claiming to be the owner or occupier of any land or building, every person in the possession of any land or building, included in the assessment list and any agent of such person may inspect the assessment list and take extract there from with or without any payment therefore.

13. Consideration of objections to assessment list and authentication of such list :-(1) All objections to the assessment list shall be considered and decided by the Zilla Parishad or the Government Officer, as the case may be, on the date specified in the notice published under rule 11, or on any later date and the decision of the Zilla Parishad or the Government Officer, as the case may be, shall be communicated to the person objecting to the assessment made in the assessment list.

(2) Any person desiring to appeal under section 171 of the Regulation, to the authority specified therein shall do so within thirty days of the date of communication of the decision under sub-rule(1).

(3) The Zilla Parishad shall cause all amendments necessary in accordance with the order of the appellate authority when an appeal is preferred and the decision of the appellate authority, to be made in the assessment list which shall be authenticated by the signature of the Adhyaksha or the Government Officer, as the case may be, not later than the 31st day of July of the year in which the assessment list is prepared.

14. Entries in authenticated assessment list to be conclusive evidence :- The entries in the assessment list authenticated under sub-rule (3) of rule 13 shall be the conclusive evidence of the amount of tax leviable under the Rules in this Part.

15. Amendment of assessment list : (1) The Zilla Parishad may at any time after assessment list is finalised, amend it by inserting or altering any entry in respect of any land or building, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration or re-construction has been completed after the preparation of the assessment list, after giving notice to any person likely to be adversely affected by such alteration of the assessment list and after specifying therein a date not earlier than one month after the date of service of such notice, before which any objection to such alteration should be made.

2) Any objector made under sub-rule (1) by any person likely to be adversely affected by any such alteration before the time fixed in such notice shall be dealt with in all respects as if it were an objection under rule 11.

3) Any entry or alteration made under this rule shall have the same effect as if it had been in the case of building constructed, altered, added to or reconstructed on the date on which such construction, alteration, addition or reconstruction was completed or on the date on which the new construction, alteration addition or reconstruction was first occupied whichever first occurs, or in other cases, on the earliest day in the current calendar year in which the circumstances justifying the entry or alteration existed; and the tax or the enhanced tax, as the case may, shall be levied in such year in the proportion which the remainder of that Calendar year after such day bears to the whole year.

16. Notice to be given to the Adhyaksha of demolition or removal etc. of building :- (1) Where any building or any portion of a building which is liable to the payment of tax is demolished or removed, or is burnt or falls down, the person primarily liable for the payment of the tax shall give notice thereof in writing to the Adhyaksha.

(2) Until such notice is given, the person aforesaid shall continue to be liable to pay such tax as he would have been liable to pay in respect of such building if the same, or any portion thereof, had not been demolished, removed, burnt or as the case may be fallen down.

17. Assessment list to be revised every four years :- The assessment list shall be completely revised once in every four years:

Provided that the Zilla Parishad may, *suo motto* or on an application made to it by any person in that behalf, make such alteration every year, in the assessment list authenticated under rule 13 and the provisions of rules 9 to 16 shall apply in relation to such alterations as they apply in relation to an assessment list prepared under those provisions, with the modification that in sub-rule (3) of rule 13, for the portion "assessment list which shall be authenticated by the signature of the Adhyaksha or the Government Officer, as the case may, not later than 31st day of July of the year in which the assessment list is prepared" the portion "the assessment list which shall be authenticated by the signature of the Adhyaksha or the Govt. Officer, as the case may, not later than 31st day of July of the year to which such alteration relate", were substituted.

18. The tax from whom primarily leviable :- The tax shall be leviable primarily from the actual occupier of the land or building upon which it is assessed, if such occupier is the owner of such land or building.

If the land or building is not occupied by the owner himself, the tax shall be primarily leviable from –

- (a) the tenant, if the land or building is let.
- (b) the superior tenant, if the land or building is sublet.
- (c) the person in whom the right to let the same vests, if the land or building is unlet.
- (d) the person to whom the land or building has been transferred if the owner of the land or building has left the gram or cannot otherwise be found. On failure to recover any amount due on account of such tax the same may be recovered from the occupier of any part of the land or building in respect of which such tax is due and recoverable in the ratio which the Adhyaksha decided to be an equitable ratio to the amount of tax assessed on the whole land or building in the authenticated list.

The decision of the Adhyaksha shall be appealable to the Zilla Parishad whose decision on the appeal preferred in this regard shall be final, conclusive and binding.

19. Remission or refund of tax in cases of vacancies :- Where any land or building which is assessed to a tax payable by the year has remained vacant and un-productive of rent for a continuous period of three months or more during a year, the Zilla Parishad shall remit the whole or any portion of the amount of tax paid or payable for such period.

Provided that no such remission or refund shall be granted unless a notice in writing of the fact of the land or building being vacant and un-productive of rent has been given to the Adhyaksha by the person seeking for such remission or refund.

Provided further that no remission or refund shall be granted for any period previous to the date on which such notice is given to the Adhyaksha.

20. Recovery of tax and issue of receipt therefore :- The tax shall be recovered or caused to be recovered by the Chief Executive Officer and a receipt of every such payment shall be given by the person receiving it.

21. Form of Receipt :- The Zilla Parishad shall determine the form of receipt to be issued under 20.

SCHEDULE
[See Rule 7]

RATE OF TAX

Rate of tax based on capital value	2% of the capital value or fraction thereof.
Rate of tax based on annual letting value	1.5% of the annual letting value or fraction thereof.

PART - III

TAX ON PROFESSION, TRADES, CALLING AND EMPLOYMENT

22. Rate of taxes and professions liable to pay :- (1) A tax on professions, trades, callings and employments referred to in clause (b) of sub-section (1) of section 170 shall, after following the procedure prescribed in rules 3 and 4, be levied by the Zilla Parishad, every half year in every gram falling within its jurisdiction at the rates specified in sub-rule (2) on -

- (i) every company, firm or business establishment which transacts business in the gram for not less than sixty days in that half year; and
- (ii) every person who in that half year -
 - a) exercises profession or art or calling or transacts business or holds appointment - private or public, in such gram, for not less than sixty days in the aggregate, or without such gram who resides in it for not less than sixty days in the aggregate, or
 - b) resides in such gram for not less than sixty days in the aggregate and is in receipt of any pension or income from investments.

