

The Daman and Diu (Administration) Regulation, 1987

GOA

India

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The Daman and Diu (Administration) Regulation, 1987 No. 2 of 1987 Promulgated by the President in the Thirty-eighth* Year of the Republic of India. A Regulation to make provisions for the administration of the Union territory of Daman and Diu 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. Short title, extent and commencement.

(1) This Regulation may be called the Daman and Diu (Administration) Regulation, 1987. (2) It extends to the whole of the Union territory of Daman and Diu. (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Regulation, unless the context otherwise requires, - (a) "Administrator" means the Administrator of the Union Territory of Daman and Diu appointed by the President under article 239 of the Constitution; (b) "Chairman" shall have the same meaning as assigned to it in the Goa, Daman and Diu Village Panchayats Regulation, 1962; (c) "Panchayat" means a panchayat established under section 3 of the Goa, Daman and Diu Village Panchayats Regulation, 1962; (d) "Pradesh Council" means the Pradesh Council constituted under section 3; (e) "Union territory" means the Union territory of Daman and Diu.

Chapter II

Pradesh Council

3. Constitution of Pradesh Council and its composition.

(1)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;(c)Collector of Daman district;(d)Collector of Diu district;(e)presidents of the Municipal Councils for Daman district and Diu district constituted under the Goa, Daman and Diu Municipalities Act, 1968;(f)chairman of panchayats of Daman district and Diu district;(g)one person from Daman district belonging to any of the Scheduled Tribes to be nominated by the Administrator if no person from that district belonging to any Scheduled Tribe becomes a member of the Pradesh Council under any of the foregoing clauses;(h)one woman to be nominated by the Administrator if no woman becomes a member of the Pradesh Council under any of the foregoing clauses;(i)members of the Legislative Assembly of the Union territory of Goa, Daman and Diu representing Daman and Diu immediately before the 30th day of May, 1987.(2)Any member referred to in clause (a) to (f) of sub-section (1) shall cease to be such member when he ceases to hold the office by virtue of which he became such member and the members referred to in clause (i) of that sub-section shall cease to be such members on the expiry of the term of the first Pradesh Council.

4. Disqualifications for membership of Pradesh Council.

- A person shall be disqualified for being nominated as, and for being, a member of the Pradesh Council if he has incurred or incurs any of the disqualifications specified in section 11 of the Goa, Daman and Diu Village Panchayats Regulation, 1962: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 as, such member.

5. Duration of Pradesh Council.

- 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 Gazette of India.

6. Resignation of membership and filling up of casual vacancies.

(1)A member of the Pradesh Council referred to in clause (g) or clause (h) or clause (i) of sub-section (1) 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 Pradesh Council under clause (g) or clause (h) of sub-section (1) of section 3 shall be filled by nomination in accordance with the provisions of this Regulation:Provided that a member 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 nominated.

7. Oath or affirmation by members of the Pradesh Council.

- 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 First Schedule.

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

- 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.

9. Sessions of Pradesh Council.

(1)The Administrator shall, from time to time, summon Pradesh Council to meet at such time and place as he thinks fit, but six months shall not intervene 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.

10. Functions of Pradesh Council.

(1)The Pradesh Council may discuss and make recommendations to the Administrator on
-(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.

11. Administrator to preside at meetings of Pradesh Council.

(1)The Administrator shall preside at the meetings of the 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 members of the Pradesh Council shall preside at such meeting.

12. Powers and privileges of members of the Pradesh Council.

(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.(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 Pradesh Council or any committee thereof and no person shall be so liable in respect of publication by or under the authority of the Pradesh Council of any reports, papers or proceedings.

13. Salary and allowances of members of the Pradesh Council.

- Every member of the Pradesh Council, other than the members referred to in clause (a), clause (c), and clause (d) of sub-section (1) of section 3, shall be entitled to receive such salary or allowances or both as the Administrator may, with the approval of the President, by order, determine.

14. Rules of procedure.

(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.(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.

15. Restriction on discussions in the Pradesh Council.

- 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.

16. Courts not to inquire into proceedings of Pradesh Council.

(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.(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

17. Appointment of Counsellors, their term of office, etc.

(1) Subject to the provision of sub-section (2), the Administrator may appoint two persons as Counsellors from amongst the members of the Pradesh Council as referred to in clauses (e) to (i) of sub-section (1) or section 3: Provided that the first Counsellors appointed by the Administrator under this sub-section shall be the members referred to in clause (i) of sub-section (1) of section 3. (2) One of the Counsellors appointed under sub-section (1) shall be from Daman district and the other shall be from Diu district. (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 Second 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.

18. Functions of Counsellors.

(1) The Administrator may, from time to time, consult any Counsellor or 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 shall follow such procedure for consulting the Counsellors as may be prescribed by rules made under this Regulation.

Chapter IV

Miscellaneous

19. Powers to make rules.

(1) The Administrator may, by notification in the Gazette of India, make rules to carry out the provisions of this Regulation. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-(a) the procedure to be followed for consulting the Counsellors under sub-section (2) of section 18; (b) any other matter for which rules are, in the opinion of the Administrator, to be made under this Regulation. (3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. The First Schedule (See section 7) 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 Daman and Diu, do| swear in the name of Godsolemnly affirm| 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 Second Schedule[See section 17(4)]Form of oath of office for a Counsellor

"I, A B, do| swear in the name of Godsolemnly affirm| 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 Daman and Diu 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

"I, A B, do| swear in the name of Godsolemnly affirm| 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 Daman and Diu except as may be required for the due discharge of my duties as such Counsellor.".