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POLICY ON JARAWA TRIBE OF ANDAMAN ISLANDS

I. INTRODUCTION

The High Court of Calcutta (Circuit Bench at Port Blair) vide their order dated 9-4-2001 in WP No.048 of 1999 (PIL) - Ms. Shyamall Ganguly, Advocate Vs Union of India and Others, inter-alia, directed the Central Government as under:

"The Central Government through the Principal Secretary, Ministry of Home Affairs, within two months from the communication of this order shall form a Committee of Experts with the Lt. Governor of the Islands as the Convener, comprising of renowned Anthropologists, Sociologists, Nutrition Experts, Doctors for immediately undertaking a scientific study, research and survey in the aforesaid change in the behaviour of the Jarawas and to find out the cause of the same.....

The said Committee shall submit its report within six months from the formation of such Committee before the Central Government and Lt. Governor, A&N Islands and also shall file a copy thereof before the Circuit Bench of this Court.

Within six months thereafter the Central Government through the Home Secretary himself and the Lt. Governor of the Andaman & Nicobar Administration shall formulate a policy, plans and programmes on the aforesaid questions whether the steps should now be taken for bringing the Jarawas in the mainstream of the society or they should be left to their own way of life as before or the balance between the two should be struck following the peaceful existence theory as suggested by Mr. Awaradi in his Master Plan or any other experts. For the aforesaid purpose, the Central Government shall, arrange seminars and open discussions of the different experts, National and International on the line, Anthropologist, Sociologist and others as also individuals and non-governmental organizations having knowledge and experience in the matter inviting them by issuing public notification in widely circulated news papers and sending them letters of invitation and thereafter shall frame the policy decision within the stipulated period after deliberation and discussion on such opinions with the approval of the concerned Ministry. The Central Government shall also publish the papers, discussions and deliberation of such seminar, at its cost, for future reference.....

After formulation of such policy, the same shall be notified by the Central Government and the A&N Administration and shall also be placed before the Circuit Bench of this Hon'ble Court for appropriate order".

2. In pursuance of the aforesaid order of the Hon'ble High Court of Calcutta, a Committee of Experts was constituted by the Central Government vide the Ministry of Home Affairs' Notification No. U-14040/24/99-ANL dated the 21st July, 2001.

3. The Committee of Experts submitted its report before the Hon'ble High Court of Calcutta on 28-7-2003. As per the aforesaid directions of the Hon'ble High Court, the Central Government was required to formulate policy, plans and programmes in respect of Jarawas in consultation with the Lt. Governor, A&N Islands after organizing seminars and open discussions with the different experts, national and international, Anthropologists, Sociologists and others as also individuals and non-governmental organizations having knowledge and experience in the matter. Accordingly, the Central Government organized two such seminars one at Kolkata on 7th - 8th April, 2004 and another at Port Blair on 27th - 28th May, 2004 wherein experts, non-governmental organizations and individuals deliberated on various issues relating to the Jarawas and their well being.

4. The Central Government in the Ministry of Home Affairs considered the report of Committee of Experts vis-à-vis the views that emerged during the two seminars/open discussions organized by the Central Government on the said report of the Expert Committee in consultation with the A&N Administration and the Ministry of Tribal Affairs, the administrative Ministry for the matters connected with tribes and tribal affairs.

5. The Central Government in the Ministry of Home Affairs have consequently decided to frame a policy / guidelines for the protection and welfare of the Jarawas in Andaman & Nicobar Islands with the following objectives in view:

II. OBJECTIVES

- (i) To protect the Jarawas from harmful effects of exposure and contact with the outside world while they are not physically, socially and culturally prepared for such interface;
- (ii) To preserve the social organization, mode of subsistence and cultural identity of the Jarawa community;
- (iii) To provide medical help to the Jarawas to reduce mortality and morbidity in case of their sudden affliction with diseases which their systems are unaccustomed to;
- (iv) To conserve the ecology and environment of the Jarawa Reserve Territory and strengthen support systems in order to enable the Jarawas pursue their traditional modes of subsistence and way of life; and
- (v) To sensitize settler communities around the Jarawas habitat and personnel working for the protection and preservation of the Jarawas about the need to preserve this ancient community and to value their unique culture and life styles.

III. STRATEGIES / GUIDELINES

The Central Government, with the above objectives in view, have framed the following strategies / guidelines for the protection and welfare of the Jarawas:

I. Protection of cultural Identity

- (a) The Jarawas shall be considered and treated as a unique human heritage.
- (b) A policy of maximum autonomy to the Jarawas with minimum and regulated intervention shall be adopted by the Government towards the Jarawas. There shall be no intervention in cultural life of the Jarawas and they will be left at liberty to develop according to their own genius and at their own pace. No attempts to bring them to the mainstream society against their conscious will or to rehabilitate them in separate islands / locations at this stage of their social development will be made.
- (c) The quality of intervention with Jarawas will be managed with care and sensitivity through suitably trained and re-oriented personnel, in consultation with and evaluation by anthropologists and experts. The objective will be to avoid dependency syndrome and to ensure their development as a vibrant social group. The personnel working for Jarawas would be provided with proper training and sensitization. The people of the villages near the Jarawa reserve area and other non-tribals will be sensitized regarding the rights and privileges of the Jarawas.