2) The rate of tax to be levied under sub-rule (1) shall be as follows, namely

Every company, firm or business establishment or person specified in sub-rule (1) whose total half yearly income from pay, salary, pension or estimated income from all sources other than agriculture amounts to -

		Half Yearly Minimum
Class I	Rs. 1,00,000/- or upwards	Rs. 3,000/-
Class II	Rs. 50,000/- or upwards but below Rs. 1,00,000/-	Rs. 1,500/-
Class III	Rs. 30,000/- or upwards but below Rs. 50,000/-	Rs. 750/-
Class IV	Rs. 20,000/- or upwards but below Rs. 30,000/-	Rs. 360/-
Class V	Rs. 10,000/- or upwards but below Rs. 20,000/-	Rs. 240/-
Class VI	Rs. 5,000/- or upwards but below Rs. 10,000/-	Rs. 120/-
Class VII	Rs. 3,000/- or upwards but below Rs. 5,000/-	Rs. 60/-
Class VIII	Rs. 2,000/- or upwards but below Rs. 3,000/-	Rs. 40/-
Class IX	Rs. 1,500/- or upwards but below Rs. 2,000/-	Rs. 20/-

3) A person shall be chargeable in the class applicable to his aggregate income from all sources other than agriculture specified in sub-rule (1) as being liable to the tax.

23. Exemptions :- (1) If a person (which includes a Company) has paid for any half year the sum due on account of a tax on profession, trade, calling or employment under the Regulation or any other law for the time being in force, to a Gram Panchayat, Panchayat Samiti or any local authority, he shall be exempted from payment for the same half year to the Zilla Parishad such tax or any tax in the nature of such tax, by reason of merely of change of place of business, exercise of profession or art or calling or appointment, or residence.

(2) The Zilla Parishad may exempt any one or more of the classes mentioned in sub-rule(2) of rule 22 from liability to pay tax on profession, trade, calling or employment.

Provided that no class shall be exempted from such liability when any lower class is liable to pay the tax.

24. Power to call for a return or assessment :- (1) If in the opinion of the Chief Executive Officer or any other person authorized by the Zilla Parishad, a tax on profession, trade, calling, art or calling or employment is or will be due from a Company or person for any half year, he shall serve a notice on such company or person to furnish within such period not being less than thirty days, as may be specified in the notice, a return in the form prescribed in the Schedule annexed to this part showing the income on the basis of which, according to such company or person, it or he liable to be assessed to the tax on profession, trade, calling or employment in the half year in question. Thereupon, it shall be a binding obligation on such company or person to submit the return showing the income derived by it or him during the half year in which such tax is claimed or for the corresponding half year of the previous year and produce any evidence on which the company or person may rely in support of the return made.

2) If a return is made as required under sub-rule(1) and the Chief Executive Officer or the person authorized by the Zilla Parishad is satisfied that it is correct and complete, he shall levy the tax on the profession, trade, art or calling or employment from such company or person on the basis of such return.

3) If no such return is made, as required under sub-rule(1) or if the Chief Executive Officer or the person authorized by the Zilla Parishad is satisfied that any return so made is incorrect or incomplete, the Chief Executive Officer or the person authorized by the Zilla Parishad shall assign to the company or person the class in the scale appropriate to the half yearly income of such company or person as estimated, by him.

4) The Chief Executive Officer or the person authorized by the Zilla Parishad may, when classifying any company or person under sub-rule (3) do so on general considerations with reference to the nature and reputed value of the business transacted and the size and rental of residential and business premises, the quantity and number of articles dealt with, the number of persons employed and the income tax paid.

25. Return to be treated as confidential :- All statements made, the returns furnished or accounts or documents produced in connection with the assessment of profession tax by any company or person shall be treated as confidential and copies thereof shall not be granted to the public.

26. Power to call for certain information :- The Chief Executive Officer or the person authorized by the Zilla Parishad may, by notice require, the owner or occupier of any building or land, every Secretary or Managers of Hotel, boarding or lodging house, club or residential chambers, to specify the profession, art or calling of every such person and the rent, if any paid by him and the period of such occupation.

SCHEDULE
[See rule 24]

RETURN OF INCOME FOR ASSESSMENT TO PROFESSION TAX FOR THE HALF YEAR
ENDING

1. Name of the company or person;
2. Description of business or profession, art or calling or appointment.
3. Income derived by the assessee during the half-year or the corresponding half year of the previous year, from the exercise of any profession, art or calling or from holding any appointment, public or private, or from money lending business -
 - a) within the gram for not less than 60 days in the aggregate during the half-year; and
 - b) without the gram if the assessee has resided within the gram for not less than 60 days in the aggregate during the half-year.
4. Where business other than money lending is transacted exclusively within the gram -
 - a) where income-tax has been assessed on the company or person for year comprising the half-year - the amount of such company or person were computed under section of the Income Tax Act for the purpose of assessing such income tax.
 - b) where the said profits and gains are not ascertainable or where income-tax has not been assessed for the year comprising the half year -
 - i) the turn-over of business transacted within the gram during the half-year, or
 - ii) where such turn-over is not ascertainable, the turn-over of the business in the gram during the corresponding half-year of the previous year.
5. Where such turn-over is not ascertainable, the turn-over of the person partly in the gram and partly outside the gram -
 - a) the turn-over of the business transacted within the gram during the half-year, or
 - b) where such turn-over is not ascertainable, the turn-over of the business in the gram during the corresponding half-year of the previous year.
6. Income derived by the assessee -
 - a) from business transacted outside the gram, and
 - b) from any pension or investment during the half-year if the assessee has resided within the gram for not less than 60 days in the aggregate during the half-year

7. The aggregate income on the basis of which according to the company or person it or he is liable to be assessed.

PART - IV

LEVY OF A DUTY IN THE SHAPE OF AN ADDITIONAL STAMP DUTY ON ALL TRANSFER OF IMMOVABLE PROPERTY SITUATED WITHIN THE LOCAL LIMITS OF THE GRAM/VILLAGE.

27. Definition :- In this Part, unless there be anything repugnant to the subject, context or meaning -

- a) "additional stamp duty" includes a surcharge;
- b) "Collector" mean the Collector of District; and
- c) "transfers of immovable property" means transfer of such property by sale, gift or usufructuary mortgaged.

28. Rate of the additional duty and procedure for its levy : (1) For the purpose of levy of additional stamp duty on all transfers of immovable property situated within the local limits of the gram/village as provided for in clause (b) of sub-section (2) of section 170, the Zilla Parishad shall follow the procedure prescribed in sub-rules (2) and (3).

