

- d. About the provision in Regulation 9 (4) that one fifth of the total members shall form the quorum for a meeting, Panchayati Raj Ministry has suggested one tenth of the total number of the members. Ministry was informed that this was a conscious decision taken by the A&N Administration to encourage democratic functioning by a larger number of participants. Hence this provision should be retained as it is.
- e. While agreeing to a two tier system, the Panchayati Raj Ministry suggested that a District Council should be constituted instead of Island Councils. It was explained in response that two tier system of Village Council and Island Council reflects the existing traditional set up, which has evolved over the years. The Tribal leaders also are not in favour of a District Council but have accepted the idea of a District Planning Committee.

The Tribal Affairs Ministry of Govt. of India *linked file* made a detailed response to the draft Tribal Council Regulations which may be seen at Flag-'C'. It has suggested a modification in the preamble to reflect the intention of the Regulation to offer greater autonomy to the Nicobarese in managing their affairs through the establishment of self governing institutions, which has now been done in the latest draft placed below in this file. The Ministry has also stated that the items available in the body of the draft need not be repeated in the second and third schedules. It has been clarified that whereas the items in the body of the Tribal Council Regulations specify the powers of the Administrator, those in the schedule specify the delegated authority of the Tribal Councils and can therefore be construed as dealing with separate subjects. Its suggestion to add the phrase "excluding the Shompen settlements" in Chapter-I Para-1(2)&(2)g has been accepted and the modification done in the latest draft. The suggestion for deleting the definition of Tuhet from Chapter -1 Para-2(W) has also been done.

The Administration does not agree to the suggestion of the Ministry of Tribal Affairs to redraft Regulation 4(2) because the concept of individual ownership of land or house is unknown to the Nicobarese. The entire land in the Tribal area is held under community ownership and non-tribals have no ownership rights within this area. The Administration has also not accepted that "Nicobar" be substituted with "Nicobarese" because the former term is an adjective. The Administration has also not accepted the Ministry suggestion that the supervision, guidance and control of the functions of the Village Councils and its members should be entrusted to the Island Council, because it is not appropriate to place one elected body under the supervision, guidance and control of another.

Ministry of Tribal Affairs has expressed concern that such local bodies often fail to deliver because funds are not transferred alongwith the functions and functionaries. As a safeguard it is suggested that the funds for activities should be transferred from those line departments which have transferred the functions. The Ministry has been informed that the intent of the Administration has been spelt out clearly in section 29, and no further change is considered necessary.

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