

BEFORE THE NATIONAL GREEN TRIBUNAL (EZ) AT KOLKATA
MEMORANDUM OF APPLICATION

(Under Sections 18 read with Section 14,15 of the National Green
Tribunal Act, 2010)

Application No. of 2024 (EZ)

Ashish Kothari

....Applicant

Vs.

MOEF & CC & Anr.

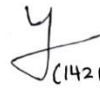
... Respondent

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//Certified to be True Copies of the respective originals//

Dated this the 24th day of April, 2024 at Chennai


(1421/2011)

Through
A.Yogeshwaran
Counsel for the Applicant
Ph : 9566254546

Email : yogeshwaranadv@gmail.com

LIST OF DATES

SL No.	Date	Event
1.	11.11.2022	The Respondent ministry had issued clearance under the EIA Notification, 2006 and the CRZ Notification, 2011
2.	10.12.2022	Appeal filed by the Applicant challenging EC
3.	03.04.2023	Judgement passed by this Hon'ble Tribunal
4.	09.07.2023 & 05.09.2023	Representations were sent to the respondent
5.	03.04.2024	Present application filed

SYNOPSIS

1. This application is filed aggrieved by the violation of the Island Coastal Regulation Zone Notification, 2019 by Respondents No. 1 and 2. The respondent ministry had issued clearance dated 11.11.2022 under the EIA Notification,2006 and the CRZ Notification,2011.
2. The Hon'ble NGT in its judgment dated 03.04.2023 extracted the report filed by the authorities and disposed the appeal holding at para 32 that " ... by and large the project is compliant and EC does not call for interference" and thereafter at para 33 recorded the finding that there were unanswered deficiencies and by way of instance listed deficiencies.
3. The 1st Respondent has not complied with the judgement of this Hon'ble Tribunal. The present OA has been filed aggrieved by the failure of the 1st Respondent to exclude areas classified as ICRZ -1A (ecologically sensitive areas) in the approved CZMP from the project area sought by the 2nd Respondent.
4. The 1st Respondent has failed to see that the proposed activities are prohibited in areas classified as ICRZ-1A and the permissions issued to the contrary ought to be revised, to ensure that they are compliant with the law.
5. Present application filed.

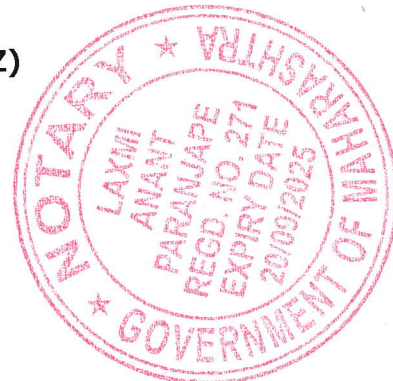
**BEFORE THE NATIONAL GREEN TRIBUNAL (EZ), KOLKATA
MEMORANDUM OF APPLICATION**

(Under Section 18(1) read with Sections 14 & 15 of National Green Tribunal Act 2010)

Application No. of 2024 (EZ)

Between:

Ashish Kothari
S/o Rajni Kothari,
G1 Chaitraban Residency, Aundh,
Pune 411007
Email: yogeshwaranadv@gmail.com
Phone No. : 9566254546



....Applicant

Vs.

1) The Ministry of Environment, Forest and Climate Change
Rep by its Secretary

Indira Paryavaran Bhavan ,Jor Bagh Road, New Delhi 110003
Email: secy-moef@nic.in , Phone: +91-11-23014243

2) Andaman and Nicobar Islands Integrated Development Corporation
Limited (ANIIDCO Ltd),

Rep by its Managing Director,

Vikas Bhawan, PB No.180, Port Blair,

Andaman & Nicobar Islands, India Pin – 744101

Phone : 236086, 234108, Email : aniidco@gmail.com

...Respondent

**THE HON'BLE CHAIRMAN AND HIS
COMPANION MEMBERS OF THE
NATIONAL GREEN TRIBUNAL.**

**HUMBLE APPLICATION SUBMITTED
BY THE APPLICANTS ABOVE NAMED**

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The applicant is the founder-member of Indian environmental group Kalpavriksh (<https://kalpavriksh.org>), has a Masters in Sociology from Delhi School of Economics, and has been an active member of several social movements in India as also of governmental committees. He has been a Lecturer at Indian Institute of Public Administration, and guest faculty in several universities including as Mellon Fellow at Bowdoin College, USA and Professor of Practice at National Law School of India University, Bengaluru, India. The applicant herein coordinated India's National Biodiversity Strategy and Action Plan process (<https://kalpavriksh.org/our-work/conservation-livelihoods/nbsap/>) on behalf of the Union Ministry of Environment, Forests and Climate Change, and has served on boards of Greenpeace International and India, Indian Society of Ecological Economics, World Commission on Protected Areas, IUCN Commission on Social, Economic and Environmental Policy, Bombay Natural History Society, and Centre for Pastoralism. He helped establish the IUCN Strategic Direction on Governance, Equity, Communities, and Livelihoods (TILCEPA) and the ICCA Consortium (www.iccaconsortium.org). He is a founding member of Global Sustainability University (<https://our-global-u.org/oguorg/en/>), a member of Global Working Group Beyond Development (<https://beyonddevelopment.net>), and of the Global Commission for the Amazon Sacred Headwaters Initiative (<https://sacredheadwaters.org>). He is a judge on the International Tribunal on Rights of Nature. The petitioner has been a member of Indian government committees on National Wildlife Action Plan, Biological Diversity Act, Environmental Appraisal of River Valley Projects, and Implementation of Forest Rights Act. The address for service of summons, processes and notices on the Applicants is that of their counsel M/s A. Yogeshwaran (MS 1421/2011), Poongkhulali B (1373/2009) having office at M1, Vadhula, No. 18, Brindavan Street, Mylapore, Chennai 600 004.

FACTS IN BRIEF:

1. This application is filed aggrieved by the violation of the Island Coastal Regulation Zone Notification, 2019 by Respondents No. 1 and 2. The respondent ministry had issued clearance dated 11.11.2022 under the EIA Notification, 2006 and the CRZ Notification, 2011 for the construction of

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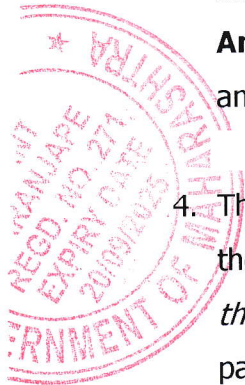
- a. International Container Transshipment Terminal (ICTT)-14.2 Million TEU,
- b. Township & Area development
- c. 450 MVA Gas and Solar based power plant
- d. Airport (civilian and defence use)

over an extent of 16610 hectares (Ha) in the Great Nicobar Islands.