(2) (a) The Zilla Parishad shall pass a resolution at its meeting sanctioning the proposal for levy of the additional stamp duty as provided for in clause (a) of sub-section (2) of section 170, stating that the stamp duty leviable under the Indian Stamp Act, (Andaman and Nicobar Islands) Amendment Regulation, 1957 (No. of 1957), on instruments of sale, gift and usufructuary mortgage, respectively, of immovable property shall, in the case of any such instrument relating to such transfers of immovable property situated within the local limits of the gram/village and executed on and from the date on which the Zilla Parishad notified the finalization of this proposal under sub-rule (3), be increased by a surcharge at the rate not less than one-half percent and not more than one percent in the case of all transfers by sale or gift of immovable property so situated and in the case of all transfers by sale or gift of immovable property so situated and in the case of an instrument relating to transfer of such immovable property by usufructuary mortgage, on the amount secured by the instrument as set forth in the instrument and shall be collected accordingly under the said Regulation No. 1 of 1957.

(b) The Zilla Parishad shall then notify the proposal to the general public by a notification published in the Official Gazette together with these Rules. The Zilla Parishad shall make the copies of the relevant Gazette available in the offices of the respective Gram Panchayats, Panchayat Samitis, Zilla Parishad, Offices of the Tahsildars, Assistant Commissioners and the Deputy Commissioners. In addition, the proposal shall also be notified by beat of drum in the grams. While publishing the proposal in the manner aforesaid, the Zilla Parishad shall specify in such notification, a date, not earlier than thirty days after which the Zilla Parishad shall take the proposal into consideration.

(c) In said notification and the announcement by beat of drum, it shall be *inter-alia* stated that any person residing within or outside a gram who is likely to be adversely affected by the proposal may make any objection or suggestion with respect to the said proposal in writing to the Zilla Parishad on or before the date specified in clause (b) or orally on any day or days on which the Zilla Parishad considers the proposal and that such objections or suggestions, if any, may be addressed to the Chief Executive Officer. The Zilla Parishad shall consider all objections and suggestions made under clause(c) and may approve or modify the proposal.

3. Where the Zilla Parishad finally decides to levy the additional stamp duty, it shall publish a final notification in the Official Gazette specifying therein the rate at which it shall be levied and copies of such notification together these Rules shall be affixed in the office specified in clause (b) of sub-rule (2). The Zilla Parishad shall also announce and shall give due publicity in the village about the contents of such notification in the gram by beat of drum. The additional stamp duty shall accordingly be levied with effect from the date of publication of the aforesaid final notification in the Official Gazette.

29. Who shall collect the additional stamp duty : (1) The Collector shall collect or cause to be collected the additional stamp duty under rule 28 in the same manner as the stamp duty is collected under the Indian Stamp Act, (Andaman and Nicobar Islands) Amendment Regulation, 1957 (No. 1 of 1957).

(2) No document liable to be charged for the additional stamp duty under rule 28 shall be entertained for registration by a Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908, unless such additional stamp duty has been paid in respect of such documents by the person or persons liable to pay the same.

30. Separate account to be maintained for collection of additional stamp duty :

The Collector shall maintain or cause to be maintained a separate account for the additional stamp duty collection under rule 28.

The Andaman and Nicobar Administration shall, every year, after due appropriation of accounts made by law in this behalf, pay to the Zilla Parishad an additional grant-in-aid approximately equal to the amount of additional stamp duty on account of the surcharge levied during the previous year under rule 28 in respect of transfer of immovable properties situated within the local limits of the gram.

Provided that the Administration may reduce the sum paid or payable to the Zilla Parishad on account of the surcharge as levied from the total amount of the normal grant-in-aid payable to the Zilla Parishad the Administrator during the year in which additional grant-in-aid is payable or paid, as the case may be.

PART - V

LEVY OF A DUTY IN THE SHAPE OF AN ADDITIONAL STAMP DUTY ON ALL PAYMENTS FOR ADMISSION TO ANY ENTERTAINMENT.

31. Definitions : Unless there is anything repugnant to the subject, context or meaning -

- a) "Admission to an entertainment" means admission to any place in which the entertainment is held;
- b) "District Magistrate" means the District Magistrate of a District in the Union Territory;
- c) "Deputy Commissioner" means Deputy Commissioner of a District in the Union Territory;
- d) "Entertainment" includes any exhibition, performance, shows, amusement, carnival game or sport to which persons are admitted for payment;
- e) "Payment for admission" includes -
 - (i) any payment made by a person, who having been admitted to one part of a place of entertainment is subsequently entitled to another part thereof, for admission to which payment involving additional stamp duty in addition to the amount of additional stamp duty already paid, is required;
 - (ii) any payment for seats or other accommodation in a place of entertainment;
 - (iii) any payment for a programme or synopsis of an entertainment; and
 - (iv) any payment for any purpose whatsoever connected with an entertainment which a person is required to make a condition of attending or continuing to attend the entertainment in addition to payment, if any, for admission to the entertainment.
- f) "Proprietor" in relation to any entertainment includes any person responsible for the management thereof; and
- g) "Society" includes a Company, institutions, club or other association of persons by whatsoever name called.

32. Rates of additional stamp duty on entertainment and procedure for its levy :-

1) The Zilla Parishad shall levy, collect and appropriate a duty in the shape of an additional stamp duty on all payments to any entertainment held within the local limits of the gram by following the procedure prescribed in rules 3 and 4 such rates as may be fixed by it, but not less than the minimum and not exceeding the maximum rates as specified in the Schedule appended to this Part of the Rules.

2) If in respect of any entertainment to which admission is generally on payment, any person is admitted free of charge or at a reduced rate of payment, he shall be liable to pay the same amount of additional stamp duty as would have been payable by him had he been admitted on full payment to the class to which he is entitled to be admitted.

3) Where the payment for admission to an entertainment is made by means of a lump sum paid as a subscription or contribution to any Society, or for a season ticket or for the right to admission to a series of entertainment or to any entertainment during a certain period of time, or for any privilege, right facility or thing combined with the right of admission without further payment or at a reduced charge, the additional stamp duty shall be paid on the amount of the lump sum, but where the Adhyaksha is of the opinion that payment of lump sum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to an entertainment, or covers admission to an entertainment during any period for which the additional stamp duty is not payable, the additional stamp duty shall be charged on such amount as appears to the Adhyaksha to represent the right of admission to entertainment in respect of which the additional stamp duty is payable.

33. Manner of admission and payment : Save as provided by these Rules, no person other than a person who has some duty to perform in connection with the entertainment or a duty imposed upon him by law, shall be admitted to any entertainment in the local limits of the gram, except with a ticket stamped with, or impressed, embossed, engraved or adhesive stamp (not previously used) issued by the Zilla Parishad for the purpose of revenue and denoting that proper additional stamp duty payable under rule 32 has been paid.

