

On 21.1.2013, the Court passed the following order:

"At the commencement of the hearing learned Additional Solicitor General produced before the Court xerox copy of the Notification dated 17.1.2013 issued by Lieutenant Governor (Administrator), Andaman and Nicobar Islands and a site map indicating the Jarawa Reserved Area.

The documents produced by the Additional Solicitor General are taken on record.

The learned Additional Solicitor General should instruct the officer-in-charge of the case to file an additional affidavit along with the detailed plan of Reserved Area as far as Buffer Zone indicating therein particular spots of settlement, if any, in the reserved area.

For further consideration, the case is adjourned to 26.2.2013.

Till the next date, the petitioners may allow entry of the Government officials and the persons who are settled within the Reserved Area. The movement of the vehicles required for transportation of essential commodities meant for Jarawa Tribe and other communities living in the Reserved Area may also be permitted. However, no private individual or tourists shall be allowed to pass through the road by using a vehicle or otherwise for going to the caves."

In compliance of the aforesaid order an additional affidavit has been filed by Shri Kuldip Singh Thakur, Deputy Resident Commission, Andaman and Nicobar Administration, paragraphs 3 to 6, 17 to 19 and 21 of which read as under:

"3. That in pursuance of order dated 9.4.2001 of the Hon'ble High Court of Calcutta passed in WP No.048 of 1999, (Annexure P/1 at Pg 194-196 of the SLP Paper book) the Government of India, Ministry of Home Affairs, in consultation with the Government of India, Ministry of Tribal Affairs and Andaman and Nicobar Administration finalized a policy on Jarawa Tribe of Andaman Islands, taking into consideration the recommendations of the Experts, National and International Anthropologists, Socialists and other experts in various fields.

4. That exercising the powers under sub section (1) of Section 3 of the Andaman and Nicobar Island (Protection of Aboriginal Tribes) Regulation, 1956 and taking into consideration the recommendations of Andaman Adim Janjat Vikas Samiti to increase the resource base of Jarawas, the Lt Governor, Andaman and Nicobar Islands notified the Jarawa Reserve Area in the specified areas in South and Middle Andaman District vide Notification No 165 dated 15.09.2004 published in Andaman and Nicobar Gazette, Extraordinary (Annexure P/2 at Pg 197 of the SLP Paper book). That the Jarawa Reserve area is covering an extent of 1028 Sq.km. That it is clarified that there is no one residing within Reserve Notified Area. In fact no one is permitted to reside in the Reserved Area other than the Jarawa Tribe. There are no settlement villages in Reserve Notified Area.

5. That simultaneously, the Policy on Jarawa Tribe of Andaman Islands was notified on 21st December, 2004, vide Andaman and