

68. PUC is a letter dated 28.7.2016 received from the Director, Light House & Lightships, Deep Bhawan alongwith a copy of letter dated 22.6.2016 of A.P.C.C.F, Forest department and letter dated 24.6.2016 of department of Light House & Lightships regarding diversion of 0.14 ha of Forest Land in Katchal Island for establishment of Lighted Beacon at Honiph Rock Point.

69. The Director of Light House & Lightships has requested to divert 0.14 ha of Forest Land at Honiph Rock Point in Katchal Island to establish a Lighted Beacon for safety & security of mariners and other security requirements of vessels plying from Port Blair towards Campbell Bay and also requested to issue a clearance certificate under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for any navigational operation at the earliest the work is under the Plan scheme of 2016-2017.

70. As far as this UT is concerned, the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA) 2006 is applicable to only six STs namely – Andamanese, Onges, Jarawas, Sentinelese, Shompens and Nicobarese of this UT as no other forest dwellers qualify for the purpose of FRA.

71. In this connection, it is submitted that the area inhabited by the Scheduled Tribes in this UT has been declared as reserved areas under the A & N (PAT) Regulation 1956 to protect their interests in the lands situated in the reserve area and at the same time the reserve area has also been declared as reserve/protected forest under the Forest, Conservation Act, 1980. However the provisions of the PAT Regulation supercede any other law for the time being in force. Acquisition of any right over the lands situated in the reserve area by the non-tribals is prohibited. Even entry of non-tribals in the reserve area is prohibited except on the authority of a pass granted by the Competent authority.

72. Further it is submitted that the Scheduled tribe of this UT do not practice individual ownership of land, but hold it jointly in its entirety as per their tradition and convention. They follow Tuhet system i.e. joint family system and have their traditional ways of social control over land.

73. The Katchal Island is declared as tribal reserved area. The land measuring an area of 0.14 ha at Honiph Rock Point is in Katchal Island. It is therefore proposed that we may take the consent of the Chairperson, Tribal Council, Katchal for the establishment of the Lighted Beacon at Honiph Rock Point in Katchal Island.