

Regulations, 1956 (for short, 'the 1956 Regulations') declaring an area upto five km. radius around the Jarawa Tribal Reserve as Buffer Zone and prohibiting entry in the Buffer Zone of any person other than a member of an aboriginal tribe was dismissed.

Notice in the special leave petition was issued on 8.3.2010 and operation of the judgment impugned therein was stayed.

On 3.12.2010, this Court expressed the view that the petitioners have not taken steps to implement the notification and directed their counsel to make a statement on the issue of closure of all commercial and tourist establishments within the Buffer Zone. Thereafter, several interim orders were passed by the Court for ensuring faithful compliance of the prohibition contained in the notification issued under Section 3(1) of the 1956 Regulations.

On 3.2.2012, the Court appointed S/Shri T. S. Doabia, Senior Advocate and Sanjay Upadhyay, Advocate, whose names were suggested by the counsel for the parties, as Court Commissioners with the direction that they shall visit the Island mentioned in the notification and submit report. In compliance of the directions given by the Court, the two Commissioners visited the Island and submitted their separate reports. On 23.4.2012, the Court noted the submission made by learned counsel for the respondent that the Commissioners had not focused on the issue mentioned in order dated 4.11.2011 and directed the counsel for the petitioners to seek comprehensive instructions on the question of stopping commercial and tourism related activities within the Reserved Area and the Buffer Zone.

In compliance of the aforementioned direction, the learned Additional Solicitor General produced letter dated 10.5.2012, the relevant portions of which are extracted below:

"This is in continuation to our letter dated 3/5/2012 referred to above and discussion held today with you, the following brief may kindly be placed before the Hon'ble Supreme Court in the hearing of 11/5/2012 as directed by the Hon'ble Court in its order dated 23/4/2012,

1. No tourist establishment such as resorts, hotels, restaurants, bars and paying guest accommodations except the government run Guest Houses will be permitted within the Buffer Zone.

2. No commercial establishment/activities which may employ more than 20 persons or have annual turnover of Rs. One Crore or more will be allowed in the Buffer Zone.

3. Visits of tourists during day time to Lime Stone Cave and Mud Volcanoes existing in Baratang Island in the Buffer Zone may be allowed to be continued.

Yours faithfully,

(Ajai Saxena)  
Principal Secretary (Tribal Welfare)"

Learned counsel for the parties made their submissions