

2008

Brief history and comments on the judgment dated 17.3.2008 of the Hon'ble High Court at Calcutta, Circuit Bench at Port Blair in the WP No. 328 of 2007-M/s Barefoot Inns & Leisure Pvt. Ltd MB-5, Atlanta Point, Port Blair-vs-Lt. Governor, A&N Islands.

M/s Barefoot Inns and Leisure Pvt. Ltd, Atlanta Point, Port Blair has purchased 13 Bighas of land in Colinpur for construction of a tourist resort. There is a place locally known as Zhao Kona, where the Jarawa reside in very close vicinity to the land purchased by M/s. Barefoot Group at Colinpur for tourist resort.

A tourist resort in such close proximity to the Jarawa reserve, located along their traditional paths from Zhau kona to Colinpur which they use during low-tide, would have as its USP (Unique Selling Point) the sighting and interaction with Jarawas because there is no other tourist attraction at this site, the beach being small and ordinary. Barefoot Group has a strong foreign clientele who will further exacerbate the cross cultural tensions, leading to a situation that may be difficult to handle in the future.

10.146/c
The Jarawa Policy framed by the Govt. of India and notified vide extraordinary gazette Notification No. 210 dated 21.12.2004 has its objectives as follows:-

- (i) To protect the Jarawas from harmful effects of exposure and contact with the outside world while they are not physically,, socially and culturally prepared for such interface;
- (ii) To preserve the social organization, mode of subsistence and cultural identity of the Jarawa community;
- (iii) To provide medical help to the Jarawas to reduce mortality and morbidity in case of their sudden affliction with diseases which their systems are unaccustomed to;
- (iv) To conserve the ecology and environment of the Jarawa Reserve Territory and strengthen support systems in order to enable the Jarawas pursue their traditional modes of subsistence and way of life; and
- (v) To sensitize settler communities around the Jarawas habitat and personnel working for the protection and preservation of the Jarawas about the need to preserve their unique culture and life styles.

In this context it is stated the Jarawas have been recognized as unique human heritage, and it is the onerous responsibility of the Administration to protect and preserve their status. In view of the above objectives of the Jarawa policy and in order to protect the Jarawa from the harmful effect of exposure and contact with the outside world, it was decided to declare five KM radius from the edge of Jarawa reserved area as buffer zone where no commercial activities would be allowed.