अण्डमान तथा निकोबार राजपत्र
Andaman And Nicobar Gazette

सत्यमेव जयते

असाधारण
EXTRAORDINARY
प्राधिकार से प्रकाशित
Published by Authority

सं. 149, पोर्ट ब्लेयर, सोमवार, 9 जुलाई, 2012
No. 149, Port Blair, Monday, July 9, 2012

अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय/SECRETARIAT

NOTIFICATION

Port Blair, dated the 9th July, 2012

No. 145/2012/No.1 of 2012 / F.No. 1-467/2009- TW.—In exercise of the powers conferred by sub-section (2) of section 1 of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Amendment Regulation, 2012 (No. 2 of 2012), the Lieutenant Governor (Administrator), Andaman and Nicobar Islands, is pleased to appoint the 9th day of July, 2012 to be the date from which the said amendment Regulation shall come into force.

By order and in the name of the Hon'ble Lieutenant Governor,
Andaman & Nicobar Islands.

Sd./-
Secretary (Tribal Welfare)
A & N Administration

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 2nd *July,* 2012/*Asadha* 11, 1934 *(Saka)*

THE ANDAMAN AND NICOBAR ISLANDS (PROTECTION OF ABORIGINAL TRIBES) AMENDMENT REGULATION, 2012

No, 2 OF 2012

Promulgated by the President in the Sixty-third Year of the Republic of India as follows :—

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

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her :—

1 *(1)* This Regulation may be called the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Amendment Regulation, 2012. Short title and commencement.

(2) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956 (hereinafter referred to as the principal Regulation), in section 2,— Reg. 3 of 1956.

(i) after clause (a), the following clauses shall be inserted, namely:—

'(aa) "advertisement" includes any notice, circular, label, wrapper or any other document or visible representation or announcement made by means of any light, sound, smoke or gas or by means of electronic transmission or by audio or visual transmission;

(ab) "Buffer Zone" means an area which is adjacent and contiguous to the reserved area and notified as such by the Administrator under sub-section (1) of section 3A;';

(ii) after clause (b), the following clause shall be inserted, namely:—

'(ba) "commercial establishment" means any establishment which carries on any trade or business or renders services for consideration and has more than twenty employees or having an annual turnover of one crore rupees or more;';

(iii) for clause (c), the following clauses shall be substituted, namely :—

'(c) "Deputy Commissioner" means the Deputy Commissioner of the district of South Andaman or North and Middle Andaman or Nicobar of the Andaman and Nicobar Islands, as the case may be;

(ca) "employee" means a person employed in connection with the commercial establishment or tourist establishment for any duration on wages, salary or on commission basis but does not include a member of the employer's family;';

(iv) after clause (f), the following clause shall be inserted, namely:—

'(g) "tourist establishment" means resorts, hotels, restaurants, bars, boarding or eating houses, café, paying guest accommodation or such other places except guest houses of the Central Government or of the Andaman and Nicobar Islands Administration.'.

Insertion of new section 3A.

3. After section 3 of the principal Regulation, the following section shall be inserted, namely:—

Declaration of Buffer Zone.

"3A. (1) Where the Administrator is of the opinion that it is necessary to do so for protecting the interests of aboriginal tribes residing in the reserved area, he may, by notification, declare any area which is adjacent and contiguous to the reserved area as Buffer Zone, and specify the limits of such area; and may, from time to time, in the like manner, alter such limits.

(2) If any question arises whether any area falls within or without a Buffer Zone, it shall be decided by the Administrator and his decision shall be final.".

Insertion of new section 7A.

4. After section 7 of the principal Regulation, the following section shall be inserted, namely:—

Prohibition of establishment or operation of tourist or commercial establishment in Buffer Zone.

"7 A. (1) No person shall establish or operate any tourist establishment or commercial establishment in the Buffer Zone.

(2) No person shall promote tourism activities, directly or indirectly, through advertisement relating to the aboriginal tribes.".

Amendment of section 8.

5. In section 8 of the principal Regulation, after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) Whoever enters, in contravention of the notification issued under section 7, into the reserved area for purpose of taking photographs or making videos of the aboriginal tribes, he shall be punishable with imprisonment which may extend to three years and with fine which may extend to ten thousand rupees.

(5) Whoever enters, in contravention of the notification issued under section 7, into the reserved area for the purpose of encroaching, hunting or poaching from the said area, he shall be punishable with imprisonment which may extend to three years and with fine which may extend to ten thousand rupees.

(6) Whoever enters, in contravention of the notification issued under section 7. into the reserved area for the purpose of introducing any form of alcohol or any highly inflammable or explosive substance or any form of biological germ, bacteria or virus to any member of the aboriginal tribe, he shall be punishable with imprisonment which may extend to seven years and with fine which may extend to ten thousand rupees.".

Insertion of new sections 8A, 8B and 8C.

6. After section 8 of the principal Regulation, the following sections shall be inserted, namely:—

Penalty for establishment or operation of tourist or commercial establishment & in Buffer Zone.

'8A. Whoever, in contravention of the provisions of sub-section (1) of section 7 A, establishes or operates any tourist establishment or commercial establishment in the Buffer Zone, he shall be punishable with imprisonment which may extend to three years and with fine which may extend to ten thousand rupees.

Penalty for promoting tourism through advertisement relating to aboriginal tribes.

8B. Whoever, in contravention of the provisions of sub-seclion (2) of section 7 A promotes tourism activities through any advertisement relating to aboriginal tribes directly or indirectly, he shall be punishable with imprisonment which may extend to three years and with fine which may extend to ten thousand rupees.

8C. (1) Where an offence under this Regulation has been committed by a company, every person, who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Regulation has been committed by a company and it is proved that the same was committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer or employee of the company, when the offence is or was committed, such person shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) "company" means a body corporate and includes a firm or other-association of individuals;

(b) "director", in relation to a firm, means a partner in the firm.'.

PRATIBHA DEVISINGH PATIL.
President.

V. K. BHASIN,
Secy.to the Govt. of India.

MGPPB—149/Gazette/2012—30 Copies. (YSN).