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ANDAMAN AND NICOBAR ADMINISTRATION  
Directorate of Tribal Welfare  
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Port Blair, dated the 30<sup>th</sup> July, 2002.

To

The Under Secretary to the Govt of India,  
Ministry of Home Affairs,  
New Delhi.

(Kind attention of Shri Sudesh Kumar)

Sub:- Proposal relating to amendment of Andaman and Nicobar Islands  
(Protection of Aboriginal Tribes) Regulation, 1956.

Sir,

I am directed to refer to your letter No.U-11023/7/99-UTL dated 7<sup>th</sup> December, 2001 regarding the above mentioned subject. The proposal regarding amendment to Section 8 of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956 has been reviewed at the level of Lt. Governor, Andaman and Nicobar Islands and it has been decided to go ahead with the proposed amendment of the PAT Regulation.

The Ministry of Home Affairs vide their letter No.U-11023/99-UTL dated the 10<sup>th</sup> July, 2001 has observed that "during the past 10 years no imprisonment has been made for a period of one year or above under the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956. In view of this it would not be justifiable to amend the Regulation to provide for a severe punishment of minimum period of imprisonment of one year extendable upto 3 years which is normally awarded in law aimed at removing social evils. It is, therefore, requested that the whole matter may please be reconsidered and a reasonable punishment may please be proposed which may be justifiable and rational in the circumstances and situation prevalent in the Union territory."

The observation of the Ministry is appropriate under the circumstances in which dispute/differences are between parties with equal socio-economic and cultural background. But in the context of tribals, special provisions like PAT Regulation was enacted to provide a tool to this Administration to interfere on behalf of tribals so that poor innocent tribals are not swept away by the strong wind of social, economic and cultural change blowing from non-tribals. Lack of effective punishment in the PAT Regulation resulted in unhindered growth of population of non-tribals in Nicobar District from 589 in 1961 to 14,355 in 1991 (2337%) while the tribal