

CHAPTER - I INTRODUCTORY

1. CONSTITUTIONAL POSITION OF ANDAMAN AND NICOBAR ISLANDS

The British Government for the peace and the Govt. of Andaman & Nicobar Islands enacted a Regulation namely the A&N Islands Regulation, 1876 (Regulation No. III of 1876) which received the assent of the Governor General of India on the 30th June, 1876, Part – I, P. 360 and in the A&N Islands Gazette, 1876 extraordinary dated 28th August, 1876.

Subsequently, under the Govt. of India Act of 1919 and 1935 (Sections 58 and 94 respectively), this group of islands became a Chief Commissioners' province. The Act of 1874, however continued to apply till its repeal by the Adaptation of Indian Laws Orders, 1937. Under the Govt. of India Act, 1935, the Chief Commissioner's Provinces were units of the federation (Section 311), but they were under the direct administration of the Federal Govt. (Section 94); they were governed by the Governor General acting in his discretion through a Chief Commissioner appointed by him.

The British Government for providing better Administration of Civil Justice in the Andaman and Nicobar Islands enacted a Regulation namely the Andaman and Nicobar Islands Civil Court Regulation, 1940 (Regulation No. XI of 1940). The aforesaid Regulation was made by the Governor General of India on the 18th August, 1940 and promulgated on 31st August, 1940.

Part III of the Regulation of 1876 which deals with the Administration of Justice was further modified through State/UT amendment in the Code of Criminal Procedure, 1973 vide Notification No. U-11011/2/74-UTL-(i) dated 20th March 1974 describing the procedure for Administration of criminal justice in the Andaman & Nicobar Islands by suitably modifying the relevant Sections of Chapter II of the Code Criminal Procedure, 1973.

After the enforcement of the Constitution, special provision was made for the Administration of the Andaman and Nicobar Islands. Under Article 243 (now repealed), it was laid down that the Territories included in Part D of the First Schedule (only the Andaman and Nicobar Islands were included in Part D) were to be administered by the President acting through a Chief Commissioner or other authority to be appointed by him. The President was given powers to make regulations for the peace and the good government of Part D Territories, and such regulations had the force and effect of an Act of Parliament; further more, the regulation could repeal or amend any law made by Parliament.

The Union Territory of A&N Islands were made within the jurisdiction of Calcutta High Court by an Act of Parliament namely, the Calcutta High Court (Extension of Jurisdiction) Act 1953 (Act No. 41 of 1953) and Calcutta High Court under Section 4 of the

said Act has been empowered to make Rules to carry out the purposes of the said Act for the purpose of effectively exercising its jurisdiction in or in its relation of A&N Islands.

The Regulation promulgated by President of India for further peace and progress of the islands with the list of Rules framed thereunder are as under:-

1. (i) The Andaman & Nicobar Islands Land Revenue and Land Reforms Regulation, 1966.
- (ii) The Andaman & Nicobar Islands Land Revenue and Land Reforms Rules, 1968.
2. (i) The Andaman & Nicobar Islands (Panchayat) Regulation, 1994.
 - (i) The Andaman & Nicobar Islands (Panchayat) (Preparation of Electoral Rolls and Conduct of Elections) Rules, 1995.
 - (ii) The Andaman & Nicobar Islands (Grant in Aid Panchayati Raj Institution) Rules, 1996.
 - (iii) The Andaman & Nicobar Islands (Panchayat Administration) Rules, 1997.
 - (iv) The Andaman & Nicobar Islands (Panchayat Accounts & Finance) Rules, 1997.
 - (v) The Andaman & Nicobar Islands Gram Panchayat (Levy of Taxes and fees) Rules, 2002.
 - (vi) The Andaman & Nicobar Islands (Procedure for communication and Service of Demand Notice for recovery of dues of the Gram Panchayats, Panchayat Samitis and Zilla Parishad) Rules, 2002.
 - (vii) The Andaman & Nicobar Islands Panchayat Samities (Levy, Assessment, Collection, Appropriation of Taxes, Duties Cess Toll and fees) Rules, 2002.
 - (viii) The Andaman & Nicobar Islands (Levy Assessment, Collection of Taxes, Duties and fees by the Zilla Parishad) Rules, 2002.
 - (ix) The Andaman & Nicobar Islands (Grant in aid to Panchayati Raj Institutions) (Amendment) Rules, 2002.
 - (x) The Andaman & Nicobar Islands District Planning Committee conduct of Meeting, Quorum procedure in regard to transaction of Business) Rules, 2002.
3. (i) The Andaman & Nicobar Islands (Municipal) Regulation, 1994
 - (i) The Andaman & Nicobar Islands (Municipal) Rules.
 - (ii) Port Blair Municipal Council Conduct of Business Bye Laws
 - (iii) PBMC Bye Laws for Hair dressing Saloons.
 - (iv) PBMC Bye Laws for Grant of License for sale of Food
 - (v) PBMC Building Bye Laws
 - (vi) PBMC Property Tax Bye Laws
 - (vii) The Andaman & Nicobar Islands (Municipal Preparation of Electoral Rolls and conduct of Elections) Rules 1995.
 - (viii) PBMC Octroi Tax Bye Laws
4. (i) The Andaman & Nicobar Islands (Fisheries) Regulation, 2003.