2. The Applicant filed Appeal No. 32 of 2022 before the National Green Tribunal aggrieved by the above clearance since severe ecological damage would be caused by the implementation of the project and several crucial aspects like projects being sited in prohibited ecologically sensitive CRZ – IA areas, lack of comprehensive studies, the failure to appraise impacts of biodiversity, the failure to assess impact on tribals etc. were not considered in the clearance process.
3. A special bench of this Hon'ble Tribunal heard the appeal on 03.04.2023 and a judgment was uploaded on the website on 05.04.2023. A copy of the judgment is annexed as **Annexure – A1**. Copy of the ICRZ Notification, 2019 is annexed as **Annexure-A2**. Copy of the recommendation under the ICRZ Notification is annexed as **Annexure A-3**

4. The Hon'ble NGT in its judgment dated 03.04.2023 extracted the report filed by the authorities and disposed the appeal holding at para 32 that " ... *by and large the project is compliant and EC does not call for interference*" and thereafter at para 33 recorded the finding that there were unanswered deficiencies and by way of instance listed three such deficiencies,

"33. However, there are some unanswered deficiencies pointed out by the appellants which need to be addressed. By way of instance, it is pointed out that out of 20668 coral colonies, 16150 are proposed to be translocated without any mention of threat to remaining 4518 coral colonies. It is pointed out that ICRZ Regulations prohibit destruction of corals. Further, data collected for impact assessment is only of one season as against requirement of three seasons. It is also shown that part of the project is in ICRZ IA area where Port is prohibited."



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5. It is submitted that the 1st Respondent has not complied with the judgement of this Hon'ble Tribunal and a separate application has been filed in light of this non-compliance. The present OA has been filed aggrieved by the failure of the 1st Respondent to exclude areas classified as ICRZ -1A (ecologically sensitive areas) in the approved CZMP from the project area sought by the 2nd Respondent.
6. The 1st Respondent has failed to see that the proposed activities are prohibited in areas classified as ICRZ-1A and the permissions issued to the contrary ought to be revised, to ensure that they are compliant with the law.
7. It is submitted that it can be seen from para 24 of the judgment that the revised layout of the project as recommended by the Andaman and Nicobar Coastal Zone Management Authority dated 08.07.2022 has been extracted. According to this report, extent of areas classified as CRZ IA earmarked for each component
 - a. Port – 0.57 Sq Km (57 Ha), reclamation area – 0.06 Sq Km (6 Ha)
 - b. Airport – 0.60 Sq Km (60 Ha)
 - c. Township (Defence) – 0.81 Sq Km (81 Ha)
 - d. Township (other land use) – 5.03 Sq Km (503 Ha)
8. The ICRZ, 2019 categorically prohibits any of the above projects in ecologically sensitive ICRZ IA areas. The Hon'ble Tribunal at para 33 of its judgment records the finding that ports are not permitted in ICRZ IA areas. The other activities are also not permitted by law.
9. The relevant provisions of the ICRZ Notification, 2019 are extracted below for ease and convenience. Clause 2(i) lists ecologically sensitive areas/features eligible for protection as CRZ-1A. Clause 3 contains list of activities that are prohibited in the CRZ area (irrespective of classification). Clause 4 provides the list of activities permissible in CRZ-1A areas. A reading of the Notification would show that in order to protect and preserve ecologically sensitive areas classified as CRZ-1A, very few, limited activities are permissible in CRZ-1A areas.

"2. Classification of the ICRZ – For the purpose of conserving and protecting the coastal areas and marine waters, the ICRZ area shall be classified as follows, namely:-



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(i) ICRZ-I areas are environmentally most critical and shall be further classified as under:

(ii) ICRZ-IA:

(a) The ICRZ-I A shall constitute the following ecologically sensitive areas and the geo- morphological features which play a role in the maintaining the integrity of the coast viz.:

(i) Mangroves. In case mangrove area is more than 1000 square meters, a buffer of 20 meters along the mangroves shall be provided and such area shall also constitute CRZ –I A.

(ii) Corals and coral reefs;

(iii) Sand Dunes;

(iv) Biologically active Mudflats;

(v) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, the Forest (Conservation) Act or Environment (Protection) Act; including Biosphere Reserves;

(vi) Salt Marshes;

(vii) Turtle nesting grounds;

(viii) Horse shoe crab's habitat;

(ix) Sea grass beds;

(x) Seaweeds,

(xi) Nesting grounds of birds;

(xii) Areas or structures of archaeological importance and heritage sites.

3. Prohibited activities within ICRZ. -

The following activities shall be prohibited, in general, within the entire ICRZ. Exceptions to these and other permissible or regulated activities in specific ICRZ categories viz. ICRZ-I, II, III & IV, shall however be governed by the provisions under para 5 of this Notification:

(i) destruction of corals.

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(ii) mining of sand from in and around coral areas, nesting and breeding grounds of endemic and endangered species.

(iii) shore protection works (hard constructions) on the seaward side of the corals.

4. Regulation of permissible activities in the ICRZ

(I) ICRZ-I.-

(II) ICRZ-IA.- These areas are ecologically most sensitive and generally no activities shall be permitted to be carried out in the ICRZ-I A areas, with following exceptions:

(a) Eco-tourism activities such as mangrove walks, tree huts, nature trails, etc., in identified stretches areas subject to such eco-tourism plan featuring in the approved ICRZ Plans as per this Notification, framed with due consultative process/ public hearing etc. and further subject to environmental safeguards and precautions related to the Ecologically Sensitive Areas, as enlisted in the ICRZ Plans.

(b) In the mangrove buffer, only such activities shall be permitted like laying of pipelines, transmission lines, conveyance systems/mechanisms and construction of road on stilts etc. that are required for public utilities.

(c) Construction of roads and roads on stilts, by way of reclamation in ICRZ-IA areas, shall be permitted only in exceptional cases for defence, strategic purposes and public utilities, subject to a detailed marine or terrestrial environment impact assessment or both, to be recommended by the Coastal Zone Management Authority (CZMA) and approved by the Ministry of Environment, Forest and Climate Change; and in case construction of such roads passes through mangrove areas or is likely to damage the mangroves, a minimum three times the mangrove area affected or destroyed or cut during the construction process shall be taken up for compensatory plantation of mangroves."

