

(12)

May kindly see the background note in preceding paragraphs regarding permissibility of vehicle having tourist permit to go from Port Blair to Baratang and to return on the same day. The matter gave rise to bunch of High Court cases wherein decision to following effect has come and following course of action is proposed:

Sl. No.	Gist of Judgement of Hon'ble High Court	Action proposed
1.	The period of validity of Tourist Permit shall not exceed one year at a time as required under Rule 83(3) of the Central Rules. As per the Hon'ble High Court the present practice of granting permit with a validity of 5 years is in violation of Rule 83(3).	It is proposed to seek a review or file an appeal of the judgement. This is required in view of the fact that Rule 83(3) of the Central Rules relied upon by the Hon'ble High Court pertains to authorization for inter state operation/multi state authorization which has no application to the UT of A&N Islands. The Hon'ble High Court does not seem to have gone through section 81 of the Act which in any case overrides the rules. This is being taken up in a separate file. <i>Appeal.</i>
2.	The Hon'ble High Court has directed for implementation of rule 85(7) pertaining to painting of tourist vehicle in white colour with blue ribbon of 5 cm width with the words Tourist on two sides of the vehicle with in a circle of 60 cm diameter.	The enforcement being with the Police Deptt., it is for A&N Police to take necessary action. In the meantime the Transport Department would be issuing a press note suitably advising permit holders on the lines of earlier press note dated 05.01.2009. <i>Enforce</i>
3.	In view of notification issued under section 7 of the ANI (Protection of Aboriginal Tribes) Rules 1956 (for short "Regulation") no person can enter the reserved area unless permission is granted thereunder notwithstanding permits issued under MV Act.	At present no permission is given and the confusion needs to be resolved. It is proposed to call for a meeting at CS level wherein, inter alia, following departments may be included : (1) Police (2) Tribal Welfare (3) Deputy Commissioner (SA) (4) DSS. A decision can be arrived in accordance with law in the said meeting to pave the wave for clear policy and its implementation, of the judgement.