

(94) 538

F.No 1-8/DCN/Tribal Regulation/2008/947
ANDAMAN AND NICOBAR ADMINISTRATION
OFFICE OF THE DEPUTY COMMISSIONER
NICOBAR DISTRICT

Car Nicobar dated the 17th June 2009.

To

The Secretary (TW)
A & N Administration,
Secretariat,
Port Blair.

Sub:- The Andaman and Nicobar Islands (Tribal Councils) Regulation 2009-reg.

Sir,

Please refer to the Joint Secretary (UT)'s DO No. 4-11023/2/2006-UTL dated the 5th June 2009 addressed to the learned Chief Secretary A & N Admn., on the subject cited above with the request to examine and take a view on the comments of the Ministry of Tribal Affairs.

The comments offered by the Ministry of Tribal Affairs vide their OM No. 19012/38/06- Edu/C & LM (Part) dated the 4th June 2009 has been perused and para-wise views/comments of the Nicobar District Administration are furnished as under:-

Para 4 (a) & (b)

The District Admn. has no objection to the deletion of the repetitions as cited in the OM under reference.

It is however clarified that these provisions were kept both in the draft as well as in the second schedule with a view to reinforce the importance of the relevant provision and also in order to highlight the authority and function that are delegated to the Village Council and Island Council under the draft regulation. The provision at 35(2) of the draft regulation specifies the powers of the Administrator, whereas the schedule specifies the delegated authority of the Village Council which may be construed as provisions dealing with separate subjects..

Para 4 (ii)

The Preamble of the Regulation may be modified accordingly at the level of Secretariat

Para 4 (iii)

The District Administration has no objection to the proposed change in chapter (I) para 1(2) and 2(g) which may be carried out at the level of Secretariat.

Para 4 (iv)

The District Administration has no objection to the proposed change in chapter (I) Para 2(w) which may be carried out at the level of Secretariat.

Para v

The provisions suggested by the District Admn., in chapter II Para 4(2) was keeping in view of the ground realities which is felt to be more easier to administer than what has been suggested by the Ministry of Tribal Welfare. There is no individual ownership of land or house but community ownership is being followed. It may be noted that non-tribals can never have ownership of either house or land in the tribal area which may act as adequate safe guard in implementing these provisions under the draft regulation.