10. It is submitted that as seen from Clause 4(I) and 3 of the Notification, activities like construction of ports (noticed in the judgement dated 04.03.2023 as a prohibited activity in CRZ-1A), townships, airports are prohibited in CRZ-1A areas.

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The very limited numbers of projects/activities permitted inside CRZ-1A areas do not include the above activities/projects.

11. It is submitted that this Hon'ble Tribunal while upholding the environmental clearance dated 11.11.2022, had held that there were unanswered deficiencies and even listed a few by way of instance. The present OA does not challenge the clearance dated 11.11.2022 and assails the inclusion of ICRZ-1A areas within the project area of the 2nd Respondent, despite clear, unambiguous prohibition in the Notification.
12. It is an admitted fact that areas classified as ICRZ-1A in the Island Coastal Zone Management Plan have been included within the project area of the 2nd Respondent and that the 1st Respondent has granted clearance despite a clear legal prohibition.
13. The Applicant submitted two representations to the Respondent Ministry calling attention to the fact that the clearance issued by them includes ICRZ-1A areas and that steps should be taken to rectify this illegality at the earliest. However, no reply was received by the Respondent and ICRZ-1A areas have not been excluded from the proposed project of the 2nd Respondent. Copy of representations are annexed as **Annexure -A4**
14. It is submitted that the beaches of Galathea Bay are globally recognised as an important nesting ground for the critically endangered leatherback turtle. It is a recognised fact that megapode nest on these beaches and mounds have been recorded in several studies by WII, etc. Coral reefs and mangroves are present in the bay. It is for this reason that the area is classified as ICRZ-1A in the CZMP. In addition the Galathea Bay was declared as a Wildlife Sanctuary for the Giant Leatherback turtles and is a part of the Great Nicobar Biosphere Reserve. The 1st Respondent has failed to note that permitting the subject projects at these ecologically sensitive areas would destroy the beach used by turtles for nesting, nesting grounds of the megapode bird, mangroves and coral reefs. While this Hon'ble Tribunal upheld the clearance, it recognised the need to comply with the

law and hence directed the 1st Respondent to revisit the clearance, which exercise could have been used by the 1st Respondent to address this illegality

15. The following extract from the recommendation of the Coastal Zone Management Authority, extracted in the judgement of this Hon'ble Tribunal dated 03.04.2023 would demonstrate this illegality.

The project proponent submitted the revised area falling under various categories of ICRZ and the details are as follows.

Sr. No	Activity	Area in Sq.km	ICRZ I		ICRZ III		ICRZ IV	
			CRZ IA	CRZ IB	NDZ	5 ^m 100m	IVB	IVA
1	Port (ICIT)	7.39	0.57	0.25	0	0	0.18	0.62
2	Airport	8.45	0.60	0.82	0.38	0.1	0.14	0.56
3	Power Plant	0.39	0.00	0.00	0	0	0	0
4	Township (Defence)	12.6	0.81	1.43	0.02	0	0.07	0.2
5	Township (other landuses)	137.27	5.03	6.05	1.69	0.45	2.5	3.55
Total		166.1	7.01	8.55	2.09	0.55	2.89	4.93
A	Port (reclamation area)	2.27	0.06	0.11	0	0	0	2.1
B	Airport (reclamation area)	0.71	0.00	0.33	0.04	0	0.32	0.02
Total (including reclaimed area)			7.07	8.74	2.13	0.55	3.21	7.05

16. As can be seen from the above table, admittedly, the total extent of ICRZ IA areas according to the revised layout submitted by the 2nd Respondent is 7.07 Sq. Km. The extent of ICRZ IA areas is miniscule when compared to the total project area

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of each project. The total project area of the port including reclamation is 9.66 Sq. Km. of which the CRZ IA area to be excluded is only 0.63 Sq. Km. Similarly, for the Airport the total project area is 8.45. Sq. Km. and the CRZ IA area to be excluded is 0.60 Sq. Km and the total area of the townships is 149.87 Sq. Km. of which the CRZ IA area to be excluded is 5.84 Sq. Km.

17. However, the 7.07 Sq Km. (707 Hectares) of ICRZ IA areas is an extremely significant extent in the context of protection of the coastal regulation zones which extends only to 50m from the High Tide Line and protects the limited ecologically sensitive areas that are marked in the ICZMP. This application only seeks minimum compliance of the law and it is necessary to note that the Respondents have no rights and ought not to have earmarked ICRZ IA areas as part of the project area.
18. The Applicant is left with no other remedy but to approach this Hon'ble Tribunal to protect these ICRZ-1A areas from destruction on the following among other grounds

GROUND S

- A. The 1st Respondent has failed to see that projects such as ports, airports and townships are not permitted in ICRZ-1A areas according to clause 4(II) of the ICRZ Notification, 2019.
- B. The 1st Respondent has failed to see that they have no powers to permit activities that are prohibited by law in ecologically sensitive areas.
- C. The 1st Respondent has failed to see that this Hon'ble Tribunal in its judgement dated 03.04.2023 in Appeal No. 32 of 2022 had noticed the fact that ports were prohibited in ICRZ-1A areas.
- D. The 1st Respondent has failed to see that the 2nd Respondent has no right to establish its project in ICRZ-1A areas and they have to exclude these areas from the earmarked project areas.



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- E. The 1st Respondent ought to have performed its duty as the regulator and taken action to address this illegality.

LIMITATION

The present application is within the period of limitation prescribed under the National Green Tribunal Act, 2010. The preservation and conservation of ecologically sensitive ICRZ-1A areas is substantial question relating to the environment and the cause of action is recurring until the illegality of inclusion of ICRZ-1A areas in the project area of the 2nd Respondent is addressed and these areas are excluded from the project area.

INTERIM RELIEF:

Pending disposal of the present application, the Applicants pray that this Hon'ble Tribunal may be pleased to:

- A. Issue an order of injunction restraining the 2nd Respondent from carrying on any activity including exploratory activities and from altering ICRZ-1A areas included within its project areas.
- B. Issue such other orders as it deems fit in the interest of the case and render justice.

