



भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 1
PART II—Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 41] नई दिल्ली, सोमवार, सितम्बर 18, 1989/भाद्र 27, 1911
No. 41] NEW DELHI, MONDAY, SEPTEMBER 18, 1989/BHADRA 27, 1911

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

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

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 18th September, 1989/Bhadra 27, 1911 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS RELIGIOUS
BUILDINGS AND PLACES REGULATION, 1989

No. 2 OF 1989

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

A Regulation to regulate the construction of public religious build-
ings and to restrict the use of public places for religious pur-
poses in order to avoid a breach of the public peace and tran-
quillity likely to arise from disputes between different sections
of the people of the Union territory of the Andaman and
Nicobar Islands.

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

1. (1) This Regulation may be called the Andaman and Nicobar
Islands Religious Buildings and Places Regulation, 1989.

(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 Administrator may,
by notification in the Official Gazette, appoint.

Short
title,
extent
and
commence-
ment.

Defini-
tions.

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

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

(b) "building" means a house, shop, hut, shed or other structure or enclosure, whether roofed or not, of whatsoever material, constructed and includes every part thereof, all walls, verandahs, platforms, plinths, door steps and the like and a tent or other portable and merely temporary shelter;

(c) "Deputy Commissioner" means the Deputy Commissioner of a District;

(d) "Official Gazette" means the Andaman and Nicobar Islands Gazette;

(e) "place" means any open space which is not a building;

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

(g) "public" used with reference to a building or place, signifies that such building or place, whether or not acquired, constructed or maintained by or at the expense of some specified person or body of persons and which is not the private and personal property of such person or body and is open to the use and enjoyment of the public in general or of a particular class or section thereof for the purpose, if any, for which it may have been set apart;

(h) "religious" when used with reference to a building or place, signifies that such building or place is used or intended to be used for the purpose of religious worship or instruction, or offering prayer (which includes *bhajan*, *kirtan*, *stuti* or *namaz*) or performance of any religious rites by persons of or belonging to any religion, creed, sect or class, as a temple, mosque, church, *chhatra*, *dargah*, *lhangah*, *mutt*, *takiya* or the like;

(i) "Sub-Divisional Officer" means the revenue officer in charge of a sub-division of a District.

3. (1) No person shall use any public place—

(a) as a permanent religious place; or

(b) save with the previous written permission of the Sub-Divisional Officer obtained in the prescribed manner, as a temporary religious place.

(2) Nothing in this section shall apply to cremation grounds and burial places or to the holding of functions or the taking out of processions in connection with deaths or marriages or to other purely social and secular functions or to religious processions.

Restric-
tions on
use of
public
places
for reli-
gious
pur-
poses.

4. No person shall, without previous written permission of the Sub-Divisional Officer obtained in the prescribed manner,—

- (a) construct any public religious building; or
- (b) convert any private or public building or place into a public religious building.

Constructions, etc., of public religious buildings.

Explanation.—The temporary use of a building or place for religious purposes on occasions such as *Holi, Durga Puja, Kali Puja, Moharram, Id* and the like shall not be deemed to be the conversion thereof into a public religious building.

5. (1) When an application under section 3 or section 4 is presented to the Sub-Divisional Officer, he may, after making such inquiry as he may think necessary, either disallow the application or grant the requisite permission unconditionally or with such conditions as to security or otherwise as he may consider reasonable in the circumstances of each case.

Procedure for grant of permission.

(2) The order of the Sub-Divisional Officer passed under sub-section (1) shall be communicated in writing to the applicant and if such applicant does not receive such communication within one month in the case of an application under section 3 or within three months in case of an application under section 4 from the date on which such application was received in the office of the Sub-Divisional Officer, such applicant shall be deemed to have obtained the permission required by section 3 or section 4, as the case may be.

6. (1) An appeal shall lie and may be brought in the prescribed manner to the Deputy Commissioner from an order of the Sub-Divisional Officer made under section 5 within thirty days from the date on which it was communicated to the applicant.

Appeals.

