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ANDAMAN AND NICOBAR ADMINISTRATION

THE ANDAMAN AND NICOBAR ISLANDS (ADMINISTRATION)
REGULATION 1979

NO. 4 OF 1979

(AS MODIFIED UPTO JULY 1993)

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THE ANDAMAN AND NICOBAR ISLANDS
(ADMINISTRATION) REGULATION, 1979

No. 4 of 1979

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

A Regulation to make provisions for the administration of the Union
territory of the Andaman and Nicobar Islands and for matters connected therewith

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

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Andaman and Nicobar Islands Short title, ex-
(Administration) Regulation, 1979. tent and com-
mencement.

(2) It extends to the whole of the Union territory of the Andaman and
Nicobar Islands.

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

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

Definitions.

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

(b) "Official Gazette" means the Andamans Gazette;

(c) "Panchayat" means a Gram Panchayat constituted under section
11 of the Andaman and Nicobar Islands Gram Panchayats Regulation, 1961;

(d) "Pradesh Council" means the Pradesh Council constituted under section 3;

(e) "Union territory" means the Union territory of the Andaman and Nicobar Islands.

CHAPTER II

PRADESH COUNCIL

Constitution of Pradesh Council and its composition.

3. As soon as may be after the commencement of this Regulation, there shall be constituted a Pradesh Council for the Union territory consisting of—

- (a) the Administrator;
- (b) the member of the House of the People representing the Union territory;
- ³(c) the Chairman of the Port Blair Municipal Board or, if such Chairman is a salaried servant of Government, the senior Vice Chairman of the said Board;
- (d) ⁴[twenty five persons] to be elected or nominated from the areas of the Union territory specified in column (2) of the Table below paragraph 1 of the First Schedule, in the manner specified in that Schedule;
- (e) one person belonging to any of the Scheduled Tribes of Andamanese, Onges and Shompens to be nominated by the Administrator and
- (f) one woman to be nominated by the Administrator if no woman becomes a member of the Pradesh Council under any of the foregoing clauses.

Cesser of membership in certain cases.

4. A person who is a member of the Pradesh Council under clause (a) or clause (b) or clause (c) of section 3, or who is elected or nominated as a member under clause (d) of the said section shall cease to be such member when he ceases to be the Administrator, a member of the House of People, ⁵[the Chairman of the Port Blair Municipal Board or, the senior Vice Chairman of the Port B Municipal Board] as the case may be, ceases to hold the office, if any, by virtue of which he was elected or nominated as a member of the Pradesh Council:

Disqualifications
for membership
of Pradesh Council

5. A person shall be disqualified for being nominated or elected as, and for being, a member of the Pradesh Council if he has incurred or incurs any of the disqualifications specified in section 13 of the Andaman and Nicobar Islands Gram Panchayats Regulation, 1961: 4 of 1961.

Provided that a person shall not be disqualified under this section merely on the ground of his holding the office by virtue of which he becomes, or has been nominated or elected as, such member.

Duration of Pradesh Council

6. The Pradesh Council, unless sooner dissolved, shall continue for four years from the date appointed for its first meeting and no longer, and the expiration of the said period of four years shall operate as a dissolution of the Pradesh Council:

Provided that the Administrator may, with the previous approval of the President, by order in writing, extend the said period by a period or periods not exceeding one year in the aggregate, and every such order shall be notified in the Official Gazette.

Resignation of
membership and
filling up of casual
vacancies.

7. (1) A member of the Pradesh Council elected or nominated under clause (d) or clause (e) or clause (f) of section 3 may resign his office as such member by intimating in writing his intention to do so to the Administrator and such resignation shall take effect from the date of its receipt by the Administrator.

(2) A casual vacancy in the membership of the Council under clause (d) or clause (e) or clause (f) of section 3 shall be filled by election or nomination, as the case may be in accordance with the provisions of this Regulation:

Provided that a member elected or nominated under this sub-section shall hold office only for the remainder of the term of office of the member in whose place he is elected or nominated.

Oath or affirmation
by members.

8. Every member (other than the Administrator) of the Pradesh Council shall, before taking his seat, make and subscribe before the Administrator or some person appointed in that behalf by him, and the Administrator shall before taking his seat, make and subscribe before some person appointed in that behalf by the Central Government, an oath or affirmation according to the form set out for the purpose in the Second Schedule.

Vacancies, etc.,
not to invalidate
acts or proceedings
of Council.

9. No act or proceeding of the Pradesh Council shall be invalid by reason only of the existence of any vacancy among its members or of any defect in the constitution thereof.