34. Penalty for non-payment of additional stamp duty : 1) No person liable to pay additional stamp duty shall enter or obtain admission to an entertainment without payment of the additional stamp duty leviable under rule 32.

2) Any person who enters or obtains admission to an entertainment in contravention of the provisions of sub-rule (1) shall, on conviction be punishable with fine which may extend to ten rupees, and shall, in addition to be liable to pay the additional stamp duty leviable under rule 32.

3) If any person liable to pay entertainment tax is admitted to a place of entertainment without payment of additional stamp duty leviable under rule 32, the Proprietor of the entertainment to which such person is admitted shall, on conviction be punishable for every such offence with fine which may extend to ten rupees.

35. Revocation of licences : (1) Notwithstanding anything contained in any other law for the time being in force, but without prejudice to the provisions of sub-rule (1) of rule 34, the District Magistrate may, by order, revoke or suspend any licence for an entertainment granted under any law for the time being in force if the Proprietor of such entertainment is convicted under the provisions of these Rules.

2) An order made under sub-rule (1) shall be served upon the Proprietor by delivering to him or, if it cannot be delivered or tendered, by affixing it on a conspicuous part of the premises where the entertainment is held.

36. Prohibition against re-sale of ticket : (1) Notwithstanding anything contained in any law for the time being in force, a ticket for admission to an entertainment shall not be re-sold for profit.

2) Whoever re-sells any tickets for admission to an entertainment for profit shall, on conviction, be punishable with fine which may extend to ten rupees.

37. Exemption : 1) The additional stamp duty shall not be charged on payments for admission to any entertainment where the Deputy Commissioner is satisfied that -

- a) the whole of the proceeds of the performance of the entertainment thereof are devoted to philanthropic, religious or charitable purposes; or
- b) the entertainment is of wholly of educational character; or
- c) the entertainment is provided for partly educational or partly scientific purposes by a society not constituted or established for profit; or
- d) the entertainment is provided by a society which is established solely for the purpose of promoting the interests of any industry, including a manufacturing industry, or agriculture, or public health and which is not constituted or established for profit.

2) Where the Adhyaksha is satisfied that the whole of the net proceeds of the entertainment are devoted to philanthropic, religious or charitable purposes and that in calculating the net proceeds not more than twenty-five percent of the gross proceeds have been deducted on account of the expenses of the entertainment, he shall re-pay to the Proprietor for the amount of the additional stamp duty recovered in respect of the entertainment.

3) The Adhyaksha may, by general or special order for reasons to be recorded therein, exempt any entertainment or class of entertainment from liability to the additional stamp duty.

4) The Soldiers, Sailors and Airmen (other than Commissioner Officers) of the Defence Forces of India in uniform, and when not in uniform, on production of their Indian Armed Forces Indian Identity Cards or Pay Book shall be exempt from payment of additional stamp duty. The words "Defence Personnel shall be printed, stamped or written on the tickets issued to such persons".

38. Power of entry : 1) Any Officers authorized by the Deputy Commissioner for the purpose may enter any place of entertainment when the entertainment is proceeding or any place ordinarily used as a place of entertainment at any reasonable time with a view to seeing whether the provisions of these Rules or any By-laws made there under are being complied with.

2) Any person who prevents or obstructs any such Officer, he shall, in addition to any other punishment to which he may be liable under any law for the time being in force, be liable on conviction before a Magistrate to a fine not exceeding ten rupees.

3) Every Officers empowered under this rule shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Act XIV of 1860).

39. Power to make bye-laws : 1) The Deputy Commissioner may make by-laws not in consistent with these Rules for securing the payment of the additional stamp duty and generally for carrying into effect the provisions of these Rules, and in particulars -

- a) for supply and use of stamps or stamped or embossed tickets or for stamping or embossing of tickets required to be stamped or embossed and for securing the defacement of stamps when used;
- b) for use of tickets covering the admission of more than one person and that the calculation of the additional stamp duty thereon, and for payment of such duty on transfer from one part of a place of entertainment to another and on payment for seats and other accommodations;
- c) for controlling the use of barriers or mechanical contrivances (includes precaution of the use of the same barrier or mechanical contrivances for payment of a difference amount) and for securing proper record of admission by means of barriers or mechanical contrivances;
- d) for renewal of damaged or spoilt stamps and for the procedure to be followed on application for refund under these Rules or any Bye-laws made under these Rules.
- e) for keeping of accounts of all stamps used under these Rules; and
- f) for the presentation and disposal of applications for exemption from payment of additional stamp duty, or for the refund thereof, made under the provisions of these Rules;

2) if any person acts in contravention of or fails to comply with any bye-law made under this rule, he shall on conviction before a Magistrate, be liable in respect of such offence to a fine not exceeding ten rupees.

THE SCHEDULE
[See sub-rule (1) of Rule 32]

RATES OF ADDITIONAL STAMP DUTY ON PAYMENTS TO ENTERTAINMENT

Where the payment, excluding the amount of entertainment tax leviable under the provisions of the Andaman and Nicobar Islands (Entertainment Tax) Regulation, 1951 (No. 1 of 1951) as subsequently amended from time to time.

	Minimum
Exceeds two rupees but does not exceed Rs. 10.00	10%
Exceeds Rs. 10.00	15%
Exceeds rupees three but does not exceed four rupees.	50 paise
Exceeds four rupees but does not exceed five rupees.	70 paise
Exceeds five rupees but does not exceed six rupees and fifty paise.	90 paise
Exceeds six rupees and fifty paise but does not exceed ten rupees.	1.25 paise

- PART - VI

RULES RELATING TO LEVY OF FEES ON REGISTRATION OF VEHICLES

40. Rate of fee : 1) The Zilla Parishad shall, after following the procedure prescribed in rules 3 and 4, undertake registration of vehicles and levy of fees therefore at such rates as may be fixed by it, but not below the minimum and not exceeding the maximum rates specified in the schedule to this Part.

Explanation : "Vehicle" includes a mechanically propelled vehicle.

2) Subject to the provisions of sub-rule (3), the fee will be levied for the whole year beginning on the 1st April of each year on all vehicles, owned by or in the possession of persons for the time being residing within the limits of the gram and used within or outside the such gram, whether they are actually kept within or outside the limits of the gram.

