

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 penal-
ties for the offences committed.

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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, a 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. Their interests are to be protected more vigorously as some elements among the advanced and so-called civilised people make no bones impinging upon the rights of these tribes.

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