

The judgment has been pursued between the lines with reference to the provisions in **A & N Islands (Protection of Aboriginal Tribes) Regulation, 1956** as well as the **Jarawa Policy** notified by the Andaman & Nicobar Administration with the approval of the Govt. of India, Ministry of Home Affairs vide Notification No. 210 dated 21-12-2004. As per the provision at Section 3 (1) of A & N Islands (PAT) Regulation the Chief Commissioner (now Lt. Governor) may, by notification, declare any area which is predominantly inhabited by aboriginal tribes to be a reserved area and specify the limits of such area; and may, from time to time, in like manner, alter such limits. Sub section (2) of Section 3 provides that if any question arises whether any area falls within or without the reserved area, it shall be decided by the Chief Commissioner (now Lt. Governor) and his decision shall be final. The reserved area in respect of the habitation of tribals including the "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 Collin Pur 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. I have no hesitation to say, that 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.