PRAYER

It is therefore prayed that this Hon'ble Tribunal may be pleased to:

- A. Direct the 1st Respondent to exclude and delete the following admitted extents of ICRZ IA areas from the projects of the 2nd respondent - 0.57. Sq. Km of ICRZ—1A area from the layout of the port, 0.06 Sq Km from the area earmarked for port reclamation, 0.60 Sq Km from the project area earmarked for the Airport and 5.84 Sq Km from the project area of the



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proposed township as these activities / projects are prohibited in ICRZ IA areas under the ICRZ Notification, 2019

- B. Issue an order of injunction restraining the 2nd respondent from carrying on any activity in areas classified as ICRZ IA.
- C. Issue such other orders as it deems fit in the interest of the case and render justice.

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(1421/2011)

Ashish Kothari
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COUNSEL FOR THE APPLICANTS

APPLICANT

VERIFICATION

I, Ashish Kothari, the applicant herein, do hereby verify that the contents in the above paragraphs are true to the best of my knowledge and based on legal advice and that I have not suppressed any material fact.

Date : 29 March 2024

Place : Pune

Ashish Kothari
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Signature of the Applicant



**Noted and Registered
at Serial Number**

5/24



BEFORE ME

MAP 29-3-24

L. A. PARANJAPE
NOTARY, STATE OF MAHARASHTRA
PUNE DISTRICT



to withdraw from the further conduct of the case

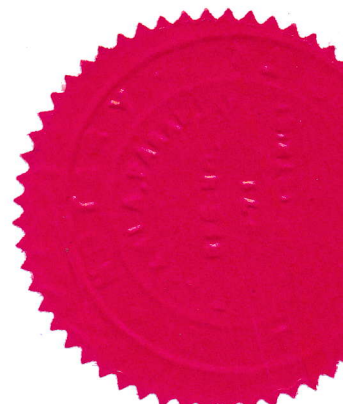
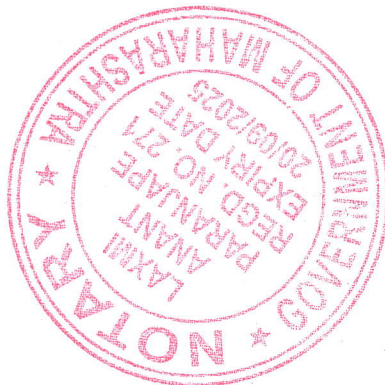
IN WITNESS WHEREOF I/We sign and execute this Vakalatnama on this
the.....29..... day of.....Masil.....20 24

y Pongkulal
(1421/2011) (1373/09)

[Signature] X
Appellant

Noted and Registered
at Serial Number
8124

BEFORE ME
MSP 29-3-24
L. A. PARANJAPE
NOTARY, STATE OF MAHARASHTRA
PUNE DISTRICT



ANNEXURE A1

Item Nos.01 -04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, FINANCE CENTRE
KOLKATA****(By Hybrid Mode)**

Appeal Nos. 29 to 31/2022/EZ

Conservation Action Trust & Anr.

Appellants

Versus

The Ministry of Environment Forest
& Climate Change & Ors.

Respondent(s)

WITH

Appeal No. 32/2022/EZ

Ashis Kothari

Appellant

Versus

The Ministry of Environment Forest
& Climate Change & Ors.

Respondent(s)

Date of hearing: 03.04.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Appellant(s): Mr. Kaustav Dhar, Advocate a/w Ms. Ajeeya Choudhury, Advocate for the Appellant (in Appeal Nos. 29 to 31/2022/EZ)

Mr. A. Yogeshwaran, Advocate a/w Ms. Poongkhulali B., Advocate, Mr. Santanu Chakraborty, Advocate for the Appellant (in Appeal No. 32/2022/EZ)

Respondent(s): Ms. Aishwarya Bhati, ASG a/w Ms. Suhasini Sen, Advocate, Mr. Aman Jha, Advocate (in Virtual Mode), Mr. Apurba Ghosh, Advocate and Ms. Manisha Chava, Advocate for R-1

Mr. Vikramjit Banerjee, ASG a/w Mr. Shatadru Chakraborty, Advocate, Mr. Ramendu Agarwal, Advocate (in Virtual Mode), Mr. Dibesh Dwivedi, Advocate for R-2 & 3

Ms. Dhriti Banerjee, Director, ZSI (in Virtual Mode)

ORDER**Preliminary – subject matter of appeals**

1. This order will deal with Appeal Nos. 29 to 32/2022/EZ as all the four Appeals pertain to Forest/Environmental Clearance (FC/EC) in respect of integrated **project (the project) by Andaman and Nicobar Islands Integrated Development Corporation (ANIDCO) in Great Nicobar Island**, the project proponent (PP), involving the following:-

- a. International Container Transshipment Terminal (ICTT)-14.2 Million TEU
- b. Greenfield International Airport (4000 Peak Hour Passengers-PHP)
- c. Township & Area development
- d. 450 MVA Gas and Solar based power plant over an extent of 16610 hectares (Ha) in the Great Nicobar Islands.

2. (a) is the main project of which (b) to (d) are integral parts.

3. Appeal No. 29/2022 is against Stage-I Clearance dated 27.10.2022 under the Forest (Conservation) Act, 1980 by MoEF&CC for diversion of 130.75 Sq. Km of forest land in the Great Nicobar Island. Appeal Nos. 30 to 32/2022, are against EC dated 04.11.2022 for the project by the MoEF&CC. **Appeal No. 29 to 31/2022 have been filed by Conservation Action Trust trust located at Bombay while Appeal No. 32/2022/EZ has been filed by one Mr. Ashis Kothari of Pune.** All the appeals came up for hearing on 11.01.2023 when notice was issued to the respondents including the MoEF&CC and the PP.

4. Challenge to the FC is inter-alia on the ground that impact of diversion of 130.75 Sq Km of pristine tropical rainforests on biodiversity, wildlife habitats and Tribals has not been considered. Crucial information

was withheld from Form-A. Forest land cannot be diverted for township and non-site specific projects. Mandatory process under the Forest Rights Rules has not been followed. PP being part of Andaman Administration could not have been associated with the impugned clearance. Forest dwelling community - Shompen (PVTG) and Coastal dwelling community Nicobarese (ST) have settlements in the area to be diverted and de-notified.

5. Challenge to the EC is inter-alia on the ground that appraisal conducted by the EAC is not in accordance with the EAC Notification dated 14.09.2006, EIA report has not been prepared as per ToRs, public hearing is vitiated, impact of the project on tribal population has not been considered, cumulative impact assessment has not been conducted. and ICRZ Notifications, 2019 have been violated. The project will result in destruction of forests, turtle nesting grounds, habitat of endangered endemic species, violation of the rights of indigenous communities in the Great Nicobar Island.