10. (1) The Administrator shall, from time to time, summon the Pradesh Sessions of Council to meet at such time and place as he thinks fit, but six months shall not elapse between its last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Administrator may, from time to time,—

(a) prorogue the Pradesh Council;

(b) with the approval of the President, dissolve the Pradesh Council.

11. (1) The Pradesh Council may discuss and make recommendations to the Administrator on— Functions of Pradesh Council.

(a) matters of administration, relating to the Union territory, involving general questions of policy and schemes of development in so far as they relate to matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution;

(b) the five-year plans and annual plan proposals for the development of the Union territory;

(c) the estimated receipts and expenditure pertaining to the Union territory to be credited to, and to be met from, the Consolidated Fund of India;

(d) proposals for undertaking legislation for the Union territory with respect to any of the matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution;

(e) any other matter which the Administrator may refer to the Pradesh Council for consideration and advice.

(2) Subject to rules regulating the procedure of the Pradesh Council and subject to the discretion of the Administrator to refuse to give information or to allow discussion on any subject in the public interest, every member of the Pradesh Council shall have the right to ask questions on matters of public interest enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution in so far as such matters relate to the Union territory.

12. (1) The Administrator shall preside at the meetings of the Pradesh Council. Administrator to preside over meetings of Pradesh Council.

(2) During the absence of the Administrator from any meeting of the Pradesh Council, such person as the Administrator may designate from a panel prepared by him from amongst the elected members of the Pradesh Council, shall preside at such meeting.

13. (1) Subject to the provisions of this Regulation and to the rules and standing orders regulating the procedure of the Pradesh Council, there shall be freedom of speech in the Pradesh Council. Powers and privileges of members.

(2) Neither the Administrator nor any other member of the Pradesh Council shall be liable to any proceedings in any court in respect of anything said in the Council or any committee thereof and no person shall be so liable in respect of publication by or under the authority of the Council of any report, paper, or proceedings.

14. Every member of the Pradesh Council other than the Administrator shall be entitled to receive such salary or allowances or both as the Administrator may, with the approval of the President, by order, determine. Salaries and allowances of members.

15. (1) The Pradesh Council may make rules and standing orders for regulating, subject to the provisions of this Regulation, its procedure and the conduct of its business. Rules of procedure.

(2) Until any rules or standing orders are made under sub-section (1), the procedure of the Pradesh Council and the conduct of its business shall be regulated in accordance with such general or special orders as the Administrator may make.

16. No discussion shall take place in the Pradesh Council with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

Restriction on discussions in the Pradesh Council.

17. (1) The validity of any proceedings in the Pradesh Council shall not be called in question on the ground of any alleged irregularity of procedure.

Courts not to inquire into proceedings of Pradesh Council.

(2) No member of the Pradesh Council in whom powers are vested by or under this Regulation for regulating the procedure or the conduct of business of or for maintaining order in, the Council shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

CHAPTER III

COUNSELLORS

Appointment
of Counsellors,
their term of
office, etc.

18. (1) Subject to the provisions of sub-section (2), the Administrator may appoint ⁶ five persons ⁷ as Counsellors from amongst the members of the Pradesh Council referred to in clause (d) of section 3.

⁷ (2) of the Counsellors appointed under sub-section (1), at least one Counsellor shall be a member of any of the Scheduled Tribes from the Nicobar group of Islands and at least two Counsellors shall be from the Andaman group of Islands.

(3) A Counsellor shall hold office during the pleasure of the Administrator.

(4) Before a Counsellor enters upon his office, the Administrator shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Third Schedule.

(5) Every Counsellor shall be entitled to receive such salary or allowances or both as the Administrator may, with the approval of the President, by order, determine.

Functions
of Counsellors.

19. (1) The Administrator may, from time to time, consult any Counsellor or all the Counsellors on any matter relating to the administration of the Union territory and any views expressed by the Counsellor or Counsellors on such matters shall be recommendatory in nature.

(2) The Administrator may make rules defining the procedure to be followed for consulting the Counsellors.

CHAPTER IV
MISCELLANEOUS

Power to
make rules.

20. (1) The Administrator may, by notification in the Official Gazette, make rules to carry out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the procedure to be followed for consulting the Counsellors under sub-section (2) of section 19;

(b) any other matter for which rules are, in the opinion of the Administrator, to be made under this Regulation.

THE FIRST SCHEDULE

[See section 3 (d)]

MANNER IN WHICH PERSONS SHALL BE ELECTED OR NOMINATED TO THE
PRADESH COUNCIL

Areas and
their represen-
tation.

