

FPP

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The maximum punishment in terms of imprisonment is only one year under section 8 (1) of the A & N Islands (Protection of Aboriginal Tribes) Regulation, 1956 (Please refer Portion sidelined 'A' at page No. 65/c). Obviously in the instant case, the court cannot award punishment beyond one year, however serious the gravity of offences may be. So the question of awarding punishment beyond one year for the offences falling under the purview of this Regulation does not arise. Further, the maximum punishment for any offence is rarely awarded by the courts, so is the case with the offences under this Regulation.

(32)

As could be seen from the statement showing number of cases registered under the Regulation (Please refer to statement at page 38/c), the number of offences have increased over the years (1997-2000).

(33)

Trespass/violation of the tribal reserved area particularly the area in South and Middle Andaman inhabited by the Jarawas has become a regular future over the years. Earlier the Jarawas use to guard their area by exercising to hostility, but they are no longer hostile. Instead they are now friendly with the non-tribals. So it has become easier for the non-tribal people to trespass their area and use their resources. Though the law and order machinery is vigilant, the offences against the tribals as far as they relate to this regulation are unabated because the offenders are awarded with only minor penalty. So the offenders do not deter from committing the same offences again. The enhancement of the punishment as proposed by the Administration will certainly go a long way in reducing the offences against the tribals. Therefore the minimum period of imprisonment of one year extendable upto three years appears to be reasonable and that may be excepted so that necessary amendment to section 8 of the Regulation is carried out. If approved, we may send a reply to the Govt. of India in the above lines. A draft reply is put up for approval please.

(34)

[Signature] 28.8.2001
Research Officer (TW)

Director (TW)

Tress pass into tribal
Reserve with intention to exploit
the tribals and their resources
is a social evil. Hence

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