



Paras Kuhad

Additional Solicitor General of India

12<sup>th</sup> March, 2013

**WRITTEN OPINION IN THE MATTER OF LG., ANDAMAN & NICOBAR ISLANDS &  
ORS. VS. M/S. BARE FOOT INNS & LEISURE PVT. LTD.**

1. By way of order dated 2<sup>nd</sup> July, 2012, the Hon'ble Supreme Court was pleased to order that:

*"In our view, the prohibition contained in the above reproduced notification and order dated 6.11.2007 passed by Tehsildar, Ferrargunj is unconditional. Therefore, till the notification is rescinded or amended, no commercial or tourism related activity can be allowed within the Reserved Area or the Buffer Zone and it is not possible for the Court to approve the suggestions contained in paragraphs 2 and 3 of letter dated 10.5.2012 sent by the Principal Secretary (Tribal Welfare), Andaman and Nicobar Administration. We, therefore, direct that henceforth no commercial and tourism related activities shall be carried out by the administration or any private individual in violation of the prohibition contained in notification dated 30.10.2007 and order dated 6.11.2007.*

*It shall be the duty of the Principal Secretary (Tribal Welfare) and other officers of the Administration of Andaman and Nicobar to ensure total compliance of the prohibition contained in notification dated 30.10.2007 and this order. Any breach of this order will entail punishment under the Contempt of Courts Act, 1971."*

2. Subsequently by an order dated 21<sup>st</sup> January, 2013, the Supreme Court was pleased to impose further restraints on an interim basis in the following terms:

*"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."*

3. Consequent upon the aforesaid orders issued by the Supreme Court, the administration initiated a series of measures, firstly, towards securing absolute compliance of the aforesaid orders issued by the Hon'ble Apex Court, and secondly, for addressing the issues that possibly constituted the basis of the grievance agitated before the Hon'ble Supreme Court i.e. for modifying the limits of the buffer zone, and the statutory provisions that were to be applicable to buffer zone areas, etc. and also initiated series of measures towards protecting the interests of Jarawas within the Jarawa Reserve Area.

4. By way of a detailed additional affidavit, the administration placed the aforesaid facts on record. Para 4 of the said affidavit dealt with the issue of the limits of the Jarawa Reserve Area and the