This is regarding framing of the Andaman & Nicobar Islands (Tribal Councils) Regulation. The draft Regulation was prepared and sent to the Ministry of Home Affairs for consideration and approval.

Ministry of Home Affairs vide letter dated 7/09/2007 informed this Administration that the proposed draft Regulation was examined in consultation with the Ministry of Law and found that Judicial Powers cannot be exercised by the executive or any elected body and retrated Chapters 7, 8 & 9 regarding Village Judicial Council, Powers of Village Judicial Council and procedure in cases and suits need to be removed.

In pursuance of the observation of the Ministry, department concerned has re-drafted the Regulation deleting Chapters 7, 8 & 9 of the previous draft. But, the alternative provision has not been included. Accordingly, a safeguard provision in case of violation of the Regulation may be inserted after Section 145 of the revised draft Regulation stating with in case of any contravention of the provision of this Regulation or any other law for the time being imposed shall be tried by the Court of Chief Judicial Magistrate-cum-Civil Judge, Senior Division, Car Nicobar under the provisions of code of civil procedure or code of criminal procedure as the case may be.

The Rule making power as mentioned in Section 146 (i) of the draft Regulation needs to be substituted as under:-

"The Administrator (Lt. Governor) may by notification make Rules to carry out the purposes of this Regulation."

The proviso clause of Section 146 of the draft Regulation needs to be deleted.

Department concerned is requested to revise the draft accordingly and to re-submit the same to this department for further vetting.

Submitted please.

Secretary (Law) Dough So placed in the file of fundy line (leg lee herised in the form, 9 fand 90/1 and to Aubmit the Sanse leefore

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