

R.D.No. 1188 Date 16/6/09
 Secretary (Labour/Ind)
 A & N Administration
 Secretariat

F.No. 1-8/DCN/Tribal Regulation/2008/943
 अण्डमान तथा निकोबार प्रशासन
 ANDAMAN AND NICOBAR ADMINISTRATION
 उपायुक्त का कार्यालय
 OFFICE OF THE DEPUTY COMMISSIONER
 निकोबार जिला /NICOBAR DISTRICT

Car Nicobar dated the 15th June, 2009

To,

The Secretary (Tribal Welfare)
 A & N Administration
 Port Blair.

Sub: Andaman & Nicobar Islands (Tribal Councils) Regulation, 2008 – reg.

Madam,

I am directed to refer Letter No. 11023/2/2006-UTL dated 14th May 2009 addressed to Chief Secretary, A & N Administration sent by Deputy Secretary to the Govt. of India, MHA, New Delhi and discussion held between the DC(N) and you over telephone on 15.06.2009 regarding the Andaman & Nicobar Islands (Tribal Councils) Regulation, 2008 in which Ministry has sought clarification in the case of Non- Tribal population in Nicobar District (excluding Campbell Bay). The Legislative Department of the Union Ministry of Law & Justice had raised legitimate concerns in this regards, which have not been addressed by the UT Administration with valid and convincing justifications.

Factual Information:-

The total population of Great Nicobar Island is 7000 approximately, out of this 200 persons are in Tribal Population who are residing in the same island and one small island adjacent to it. Great Nicobar & Little Andaman Islands are revenue areas where Tribal and Non Tribal people both are living. The Non-Tribal people/area is covered in Panchayat system that is already in existence. The Panchayat is a part and parcel of Zilla Parishad of South Andaman District that is not a tribal district. The Tribal people of Great Nicobar Island will be covered in the proposed A & N (Tribal Councils) Regulation, 2008. These people are not having voting rights in the existing Panchayat system. Similarly Nicobarie tribal people residing in Little Andaman Island that is a part of South Andaman District are not having voting right in the existing Panchayat system. These people are also covered under Draft Regulation.

Nancowrie Sub-division with 05 Tribal Islands is having 8421 tribal population and 1466 Non-Tribal population approximately.

Car Nicobar Islands is having 17000 tribal population and 200 Non-Tribal population approximately.

Issue :

The voting rights for Non-Tribal population of Nicobar District (excluding Campbell Bay) under Andaman & Nicobar Islands (Tribal Councils) Regulation, 2008.

The above population can be categorized into three groups:-

- (i) **Govt. Servants:-** These Govt. Servants are posted to these islands for a fixed tenure and for all purposes they can be considered as floating population. It is also submitted that these people are very well covered under the Andaman & Nicobar Islands (Panchayats) Regulation, 1994 either under Municipal Areas (Port Blair Municipal Council) or Panchayat Areas that fall under A & N Islands. These people also form part of the electoral roll of the single Parliamentary Constituency of A & N Islands. As such it is difficult to include their names in the Tribal Council Electoral Rolls as they neither constantly reside in these places nor they are representative of the tribal culture. It is also to mention that by not including their name (which is difficult because of the floating nature of the population) in the electoral roll is not amounting to the deprivation of franchise under Local Government as their names