II. Protection of the Natural Habitat

- (a) No exploitation of natural resources within the Jarawa reserve by any non-tribal including Government agencies will be allowed. Necessary measures shall be initiated to curb even occasional extraction of resources from the Jarawa territory by the non-Jarawas. Provisions of A&N Islands (Protection of Aboriginal Tribes) Regulation, 1956 will be enforced more effectively. The A&N Islands (Protection of Aboriginal Tribes) Regulation, 1956 shall be amended to provide stringent punishment for poaching in the Jarawa territory and for exploitation of the Jarawas.
- (b) The notified Jarawa territory shall be fully and effectively demarcated and no attempt to curtail, reduce or to acquire land there from shall be made.
- (c) All encroachments in the Jarawa territory shall be removed on priority basis. Stringent arrangements to ensure that such encroachments do not take place in future will also be made.
- (d) Permanent residence of Government employees / non-tribals in the Jarawa reserve will not be allowed.
- (e) It shall be ensured that no person other than a Jarawa is allowed to enter the notified Jarawa reserve by any means unless he/she is permitted by the competent authority designated by the A&N Administration for this purpose. However, no such permission shall be granted unless the person is proceeding on bonafide work relating to the welfare of the Jarawas or protection of the area.

- (f) No tourist will be allowed to visit / interact with the Jarawas so that curious intrusions are avoided as these intrusions adversely affect their life style and health.

III. Protection of Health Status

- (a) Periodic health survey of the Jarawa community will be organized through a Standing Team of health professionals. Only cases needing intensive care will be brought to the hospital but they will be kept in separate enclosures. Appropriate food will be provided instead of the hospital meals. Whenever female Jarawas come or are brought to hospital, female Police will be posted invariably.
- (b) Medical intervention among the Jarawas, i.e., the line of treatment, use of drugs and medicines will be only on the basis of advice of experts in the relevant fields and shall be administered only when found absolutely necessary.
- (c) Medical assistance to Jarawas will be extended in their reserve area by qualified health officials as far as feasible so that all the advantages of such in-situ treatment are available to the Jarawas. Jarawa patients will be shifted to hospital only if in-situ treatment is not possible or not felt adequate to save the patient.
- (d) The traditional knowledge of Jarawas including ethno-medicine shall be preserved and documented.
- (e) Diagnostic approach, treatment regimen and prescription of drugs in case of common pattern of diseases observed amongst the Jarawas shall be standardized and documented so that experimentation by individual doctors and conflicting assessments can be avoided.
- (f) Periodic nutritional and food security surveys shall be conducted to ensure that there is adequate provision of food resources to the Jarawas and that there is no fall in nutritional standards.
- (g) The Jarawas shall not be provided food which is alien to their normal dietary habits.
- (h) Officials / workers engaged in the protection and welfare of Jarawas will be regularly screened to ensure that they are absolutely free from any communicable diseases and that they do not encourage addictive habits such as smoking and drinking amongst the Jarawa population.

IV. Regulation of traffic on Andaman Trunk Road

- (a) Traffic on Andaman Trunk Road will be regulated strictly limiting the traffic to the essential purposes of public transport, supplies and emergency evacuation of patients and to ensure that it is an innocent and harmless passage and not a source of trouble to Jarawas.
- (b) Vehicles on Andaman Trunk Road will be allowed to move only in restricted hours and in convoy under notified speed limit to avert possible road accidents and to avoid any sort of interaction of travelers with Jarawas.
- (c) Facilities for travel by boat / ship will be strengthened and transportation / travel by sea will be encouraged.
- (d) Maintenance of the Andaman Trunk Road will be carried out by a mobile maintenance team bringing men, machine and materials from Ferrargunj / Jirkatang and carry out the job only during day time.
- (e) The tourist traffic on Andaman Trunk Road will be strictly monitored to ensure that there is no interaction between the Jarawas and the tourists.

V. Codification of Jarawa language

- (a) Codification of the language of Jarawas shall be done with the advice and involvement of experts. However, continuous interaction in the name of codification of language will not be allowed. Codification of language shall be attempted by relevant experts in a discreet manner during periodic health surveys of the Jarawas.
- (b) Officials of the A&N Administration who will be coming in contact with the Jarawas particularly those of Health and Welfare Departments will be encouraged to learn the Jarawa language so that they are able to communicate with them and understand their perceptions, reactions and problems.

VI. Institutional arrangements

- (a) The A&N Administration shall be wholly and entirely responsible for the implementation of the aforesaid policy on the Jarawas. It shall lay down detailed tasks for each agency and unit of the administrative machinery and set up structures for monitoring and specific mechanism for enforcing accountability of officials in respect of tasks assigned to them in connection with protection and welfare of the Jarawas.
- (b) The Andaman Adim Janjati Vikas Samiti (AAJVS) an autonomous body will function like a trustee of the interest of the Jarawas and advise A&N Administration regarding the protection and welfare of all aboriginal tribes including the Jarawas.

- (c) The Executive Council of AAJVS assisted by experts and persons having knowledge and experience in tribal affairs under the Chairmanship of Lt. Governor will enforce and monitor implementation of the policy.
- (d) Meaningful research on the Jarawas will be allowed under the advice of AAJVS to further the understanding of their life and culture including their traditional knowledge. However, it shall be ensured strictly that the confidentiality of genetic resources on the Jarawas will be maintained and not used for commercial exploitation by any agency or organization which is not directly concerned with the welfare and protection of the Jarawas.
- (e) Periodic review of this policy will done so that the policy is dynamic and takes into account changing needs and circumstances.