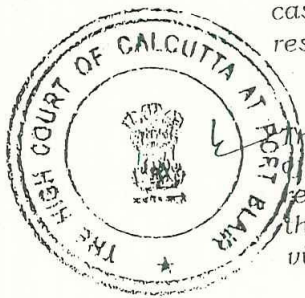


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"The State Transport Authority has gone through the respective Section of Motor Vehicle Act, 1988 to know about its power, functions and jurisdiction. After detailed deliberation it has come to the conclusion that the issue of restriction of vehicles for same day return from Baratang does not come under the purview of the State Transport Authority as per Section 67 and 68 of the Motor Vehicles Act, 1988. This issue needs to be taken up and addressed by the competent authority under Section 1(5) of the Motor Vehicles Act, 1988. It was decided that possibility shall be explored of getting appropriate orders passed under Section 115 of M.V. Act from the notified authority i.e. Deputy Commissioner (SA). And therefore, the inadvertent decision taken by the State Transport Authority in its meeting held on 14.10.2009 to allow same day return of tourist buses 10 days in a month from Baratang has been withdrawn with immediate effect. It was also decided that while furnishing replies to the litigations arisen out of the above decisions taken in the meeting of 14.10.2009, this decision of withdrawal of STAs earlier decision also to be included.

Superintendent of Police informed that due to heavy increase in the number of tourist vehicles passing through Jarawa reserved area, it has become very difficult to manage the traffic. Hence it was decided that Police department may furnish data regarding traffic movement through Jarawa reserved area so as to take up the matter with Govt. of India to impose any kind of restriction or non-issue of inter-district tourist permits. Police department may also consult the Tribal Welfare department for specific decision/orders to recommend the case to the competent authority to impose any kind of restriction to pass through the Jarawa reserved area.



Secretary, STA will also take up the matter with Tribal Welfare department for their comments on the issue of Tourist/Goods vehicles passing through Jarawa reserved area since Hon'ble Supreme Court's decisions in this regard also to be followed. A&N Administration's view also needs to be taken into consideration."

Mr. Ray, learned senior advocate appearing for the official respondents submitted that after the aforesaid decision was taken by the STA, neither tourist buses nor tourist vehicles of the nature owned by the petitioners are being allowed to operate round trip on a single day on the route Port Blair to Baratang and, back. However, in so far as the allegation of the petitioners that no notification in the Official Gazette has yet been issued in terms of Section 115 of the

DO.