Details of the project and conditions for the Impugned EC

6. Perusal of impugned EC dated 04.11.2022 shows that the proposal for the project was considered in the 293rd meeting of EAC held on 24th – 25th March, 2022 and again in the 297th meeting of EAC held on 24th – 25th May, 2022. Based on the reply submitted to the queries raised by the EAC, the proposal is again placed in the 306th meeting of EAC held on 22nd – 23rd August, 2022. Some details of the project are mentioned as follows:

“6. The proposed project fall under 7(e) Ports, harbours; 1 (d) Power Plant; and 8 (b) Township & Area Development project, Category A, Scheduled to the EIA Notification, 2006.

7. The total area required for the proposed project is 16610 ha. The proposed Project site is in not connected through any road. Currently, the access is through sea and air route only. Approach roads shall be developed within the Islands.

8. No development is proposed on the western side of Galathea Bay in Phase I development apart from Defence area development, power plant and basic infrastructure to sustain defence and power plant site. Suggestion/opinion from MoD will be sought to finalise the buffer zones around Defence parcels. Buffer area of 500 mts from high tide line around Pemayya to be declared as Coastal Protection Area with stringent controls on any development within the area. Further, Alexandria Bay and Casuarina Bay are located far away and fall outside the project area on the western coast. All these areas including Pemayya Bay have been made part of the leatherback conservation plan. Adequate measures have been proposed for protection of nesting beaches and turtles.

9. A separate land use category “Special Use” has been included in the land use plan. The subcategories under “Special Use” are:

- a. National Memorial (Western tip of Galathea Bay),
- b. Defence Purpose (Western tip of Galathea Bay),
- c. Pemayya Buffer Area (Buffer area of 500m from HTL for safe nesting of Leatherback turtles).

10. xxx.....xxx.....xxx

11. The North South road of 55m ROW is the main arterial road connecting different pockets of development across the master plan area. It also serves as the key connector between the development on the eastern and western side of the master plan area and serves the overall function of distributing traffic and enabling access. The 55m RoW has been envisaged as an urban arterial road and the proposed design for this road is in compliance with guidelines for Urban Roads. The 55 m arterial road serves multiple functions enabling movements through different modes of transport including non-motorised transport i.e. cycles as well as pedestrians. Development within CRZ area will be in compliance with ICRZ Notification 2019.

12. The arterial road will be developed in a phased matter. In the first phase, 30 m ROW will be utilized and developed and the balance 25 m ROW will be reserved for future expansion for Bus Rapid Transit (BRT) or Light Rail Transit (LRT). Need for development of remaining 25 m RoW will be reviewed by the project monitoring committee on biodiversity before its construction and after full capacity utilization of 30m RoW and evaluation by CSIR-Central Road Research Institute (CRRI).

13 to 22...xxx.....xxx.....xxx

23. WII has prepared the plan for conservation and long term monitoring of sea turtles of the Nicobar Islands along with the leatherback sea turtles for a period of 10 years primarily. The conservation plan will be implemented in two phases. Phase1 involves monitoring and nesting the population tracking the movements, identification of high use areas in the breeding sites and non-breeding regions, determining foraging areas

using stable isotopes, population genetic structure of leatherback turtles, assessing vulnerability of turtle nesting beaches and adoption of appropriate management strategies and multi stakeholders' involvement in the long-term conservation of sea turtles. Phase 2 of the conservation plan will develop effective site-specific actions for conservation of sea turtles.

24. WII has been identified as a scientific agency to prepare and implement conservation plans for leatherback turtles and saltwater crocodiles. In the case of Nicobar Megapod, coordinated and collaborative research will have better outcome and in the larger interest of the endemic species of Nicobar megapode.

25. **For facilitating movement of wildlife between forest and the sea shore and for crossing the arboreal animals as well as for passage of snakes, crabs, crocodiles etc, safe wildlife corridors at 8 locations along the eastern side of the island connecting forest and seashore through via-ducts in the north south arterial road have been proposed and incorporated in the master plan. The locations of the proposed wildlife corridors i.e. via ducts have been selected based on the ground situation and inputs provided by ZSI and Department of Environment & Forest. The width of the corridor ranges from 250 meters to 1100 meters and the eastern side of the corridors via ducts towards the seashore would be maintained as green area and no development is proposed in the said areas.**

26. The port may place series of Ecological Marker Buoys for every 200 m along the proposed extended breakwater line. Also, Marker Booms may be connected in between the buoys. **Such arrangement will clearly mark the 'AREA TO BE AVOIDED TO AID TURTLES', warn restriction of the navigational route, thereby neither ships nor boats can enter the 'TURTLE NESTING AREA'. It would protect the turtles from the port operation.**

27. Shoreline change: The observed trend of the shoreline at the proposed project location reveals that the shoreline remains with not noticeable change over a period of 5 years from 2015 to 2020. The shoreline analysis shows that the project site at port is surrounded with elevated hill promontories and rocky shores.

28. Dredging and Reclamation: The total quantity of capital dredging for the development of port is about 17.7 million cu.m. MIKE 21-PA (Particle Analysis) module was used to identify a suitable location for dumping the dredge spoil and to understand the dispersion pattern of disposed material after dumping. The maximum increase in seabed level over the disposal area is about 0.03 m at the proposed dumping location. Due to availability of deeper water depth of 600m the change in bed level at the proposed disposal location due to dumping is

insignificant. The plume of suspended sediment after dumping tends to spread towards northeast to an extent of 1 km with an increase in seabed level of <0.008 m. Therefore, the proposed disposal location is found to be more ideal and it will not cause any adverse impact on the proposed port development facilities and the marine environment.

