

- I) At the outset, I say that I do not question the sincerity of the petitioner in so far as her concern for the welfare of the Jarawas is concerned. At the same time, I like to point out that many of the references in the Writ petition to the alleged negligence on the part of the Administration, to conduct tours for VIPs, to compare with settlements of other indigenous tribal groups like the Great Andamanese and the Onges, as also the presumption conveyed that the Jarawas are facing starvation, suggests not only a total lack of awareness on the part of the petitioner of the correct facts but a tendency to oversimplify a complex situation. I also like to state that it may have been better if the petitioner had, in the first instance, sought to know from the Administration what it is being done in respect of the Jarawas, what are the ingredients of the Administration's policy in this regard and so on. However, the A & N Administration do not have with them any reference whatsoever of any attempt having been made by the petitioner seeking such information, either in writing or otherwise from the Administration.
- II) Without prejudice to this, the Respondent seek to mention that the Andaman & Nicobar Islands have six indigenous tribes of which four are located in Andaman District and belong to the Negrito group, while the other two are located in Nicobar District and belong to the Mongoloid group. Reverting to the Negrito group in Andaman District, the four such tribes are the Great Andamanese, Onges, the Sentinelese and the Jarawas, the last named being the subject matter of this writ petition. At this stage, it would be relevant to mention that all the tribal groups in the Andaman & Nicobar Islands are in areas covered by the Andaman & Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956. Under this regulation, no non-tribal can enter into tribal areas without a permit / pass issued by the Deputy Commissioner concerned. In so far as the Jarawa areas are concerned, no such permit / pass is issued to any non-tribal as a matter of Govt. Policy. In case of Onges and Great Andamanese, permit is issued on a very restrictive basis and only to allow the Andaman Adim Janjati Vikas Samiti (hereinafter referred to as AAJVS) and medical personnel as also those seeking to conduct studies to visit these settlements.
- III) In case of Jarawas, almost every year, barring this year so far, there have been incidents of killing non-tribal people by the arrows of Jarawas in the dry months of January to March. A statement showing the number of non-tribal persons known to have been killed by hostile action by the Jarawas over the last five years starting from 1994 is indicated below: