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No. 1-849/2004-TW/ 03

अण्डमान तथा निकोबार प्रशासन

ANDAMAN AND NICOBAR ADMINISTRATION

जनजातीय कल्याण विभाग

DIRECTORATE OF TRIBAL WELFARE

Port Blair, dated the 4<sup>th</sup> April, 2007

To

Shri OP Dora,  
Under Secretary to the Govt. of India,  
Ministry of Tribal Affairs,  
New Delhi - 110 001

**Sub: To promulgate the Andaman and Nicobar Islands (Tribal Councils) Regulation, under article 240 of the Constitution.**

Sir,

I am directed to refer to your letter No. U-11023/2/06-UTL dated 27.2.2007 on the above-mentioned subject and to furnish herewith the comments on the observations sought by the Ministry of Law & Justice on the proposed draft Regulation.

Observation	Comments
<b>A. Observation of Department of Legal Affairs in brief:</b>	
i) Ordinarily in India, judicial powers have not been vested into the elected bodies whereas the proposed Regulation provides for elected judicial members;	The provisions in the draft Tribal Council Regulation are almost similar to those exist in the A & N Islands (Panchayats) Regulation, 1994. Chapter 7 of the said Regulation under heading Nyay Panchayat with Section 53 to Section 105 deals Nyay Panchayat, powers of Nyay Panchayat and procedure in cases and suits. Similar provision is made in the proposed Tribal Council Regulation from Section 53 to Section 105 with the heading Village Judicial Council, Powers of Village Judicial Council and procedure in cases and suits. In other words in the draft Regulation nothing new has been proposed which is not found in the existing Panchayat Regulation in the A & N Islands.
ii) As advised by the Ministry of Panchayati Raj the intermediate Panchayats should be dispensed with and two tier system may be proposed.	At present in this Union Territory A & N Island (Panchayat) Regulation 1994 is enforced. Under the Panchayat Regulation there is three tier system having District Panchayat at the District level, Panchayat Samiti at the Block level and Gram