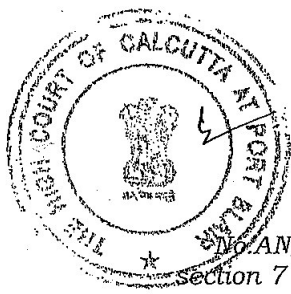


breach. The administration would be well advised to prevent further breach by taking appropriate action in accordance with law.

Be that as it may, no provision has been brought to the notice of the Court based whereon the petitioners could legitimately claim a legal right to return from Baratang to Port Blair on the same day of their journey from Port Blair to Baratang. It is true, as contended by Mr. Jayapal, that there is no restriction either in the MV Act or the Central Rules to the effect that a round trip may not be allowed but one cannot proceed to decide the issue raised herein oblivious of Section 7 of the Regulation. It reads as follows:-

"7. The Chief Commissioner may, by notification, prohibit any person other than a member of an aboriginal tribe or any class of persons other than members of an aboriginal tribe from entering a reserved area except on the authority and subject to the observance of the conditions and restrictions of a pass granted by the Deputy Commissioner or by such other officer as the Deputy Commissioner may authorize in writing in this behalf."

In exercise of power conferred by Section 7, the Chief Commissioner issued notification, published in the Andaman and Nicobar Gazette, dated 21st April, 1957, which reads as follows:-



"OFFICE OF THE CHIEF COMMISSIONER
Andaman and Nicobar Islands

NOTIFICATION

Port Blair, the 21st April, 1957.

NO. AN/PATR/7 1. - In exercise of the powers conferred by Section 7 of Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956 (Regulation No.3 of 1956), the Chief Commissioner, Andaman and Nicobar Islands, is pleased to prohibit every person other than a member of an aboriginal tribe from entering a reserve area in the Andaman and Nicobar Islands except on the authority, and subject to the observance of the conditions and restrictions, of a pass granted by the Deputy Commissioner of the said Islands or by such other officer as the said Deputy Commissioner may authorize in writing in this behalf.

T.G.N. AYYAR
Chief Commissioner, A&N Islands
(F.1-89(1) 56-G]"