29. xxx.....xxx.....xxx

30. Cargo handling with dust control measures: Since the proposed port is International Container Transshipment Terminal (ICTT), there will be no dusty cargo, dry bulk cargo such as coal, iron ore or hazardous cargo, etc. will be handled at port. All the vehicles engaged for construction should have valid pollution check certificate as per the motor vehicle act. Further, any regulations related to vehicle emission issued by local government should also be adhered to. Generators and machineries are to be serviced and maintained regularly to avoid generation of dust and other air pollutants. Oil Spill Contingent Management Plan includes Boom containment, Spray of dispersant and Skimmers. No hazardous industries are envisaged at GNI however the containers may contain hazardous cargo, **Hazardous cargo shall be handled in accordance with ‘The Manufacture, Storage and Import of Hazardous Chemicals Rules, ACT 1989’.** Containers carrying hazardous cargo are labelled as Hazardous Cargos and stored at separate locations in the yard designated for the storage of hazardous cargo and a dedicated Nodal Officer will be appointed who will be responsible to check the compliance of the regulations from time to time. Hazardous waste like used oil, insecticide/ herbicides, paints, solvents, lubricants etc. would be generated from the project, the same hazardous substances will be securely stored at site before transportation, Double chamber Incinerator has been proposed to treat the possible hazardous waste generated from Port, Power plant and the Township.

31 to 32 xxx.....xxx.....xxx

33. Land acquisition and R&R issues: Total land acquisition required for project is approximately 421.57 ha. Total families affected is 379 and total affected population is 1761.

34. Revised ICRZ recommendations have been received via letter ‘No.PCCF/EPA/1/Vol-XVI/154, Andaman & Nicobar administration, Department of Environment and Forests, PCCF (CRZ&FC) / nodal officer, FCA&MS, A&NCZMA/ Van Sadan, Haddo, Port Blair, Dated 8th July, 2022.

35 xxx.....xxx.....xxx

36. Mangroves: **The Mangrove Conservation and Management Plan for Great Nicobar Island has been prepared by the Department of Environment and Forests, A&N Administration.**

The mangrove conservation plan is aimed at restoration and restocking of the tsunami impacted mangrove areas besides enhancement/enrichment through plantations. The plan also aims at improving the diversity of mangroves, its richness and stand density through proper assessment of distribution and status of mangrove species found in Great Nicobar Island along with the locations. The conservation plan addresses the strategies to restore and revive the mangrove areas through ecological restoration and enrichment planting.

37. The Coral Conservation Plan prepared by ZSI addresses both, the conservation strategies for coral colonies around GNI as well as translocation strategies for ten (10) hectares of impacted corals. A total of 245 species of scleractinian corals under 53 genera and 15 families are recorded from seven sites including the Great Nicobar Island. No major coral reef exists within the work area of the project. However, scattered coral reefs are available at the peninsular part of the Galathea Bay. As part of the assessment for conservation and management of Coral reefs, the Coral cover required to be translocated from the proposed site is around 10 ha which includes around 20668 Coral colonies out of which approximately 16150 colonies will be translocated. The plan addresses the probable sites for translocation, the methodology, the coral colonies for transplantation, conservation and management of coral reefs both at the translocated sites, donor sites and other sites in Great Nicobar Islands.

38. xxx.....xxx.....xxx

39. *Employment Potential:* The project around 6,939 persons directly and 10,408 persons would be employed by 2025, around 24,734 persons directly, 37,101 persons indirectly would be employed by 2040 and 51,423 persons directly and 77,135 persons indirectly would be employed by 2052. Generally, locals are employed by the contractor.

40. *Public Hearing:* Public Hearing was conducted on 27.01.2022 at Community Hall, Gram Panchayat, Campbell Bay, Great Nicobar.

41. Benefits of the Project: Strategic benefits:- Strong presence in Indian Ocean Region to counter the pressure being built by foreign powers growing presence. Capturing the Strategic location to develop a new Economic hub in India Ocean region. Improving connectivity with Indian mainland and other global cities. Socio-economic benefits: Promoting sustainable tourism. The proposed ICTT will allow India to participate in the regional and global maritime economy by becoming a major player in cargo transshipment. A Mixed-use

urban development in the vicinity of these major infrastructure works will also be necessary to support quality of life for the residents that will generate and enable growth in the various economic sectors over time. This will require the development of simultaneous primary and secondary urban infrastructure networks such as roads, public transport, energy and electrical power, as well as water, wastewater, and storm water facilities and services, which will form the skeleton of the proposed township master plan. It is estimated that after the project is fully implemented, it has the potential to generate around 1,28,558 jobs opportunity. Socio-economic growth of local population. Development of social infrastructure supporting existing population and proposed population.

42. WII suggested that the project can be undertaken however more intensive assessment/research is required on Leatherback Sea turtle and its movements to craft site-specific mitigation strategy and suggested 10-year road map to systematically implement mitigation measures. SACON and WII has provided 10-year plan to mitigate impacts on Nicobar Megapod.

43. EAC also noted that there are several other endemic flora and fauna and impact of the project on these species is mostly unknown. The EAC noted the scale of impacts the proposed project may have both on flora and fauna of GNI and native populations, however, considering the strategic nature of the integrated project as presented by the PP and taking into account the submission made by the project proponent had a detailed deliberation in its 306th meeting during 22nd – 23rd August, 2022 and recommended the proposal for grant of Environmental and CRZ clearance with the specific conditions, as mentioned below, in addition to all standard conditions applicable for such projects:

44. The Ministry of Environment, Forest and Climate Change has considered the proposal based on the recommendations of the Expert Appraisal Committee (Infrastructure, CRZ and other Miscellaneous projects and other co-opted members of Infra-2 EAC, members of Thermal EAC and NDS Committee) and hereby decided to grant Environmental Clearance and CRZ Clearance for the “Integrated development of International Container Transshipment Terminal (ICTT)-14.2 Million TEU, Township & Area development and 450 MVA Gas and Solar based power plant in 16610 ha. Great Nicobar Islands, Nicobar District by M/s Andaman and Nicobar Islands Integrated Development Corporation Ltd” under the EIA Notification, 2006 and ICRZ Notification, 2019 as amended, subject to strict compliance of the following specific conditions, in addition to all standard conditions applicable for such projects.

