

when Campbell Bay part of the Nicobar district is feasible for the Zilla Parishad, (South Andaman) to exercise any kind of authority in an area that is outside its jurisdiction then in the same way it would be feasible for the District Administration (Nicobar) also to exercise any kind of authority in Harminder Bay that is administratively outside its Jurisdiction.

(ii) Reply of this point already sent vide letter No. 1-8/DCN/Tribal Regulation/2008/943 dated 15/06/2009. However for ready reference a copy of the letter is annexed.

(iii) No comments

(iv) The provision is proposed in accordance with the Andaman and Nicobar Islands (Panchayat) Regulation 1994 which is applicable to the revenue areas of the Andaman and Nicobar Islands.

However if it seems that "the Deputy Commissioner would be having no authority to decide the matter and would only transmitting the view/decision of the Election Commission which also overload the Election Commission with advice cases" then Regulation 14 provision may be made for the Deputy Commissioner as after giving opportunity of being heard the Deputy Commissioner (Nicobar) shall pass a reasonable order in accordance with law, which can be challenged before the Election Commission.

(v) No comments.

(vi) No Comments.

(vii) **Justification for two tier system**

It is to inform that Nicobar District is declared as tribal district in which traditionally village council at village level and Tribal Council at Island level in each Island are existing for a long time. Representatives in these two tiers are being elected through election among themselves. These Tribal Councils are independent from each other due to geographical reasons, as they are not connected to each other. The local people always represent themselves through Island level Tribal Council to the Administration. The Tribal people of Nicobar District are very much adopted to these two tier system. Over the year, the concept of having three tier system i.e, District Level Tribal Council could not be evolved in these Islands.

Generally there is absence of second tier in the two tier system of Panchayati Raj Institutions (PRIs) every where in the country, but due to traditionally adopted system in Tribal areas of Nicobar District and geographical barriers the third tier is not proposed in Tribal areas of Nicobar District. Geographically Nicobar District is having 10 inhabited Islands that are geographically independent from each other with a small population as compared to the population of villages/divisions in mainland.