

3. Background: In the Union Territory of A & N Islands, Andaman & Nicobar Islands (Panchayat) Regulation, 1994 is enforced, but it is not applicable in the tribal areas. In the absence of such regulation the Administration felt the need to establish Panchayat like institution in the Nicobar District. Since the traditional structure is composed of two tiers, the proposed Tribal Council Regulation incorporates this two-tier structure that is already in existence.

In so far as administration and implementation of major developmental works in the District of Nicobars is concerned, the same is done by the Deputy Commissioner of the District. The Deputy Commissioner, Nicobars is the Chairman of the Integrated Tribal Development Agency constituted under ITDP, Nicobars to formulate the Tribal Sub-Plan and monitor the progress of its implementation, but the tribal chiefs are also members of the ITDA.

The Nicobar District has been excluded from the application of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994, as this area is notified under the Andaman & Nicobar (Protection of Aboriginal Tribes) Regulation, 1956. However, to enable participation of the people of the tribal areas (without effecting large scale change in their traditional set up), the Andaman & Nicobar Administration have proposed the draft Andaman & Nicobar Islands (Tribal Councils) Regulation, 2009 after consultation with the representatives of the tribal people.

The initial draft envisaging three-tier system with (i) Village Council (ii) Island Council and (iii) District Council was initially formulated on the pattern of Andaman and Nicobar Islands Panchyat Regulation, 1994 to introduce Panchayati Raj institutions among the Nicobarese tribe. That Regulation would have affected the social and cultural texture of this lives of this tribe, and a need was felt to revise it, so as to reflect more accurately the Nicobari style of conducting their socio-political business. The existing traditional institutions i.e., Tribal Councils and Captain system among the Nicobarese have now been taken into account in the draft Regulation. All the seven Tribal Councils have resolved to accept this draft Tribal Council Regulation after deletion of the District Council and proposed for a two tier system of the Village Councils and Island Councils, which will be consistent with the existing situation in Nicobar District. Accordingly the provision for District Council has been removed and in its place, a District Planning Committee has been proposed.

In this context it may be mentioned that the two tier system has evolved over the years, given the geographical isolation of these remote islands. As elucidated in the preceding paragraphs, each inhabited island in this district has an Island Council for the entire