

10/8 25/5/09  
 ASIA Administration  
 Secretariat

No. 11023/2/2006-UTL  
 Government of India/Bharat Sarkar  
 Ministry of Home Affairs

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North Block, New Delhi  
 dated 14<sup>th</sup> May, 2009

To

Shri Vivek Rae,  
 Chief Secretary,  
 Andaman & Nicobar Islands,  
Port Blair.

**Sub: Andaman and Nicobar Islands (Tribal Council) Regulation, 2008 -  
 regarding.**

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Sir,

I am directed to refer to your D.O.No.3-849/2007-TW dated 8<sup>th</sup> May, 2009 regarding the Andaman and Nicobar Islands (Tribal Councils) Regulation, 2008 and to state that the clarifications provided by the UT Administration have been gone through. It is observed that the UT Administration have plans to formulate a separate policy for the Shompens in consultation with Ministry of Tribal Affairs. In the case of Non-Tribals who live in the Campbell Bay within the territory of Nicobar District, it is said to have been covered by the Andaman & Nicobar Islands (Panchayat) Regulation, 1994 and thus excluded from the jurisdiction of the Tribal Council Regulation.

2. However, in the case of non-tribal population in Nicobar District (excluding Campbell Bay), there are 1466 non-tribals in Nancowry group of islands and about 200 non-tribals in Car Nicobar Islands. Though these non-tribals can be registered as voters in the electoral roll for Parliamentary elections, yet, they are not eligible to vote in the Tribal Council. Further, the Panchayat Regulation does not apply to Nancowry group or Car Nicobar and as such, these non-tribals are ineligible to vote under the Andaman & Nicobar Islands (Panchayat) Regulation, 1994. The Legislative Department of the Union Ministry of Law & Justice, had, therefore, raised legitimate concerns in this regard, which have not been addressed by the UT Administration with valid and convincing justifications.

3. You are, therefore, requested to get the matter re-examined and come up with concrete views so as to meet the legal requirement as envisaged in the Constitutional 73<sup>rd</sup> Amendment.

Yours faithfully,

*(Signature)*

(M.L. Varma)

Deputy Secretary to the Govt. of India  
 Tel. No. 23091316