SPECIFIC CONDITIONS

- I. **All the recommendations mentioned in the wildlife conservation plans and Tribal welfare plans below shall be implemented in time bound manner. The compliance to the recommendations as per schedule shall be submitted along with 6 monthly compliance reports to the regional office of MoEF&CC.**
- A. **Leatherback Sea Turtle:** Proposal submitted by Wildlife Institute of India (WII) was considered by the EAC and following recommendations are provided to ensure conservation of Leatherback along with other species of sea turtles such as Hawksbill, Green, Loggerhead and Olive Ridley in Andaman and Nicobar Islands with focus of Nicobar group of Islands. EAC has following specific recommendations-
- a. The budget estimated by WII needs to be revised as the project life-cycle is for 30 years till year 2052, however, the proposal of WII is only for 10 years. Therefore, WII need to revise proposal for 30 years along with budgetary provisions and implementation timeline and submitted to PP within 15 days of the grant of EC. Based on the revised proposal sent by WII corresponding amount for first 10 years will be released by PP within 3 months of submission of proposal which would enable WII to undertake uninterrupted research and conservation interventions on Leatherback and other species of sea turtles such as Hawksbill, Green, Loggerhead and Olive Ridley. Accordingly, the Committee informed PP to revise the EMP provisions. The provision for WII would be over and above the cost required by forest department. The costing should include costs of additional resources such as human resource, vehicles, mechanized boats, 200 additional satellite tags and monitoring costs over entire lifecycle of the proposed project etc as stated below. Project tenure of WII should be consistent with the holistic development plan for GNI and thus will be till the completion of the final phase of the same in the year 2052 and not limited to 10 years. The financial allocation in the proposal of WII should be such that the satellite tagging studies can be started immediately and have adequate and uninterrupted financial resources to continue the conservation work on Leatherback Sea Turtles. If any additional funds are required at a later stage or for post project development monitoring work, those will be made available by PP to WII. Project monitoring committee as stated in 3.10.3(VI) will review the project progress through biannual meetings and additional financial requirements in due course.
 - b. 20% of nesting population of Leatherback Sea Turtle or minimum 150 satellite tags (Argos-linked FastGPS Platform Terminal Transmitter with DIVE sensors), whichever is higher, to be deployed to Leatherback Sea Turtle in GNI and Nicobar Islands and Little Andaman in the first 5 years phase by WII. Of these 150 tags, minimum 50 tags to be deployed in the first year so that the sea turtle movement data will be available for the PP to monitor construction activity. For rest of the nesting individuals, flipper tags to be deployed.

- c. 20 satellite tags each for Green Sea Turtle, Hawksbill Sea Turtle and Olive Ridley Sea Turtle to be deployed in the first 5 years phase.
- d. Provision for 10 satellite tags for Loggerhead Sea Turtle should be made in case if nesting females are noticed in A&N
- e. Considering the vast research area, additional manpower especially research associate and field assistants needs to be incorporated in the proposal of WII including dedicated units for Great Nicobar, Little Nicobar and Little Andaman
- f. One additional mechanized engine Dingy for the inter-island movement including boatman, boat running and maintenance cost be included in the WII proposal. All three mechanized dingy (2 for forest dept and one for WII) to be exclusively dedicated to sea turtle research and monitoring
- g. Holistic development will include data and recommendation from WII, ZSI, SACON and BSI studies in the deliberations and directions of the monitoring committee as stated in 3.10.3(VI) and plans maybe modified accordingly if found necessary in the interest of all species of sea turtles with focus of Leatherback Sea Turtle and other flora and fauna of GNI. Additional measures may be considered by the Committee if found essential.
- h. Zero nest predation approach must be ensured by the state forest department to achieve highest possible survival of Leatherback, Hawksbill, Olive Ridley and Green Sea Turtle. Community based nest monitoring and protection programme should be initiated from year 2022 nesting season. The budget for the same will be submitted by state forest department to PP. This will be over and above the budget for WII proposal.
- i. Domestic dog population control through sterilization to be explored with priority.
- j. Accordingly, WII is advised to revise the proposal and implementation plan within 15 days and send the same to EAC and MoEFCC for record and to PP for release of first 10 years installment within three months.
- k. A&NFD will ensure implementation of conservation measures as recommended by WII.

B. Nicobar Megapod: The endemic Nicobar Megapod is a keystone species of Nicobar group of islands. From the enclosure no 17 provided by PP it is clear that about 51 active nests of Nicobar Megapod are present within the proposed project areas of which appx 30 will be permanently destroyed. In this context, the PP has submitted two proposals towards understanding of habitat utilization and microhabitat and conservation of remaining population of this endemic species in the Nicobar region. The approach and methodology for both is similar in nature. However, WII alongside the population monitoring also suggested disease prevalence study. After careful consideration, EAC suggested SACON and WII in close collaboration will undertake comprehensive studies and conservation measures for endemic Nicobar Megapod. Project tenure should be consistent with the holistic development plan for GNI and thus will be till the completion of the final phase of the same in the year 2052 and not limited to 10 years. Accordingly, SACON and WII shall submit two full proposals to PP with a copy to MoEFCC and EAC within 15 days of grant of EC and CRZ clearance. The SACON will undertake

studies for population ecology, meta populations, disease surveillance and translocation of endemic Nicobar Megapod and WII will study population genetics and Satellite tagging studies. SACON and WII is advised to develop full proposals with sufficient budgetary provisions and timeline. Based on the revised proposal sent by SACON and WII corresponding amount for first 5 years will be released by PP within 3 months of submission of proposal which would enable SACON and WII to undertake uninterrupted research and conservation interventions on endemic Nicobar Megapod. A&NFD will ensure implementation of conservation measures as recommended by SACON and WII. This cost is over and above the cost required by A&NFD. If any additional funds are required at a later stage or for post project development monitoring work, those will be made available by PP to SACON. Accordingly, the Committee informed PP to revise the EMP provisions.

- C. **Saltwater Crocodile:** PP submitted the proposal by WII and A&N State Forest Department towards addressing issue of saltwater water crocodile conservation and conflict mitigation. Project tenure should be consistent with the holistic development plan for GNI and thus will be till the completion of the final phase of the same in the year 2052. Accordingly, WII and A&N Forest Department should revise the proposal with budget allocation and timeline and submit it to the PP with a copy to MoEFCC and EAC within 15 days from the grant of EC and CRZ clearance. The Committee direct PP for the release the first five years budget payment to WII and A&N Forest Department for the study and conservation measures for Saltwater Crocodiles within 3 months from the grant of EC & CRZ Clearance. If any additional funds are required at a later stage or for post project development monitoring work, those will be made available by PP to WII. Accordingly, the Committee informed PP to revise the EMP provisions
- D. **Impact of invasive species on native flora:** To understand the impact and to develop prevention of invasives in to the wild, a specific action plan is required. Accordingly, the Committee suggested that a detailed proposal consistent with the holistic development plan for GNI and thus will be till the completion of the final phase of the same in the year 2052 along with budgetary provisions shall be developed by Botanical Survey of India (BSI) and submitted to the PP with a copy to MoEFCC and EAC within three months of grant of EC and CRZ clearance. The Committee direct PP for the release the first five years budget payment to BSI within three months from the grant of EC and CRZ clearance to undertake immediate work on this very important subject, develop robust guidelines in the first year and monitor the impact of invasives on native endemic and endangered flora as the project development progress. If any additional funds are required at a later stage or for post project development monitoring work, those will be made available by PP to BSI. Accordingly, the Committee informed PP to revise the EMP provisions. A&NFD will ensure implementation of conservation measures as recommended by BSI.
- E. **Impact on inter-tidal flora and fauna:** The ZSI report emphasize rich biodiversity of the inter-tidal region of GNI.

