

Ref:- Page 129-133/c (PUC)

(194) The matter under consideration in this file relates to amendment of Section 8 of the (Protection of Aboriginal Tribes) Regulation 1956 by incorporating a separate clause to include certain activities of the non-tribals as an offence. In this connection a reference is invited to para 10 at page 130/C of the tour note of Director (TW) on his visit to Middle Andaman (Jarawa area) on 26 and 27.10.2002 where by he has suggested amendment under PAT Regulation to include certain activities of the non-tribals as giving foreign items, collecting blood etc., photography/video as offence so as to protect the tribals from evil effects. The suggestion for amendment of the PAT regulation is examined as under:-

(195) It has been observed in recent years that owing to pressure of population and increase of tourist traffic, the tribals, particularly the Jarawas and other Primitive tribes have become more vulnerable to evil effects of the modern civilization. The unrestricted use of ATR passing through the Jarawa territory by private and Govt. vehicles is another contributory factor in this regard so far as the Jarawa tribe is concerned. They are the most affected from the behaviour of the modern society. Of late the tourists and others have been found indulging in the following activities while passing through the Jarawa territory and coming into contact with the Jarawas.

- i) Giving foreign items including food cloth etc.
- ii) Collecting blood, hair, any body part, tissue and genetic material.
- iii) Photography / videography.

(196) There is no provision in the existing A&N Islands (PAT) Regulation to control or prevent the above undesirable and harmful activities in relation to the tribals. So we may have to go in for an amendment of the existing provision of the PAT Regulation. Accordingly the following amendment clause is proposed to be added below section 8 (3) of the PAT Regulation 1956 (please refer section 8 of the PAT Regulation in the linked folder at flag 'A')

(197) "The person or the persons who posses the direct or indirect control over person or persons or over the carriage, carrier, motorized or otherwise vehicle or vessels or over any machine and whose act to commission or omission is likely to result or has resulted in reaching to the aboriginal tribe or tribal reserve directly or indirectly the foreign material, the material which is not indigenous to the tribal reserve or in photography, videography of aboriginal tribe or in removal of their body part or tissue or in display or exhibition or publication of photography, videography of aboriginal tribe or/their belonging or in bringing members of aboriginal tribes in physical contact with the persons other than the members of the aboriginal tribe without the permission of Lt.Governor shall be punishable with imprisonment of minimum period of one year extendable upto 2 years and fine of Rs. 2000/- extendable Rs. 10,000/-"