

Incorporation of Island Councils. 54. Every Island Council shall, be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions 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 property, both movable and immovable and to enter into contract and shall, by the said name, sue or be sued.

Persons qualified to vote and be elected. 55. (1) Every member of the Village General Body constituting the Island Council shall unless disqualified under the provisions to section 4 or any other law for the time being in force, be qualified to vote and be elected at an election to the Island Council.

Disqualification. 56. No person shall be a member of an Island Council or continue as such, if he —

(a) has failed to pay any tax, fee or other sum due to the Village Council or Island Council within three months from the date on or before which such tax, fee or other sum is required to be paid;

(b) holds any salaried office or office of profit under the Village General Body or Village Council or Island Council or District Planning Committee;

(c) has directly or indirectly any share or monetary interest in any work done by or to the Island Council in any contract or employment with or under or by or on behalf of the Island Council;

(d) is a servant of Government or any Municipality or Panchayati Raj Institution or Tribal Council;

(e) has been dismissed from service of the Government or Municipality or Panchayati Raj Institution or Tribal Council for misconduct;

(f) has been ordered to give security for good behavior under sections 109 and 110 of the Code of Criminal Procedure, 1973;

2 of 1974.

(g) has been convicted by a criminal court for any offence involving violence or moral turpitude and sentenced to imprisonment for not less than three months and a period of 5 years has not elapsed since his release after undergoing such imprisonment;

(h) has not attained the age of twenty-one years;

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

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

Decision on question as to disqualification. 57. If any question arises whether a person has become subject to any disqualification referred to in section 4, section 7 or section 56 it shall be referred to the Deputy Commissioner, for decision who shall record his decision after giving reasonable opportunity of being heard to the said person :

Provided that before recording any decision on any such question, the Deputy Commissioner shall obtain the opinion of the Election Commission and shall act in accordance with such opinion.