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The Andaman and Nicobar Gazette

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No. 4, PORT BLAIR, SATURDAY, JUNE 30, 1956.

OFFICE OF THE CHIEF COMMISSIONER
Andaman and Nicobar Islands.

NOTIFICATION

Port Blair, the 18th June 1956.

No. 76/56—The following Regulation promulgated by the President under clause (2) of article 243 of the Constitution and published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 14th May 1956, is hereby re-published for general information:—

THE ANDAMAN AND NICOBAR ISLANDS (PROTECTION OF ABORIGINAL TRIBES) REGULATION, 1956

No. 3 of 1956

Promulgated by the President in the Seventh Year of the Republic of India.

A Regulation to provide for the protection of the interests of socially and economically backward aboriginal tribes in the Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (2) of article 243 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956.

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(2) It extends to the whole of the Andaman and Nicobar Islands.

(3) It shall come into force on such date as the Chief Commissioner may, by notification*, appoint.

Admin. Sh. (LS)

Definitions

2. In this Regulation, unless the context otherwise requires,—

(a) "aboriginal tribe" means any of the following tribes or tribal communities in the Andaman and Nicobar Islands, and includes parts of, or groups within, such tribes or tribal communities, namely;

Andamanese, Jarawas, Onges, Sentinelese, Nicobarese, and Shom Pens;

(b) "Chief Commissioner" means the Chief Commissioner of the Andaman and Nicobar Islands;

(c) "Deputy Commissioner" means the Deputy Commissioner of the Andaman and Nicobar Islands;

Sub. Zone

(d) "notification" means a notification published in the Official Gazette;

(e) "pass" means a pass granted under section 7; and

(f) "reserved area" means an area which the Chief Commissioner has, by notification under section 3, declared to be a reserved area.

+ (9) Ch. Admin.

Declaration of reserved area

3. (1) The Chief Commissioner may, by notification, declared any area which is predominantly inhabited by aboriginal 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.

Sub. Zone

(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.

Allotment of land for agricultural purposes.

4. No waste or unoccupied land at the disposal of the Government in a reserved area shall be allotted for agricultural purposes to any person other than a member of an aboriginal tribe:

Provided that the Chief Commissioner may allot any such land to any person other than a member of an aboriginal tribe—

(a) if the Chief Commissioner is satisfied that such land is not required by any such member; or

(b) if in his opinion the allotment of land to a person other than a member of an aboriginal tribe is necessary for the purpose of consolidation of land or is otherwise in the public interest.

Transfer and attachment of land to be void in certain cases

5. (1) No member of an aboriginal tribe shall, except with the previous sanction of the Chief Commissioner, transfer by way of sale, exchange, mortgage, lease or otherwise any land to any person other than a member of an aboriginal tribe.

(2) No land held or occupied by a member of an aboriginal tribe shall be liable to attachment or sale in execution of any decree or order of a civil or revenue court.

(3) Any transfer, attachment or sale of any land made in contravention of this section shall be void.

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.

Acquisition of interest in land, etc., and carrying on of trade or business.

(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 business in any such area after the expiration of sixty days from such commencement.

7. The Chief Commissioner may, by notification, prohibit any person other than a member of an aboriginal tribe or any class of persons other than members of an aboriginal tribe 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 authorise in writing in this behalf.

Entry into reserved area.

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 as the Chief Commissioner may, after taking into consideration the circumstances of the case, direct.

Penalties

(2) Whoever, in contravention of a notification issued under section 7, 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.

(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.

9. (1) The Chief Commissioner, or any person authorised by him in this behalf, may arrest without a warrant any person who has committed, or is suspected of having committed, any offence punishable under this Regulation.

Procedure.

(4) → void of pass

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(2) Every person arrested under sub-section (1) shall be produced before the nearest magistrate within twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest.

Power to make rules.

10. (1) The Chief Commissioner may, by notification, make rules to carry out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the form in which, the conditions and restrictions subject to which, and the fee not exceeding rupees fifty on payment of which, a pass under section 7 shall be granted.

Regulation to override other laws.

11. The provisions of this Regulation and of any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, or in any usage or agreement, or in any decree or order of any court or other authority.

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

By order,
RAM SARAN DAS,
*Assistant Secretary (Judicial) to the
Chief Commissioner,
A. & N. Islands*

OFFICE OF THE CHIEF COMMISSIONER,
ANDAMAN AND NICOBAR ISLANDS

NOTIFICATION

Port Blair, the 19th June 1956.

No. ANPATR/1(3):1.—In exercise of the powers conferred by sub-section (3) of section 1 of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1/56 No. 3 of 1956, the Chief Commissioner, Andaman and Nicobar Islands, is pleased to appoint the first day of July 1956 to be the date from which the said Regulation shall come into force.

C. BAMBACHANDRAN
Chief Commissioner, A. & N. Islands

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