3) No fee shall be levied on;

- i) vehicles belonging to the Panchayat and used for service of the Panchayat;
- ii) vehicles belonging to the Government and used for service of the Government;
- iii) vehicles used by salaried servants of the Panchayat and intended for the discharge of their duties in relation to the Panchayat not exceeding one in the case of any such salaried servant;
- iv) vehicles used by Police Officers in the discharge of their official duties and certified accordingly by the Superintendent of Police concerned; and
- v) vehicles owned by and used by handicapped persons requiring aid of such vehicles for their movements from one place to another within or outside the limits of the gram.

41. Persons liable for payment of fee : The persons whose name stands recorded in the register of fees on vehicles maintained by the Zilla Parishad shall be liable for the payment of the fee to the Zilla Parishad, unless he has given a notice in writing to the Zilla Parishad that he has ceased to use the vehicle or has disposed it of so that a bill for payment of fee for the next year may not be served on him.

42. Preparation of register of persons liable to fee : The Chief Executive Officer of the Zilla Parishad shall prepare or caused to be prepared a register containing the names and other particulars, including addresses of persons who own or possess a vehicle, which under rule 36 is liable to registration and payment of fee.

43. Vehicles to bear a number : All vehicles which are liable to registration and payment of fees shall bear a number plate in such form or design as may be provided by the Zilla Parishad at the cost of the owner or the person in possession of the vehicles. It shall be obligatory for the persons owning or possessing vehicles to obtain such number plate from the Zilla Parishad on payment.

44. The Chief Executive Officer of the Zilla Parishad or the person authorized by him in this behalf shall receive the payment of the fee and give a receipt for the same. The Zilla Parishad shall determine the Form of such receipt.

45. Penalty : Any person who commits a breach of rule 43 shall, on conviction, be punished with a fine which may extend to ten rupees, and in the case of continuing breach, with a fine which may extend to two rupees for every day during which the breach continues, after conviction for the first breach.

THE SCHEDULE

[See sub-rule(1) of rule 35]

RATES OF FEES ON VEHICLES

<u>Description of vehicles</u>	<u>Minimum</u>
Mechanically propelled vehicles of all description	Rs. 15.00
Private bicycle or tricycle	Rs. 6.00
Bicycle on hire	Rs. 5.00
Vehicles drawn by a single animal	Rs. 7.00
Vehicles drawn by two animals or more	Rs. 6.00
Cart or any other vehicle, excluding mechanically propelled vehicles	Rs. 3.00

RULES FOR LEVY OF FEES BY THE ZILLA PARISHAD FOR MAKING SANITARY ARRANGEMENTS AT SUCH PLACES OF WORSHIP OR PILGRIMAGE, FAIRS AND MELAS WITHIN ITS JURISDICTION AS MAY BE DETERMINED BY IT.

46. Rate of fees :- The Zilla Parishad shall, after following the procedure prescribed in rules 3 and 4, levy fees for providing sanitary arrangements at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be determined by it at such rates as may be fixed by it but not below the minimum rates as specified in the Schedule to this Part.

2) Subject to sub-rule (3), the fee shall be levied on daily basis on all persons visiting the places of worship or pilgrimage, fairs and melas for any purpose whatsoever, including trade or business.

Provided that the fee in the case of children between the age group of 3 to 12 years shall not be levied at more than half the rate fixed.

3) If a question arises as to the age of a child, the decision of the Zilla Parishad staff assigned the collection of fees on the spot shall be final, conclusive and binding on all concerned.

4) No fee shall be leviable on -

- (i) the Panchayat officials posted on official duty to the place of worship or pilgrimage, fairs and melas; and
- (ii) the Government servants posted on official duty to the places mentioned in clause (i) of this sub-rule.

5) Notwithstanding the levy of daily fee under sub-rule(1), the shopkeepers having their fixed shops and all persons who have established trade or business by fabricating temporary structures for carrying out such trade or business within the limits of the places of worship or pilgrimage, fairs and melas, shall pay the fee in lumpsum for the entire duration for which such worship, pilgrimage, fair or melas is held. Such passes shall not authorize more than two persons to use it. Names of such person shall be written on such passes, which shall also bear their specimen signature and photograph. No amount of such lumpsum payment shall be refundable even if a shopkeeper abandons or closes down his trade or business or otherwise ceases to carry on such trade or business before the conclusion of the duration of the worship, pilgrimage, fairs or melas or where such duration is reduced due to some unforeseen circumstances.

47. Establishment of entry and exit points : The Zilla Parishad shall establish as many entry and exit points as it considers necessary keeping in view the magnitude of visitors visiting the places of worship or pilgrimage, fairs or melas for regulating the entry into and exit from such places of the visitors. While establishing such entry and exit points, the Zilla Parishad shall have due regard for safe entry and exit of visitors or their evacuation in the event of an emergency such as break out of fire, occurrence of riot or the like situations.

48. Place of payment of fee and issue of passes : On payment of fees, passes shall be issued either at the entry point or at a place established for this purpose as near to the entry point as possible. Passes in bulk may be issued in advance and on payment thereof to the Heads of Institutions and Organisation. Entry Passes shall not be transferable and shall be valid for a single entry. At the entry point, the pass held by a visitor shall be defaced and the visitor allowed to enter :

Provided that the entry passes issued to the shopkeepers already having their shops established and functioning and those who fabricate their temporary stalls and structures for carrying on their trade or business within the places and before the commencement worships, or pilgrimages, fairs and melas shall be valid for the entire duration of such worship or pilgrimage, fairs and melas and shall authorize them to make as many entries into or exits from the place of worship, pilgrimage, fairs or melas daily as may be necessary for the purposes of carrying on their trade or business.

49. Size, form and colour of entry passes :- The Zilla Parishad shall determine the sizes, forms and colours of entry passes and shall have them printed and kept in advance in sufficient quantity.

SCHEDULE
[See sub-rule (1) of rule 46]

RATES OF FEES

	<u>Minimum</u>
1. Per visitor	Rs. 1/- per visit per day
2. Per Hawker	Rs. 3/-
3. Per shopkeeper having his fixed permanent/ temporary place of business.	Rs. 10/- for entries duration
4. Person/persons visiting with animal/ animals for sale or otherwise	Rs. 2/- per person per day.

- NOTE:**
- (i) Person(s) coming with dangerous or violent animals or animal(s) with abnormal behaviour posing risk to human life and property shall not be allowed an entry to the places of worship, pilgrimage, fair and melas.
 - (ii) Animal(s) suffering from infectious and contagious disease(s) shall also not be permitted to enter the place or vicinity of worship, pilgrimage, fairs and melas.
 - (iii) In the event of an animal causing harm to human life and property, the owner or the person bringing such animal to the place or a vicinity of the worship, pilgrimage, fairs or melas shall be solely responsible to make good the losses sustained as a result of such harm to the human life and property.

