

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

**THE ANDAMAN AND NICOBAR ISLANDS (PROTECTION OF
ABORIGINAL TRIBES) AMENDMENT REGULATION, 2010**

No. of 2010

Promulgated by the President in the sixty-first year of the Republic of India as follows:-

A Regulation to amend the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation.

	<p>1(1) This Regulation may be called the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) (Amendment) Regulation, 2010.</p> <p>(2) It extends to the whole of the Andaman & Nicobar Islands.</p> <p>(3) It shall come into force on such date as the Administrator (Lieutenant Governor) may, by Notification in the Official Gazette, appoint.</p>	Short title and commencement
Reg.3 of 1956	<p>2. In the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956 (hereinafter referred to as the principal Regulation), in section 2, the following clause shall be substituted, namely:-</p> <p>(c) “Deputy Commissioner” means the Deputy Commissioner of South Andaman, North & Middle Andaman or Nicobar District as the case may be.</p> <p>Under section 2, the following clauses shall be inserted below clause (f), as clauses (g) & (h), namely:-</p>	Amendment of Section 2

	<p>(g) “Buffer Zone” means an area which is adjacent to the “reserved area”, which the Administrator may, by notification under section 3, declare to be a Buffer Zone.</p> <p>(h) “Commercial Activities” means Resorts, Hotels, Restaurants, Bars and Paying guest accommodation, except Govt. run Guest Houses.</p>	
<p>Insertion of new section in section 3.</p>	<p>3. In section 3 of the principal Regulation, the following shall be inserted below sub-section (2), as sub-section (3):</p> <p>(3) The Administrator may, by notification, declare any area which is adjacent to the reserved area as buffer zone specifying the limits of such area; and may from time to time in like manner alter such limits: All commercial activities shall be prohibited within the buffer zone.</p>	
<p>Penalties</p>	<p>4 A. In section 8 of the principal Regulation, the following clauses shall be added after sub clause (3) :-</p> <p>(4) If the unauthorized entry into “reserved area” is found to be for purpose of taking photographs or making videos of the “aboriginal tribes”, the same shall be punishable with imprisonment, which may extend to three years and with fine.</p> <p>(5) If the unauthorized entry into “reserved area” is found to be for the purpose of encroaching, hunting or poaching from the said area, the same shall be punishable with imprisonment which may extend to three years and with fine.</p> <p>(6) If the unauthorized entry into “reserved area” is found to be for the purpose of introducing any form of alcohol or any narcotic</p>	

	<p>drug or psychotropic substance, or any highly inflammable or explosive substance or any form of alien biological germ, bacteria or virus to the “aboriginal tribe”, the same shall be punishable with imprisonment which may extend to seven years and with fine.</p> <p>Note :-“Narcotic drug” and “Psychotropic substance” shall have the meaning as define in the Narcotic Drugs and Psychotropic Substances Act, 1985.</p>	
	<p>(7) Whoever, in contravention of a notification regarding “buffer zone” issued under section 3, undertakes commercial activities in the buffer zone shall be punishable with imprisonment which may extend to three years and with fine.</p>	
	<p>(8) If any person/agency promotes tourism activities through any advertisement about Jarawa tribe directly or indirectly, the same shall be punishable with imprisonment, which may extend to three years and with fine.</p>	

Pratibha Devi Singh Patil
President

Secretary to the Govt. of India
(T2/ PAT Draft – corrected 22-07-10)

Section No	Existing provision in the A & N Islands (PAT) Regulation, 1956	Amended provision in the A & N Islands (PAT) Regulation, 2005	Proposed amendment in the A & N Islands (PAT) Regulation, 1956
	<p>1(1) This Regulation may be called the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956.</p> <p>(2) It extends to the whole of the Andaman & Nicobar Islands.</p> <p>(3) It shall come into force on such date as the Chief Commissioner, by Notification, appoint.</p>	<p>1(1) This Regulation may be called the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 2005.</p> <p>(2) It shall come into force on such date as the Lieutenant Governor may, by Notification in the Official Gazette, appoint.</p>	<p>1(1) This Regulation may be called the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) (Amendment) Regulation, 2010.</p> <p>(2) It extends to the whole of the Andaman & Nicobar Islands.</p> <p>(3) It shall come into force on such date as the Administrator (Lieutenant Governor) may, by Notification in the Official Gazette, appoint.</p>
Reg.3 of 1956	<p>2. In the Regulation, unless the context otherwise requires:-</p> <p>(a) “aboriginal tribe” means any of the following tribes or tribal communities in the Andaman and Nicobar Islands, and include parts of , or groups within, such tribes or tribal communities, namely; Andamanese, Jarawas, Onges, Senthinelese, Nicobarese and Shompens;</p> <p>(b) “Chief Commissioner” means the Chief Commissioner of the Andaman and Nicobar Islands</p> <p>(c) “Deputy Commissioner” means the Deputy Commissioner of the Andaman and Nicobar Islands.</p> <p>(d) “notification” means a notification published in the Official Gazette;</p> <p>(e) “pass” means a pass granted under section 7; and</p>	<p>2. In the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956 (hereinafter referred to as the principal Regulation), in section 2, for clause (b), the following clause shall be substituted, namely:-</p> <p>(b) “Administrator” means the Administrator of the Union Territory of the Andaman and Nicobar Islands appointed by the President under article 239 of the Constitution. (In the principal Regulation for the words “Chief Commissioner”, shall be substituted.</p>	<p>2. In the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956 (hereinafter referred to as the principal Regulation), in section 2, the following clause shall be substituted, namely:-</p> <p>(c) “Deputy Commissioner” means the Deputy Commissioner of South Andaman, North & Middle Andaman or Nicobar District as the case may be.</p>

