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PUC is a DO letter No.5-19/EC/A & N/2010/463 dated 25th January '2016 received from the Election Commissioner (UT)s, Ministry of Home Affairs, Govt. of India, New Delhi addressed to the Hon'ble Lt. Governor, A & N Administration regarding the A & N Islands (Tribal Council) (Preparation of Electoral Rolls and Conduct of Election) Rules, 2011.

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The Election Commissioner (UTs) vide PUC has mentioned that to implement the Regulation has not commenced so far as the relevant rules required to be framed in this regard has not been finalized by the A & N Administration. The Commission has been taking up the matter with the Administration from time to time. In response to the DO letter dated 12.5.2014 the Secretary (TW) has informed the Commission that the draft of the rules titled "A&N Islands (Tribal Councils) (Preparation of Electoral Rolls and Conduct of Elections) Rules 2011 was prepared and sent to the Deputy Commissioner, Nicobars for seeking views/suggestions of the tribal leaders way back in May'2011, before they could be finalized and approved from the Hon'ble Lt.Governor, A & N Islands. The DC, Nicobars has circulated this rules amongst the members/leaders of the traditional Tribal Councils to elicit and also launched campaign to educate the tribals about the impact of the implementation Regulation. It was also informed that the existing Tribal Councils have demanded to include the Nicobars tribal area under the Sixth Schedule of the Constitution and also asked for exempting the Nicobarse from the payment of Income Tax on par with Scheduled Tribes of states who are included in the Sixth Schedule. In response to which tribal representatives were to make a visit in the North-Eastern States to understand of the import of the Sixth Schedule and with regard to exemption of Income Tax the Administration has moved a proposal for consideration of the MHA & MoTA. Meanwhile, the Hon'ble MP has also addressed the Secretary (TW) with regard of conducting elections in the Nancowry group of Islands under the provisions of A & N Tribal Regulation and requested the Election Commissioner to intervene in the matter.

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Further the Election Commissioner has mentioned that the Commission cannot take any initiative to hold elections under the A&N Islands (Tribal Councils) Regulation 2009 until and unless the rules of the aforesaid Regulation are notified by the Administration and expressed that the finalization of rules is to be taken by the Administration with a sense of purpose and time bound manner. It emphasized that extension of the democratic process in the Tribal Community would usher long term benefits to the tribal community and suggested the Administration to take an early action to finalize and notify the rules so that the Commission could hold elections to the Tribal Councils without further loss of time.

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In this context, it is submitted that the Andaman and Nicobar Islands (Tribal Council) Regulation was came in force in the year 2009 and in order to implement the said Regulation, Draft Electoral Rules was prepared and sent to the Deputy Commissioner, Nicobars for seeking the views/suggestions of the tribal leaders before they could be finalized and got approved from the Hon'ble Lt. Governor, A & N Islands. The DC, Nicobars has circulated this rules amongst the members/leaders of the traditional Tribal Councils to elicit and also launched campaign to educate the tribals about the impact of the implementation Regulation.

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Meanwhile, the Tribal Councils have expressed reservation in constituting Tribal Councils as stipulated in the Regulation, 2009 and demanded to include the Nicobars tribal area under the Sixth Schedule and also for exempting the Nicobarse from the payment of Income Tax on par with Scheduled Tribes of states included in the Sixth Schedule. The proposal for exempting the Nicobarse from the payment of Income Tax has been