

**OBSERVATIONS MADE ON DRAFT A & N ISLANDS (TRIBAL COUNCILS) REGULATION 2008 BY DIFFERENT MINISTRIES & COMMENTS OF MINISTRY OF HOME AFFAIRS AND REMARKS OF DISTRICT ADMINISTRATION IN CONSULTATION WITH TRIBAL COUNCIL**

S. No.	The Ministry of Tribal Affairs	Comments of Ministry of Home Affairs	Remarks of District Administration
1.	“ ..... MHA is requested to consider simplify the Regulation as these are un-necessarily detailed. The Ministry of Tribal affairs has strong reservations about these elaborate Regulations, which will make it very difficult for the tribal people in the Nicobar Islands to utilize the fund meant for them.	The observation is of general nature and no specific point has been pointed out. The draft regulation envisages a three tier system which has been formulated on the pattern of Andaman & Nicobar Islands (Panchayat Raj) Regulation 1994. The existing traditional Institution i.e Tribal Council and Captains among the Nicobarese have been taken into account in the draft Regulation. All the 8 Tribal Council, Car Nicobar had resolved to accept the draft Tribal Council Regulation.	It is resolved by the Tribal Council in the presence of District Administration that they do accept the comments of MHA and no comments to offer in this regards.
2.	<b>The Ministry of Panchayat Raj:-</b> “Population of the Andaman and Nicobar Islands is less than 20 Lakhs, a two tier system should be proposed. The Intermediate Panchayat have to be dispensed with. Section 11 (iv) of the regulation may be amended to incorporate some of the enabling provision of the Panchayat (Extension of the Scheduled Areas) Act, 1996 (PESA) as the majority of the population living on the islands are tribals. Likewise Chapter IV of the regulation comprising six section i.e Section 28 to 33 dealing with the power, duties and functions of the village council may also be replaced by the provision of PESA with the result that Second Schedule dealing with matters pertaining to the Village Council's functions and the sixth schedule with reference to District councils functions would also need amendment ..”	<b>Comments of Ministry of Home Affairs.</b> (i) The Panchayat (Extension to Schedule Areas) Act, 1996 (PESA), provides for extension of the provisions of part IX of the Constitution to the “Scheduled Areas”. The Scheduled Areas means as referred to in Clause (1) of the article 244 of the Constitution. (ii) No Area/Tribal area in the Union Territory of Andaman & Nicobar Islands has been declared as “Scheduled Areas” under the 5 <sup>th</sup> Schedule of the Constitution. Therefore, the suggestion doe not appear to be appropriate or relevant in the case of Andaman & Nicobar Islands. (iii) For having two tier system instead of three tier system, population of the Andaman & Nicobar Islands is less than 20 lakhs is also not relevant as the Tribal Council for Nicobar is on the pattern of	It is resolved by the Tribal Council in the presence of District Administration that they do accept the comments of MHA and no comments to offer in this regards.