- (ii) The Andaman & Nicobar Islands (Fisheries) Rules, 2003.
- 5. (i) The Andaman & Nicobar Islands Co-operative Societies Regulation, 1973.
- (ii) The Andaman & Nicobar Islands Co-operative Societies Rules, 1974.
- 6. (i) The Andaman & Nicobar Islands Khadi & Village Industries Regulation, 1988.
- (ii) The Andaman & Nicobar Islands Khadi & Village Industries Rules, 2001.
- 7. (i) The Andaman & Nicobar Islands (Protection of Ab-original Tribes), Regulation, 1956.
- (ii) The Andaman & Nicobar Islands (Protection of Ab-original Tribes), Rules, 1957.
- 8. (i) The Andaman & Nicobar Islands (Town & Country Planning) Regulation, 1994
- (ii) The Andaman & Nicobar Islands (Town & Country Planning) Rules, 2005.
- 9. (i) The Andaman & Nicobar Islands State Legal Services Authority Regulation, 1998
- (ii) The Andaman & Nicobar Islands State Legal Services Authority Rules, 1997
- 10. The Andaman & Nicobar Islands Civil Court Regulation, 1940
- 11. The Andaman & Nicobar Islands Regulation, 1876. (III of 1876)
- 12. The Andaman & Nicobar Islands (Administration) Regulation, 1979 (4 of 1979).
- 13. The Andaman & Nicobar Islands Dramatic Performances Regulations, 1962 No. 10 of 1962.
- 14. The Andaman & Nicobar Islands Entertainments Tax Regulations 1951 No. 1 of 1951 (Rules/Notifications framed/issued thereunder)
- 15. The Andaman & Nicobar Islands Home Guards Regulation, 1964 No. 5 of 1964. (Rules/Notifications issued thereunder)
- 16. The Andaman & Nicobar Islands Laws Regulations, 1945 (Notifications issued thereunder)
- 17. The Andaman & Nicobar Islands Livestock Improvement Regulation, 1955 No. 5 of 1955
- 18. The Andaman & Nicobar Islands Juvenile Smoking Regulation, 1955(Notifications issued thereunder)
- 19. The Andaman & Nicobar Islands Motor Vehicles Tax Regulation, 1940 No. VIII of 1940 (Rules/Notifications framed/issued thereunder)
- 20. The Andaman & Nicobar Islands Military Administration (Indemnity) Regulation, 1946 No. III of 1946
- 21. The Andaman & Nicobar Islands Military Police (Disbandment) Regulation, 1946 No. III of 1946
- 22. The Andaman & Nicobar Islands Money-Lender Regulation, 1956 No. 2 of 1956 (Rules/Notifications framed /issued thereunder)
- 23. The Andaman & Nicobar Islands Law Regulations, 1945 (Notification issued thereunder)

24. The Andaman & Nicobar Islands OPM Smoking Prohibition Regulation 1955 (3 of 1955)
25. The Andaman & Nicobar Islands Prohibition of Cow Slaughter Regulation, 1967 (1 of 1967)
26. The Andaman & Nicobar Islands (Primary Education) Regulation, 1959 (3 of 1959)
27. The Andaman & Nicobar Islands Plant Diseases and Pest Regulation, 1969 (3 of 1969)
28. The Andaman & Nicobar Islands Police Regulation, 1945
29. The Andaman & Nicobar Islands Prevention of Defacement of Property Regulation, 1987.
30. The Andaman & Nicobar Islands (Regulation) of Traffic and Preservation of Order in Public Places Regulation, 1966 (No. 1 of 1966)
31. The Andaman & Nicobar Islands Rent Control Regulation, 1964 (7 of 1964)
32. The Andaman & Nicobar Islands Religious Buildings and Places Regulation, 1989 (2 of 1989)

2. ***BRIEF HISTORY OF THE ISLANDS***

The Andaman and Nicobar Islands as the name suggests, consists of two main groups viz the Andaman and the Nicobar. There are 572 Islands in both the groups including Islet & rocks out of which only 25 are inhabited in Andaman and 13 Islands are inhabited in Nicobar group. The total area of these two groups of Islands is 8249 Sq.Kms, the Andaman group covering 6408 Sq.Kms and the Nicobar group 1841 Sq.Kms. The seat of the administrations is at Port Blair in South Andaman which is the only town in the Territory. The distance of Port Blair by sea from Kolkatta is 1,225 Kms. and from Chennai is 1,190 Kms. whereas from Visakhapatnam is 1200 Kms. The total population of the Islands, according to the 2001 Census, is 3,56,152 as against 2,80,661 in 1991, 1,88,741 in 1981, 1,15,133 in 1971 and 63,548 in 1961.