PART - VIII

LEVY OF WATER RATE FOR SUPPLY OF WATER FOR DRINKING, IRRIGATION OR ANY OTHER PURPOSE BY THE ZILLA PARISHAD WITHIN ITS JURISDICTION

50. Tariff for water rate : The Zilla Parishad shall, after following the procedure prescribed in rules 3 and 4, levy, collect and appropriate water rates, where arrangements for the supply of water for drinking, irrigation or any other purpose is made by it within its jurisdiction, and charges for such rate will be such as may be fixed by it but not below the minimum and not exceeding the maximum rates as specified in the Schedule to this Part :

Provided that no water rate shall be leviable from the persons using or fetching drinking water from the public hydrants provided in a gram.

51. Water rate from whom primarily leviable : The Water rate shall be leviable primarily from the actual occupier of a residential building or the owner of a commercial establishment to which the facility of supply of drinking water has been provided through pipe line by the Zilla Parishad and for supply of water for irrigation, commercial and other purposes, it shall be leviable from the owner concerned or the person on whose requisition, the supply of water is made.

52. Where the occupier of a residential building temporarily ceases to reside in a building under his occupation or where a commercial establishment is closed down for a period not less than one month by the occupier of such building or the owner of such commercial establishment, as the case may be, the Zilla Parishad shall refund or remit the whole or any part of the water rate leviable by temporarily disconnecting the water supply in such cases :

Provided that no such remission or refund shall be granted unless notice in writing of the fact of the residential building being vacant or the commercial establishment being closed is given in writing to the Zilla Parishad in advance :

Provided further that no remission or refund shall be granted in such cases for any period previous to the date on which such notice is given to the Zilla Parishad.

53. As and when a request is made in writing by the occupier of the residential building or owner of the commercial establishment for restoration of the water supply disconnected under rule 52, the Zilla Parishad shall restore such disconnected water supply.

54. Preparation of register of persons liable to pay water rates : The Zilla Parishad shall prepare or caused to be prepared a register containing the names and other particulars of the persons who are liable to pay water rate under rule 47.

55. Recovery of water rate : The water rates shall be recovered on monthly basis by such person or persons as may be authorized in this behalf of the Zilla Parishad. A receipt for every such payment shall be given by the person receiving it. The form of such receipt shall be devised and got printed by the Zilla Parishad.

**SCHEDULE
[See rule 46]**

RATES OF WATER SUPPLY

Sl.No.	Size of pipe/mode of supply of water	Minimum
1.	½" tap connection without over head storage tank	Rs. 10/- per month
2.	½" tap connection with over head storage tank	Rs. 13/- per month
3.	¾" tap connection without over head storage tank	Rs. 20/- per month
4.	¾" tap connection with over head storage tank	Rs. 25/- per month
5.	1" tap connection without over head storage tank	Rs. 30/- per month
6.	1" tap connection with over head storage tank	Rs. 40/- per month
7.	Water supply by truck on casual basis	Rs. 2/- per 200 Lit. per month.
8.	Water supply by truck on regular basis	Rs. 20/- per 200 lit. per month.
9.	Bulk supply of water for commercial or irrigation purposes	Rs. 30/- per tons
10.	Bulk supply of water to ship or water crafts	Rs. 50/- per tons
11.	Water rate for bulk supply to the Govt. Depts. Institutions i.e. Hotels & Govt. Guest House/Tourist Home	Rs. 25/- per 1000 lit.

PART - IX

RULES FOR LEVY OF LIGHTING RATE, WHERE ARRANGEMENT FOR LIGHTING OF PUBLIC STREETS AND PLACES IS MADE BY THE ZILLA PARISHAD WITHIN ITS JURISDICTION.

56. Definitions :- In this Part, unless there is anything repugnant in the subject, context or meanings :

- (i) "House" means any building or set of buildings within the same enclosures and used by the same occupier and includes a hut;
- (ii) "Occupier" includes a person who is in actual possession of a house whether as owner, agent of the owner or tenant;
- (iii) "Owner" includes a person who receives or is entitled to receive rent of the house if the house is let; and
- (iv) "Hut" means any building which is constructed principally of wood, mud, leaves, cloth, gunny cloth or paper and includes any temporary structure made of any material of whatever size.

57. Tariff of lighting rate :— (1) The Zilla Parishad shall, after following the procedure prescribed in rules 3 and 4, levy, collect and appropriate lighting rate, where arrangement for lighting of public streets and places is made by it within its jurisdiction at such rates as may be fixed by it but not below the minimum rates specified in the Schedule to this Part.

2) No lighting rate shall be levied on -

- a) any house used for charitable, educational or religious purpose and yielding no rent to the owner;
- b) any house used or owned by a Gram Panchayat, Panchayat Samiti or Zilla Parishad; and
- c) any house used or owned by the Government.

58. Lighting rate effective from what date :- The lighting rate shall be leviable for the year beginning on the first day of April and ending on the thirty-first day of March next following. Where the lighting rate comes into effect on any day other than the 1st day of April, it shall be leviable by the quarter beginning on 1st day of July, 1st day of October, 1st day of January and the 1st day of April not following and thereafter by the year.

59. Lighting rate from whom primarily leviable : 1) The lighting rate shall be leviable primarily from the actual occupier of the house if he is the owner of the house.

2) If the house is not occupied by the owner, the rate shall be leviable primarily from -

- a) the lessor, if the house is let,
- b) the superior lessor, if the house is sub-let, or
- c) the person in whom the right to let the same and receive rent thereof is vested, if it is un-let.

3) On the failure to recover any sum due on account of the lighting rate from the person from whom it is primarily leviable, such un-recovered sum may be recovered from the occupier of any part of the house in respect of which the lighting rate is due, such portion of that sum as the Adhyaksha decides to be proportionately leviable in respect of that part of the house:

Provided that, such occupier shall not be liable to pay the rate for the period for which he was not in occupation of the house.

60. Remission or refund of the lighting rate in case of vacancies :- Where any house which is liable to the lighting rate has remained vacant for a continuous period of three months or more, the Zilla Parishad shall refund or remit the whole or any portion of the amount of the lighting rate paid or payable for such period :

Provided that no such remission or refund shall granted -

- a) unless a notice in writing of the fact of the house being vacant has been given in writing to the Chief Executive Officer of the Zilla Parishad, or
- b) for any period previous to the date on which such notice is given under clause (a) of this rule.

