

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 Andaman Trunk Road (ATR) was the Eastern Boundary upto the eastern coast of South Andaman Islands. (2) Previously, 200 metres (on either side) from the central line of ATR was excluded from the Jarawa Reserve. The 2004 notification restricted this excluded belt to 30 metres on either side of the Central Line of ATR, except in certain specified stretches (near the jetties) where the 200 metre belt was retained; (3) On the western side of South and Middle Andaman, the Jarawa Reserve boundary was extended by 5 km. from the High Tide Line, to prevent fishing activities in the coastal waters by those other than the Jarawa Tribe.

4. The objective of the 2004 notification extending the boundaries of the Jarawa Reserve, was to increase the marine and terrestrial food resource base of the Jarawa Tribe. Further, unlike previous notifications of the Jarawa reserve boundary, the 2004 notification provided for a clear demarcation of the Jarawa Reserve boundary using specific way points giving latitude / longitude, topographical features etc.

5. In December 2004, pursuant to the directions of the Calcutta High Court in the order referenced at para 2 above, a policy on Jarawa Tribe of Andaman Island was framed. The said policy, as part of its objectives, stated that the Jarawas must be protected from harmful effects of exposure and contact with the outside world while they are not physically, socially and culturally prepared for such interface. As part of the strategies and guidelines for protection and welfare of the Jarawas, it stated that "stringent arrangements" may be made to ensure that encroachments do not take place in the future. It also provided for regulation of traffic on the Andaman Trunk Road.

6. On 30.10.2007, as part of the various measures to ensure protection of the Jarawa Tribe, a buffer zone of 5 km. radius around the Jarawa Reserve Area was notified. As per the said notification, any person other than a member of an aboriginal tribe is prohibited from entering the Buffer Zone for any commercial and / or tourism activities. The notification dated 30.10.2007 has been quashed by the Calcutta High Court in the order impugned herein.

7. At the hearing before this Hon'ble Court on 29.10.18, this Hon'ble Court was pleased to direct that an affidavit be filed indicating the steps that have been taken for protection of the Jarawa Tribe. Pursuant to this order of the Hon'ble Court, an affidavit was filed indicating the various steps that had been taken for protection of the Jarawa Tribe since the directions passed by the Calcutta High Court in a Public Interest Litigation in 2001. The said affidavit indicated that while some establishments in the buffer zone had been closed, there continue to be small eateries / dhabas, general stores, cloth shops etc. operating in the market places of existing villages in the Buffer Zone.

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