

3/n.

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The draft Tribal Councils Regulations duly approved by the Lt. Governor (page-22/n of linked file) were forwarded to the Ministry of Home Affairs for circulation and other next steps. In response, the Ministries of Law and Justice, Panchayati Raj, and Tribal Affairs have forwarded their comments and suggestions, which have been sent to us through the MHA. Each Ministry's observations were examined separately both in the Secretariat as well as at Car Nicobar by the Deputy Commissioner, before the replies were framed and sent.

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The comments of Ministry of Law and Justice may be seen incorporated in the MHA letter of 14<sup>th</sup> May 2009 (page-515 F/A). It has been enquired as to why the non-tribals living in Nicobar District have been excluded from the jurisdiction of the Tribal Councils Regulations.

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A detailed response was sent to the Joint Secretary explaining that most of the non-tribal population are Government servants posted in Nicobar District for a fixed tenure, who are covered under the A&N Islands Panchayat Regulations 1994 either under Municipal area or under Panchayat area. Regarding the Sri Lankan settlers of Tamil origin, the Administration is examining the issue of relocating them in a non reserved area. Similarly the illegal residents in Nancowry group who have encroached without any valid permits are considered as criminal offenders under the PAT Regulations 1956 and action is under way to evacuate them. It was also pointed out to Ministry of Home Affairs that an analogous situation exists even in the Panchayat Regulations 1994, which does not provide voting rights to the encroachers in the Forest areas of Andaman District.

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The observations of the Ministry of Panchayati Raj may be seen at Flag-'B' of the linked file placed below:

- a. The Ministry has expressed apprehension about a patch work arrangement that would arise if the Nicobari settlement at Harminder Bay in South Andaman District is covered under the jurisdiction of the Tribal Councils. In response it was pointed out that a similar situation exists in Car Nicobar District where a small pocket to the South (Campbell Bay revenue area) is covered under the jurisdiction of the Panchayat Regulations of South Andaman District.
- b. Panchayati Raj Ministry also expressed its reservations about the omission of non-Nicobari Tribals and other non-tribals from the Electoral Roll of the Tribal Councils. The position as elucidated in Para-5 above was communicated to the Ministry through the MHA.
- c. Another observation made by the Ministry of Panchayati Raj was that the provision of Regulation 14 makes it appear that the Deputy Commissioner has no authority about deciding on disqualification of any member of the Village Councils but is only transmitting the decision of the Election Commission. However, this similar provision is available in the Panchayat Regulations 1994 applicable in the Revenue areas. So the Administration has not agreed to redraft this Regulation as suggested by the Ministry of Panchayati Raj.