

## PARA-WISE COMMENTS

### FOR DRAFTING APPEAL AGAINST THE ORDER DATED 7<sup>TH</sup> MARCH, 2007 OF SINGLE BENCH IN W.P.No. 328 OF 2007 -M/s BAREFOOT INNS & LEISURES PVT. LTD. - Vrs- Lt. GOVERNOR & ORS.

1. As per the Constitution (Andaman and Nicobar Islands) Scheduled Tribes order 1959 notified vide notification dated 31<sup>st</sup> March 1959 by the Govt. of India there are six Scheduled Tribes in Andaman Nicobar Islands as mentioned below:-

#### In the Andaman Islands:-

1. Andamanese (including Chariar or Chari, Kora Tabo or Bo, Yere, Kede, Bea, Balwa, Bojigiyab, Juwai and Kol.)
2. Jarawas.
3. Onges.
4. Sentinelese.

#### In the Nicobar Islands.

1. Nicobarese.
  2. Shompens.
2. Out of the above mentioned 6 Scheduled Tribes, Nicobarese are quite advanced, mixed with the mainstream of the society and also large in number. The rest of 5 Scheduled Tribes namely Andamanese, Jarawas, Onges, Sentinelese and Shompens are small tribes and are still in their primitive status.
  3. The President of India has promulgated the Andaman & Nicobar Islands (Protection of Aboriginal Tribes) Regulation 1956 for the protection and welfare of the above mentioned 6 aboriginal tribes. The above-mentioned Regulation and the Rules framed there-under have ample provision for protection of the interest of socially and economically backward aboriginal tribes in the Andaman & Nicobar Islands.
  4. Two primitive tribes namely Jarawa and Sentinelese out of the above mentioned aboriginal tribes have ever been hostile. But, during the year 1997 in an incident occurred at Kadamtala, one of the adjoining villages of the thick Jarawa tribal reserves, a teenaged Jarawa boy accidentally sustained major injury and was rescued by the non-tribal population with the help of the Andaman Aadim Janjati Vikas Samiti and Police. The best possible treatment was provided to the badly injured Jarawa boy at G.B. Pant Hospital, Port Blair for nearly 6 months and after complete recovery he was again sent back to his tribe. This was a turning point and the said boy proved as a communication link between the non-tribal population and the hostile Jarawa Primitive Tribe. Thereafter, the Jarawas started