

272

6. The Hon'ble Supreme Court of India during the hearings in SLP No. 12125/2010 on 21.1.2013 had directed that *"the Ld Additional Solicitor General should instruct the Officer-in charge of the case to file an additional affidavit along with the detailed plan of Reserved area as far as Buffer Zone indicating there in particular spots of settlement, if any, in the reserved area. For further consideration, the case is adjourned to 26.2.2013. Till the next date, the petitioners may allow entry of the govt officials and the person who are settled within the Reserved Area. The movement of the vehicles required for transportation of essential commodities meant for Jarawa tribe and other communities living in the reserved area may also be permitted. However, no private individual or tourists shall be allowed to pass through the road by using a vehicle or otherwise for going to the caves"*.

7. While complying with the directions issued by the Hon'ble Court, the Administration in its affidavit filed had made the following submission in regard to regulation of traffic on ATR, as appearing at Para 6 (iv) of the order dated 5.3.2013, which is reproduced as under: -

*"The Administration has already implemented some of the recommendations namely, daily convoy frequency between Jirkatang to Middle Strait reduced from 8 to 4 w.e.f. 25.9.2011 vide circular dated 13.9.2011. An officers of the rank of DIG of Police has been designated as Nodal Officer to monitor day to day activities on ATR and strict vigil in the Jarawa Reserve"*

8. The three Judges Bench of the Hon'ble Supreme Court in their judgement dated 05.03.2013 (Page 226-230/c) had **expressed their satisfaction on the submission so made at para 7 above by the Administration in SLP No. 12125/2010 and disposed of the SLP with the direction that *the petitioners shall strictly comply with the amended regulations & the orders issued for implementation thereof.***

9. However, it may be mentioned that the Administration through the Ministry of Shipping, Govt. of India, has already taken up the project of Alternate Sea Route from Port Blair to Baratang in pursuance of the Jarawa Policy of 2004, notified under the directions of High Court of Calcutta to facilitate travel by the sea and reduce density of traffic on ATR and the works are underway. With the commissioning of the project on alternate sea route, the traffic on ATR between Port Blair and Baratang of the eco-tourists would get substantially reduced making the stretch of ATR passing through the Jarawa Reserve available for the Govt. Servants on duty and transportation of goods and services to the North and Middle Andaman District.

In view of the facts mentioned above and the order dated 05.03.2013 in SLP No.12125 of 2010 passed by the Apex Court, it would not be advisable to make any change in the number of convoys presently allowed through the Jarawa Reserve as committed to the Hon'ble Court.

As regards easing out the procedure for seeking permission in emergency to pass through Jarawa area during odd hours, it may be pointed out that -

202

203