

The Secretary, (Tribal Welfare) Shri. Ajay Sexena informed that the aforesaid notification was issued by the department of Tribal welfare of the A & N Administration.

It was further enquired as to how requests of permission to come back on the same day have been denied and under what provisions of the law, the Police department has been restricting the movement of traffic in a way so that the tourist/private vehicles do not come back from Baratang on the same day.

The Superintendent of Police (SA) has clarified that with a view to regulate the traffic on the ATR passing through the Jarawa Area, the Department has been restricting the vehicles on the road in such a manner that vehicles coming from Port Blair side do not return on the same day and a similar restriction is being enforced in respect of vehicle coming from Baratang side also. He further informed that this practice has been followed for a long period. Secretary (Tribal Welfare) informed and stated that department of Tribal Welfare has not issued any such order putting restrictions on the movement of vehicles as being enforced by the department of Police. Director of Transport also stated that Directorate of Transport has also neither issued any such order nor there is any condition on the permits issued by the STA. For a brief period permission in few cases was given by the STA which was subsequently withdrawn. There have been court cases in the past on the issue and recently also, Honble High Court has passed a judgment dt. 30.08.2010. Some of the relevant portion of the said judgment is reproduced below:

"....Before parting, this court would wish that the Administration considers the desirability of introducing a system which would facilitate return of a tourist vehicle from Baratang on the same day of its journey from Port Blair to Baratang. If presently ten vehicles are being allowed to operate between Port Blair and Baratang on the up-journey and another ten vehicles between Baratang and Port Blair on the down journey, passes may be issued only in favour of ten vehicles for operating a round trip on particular days of the month according to the choice of the Administration by maintaining parity amongst all tourist vehicle operators. This would not result in increase of vehicular traffic, and the number of trips on the up journey and the down journey would remain the same. The operators of the tourist vehicles may be informed before hand the particular dates of the month on which they would be permitted to operate round trip from Port Blair to Baratang and back. If such system is introduced, the tourist vehicle operators would in advance know the