

the 19th November, 1991

(Welfare)

To
The Secretary,
Government of India,
Ministry of Home Affairs,
New Delhi

Subject:-Proposal for amendment in the A&N Islands
(Protection of Aboriginal Tribes) Regulation,
1956 regarding the enhancement in the penalties
also for the offences committed.

Sir, The Andaman and Nicobar Islands (Protection
of Aboriginal Tribes) Regulation, 1956 (copy enclosed)
was promulgated by the President of India under clause
(2) of Article 243 of the Constitution and was published
in the Gazette of India on 14th May, 1956 to provide for
protection of the interests of socially and economically
backward aboriginal tribes in A&N Islands.

The Regulation provides for penalties for the
contravention of the provisions of Sections 6 & 7 of the
said Regulation. The penalties as provided in Section
8 are the punishment with imprisonment which may extend
to one year or fine which may extend to Rs. 1000/- or
both. As per reported cases of offences punishable
under the said Regulation during the last five years,
there is no decrease in the number of offences. With
the increase in the population of non-tribal people
in A&N Islands due to immigration as well as natural
growth, the offences against the aboriginal tribes
of these Islands are likely to increase.

The penal provision provided in the said
Regulation appears to be too mild to have any deterrent
effect on the non-tribal intruders. For example,
fine upto Rs. 1000/- was provided way back in 1956 and
that is obviously a paltry sum at present. Therefore,
it is justified to increase the fine keeping in view
the inflation etc.

The aboriginal tribes especially the primitive
ones are still at the hunting and food gathering stage
and as such they are socially and economically backward
and their interests are to be protected more vigorously.
As some elements among the advanced and so-called civil-
ised people make no bones impinging upon the rights
of these tribes.

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