

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) No. 12125 of 2010

(against the order of the Calcutta High Court dated ____ in ____)

IN THE MATTER OF:

Andaman & Nicobar Administration

... Petitioner

vs.

Barefoot Inn Leisure Pvt. Ltd.

... Respondent

Affidavit on behalf of the Petitioner pursuant to order of this Hon'ble Court dated _____

I, K S Thakur, aged 42 years, presently Deputy Resident Commissioner, Andaman & Nicobar Administration, Andaman House, Chanakyapuri, do solemnly affirm and state as under:

1. That I am conversant with the facts and circumstances of the case as reflected in the record, and am competent and authorized to affirm the instant affidavit on behalf of the Petitioner herein.
2. That the present Petition seeks to challenge the impugned order of the Division Bench of the Calcutta High Court upholding the order of the Learned Single Judge by which the notification dated 30.10.2007 notifying a buffer zone of 5 km radius around the Jarawa Tribal Reserve, has been quashed. The Petitioner contends that the notification dated 30.10.2007 has been issued under powers conferred by Section 3(1) of the Andaman & Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956 (hereinafter, "PAT Regulation"), and the notification of a buffer zone is in furtherance of the very purpose for which the PAT Regulation has been promulgated. The Petitioner further submits that the notification of a buffer zone is consistent with the directions contained in order dated 9.4.2001 of the Calcutta High Court in Writ Petition (Civil) No. 48 of 1999. In the said order, the Hon'ble High Court directed that an Expert Committee be constituted and after the Report of the Expert Committee is available, an appropriate policy be framed for the protection of the Jarawa Tribe in A&N Islands. Simultaneously, the Hon'ble Court directed that certain immediate steps be taken for the protection of the Jarawa Tribe, such as steps to "stop poaching and intrusion into the Jarawa territory", steps for clear demarcation of the Jarawa territory, steps to discourage the Jarawa from coming out into the open, to prevent contact between Jarawas and unauthorized persons, etc.
3. The Expert Committee constituted pursuant to the order of the Calcutta High Court referred to above, submitted its Report in July 2003. Consistent with the recommendations of the Committee, the Jarawa Reserve Area was renotified (under the PAT Regulations 1956) vide notification dated 15.9.2004. As a consequence of this renotification, the Jarawa reserve area stood increased from 847 sq. Km. to 1028 sq. Km. The notification dated 15.9.2004 altered the previous boundaries of the Jarawa reserve in the following manner: (1) It extended the eastern boundary of the reserve in the South Andaman Island. Previously, the