

Default in
performance
of duty by
Island Council.

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

Suspension of
execution of
order or
resolution of
Island Council.

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

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

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

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

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

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

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

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

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

Dissolution of
Island Council.

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

(a) exceeds or abuses its powers; or

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

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

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

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

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

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