

Reference: Para 1-6/n

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The proposal regarding grant of permission to the NAC team to visit Car Nicobar and Kamorta for Submarine Cable project of BSNL has been examined as per the provisions contained in A&N (PAT) Regulation, 1956 and observed that the Deputy Commissioner is the competent authority to issue tribal pass to enter into the reserve area as per Section 7 of above said Regulation.

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Since, the NAC team comprises of 67 persons, out of which, 32 are Foreign Nationals, therefore Foreigners (Restricted Area) Order, 1963 will be applied in the instant case.

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Recently, the Ministry of Home Affairs vide Circular No. 506 dated 29.6.2018 revisited the provision of RAP regime of A&N Island and 29 inhabited islands have been removed from restricted area permit regime modified under the Foreigners (Restricted Area), 1963 till 31.12.2022 subject to certain condition specified therein. Further, RAP circular provides following provisions related to foreign nationals which is reproduced below:

- (i) Foreigners will not require RAP for visiting 29 Islands in the Andaman and Nicobar Islands as in the Annexure. Foreigners will also be allowed to visit 11 uninhabited islands, to be notified by Andaman and Nicobar Islands Administration, only for day visits.
- (ii) Citizen of Afghanistan, China and Pakistan and foreign nationals having their origin in these countries would continue to require the Restricted Area Permit to visit Andaman & Nicobar Islands. In such cases, the Restricted Area Permit (RAP) may be granted only after obtaining prior approval of the Ministry of Home Affairs. If any such national is found visiting these islands without the Restricted Area Permit, necessary penal action may be taken under the relevant provisions of the Foreigners Act, 1946.
- (iii) Separate approvals of the competent authority continue to be required for visiting Reserve Forests, wildlife Sanctuaries and Tribal Reserve as is the case at present under Clause VIII of the circular.

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In accordance with above said Clause VIII, this Administration had issued a circular dated 10.9.2018 which provides that:

- a) the provision regarding issuance of Pass by the Deputy Commissioners under Section 7 of the A & N Islands (Protection of Aboriginal Tribes) Regulation 1956 for entering a Reserved Area in A&N Islands will continue as is the case at present in case of Indian nationals.
- b) In case of foreigners visiting A & N Islands and wishing to access the Tribal Reserve the Deputy Commissioner(s) shall refer the application to Pr. Secretary (Tribal Welfare) for prior approval of the Administration.