

(iv) The Village Council is in charge of general affairs, such as settling disputes and correcting wrongs like theft, abusive language, quarrels, adultery and other social offences connected with the breach of norm and custom. It exercises its authority to facilitate the organization of church festivals, cultural and recreational activities. For all external and internal purposes, the Village Captain is the head of the Village Council and representative of his village both at the official and non-official level. The powers of the Village Council are not well defined but are recognized in existence. The word or command of the Village Council is law and the Council members themselves are the judges, comprising the various tuhet heads and recognized elderly persons.

(v) The Chief Captain has the power to enforce law and to dispense justice on matters which the village headman cannot settle at Village Council level. The latter consults the former in adjudicating grave offences pertaining to social crime, illicit sexual union, separation, breaching the rule of tribal endogamy and so on. The assembly of the former and the latter together form the Island Council. The sanctity of traditional norms is taken into account in enforcing a decision. The Island Council head (the Chief) and his assistant (Vice Chief Captain) have no special rights, but they hold the most prominent position in the power structure.

(vi) When a case is to be judged, the Village Council usually sits in the community house or the house of the First, Second and Third Captain which is traditionally fixed for such hearings.

(vii) It would thus be seen that the social, cultural economic and other general affairs including settling disputes etc. (except in the case of serious offence like murder) are managed by the Nicobarese society at their own level through the media of Village and Island Councils.

(viii) No statutory status has been given to these traditional Tribal Councils and therefore this regulation has been proposed to provide to the people of the tribal area a formal, decentralized set-up and enable them to participate in the development programmes more effectively.

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.