(2) Any person aggrieved by any decision of the Deputy Commissioner under sub-section (1) may, within ninety days from the date of such decision, appeal to the Secretary in charge of the Revenue Department and the decision of the Secretary in an appeal under this section shall be final.

7. An order made under this Regulation by a Sub-Divisional Officer or on appeal by a Deputy Commissioner or the Secretary in charge of the Revenue Department shall be final and shall not be liable to be called in question in any Civil Court.

Jurisdiction of courts barred.

8. (1) A permission obtained under section 3 shall expire three months after the date of the order granting the same or the day next after the date on which the act thereby permitted was to be performed, whichever may be earlier.

Duration of permission.

(2) A permission obtained under section 4 shall be valid for a period of one year within which the act permitted to be done should be commenced.

9. Whoever contravenes or attempts to contravene, or abets the contravention of, any of the provisions of this Regulation or the rules made thereunder or any condition subject to which a permission thereunder may have been granted shall be punishable with imprisonment for a term

Offences and punishments.

which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Cogniz-
ance of
offences.

10. An offence under this Regulation shall be triable by a Judicial Magistrate of the first class on the complaint of a police officer not below the rank of a Sub-Inspector made under the order of a Sub-Divisional Officer.

Power of
Sub-Divi-
sional
Officer to
direct
removal
of unau-
thorised
work.

11. (1) Notwithstanding anything contained in, but without prejudice to the provisions of, section 12, the Sub-Divisional Officer, on his own motion or on complaint or otherwise, on receiving information that any work has been constructed in contravention of the provisions of this Regulation or of any permission granted thereunder within his jurisdiction, shall proceed to inquire into about the truth of the matter and if after inquiry, comes to the conclusion that the work has been so constructed, he shall cause to be notified in the locality by beat of drum and by fixing a show-cause notice on the conspicuous part of the work so constructed and on the notice board of his office and also cause a notice to be served on the person or persons (if ascertainable) responsible for the construction of the work calling for objections, if any, within a period of fifteen days as to why such work should not be removed.

(2) The Sub-Divisional Officer shall then hear and decide the objections, if any, and record finding on the matter.

(3) If the Sub-Divisional Officer arrives at the finding that the work is constructed in contravention of the provisions of this Regulation or of any permission granted thereunder, he shall, by an order in writing, direct the removal of the work so as to restore the building or place in question as nearly as may be to its original condition.

(4) Subject to the result of any appeal that may be filed under sub-section (5), where any work is not removed in compliance with the direction issued under sub-section (3) within the period of one month from the date of such direction or of the decision in the appeal if any, the Sub-Divisional Officer shall cause such compliance to be made through a police officer not below the rank of Sub-Inspector at the cost of the defaulter in the prescribed manner.

(5) The provisions of section 6 shall, so far as may be, apply to an order made by the Sub-Divisional Officer under sub-section (3) in the same manner as they apply to an order made under section 5.

Removal
of un-
authori-
sed work.

12. (1) The court making an order of conviction for any offence under section 9 shall direct that any work which has been constructed in contravention of the provisions of this Regulation or of any permission granted thereunder but has not been already removed under the provisions of section 11, shall be removed so as to restore the building or the place in question as nearly as may be to its original condition.

(2) In case of non-compliance with a direction made under sub-section (1), the court shall cause such compliance to be made through a police officer not below the rank of Sub-Inspector at the cost of the defaulter in the prescribed manner.

13. No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Regulation.

Protection of action taken in good faith.

2 of 1966.

14. The provisions of this Regulation shall be in addition to and not in derogation of provision contained in the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966 or any other law for the time being in force.

Provisions to be in addition to existing law.

15. (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Regulation.

Power to make rules.

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

(a) the manner of seeking permission under sub-section (1) of section 3 and section 4;

(b) the manner of filing an appeal under sub-section (1) of section 6;

(c) the manner in which compliance under sub-section (4) of section 11 shall be made;

(d) the manner in which compliance under sub-section (2) of section 12 shall be made;

(e) any other matter which is required to be, or may be, prescribed.

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

Rules to be laid before Parliament.

R. VENKATARAMAN,
President.

V. S. RAMA DEVI,
Secy. to the Govt. of India.