

It may be seen from the details given above that there has been an increase of 25% in private LMVs and 100% increase in tourist Buses and LMVs each in the month of November as compared to the month of September.

Presently, the permission for the same day return on ATR through Jarawa Reserve Area is being given on a selective basis with the objective to keep the traffic in this area to the minimum so as to cause least disturbance to the way of life of members of the Jarawa tribe.

There has been a demand from various quarters for issuing same day return permit by various vehicle operators as Baratang is a popular tourist destination in these Islands. A lot of tourists visit Lime Stone Cave and Mud Volcano located in the Baratang Island.

The tourists are mainly being carried to Baratang in light motor vehicles (LMVs) operated by the private tour operators and the tourist buses operated by the private persons as well as the IP&T wing of A&N Administration. The owners of the LMVs, having tourist permits, for long, have been demanding the permit for same day return. They have also filed Writ Petitions in the High Court for the same. Similarly, the owners of private buses have also been asking for the permission to return the same day.

It is pertinent to mention that in Writ Petition No 967 of 2010 (Mrs K Gandhimati Vs the A&N Administration & Ors), the single judge bench of the High Court of Calcutta, Circuit Bench at Port Blair has given the decision that the petitioner, in absence of any specific restriction, can very well use the permit granted in her favour as per the law. Since then the said petitioner has been operating her private tourist bus for all 30 days a month without any restrictions.

Now, a Writ Petition No 1340 of 2010 (Shri R S Yadav & Others Vs The Superintendent of Police/SA district) has been filed by Shri RS Yadav, private tourist bus operator, on the grounds of discrimination as Mrs Gandhimati has been plying her bus on all 30 days a month in pursuance of the decision of the High Court in WP No 967 of 2010. The High Court in its order dated 23/11/2010 has directed the respondent (SP/South Andaman) to file A-I-O within two weeks.

The following problems may crop up, if the current policy of restricting the same day return is tampered or done away with.

- a) There shall be a definite increase in the vehicular traffic on the ATR on a particular day as truckers, bus operators going to Baratang shall make frequent trips to and fro as they would like to save on the idle waiting hours. This shall further put pressure on the vehicle ferries operating between Middle Strait and Nilambur Jetties thereby increasing the waiting time for the commuting public at the jetties.

Even if we assume that the vehicular traffic shall increase marginally if the current restriction on the round trips on a particular day is done away with, this shall be against the spirit of the notified Jarawa policy. The interest of the members of the Jarawa tribe is paramount and is certainly above the interests of tourists and the tour operators.

- b) Currently, in order to bring back their patrons/tourists on the same day to Port Blair from Baratang after sightseeing in the absence of same day return permit, the tourist operators maintain two vehicles. One of the vehicles, so maintained, is kept parked at Baratang and is used to bring