

1964-1971. These 1250 families (mainly ex-service personnel, Sri-Lankan and Burmese repatriates, and families from Bengal) were settled in Middle Andaman, Neil Island, Little Andaman, Nancowry Group (Nicobar), and Great Nicobar. Subsequently, there have been many others who have come and settled on their own in Andaman & Nicobar Islands.

12. As on date, 86.93% of the territory of Andaman & Nicobar Islands is a notified forest area, and the balance is deemed forest area (Revenue land with naturally grown trees), the revenue Villages and area under water bodies, Coastal area (inter tidal zone) mud flats etc. The Jarawa Reserve Area is on the western side of the South Andaman and Middle Andaman Islands. Although the Jarawas are hunter-gatherers, with no permanent settlements, the areas where the interface between Jarawas and non-tribal persons is most likely to occur are as follows: (1) Southern-most part of the Jarawa Reserve (Tirur Area), where the Respondent's property is located (in Colinpur) in adjoining buffer zone; and (2) Between Jirkatang and Poonanallah - where the Andaman Trunk Road enters into the Jarawa Reserve; (3) At the Middle Strait, which separates South Andaman from Baratang Island - the Jarawas are on the South Andaman side and rarely cross into Baratang; (4) Kadamtala area - where the Andaman Trunk Road enters into Middle Andaman Island. A map (with legend) showing the Jarawa Reserve and buffer zone in South Andaman, Middle Andaman, and Baratang, the Andaman Trunk Road, and also the revenue village area, is annexed hereto as Annexure - 2.

13. As is evident from the map annexed as Annexure - 2, the Buffer Zone area notified in 2007 includes parts of 31 revenue villages. A Tehsil-wise list of revenue villages falling within the Buffer Zone is annexed hereto as Annexure - 3. The population of these 31 villages is around 22,000 people (as per 2001 census). The Petitioner respectfully submits that these revenue villages contain settlers who have been rehabilitated under various schemes of the Government of India, and some of the settlers even predate the 1956 PAT Regulations. The prohibition on "commercial" and "tourist" activities in the buffer zone, as contained in the 2007 notification, must not be interpreted in a manner that prejudices the livelihood and subsistence of these settlers. These villages have mostly agricultural land with normal markets containing small shops of grocery, cloth, tea stalls, sweet shop etc. These shops cater primarily to the local villagers. However, to the extent that the Andaman Trunk Road travels through some of these settlements / villages, the travellers may also occasionally access these shops. These travellers are mostly settlers and officials residing in North and Middle Andaman, who travel to Port Blair and other parts of South Andaman, and back. The Petitioner also submits that the Andaman Trunk Road is the lifeline for Baratang, Middle Andaman and North Andaman - it carries food, petroleum products, rations, building materials and other essentials from Port Blair (the main port) to the northern islands.

14. Further, the Andaman Trunk Road itself does not cross the Middle Strait which separates South Andaman and Baratang, nor does it cross the Humphrey Strait which separates Baratang and Middle Andaman. These straits / creeks are crossed by means of a vehicular ferry. At the jetty point on either side of the strait, there are vehicles lined up waiting to board the ferry, which can