1. For the purposes of election or nomination of members of the Pradesh Council under clause (d) of section 3, the number of persons to represent the areas specified in column (2) of the Table below shall be as specified in the corresponding entry in column (3) of the said Table.

TABLE.

S. No. (1)	Areas (2)	No. of person (3)
1	Diglipur Tahsil	2
2	Mayabunder Tahsil	2
3	Rangat Tahsil	3
4	Areas within the jurisdiction of the Port Blair Municipal Board	5
5	Port Blair Tahsil (excluding areas covered by the Port Blair Municipal Board)	3
6	Ferrargunj Tahsil	3
7	Car Nicobar Tahsil	4
8	Nat cowri Tahsil excluding Great Nicobar	2
9	Great Nicobar	1

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2. (1) The persons to represent the areas within the jurisdiction of the Port Blair Municipal Board in the Pradesh Council shall be elected by the members of the said Municipal Board from amongst themselves.

Manner of election or nomination to Pradesh Council from various areas.

(2) Subject to the provisions of sub-paragraphs (3) and (4), the representatives of any area, other than the area within the jurisdiction of the Port Blair Municipal Board, shall be elected by an electoral college consisting of the Pradhans of all the Panchayats in the Union territory from amongst the Pradhans of the Panchayats in that area.

(3) The representatives of any area in the Nicobar group of Islands, other than the Great Nicobar area, shall, until Panchayats are constituted in any such area, be elected by an electoral college consisting of all the Captains of Tribals in the Union territory from amongst the Captains of Tribals in that area.

(4) The representative of the Great Nicobar area shall, until Panchayats are constituted in that area, be nominated by the Central Government.

Explanation 1.—In this paragraph and in paragraphs 3 and 4, "representative" in relation to any area means the person to represent that area in the Pradesh Council.

Explanation 2. In this paragraph and in paragraph 3, the expression "Captains of Tribals" includes "Chief Captains of Tribals".

3. If the Pradhans of the Panchayats or, as the case may be, the Captains of Tribals fail to elect the representatives of any area, the representatives of that area shall be nominated by the Central Government.

Nomination in certain areas

4. The election of the representatives shall be by show of hands and shall be conducted by such person as the Administrator may, by notification in the Official Gazette, authorise in this behalf.

Conduct of election

THE SECOND SCHEDULE

(See Section 18)

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

"I, A B, a member of the Pradesh Council for the Union territory of _____ swear in the name of God

the Andaman and Nicobar Islands, do _____ that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

THE THIRD SCHEDULE

See Section 18 (4)

FORM OF OATH OF OFFICE FOR A COUNSELLOR

swear in the name of God

"I, A B, do _____ that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Counsellor to the Administrator of the Union territory of the Andaman and Nicobar Islands and that I will do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will."

FORM OF OATH OF SECRECY FOR A COUNSELLOR

swear in the name of God

"I, A B, do _____ that I will not, directly or indirectly, communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Counsellor to the Administrator of the Union territory of the Andaman and Nicobar Islands except as may be required for the due discharge of my duties as such Counsellor."

1 Caused its publication in the Gazette of India Extraordinary, Part I, Section 1 on 7-6-1979 and the same republished in the Andaman and Nicobar Gazette, Extra.No. 60 dated 2nd July, 1979.

2 Under sub-section (3) of section 1 of the Regulation (4 of 1979), the Central Government appointed the 15th day of April 1981 as the date on which the said Regulation caused into force in the U.T. of A & N Islands vide GOI, Ministry of Home Affairs Notification No. U-11023/1/77-UTL dated 30th March, 1981 published in the A&N Gazette Extraordinary No. 3 dated 10th April 1981 vide Admn's Notification No. 3/81/8-15/80-Legal III dated the ~~30th March~~ 10th April, 1981.

3 Substituted by s. 2 of Regulation 1 of 1982 published in Gazette of India Extraordinary, Part II, Section 1, dated 7th december, 1982 and caused into force from the First day of January, 1983 as the date appointed by the Central Govt. vide their Notification No. U-11023/1/82-UTL dated 29-12-1982 and both the Regulation and notification thereto republished in the A&N Gazette Extraordinary No.164 dt. 31-12-1982.

said

4 Substituted by s. 2 of Regulation No.1 of 1981 caused into force at once which published in the Gazette of India, Extraordinary, Part II, Section I, dated 25th March, 1981

5 Substituted by s. 3 of Regulation No.1 of 1982.

6 Substituted by s. 3(a) of Regulation No.1 of 1981.

7 Substituted by s. 3(b), ibid.

8 Substituted by s. 4, ibid.

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