

"Jarawas" is already notified, the latest notification being Notification No. 234/2007 F.No. 1-752-TW dated 30-10-2007. As per this Notification the subject land where the writ petitioner is constructing a hotel is a revenue area falling just outside the tribal reserve.

Whatever protective provision exists in A & N Islands (PAT) Regulation, those are in respect of the areas within the reserved area notified from time to time by the Lt. Governor and not outside the area as any 'buffer zone'. Although observation of Hon'ble High Court while disposing of writ petition about the term "buffer zone" is correct, the Hon'ble High Court appears to have erred in appreciating the danger likely to be posed to the "Jarawa" Primitive Tribe if the resort under construction at Collinpur by the writ petitioner comes up. It is conspicuous enough that the hidden agenda of M/s Bare Foot Inns & Leisure Pvt.Ltd is to capitalize the close proximity of Jarawa habitation as almost all the domestic as well as foreign tourists are fascinated to see and interact with Jarawas. The writ Petitioner intends to exploit Jarawas even much more than simple interaction in due course of time for their money making in the name of tourism. Therefore, it is imperative that the small Primitive Tribal Group available as a unique human heritage be protected with iron hands.

Though the Hon'ble High Court has quashed the Notification dated 30-10-2007 as well as the stay order dated 6-11-2007 of the Tehsildar, Ferrar Gunj based on the above notification, it has allowed liberty to the respondent authorities for issuing appropriate direction to the petitioner or any one to stop any commercial or any tourism activities in the area in question following the declared policy of the authorities on Jarawa tribe of Andaman Islands as published by the A & N Administration or on the basis of any subsequent declared policy of the respondent authorities herein.

In the light of the position as explained above, necessary direction, in pursuant to the order of the Hon' ble High Court has been given to M/s. Barefoot Inn & leisure Pvt Ltd, Port Blair to desist from carrying out any commercial/ tourism activity on the subject land and also to not that in event of their failure to comply the instructions herein , they shall be liable to legal action as may be deemed fit under the law /policy for the welfare of the Jarawas (Primitive Tribes) vide this Directorate's letter No. 1-752/2007-TW /251 dated 25.4.2008. Besides, the Deputy Commissioner (South Andaman) has also been requested to issue necessary instructions to the Sub-Divisional Officer (Asst. Commissioner) South Andaman to ensure that conversion of subject agricultural land/parcel of land situated at Colinpur purchased by M/s. Barefoot Inn & Leisure Pvt. Ltd, Port Blair may not be allowed as it will be detrimental to the interest of the Jarawas(Primitive Tribes) vide this Directorate's letter No. 1-752/2007-TW/250 dated 25.4.2008.

→ Here add a para about the S.C. order of 7/5/02 [IA 502/99(WP) (2002)95] and show an analogy betw. ATR & this resort. Whereas ATR has a large public good, the resort will have no adverse externalities