SCHEDULE

(See rule 51)

TARIFF OF LIGHTING RATE

	Annual valuation/Annual letting values of houses	Minimum
1.	Where capital valuation of a house does not exceed Rs. 50,000/-	Rs. 15.00 per annum
2.	Where capital valuation of a house exceeds Rs. 50,000/- but it does not exceeds Rs. 1,00,000/-	Rs. 25.00
3.	Where capital valuation of a house exceeds Rs. 1,00,000/- but it does not exceed Rs. 2,00,000/-	Rs. 40.00
4.	Where capital valuation of a house exceeds Rs. 2,00,000/- but it does not exceed Rs. 5,00,000/-	Rs. 50.00
5.	Where capital valuation of a house exceeds Rs. 5,00,000/- but it does not exceed Rs. 7,50,000/-	Rs. 70.00
6.	And for increase of every Rs. 50,000/- or part thereof in the capital valuation of house over and above Rs. 7,50,000/-	Rs. 15.00 plus Rs. 75.00
7.	Where rental value of a house does not exceed Rs. 1,200/- per annum	Rs. 10.00
8.	Where rental value of a house exceeds Rs. 1,200/- but it does not exceed Rs. 2,500/- per annum.	Rs. 15.00
9.	Where rental value of a house exceed Rs. 2,500/- but it does not exceed Rs. 3,600/- per annum.	Rs. 20.00
10.	Where rental value of a house exceeds Rs. 3,600/- but it does not exceed Rs. 4,800/- per annum.	Rs. 25.00
11.	Where rental value of a house exceeds Rs. 4,800/- but it does not exceed Rs. 6,000/- per annum.	Rs. 35.00
12.	And for every additional increase of Rs. 500/- or part thereof in the annual rental value of a house over and above Rs. 6,000/- per annum.	Rs. 10.00 plus Rs. 35.00

PART - X

RULES FOR LEVY OF CONSERVANCY RATE, WHERE ARRANGEMENT FOR CLEARING PRIVATE LATRINES, URINALS AND CESSPOOL COMPOUNDS ATTACHED TO DWELLING AREAS IS MADE BY THE ZILLA PARISHAD WITHIN ITS JURISDICTION

61. Definitions : In this part, unless there is anything repugnant to the subject, meaning or context -

- a) "dwelling area" means a residential house or building or set of such houses and building within the same enclosure and used by the same occupier or different occupiers and includes a hut;
- b) "Occupier" includes a person in actual physical possession of a dwelling area whether as owner, agent of the owner or tenant;
- c) "Owner" means a person who receive or is entitled to receive rent of a dwelling area if the dwelling area is let; and
- d) "hut" means any dwelling area which is constructed principally of wood, mud, leaves, grass, paper, cloth, gunny cloth, tarpaulin, bamboo or cane and includes any temporary structure made of whatever materials and in whatever size.

62. Tariff of conservancy rate :- 1) Subject to the provisions of sub-rule(2), the Zilla Parishad shall, after following the procedure prescribed in rules 3 and 4, levy a conservancy rate, where arrangements for clearing private latrines, urinals and cesspool compounds attached to dwelling areas is made by it within its jurisdiction at monthly rates as may be fixed by it based on the monthly income from all sources of the owners or occupiers of such dwelling areas, but not below the minimum rates specified in the Schedule to this part.

2) No conservancy rate under sub-rule (1) shall be levied where the owner or occupier of a dwelling area is the Government, a Gram Panchayat, a Panchayat Samiti, or the Zilla Parishad and such dwelling area is used exclusively for their official purposes.

3) The conservancy rates shall be primarily leviable from the actual occupier of the dwelling area, if he is owner of such dwelling area.

4) If the dwelling area is not occupied by the owner, the applicable conservancy rate shall be primarily leviable from -

- a) the tenant, if the dwelling area is let;
- b) the superior tenant, if the dwelling area is sub-let; or
- c) the person in whom the right to let the same and receive rent thereof vests, if it is un-let.

5) On failure to recover any sum due on account of conservancy rate from the person from whom it is primarily leviable, there may be recovered from the occupier of any part of the dwelling area in respect of which the conservancy rate is due such portion of that sum as the Adhyaksha decides to be proportionately leviable in respect of that part of the dwelling areas :

Provided that such occupier shall not be liable to pay the conservancy rate for any period for which he was not in occupation of the dwelling area.

63. Remission or refund of conservancy rate in the case of vacancies :- Where a dwelling area, in respect of which the conservancy rate is leviable, has remained vacant for a continuous period of one month or more, the Zilla Parishad shall refund or remit the whole or any portion of the amount of the conservancy rate paid or payable for such period :

Provided that no such remission or refund shall be granted -

- a) unless a notice in writing of the fact of the dwelling area concerned being vacant has been given to the Chief Executive Officer, or
- b) for any period previous to the date on which such notice is given to the Chief Executive Officer.

SCHEDULE
[See rule 61]

TARIFF OF CONSERVANCY RATE

Gross monthly income from all sources	Minimum
Above Rs. 501/- but upto Rs. 750/-	Rs. 2.00 per month
Above Rs. 751/- but upto Rs. 1,200/-	Rs. 5.00 per month
Above Rs. 1,201/- but upto Rs. 2000/-	Rs. 8.00 per month
Above Rs. 2,001/- but upto Rs. 3000/-	Rs. 12.00 per month
Above Rs. 3002/-	Rs. 20.00 per month

Sd/-
(N.N.JHA)
Lieutenant Governor
Andaman and Nicobar Islands.

