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MOST IMMEDIATE

No. U-11023/2/06-UTL
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

जनजाति कल्याण विभाग
Tribal Welfare Section
सचिवालय / Secretariat
पोस्ट बॉक्स / Post Box
ज. सा. सं. / R.D.
दिनांक / Date 11/7/07
New Delhi, Dated: 7th September, 2007

To

The Chief Secretary,
Andaman & Nicobar Islands Admn.
PORT BLAIR.

Subject:- Promulgation of the Andaman & Nicobar Islands (Tribal Councils)
Regulation, 2006 under Article 240 of the Constitution.

Sir,

100/c
I am directed to refer to UT Administration's letter No. 1-849/2004/EW/03 dated 4th April, 2007 on the subject mentioned above and to say that the proposed draft Regulation was referred to the Ministry of Law & Justice for their clearance from legal and constitutional angles. The Department of Legal Affairs, Ministry of Law and Justice has observed that judicial powers cannot be exercised by the Executive or any Elected Body. Therefore, they have reiterated that setting up of Village Judicial Council which shall consist of elected members of Village Council would not be legally and constitutionally in order. Considering the legal opinion, this Ministry is of the view that Chapter 7 regarding Village Judicial Council, Chapter 8 regarding Powers of Village Judicial Council and Chapter 9 relating to Procedure in Cases and Suits may need to be removed. However, UT Admn. may kindly examine and advise this Ministry immediately of their views in the matter so that further action may be initiated.

Yours faithfully,

11/9/07
O.P. DOGRA

UNDER SECRETARY TO THE GOVT. OF INDIA
Tele. No. 23093147

Regulation
drafted by
11/9/07
11/9/07