

Reference page: 72-100./cor.

PUC is the letter No. 16014/2/2010-C&LM-I dated 17.1.2011 enclosing therewith a copy of the letter dated 13.12.2010 of Shri BP Ray, MP and letter dated 15.12.2010 of the Pradhan, Sundergarh, Baratang, Middle Andaman received from the Joint Director to Govt. of India, Ministry of Tribal Affairs, New Delhi regarding repeal of Buffer Zone notification issued by A & N Administration. We are requested to furnish the comments/views on the issues raised by Shri BP Ray, MP and Pradhan of Sundergarh to the Ministry for appropriate action.

In this context, it is stated that M/s Bare Foot Inns & Leisures Pvt. Ltd. has constructed a tourist resort at Collinpur in South Andaman which is very close to the Jarawa reserve. In order to protect the Jarawas from harmful effects of exposure and contact with the outside world, an area up to 5 kms radius around the Jarawa Tribal Reserve was declared as Buffer Zone prohibiting commercial and tourist activities vide notification No. 234/2007-TW F.No. 1-752/2007-TW dated 30-10-2007.

M/s Bare Foot Inns and Leisures Pvt. Ltd had filed a writ petition No. 328 of 2007 in the Hon'ble High Court of Calcutta, Circuit Bench at Port Blair challenging the validity and or the legality of the Order dated 6-11-2007 issued by the Tehsildar, Ferrar Gunj on the basis of Administration's Notification dated 30-10-2007. The notification was quashed by the Hon'ble High Court vide order dated 17-3-2008. The matter was heard afresh by the Single Bench and notification dated. 2-10-2007 was again quashed vide Order dated. 17-3-2009. An appeal filed by the Andaman & Nicobar Administration was dismissed by the Division Bench vide order dated 2-7-2009 in MAT No. 03 of 2009.

Further as per the order of the Lt. Governor, the Administration filed SLP in the Apex Court against the Order dated 2-7-2009 of the Hon'ble Calcutta High Court. The Administration's SLP against this order was admitted in the Supreme Court of India which stayed the impugned Order of the Calcutta High Court on 8-3-2010. The notification of October, 2007 thus became operational.

At the hearing before the Hon'ble Court on 29-10-2010 the Hon'ble Court was pleased to direct that an affidavit be filed indicating the steps that have been taken for protection of the Jarawa tribes.

At the hearing before the Hon'ble Court on 3-12-2010, the Hon'ble Court was pleased to peruse the affidavit filed on behalf of Administration. The Hon'ble Court directed that all commercial and tourist establishments with in the Buffer Zone be close down and a statement be made by Council for the Petitioner on the next date of hearing stating that this has been done.