

livelihood. The Petitioner further stated that commercial tourist establishments had mostly been closed. On 15.12.2010, the Court noted the submissions of the Petitioner, and granted time to the Respondent to file an affidavit. The Respondent filed an affidavit on 25.1.2011, which was replied to point-wise in Petitioner's affidavit dated 28.12.2011. At the next hearing, it was submitted that an amendment to the PAT Regulations was on the anvil, which would specifically provide for notification of buffer zone, and also set out a new definition for commercial / tourist establishments which could then be uniformly implemented. Three months time was sought for coming out with the amendment. On that occasion, while granting three months adjournment, the Court noted that it would be the duty of the Director of Tribal Welfare to ensure that the notification is implemented in letter and spirit. The matter then came up after that three month period, but no significant progress had been made with regard to the proposed Amendment. When the matter came up on 4.11.2011, the Hon'ble Judges suggested that this was a fit case for appointment of a Court Commissioner to inspect the area, and submit a report. The parties agreed to this suggestion. Subsequently, at the last hearing, I sought a deferral of the appointment of Court Commissioners by two weeks, so as to enable me to ascertain the nature of the proposed amendment as well as the likely time-period within which such amendment would be made. I had a meeting with the Secretary, Tribal Welfare, A&N Administration on 14.11.2011, and have been briefed regarding the progress made with regard to the proposed amendment.

I am now informed that the proposed amendment will take another three months, at the very least. In the circumstances, the Hon'ble Supreme Court will not defer an inspection of the buffer zone area by a team of Advocates appointed to act as Court Commissioners.

This being the position, I write to inform you that in the event the Court Commissioners come to the conclusion that commercial activity is being carried out in the settlements which fall in the buffer zone, or tourism activities are taking place in the buffer zone, there may be issues of the administration being in contempt of the orders of the Court directing implementation of the notification.

17 In the circumstances, it is imperative to amend the regulations expeditiously so as to define what is meant by "commercial activity" and what is meant by "tourist activity" in the buffer zone, so that the new notification will govern the situation and not the old one. It will also be advisable to suspend tourism to the mud volcanos until the notification is duly amended, as such tourism falls within the definition of "tourist activity" understood in the ordinary sense of the word. If at all it is to be allowed, the amended regulation must expressly exempt it from