Section No	Existing provision in the A & N Islands (PAT) Regulation, 1956	Amended provision in the A & N Islands (PAT) Regulation, 2005	Proposed amendment in the A & N Islands (PAT) Regulation, 1956
	(f) “reserved area” means an area which the Chief Commissioner has, by notification under section 3, declared to be a reserved area.		<p>Under section 2, the following clauses shall be inserted below clause (f), as clauses (g),(h) (i) & (j), namely:-</p> <p>(g) “Buffer Zone” means an area which is adjacent to the “reserved area”, which the Administrator may, by notification under section 3, declare to be a Buffer Zone.</p> <p>(h) “Commercial Activities” means Resorts, Hotels, Restaurants, Bars and Paying guest accommodation, except Govt. run Guest Houses.</p>
Insertion of new section in section 3.	<p>3 (1) The Chief Commissioner may, by notification declared any area which is predominantly inhabited by aboriginals tribes to be a reserved area and specify the limits of such area; and may, from time to time, in like manner, alter such limits.</p> <p>(2) If any question arises whether any area falls within or without a reserved area; it shall be decided by the Chief Commissioner and his decision shall be final.</p>		<p>3. In section 3 of the principal Regulation, the following shall be inserted below sub-section (2), as sub-section (3):</p> <p>(3) (3) The Administrator may, by notification, declare any area which is adjacent to the tribal reserved area as buffer zone specifying the limits of such area; and may from time to time in like manner alter such limits: All commercial activities shall be</p>

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			prohibited within the buffer zone.
Penalties	<p>6 (1) No person other than a member of an aboriginal tribe shall , except with the previous sanction of the Chief Commissioner, acquire any interest in any land situated in a reserved area or in any product of, or crop raised on, such land, or shall, except under and in accordance with the terms and conditions of a licence granted by the Chief Commissioner, carry on any trade or business in any such area.</p> <p>(2) The provisions of sub-section (1) shall apply to any person who, at the commencement of this Regulation, is carrying on any trade or</p>		<p>4 A. In section 8 of the principal Regulation, the following clauses shall be added after sub clause (3) :-</p> <p>(4) If the unauthorized entry into “reserved area” is found to be for purpose of taking photographs or making videos of the “aboriginal tribes”, the same shall be punishable with imprisonment, which may extend to three years and with fine.</p> <p>(5) If the unauthorized entry into “reserved area” is found to be for the purpose of encroaching, hunting or poaching from the said area, the same shall be punishable with imprisonment which may extend to three years and with fine.</p> <p>(6) If the unauthorized entry into “reserved area” is found to be for the purpose of introducing any form of alcohol or any narcotic drug or psychotropic substance, or any highly inflammable or explosive substance or any form of alien biological germ, bacteria or virus to the “aboriginal tribe”, the same shall be punishable with imprisonment which may extend</p>

Section No	Existing provision in the A & N Islands (PAT) Regulation, 1956	Amended provision in the A & N Islands (PAT) Regulation, 2005	Proposed amendment in the A & N Islands (PAT) Regulation, 1956
	business in any such area after the expiration of sixty days from such commencement.		to seven years and with fine. Note :- :-“Narcotic drug” and “Psychotropic substance” shall have the meaning as define in the Narcotic Drugs and Psychotropic Substances Act, 1985.
	(7) The Chief Commissioner may, by notification prohibit any person other than an member of an aboriginal tribe or any class of persons other than members of an aboriginal tribes from entering a reserved area except on the authority and subject to the observance of the conditions and restrictions of a pass granted by the Deputy Commissioner or by such other officer as the Deputy Commissioner may authorize in writing in this behalf.		(7) Whoever, in contravention of a notification regarding “buffer zone” issued under section 3, undertakes commercial activities in the buffer zone shall be punishable with imprisonment which may extend to three years and with fine.
	8(1) Whoever in contravention of the provisions of section 6, acquires any interest in or in any product of, or crop raised on, any land, or carries on any trade or business, in a reserved area, shall be punishable with imprisonment which may extend to one year, or with fine which extend to one thousand rupees, or with both; and the interest so acquired shall be disposed of in such manner a s the Chief Commissioner may, after taking into consideration the circumstances of the case, direct. (2) Whoever, in contravention of a notification issued under section 7,	8. For section 8 of the principal Regulation, the following section shall be substituted, namely:- “(1) Whoever, in contravention of the provision of section 6, acquires any interest in or in any product of, or crop raised on, any land, or carries on any trade or business, in a reserved area, shall be punishable with imprisonment which may extend to two years and with fine which extend to ten thousand rupees and the interest so acquired shall be disposed of in such manner as the Administrator may, after taking into consideration the circumstances of the case, direct. (2) Whoever, in contravention of a	(8) If any person/agency promotes tourism activities through any advertisement about Jarawa tribe directly or indirectly, the same shall be punishable with imprisonment, which may extend to three years and with fine.

Section No	Existing provision in the A & N Islands (PAT) Regulation, 1956	Amended provision in the A & N Islands (PAT) Regulation, 2005	Proposed amendment in the A & N Islands (PAT) Regulation, 1956
	<p>enters a reserved area shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees , or with both.</p> <p>(3) Whoever, does anything in contravention of any of the conditions or restrictions, subject to which a pass has been granted to him under section 7, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both</p>	<p>notification issued under section 7, enters a reserved area shall be punishable with imprisonment which may extend to two years and with fine which may extend to ten thousand rupees.</p> <p>(3) Whoever, does any thing in contravention of any of the conditions or restrictions, subject to which a pass has been granted to him under section 7, shall be punishable with imprisonment which may extend to two years and with fine which may extend to ten thousand rupees”.</p>	