By the order and in the name of the Lieutenant Governor,

Sd/-
Assistant Secretary (Panchayats)
A & N Administration

The A & N Islands
(*Procedure for Communication*
& Service of demand notice for recovery of
dues of the Gram Panchayats, Panchayat
Samitis & the Zilla Parishad)
Rules, 2002

THE ANDAMAN AND NICOBAR ISLANDS
PANCHAYATS

(PROCEDURE FOR COMMUNICATION &
SERVICE OF DEMAND NOTICE FOR
RECOVERY OF DUES OF THE GRAM
PANCHAYATS, PANCHAYAT SAMITIS &
THE ZILLA PARISHAD)

RULES, 2002



असाधारण
EXTRAORDINARY
प्राधिकार से प्रकाशित
Published By Authority

No. 93, Port Blair, Wednesday, April 24, 2002

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

NOTIFICATION

Port Blair, dated the 24th April, 2002

No. 92/2002/F.No. 3-27/97-PR. – Whereas the draft Andaman and Nicobar Islands (Procedure for Communication and Service of Demand Notice for recovery of dues of the Gram Panchayats, Panchayat Samitis and the Zilla Parishad) Rules, 1998 were published in the Official Gazette as required under sub-section (1) of section 202 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No.1 of 1994) inviting suggestions/objections from the general public;

And whereas no specific suggestions or objections acceptable to the Administrator has been received in the matter;

Now, therefore, in exercise of the powers conferred under section 202 read with section 41, 132 & 174 of the said Regulation, I, Shri N.N.Jha, Lieutenant Governor, Andaman and Nicobar Islands hereby make the following Rules with immediate effect :

THE ANDAMAN AND NICOBAR ISLANDS (PROCEDURE FOR COMMUNICATION AND SERVICE OF DEMAND NOTICE FOR RECOVERY OF DUES OF THE GRAM PANCHAYATS, PANCHAYAT SAMITIS AND THE ZILLA PARISHAD) RULES, 2002.

1. Short title, extent and commencement :-

- (i) These Rules may be called the Andaman and Nicobar Islands (Procedure for Communication and Service of Demand Notice for Recovery of Dues of the Gram Panchayat, Panchayat Samitis and the Zilla Parishad) Rules, 2002.
- (ii) They shall extend to the whole of the Union Territory of Andaman and Nicobar Islands except the areas included in the Municipality under the provisions of the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957 and the areas notified before the commencement of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994) as reserved areas under sub-section (1) of section 3 of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956 (No. 3 of 1956).

2. Definitions :- in these Rules unless the context otherwise requires -

- a) "Form" means a form appended to these Rules;
- b) "Secretary" means the Secretary of Gram Panchayat;
- c) "Executive Officer" means the Executive Officer of a Panchayat Samiti;
- d) "Chief Executive Officer" means the Chief Executive Officer of the Zilla Parishad; and
- e) All other words, expressions and phrases use in these Rules and not defined herein, but defined in the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No.1 of 1994) shall have the meaning respectively assigned to them in that Regulation.

3. **Notice of demand** :- The notice of demand under sub-section (1) of section 41, sub-section (1) of section 132 and sub-section (1) of section 41, sub-section (2) of section 132 and sub-section (2) of section 174 of the Regulation, shall be in Form I, II and III respectively.

4. **Procedure for communication and service of demand notice :-**

The communication and service of every demand notice under sub-section (2) of section 174 of the Regulation shall be effected or caused to be effected -

- a) by the Secretary, the Executive Officer, or the Chief Executive Officer, as the case may be, by giving or tendering such notice to the person to whom it is addressed; or
- b) if such person is not found at his known address, by leaving the demand notice at his last place of abode, if such place is situated within the limits of the jurisdiction of the Officer communicating or service the notice, or by giving or tendering such notice to some adult member or relative of his family;
- c) if such person does not reside within the jurisdiction of the Officer communicating such notice and his address elsewhere is also not known to such officer, then by forwarding the demand notice to such person to his known address by registered post with acknowledgement due in a cover bearing his such known address; or
- d) if none of the means as aforesaid is available, then by causing the demand notice to be affixed in the presence of an independent witness, on some conspicuous part of the residential building where such person is known to have last resided in the gram. The signature of such witness shall also be obtained by the person affixing the demand notice in token of such witness having witnessed such affixation. In such a case, the demand notice shall also be published in a widely circulated newspaper, if any, published from a place within the jurisdiction of the officer communicating and serving or causing the communication or service of such demand notice.

FORM - I
[See rule 3]

..... Gram Panchayat Dated

NOTICE OF DEMAND

To

Shri/Smt/Kumar
S/o/W/o/D/o
Resident of Gram.....

WHEREAS a sum of Rs..... (Rupees only) detailed particulars of which are given below, is due from and payable by you to this Gram Panchayat as on and as such, you are legally liable to pay the same to this Gram Panchayat forthwith.

NOW, THEREFORE, take notice that you are hereby demanded to pay or remit to this Gram Panchayat the said sum of Rs. (Rupees only) within a period of thirty days from the date of this notice, failing which this Gram Panchayat shall be constrained to recover the same from you as an arrears of land revenue in the same manner as provided for in sub-section (3) of section 41 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 (No. 1 of 1994).

Dated this Day of 19..... Detailed particulars of the outstanding dues.

Secretary
..... Gram Panchayat.

FORM - II
[See rule 3]

..... Panchayat Samiti Dated

NOTICE OF DEMAND

To

Shri/Smti/Kumar
S/o/W/o/D/o
Resident of Gram.....

WHEREAS a sum of Rs. (Rupees only) detailed particulars of which are given below, is due from and payable by you to this Panchayat Samiti as on and as such, you are legally liable to pay the same to this Panchayat Samiti forthwith.

NOW, THEREFORE, take notice that you are hereby demanded to pay or remit to this Panchayat Samiti the said sum of Rs. (Rupees only) within a period of thirty days from the date of this notice, failing which this Panchayat Samiti shall be constrained to recover the same from you as an arrears of land revenue in the same manner as provided for in sub-section (3) of section 132 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1954 (No. 1 of 1954).

Dated this Day of 19..... Detailed particulars of the outstanding dues.

Executive Officer
Panchayat Samiti.

FORM - III
[See rule 3]

Zilla Parishad
Andaman and Nicobar Islands
Port Blair.

Dated :

To

Shri/Smti/Kumar
S/o/W/o/D/o
Resident of Gram.....

WHEREAS a sum of Rs. (Rupees only) detailed particulars of which are given below, is due from and payable by you to this Zilla Parishad as on and as such, you are legally liable to pay the same to this Zilla Parishad forthwith.

NOW, THEREFORE, take notice that you are hereby demanded to pay or remit to this Zilla Parishad the said sum of Rs. (Rupees only) within a period of thirty days from the date of this notice, failing which this Zilla Parishad shall be constrained to recover the same from you as an arrears of land revenue in the same manner as provided for in sub-section (3) of section 174 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1954 (No. 1 of 1954).

Dated this Day of 19..... Detailed particulars of the outstanding dues.

Chief Executive Officer
Zilla Parishad
Andaman and Nicobar Islands.

Sd/-
(N.N.Jha)
Lieutenant Governor
Andaman and Nicobar Islands.

By order and in the name of the Lieutenant Governor.

Sd/-
Assistant Secretary (Panchayats)
Andaman and Nicobar Administration.