Several parts of this region will be either directly reclaimed or used for other infrastructure such as road on stilts, and other permissible activities within CRZ. Accordingly, the Committee suggested that a detailed proposal consistent with the holistic development plan for GNI and thus will be till the completion of the final phase of the same in the year 2052 along with budgetary provisions shall be developed by Zoological Survey of India (ZSI) and submitted to the PP with a copy to MoEFCC and EAC within 15 days of grant of EC and CRZ clearance. The Committee direct PP for the release the first five years budget payment to ZSI within three months from the grant of EC and CRZ clearance to undertake immediate work to undertake the detailed baseline documentation and further monitoring of the same during entire implementation phase of the holistic development plan. ZSI should also document shift in the inter-tidal community with each phase of the project is being implemented so as to understand the impact and develop mitigation strategies. Accordingly, the Committee informed PP to revise the EMP provisions. A&NFD will ensure implementation of conservation measures as recommended by ZSI.

F. Nicobar Macaque, Robber Crab and other endemic bird species of Great Nicobar: For conservation of Nicobar Macaque, Robber Crab and other endemic bird species of Great Nicobar the Committee suggested that a detailed proposal consistent with the holistic development plan for GNI i.e. till the completion of the final phase of the same in the year 2052 along with budgetary provisions shall be developed by SACON and submitted to the PP with a copy to MoEFCC and EAC within 15 days of grant of EC and CRZ clearance. The Committee direct PP for the release the first five years budget payment to SACON within three months from the grant of EC and CRZ clearance to undertake detailed baseline documentation, conservation intervention and further monitoring of the same during entire implementation phase of the holistic development plan. Accordingly, the Committee informed PP to revise the EMP provisions. A&NFD will ensure implementation of conservation measures as recommended by SACON.

G. Mangrove Restoration: PP provided the Committee a proposal submitted by A&N forest department for the conservation and restoration of mangroves. EAC agreed to the proposal and directed PP to release the amount mentioned in the proposal to A&N state forest department within 3 months of grant of EC and CRZ.

H. Coral translocation: Zoological Survey of India provided detailed plan for coral translocation with a budget of 55 Crore. EAC noted that the budget is only for 10 years while the project lifecycle is for 30 years. It also does not include several components that will be necessary for this complex work. Accordingly, the Committee advised ZSI to submit revised proposal with budget provisions to PP with copy to Ministry and EAC. Committee also direct ZSI to include translocation of endangered Giant Clams (*Tridacnasp*) in the same proposal with necessary budget provisions. Project tenure should be consistent with the holistic development plan for GNI and thus will be till the completion of the final phase of the same in the year 2052 and not for 10 years. The Committee direct PP for the release the first five

years budget payment to ZSI within three months from the grant of EC and CRZ clearance to undertake the uninterrupted work of preparation of new translocation sites and actual translocation of coral heads and giant clams (Tridacnasp) from 10 ha project impact areas as stated in the proposal before project work begins on ground. ZSI will maintain systematic data on translocated coral colonies with GPS tags to each colony to monitor its survival. The proposal may be finalized based on the EMP and consultation with PP. A&NFD will ensure implementation of conservation measures as recommended by ZSI.

I. Welfare of local tribal population of Shompen and Nicobaris:

The project activities shall not disturb Shompen tribe and their habitations. Clear demarcation of the land shall be done for specific purpose of land use in the vicinity of project area such that habitations of the tribal shall not be intervene. Budgetary provisions for the same shall be made in the EMP report and expenditure in this regard shall be maintained on records. For the protection and safety purpose of community, security & surveillance mechanism shall be in place with geo-fencing cum surveillance towers nearby Tribal settlements.

All the considerations will be undertaken by Department of Tribal Welfare (DTW) as per the Andaman and Nicobar Islands (Protection of aboriginal Tribes) Regulation, 1956. (Commonly known as PAT Regulation), Policy on Shompen Tribes. Accordingly, the Committee suggested that a detailed proposal for 50 years along with budgetary provisions shall be developed by Department of Tribal Welfare (DTW) and submitted to the PP. The Committee direct PP for the release the first 10 years budget payment to DTW within three months from the grant of EC and CRZ clearance to undertake immediate work and to undertake the detailed baseline documentation and further monitoring of the same during entire implementation phase of the holistic development plan. Accordingly, the Committee informed PP to revise the EMP provisions.

Other Specific Conditions

- II. *PP should construct all weather good quality two research stations within one year from the grant of EC and CRZ clearance (one each in Campbell Bay and Kamorta) with office space and accommodation facilities. Campbell station should have accommodation facility for 40 research team members (ten double occupancy rooms, and four dormitories) while Kamorta accommodation facility will be for 10 research team members (two double occupancy rooms, and two dormitories). PP will maintain at its own cost both the research stations for the entire project duration. The research station will be exclusively used and shared by WII, BSI, SACON and ZSI teams and other invited scientists. In the meantime, PP will make arrangements of accommodation of researchers at their own cost through the provisions provided in the respective budgets.*
- III. *WII will be overall in-charge of the station and will appoint a focal person (through the funds allocated to them under various components) to oversee the smooth running of the above centers. WII*

should make adequate financial provision for the same in their proposals under overall administrative costs.

- IV. *After the completion of the project i.e. after 2052, the research station will be handed over to the A&N Forest Department and maintained by them and will be provided exclusively to the researchers involved with the biodiversity studies of the region and forest department staff for on ground conservation work.*
- V. *PP will also separately provide funds to A&N forest department for complete oversee of the conservation and mitigation work, infrastructure and operation costs towards implementation of Leatherback Sea Turtle, Nicobar Megapod, Saltwater Crocodile management and other endemic flora and fauna conservation. Proposal for the same will be developed by A&N Forest Department. This amount will be over and above the cost recommended for WII (Leatherback Sea Turtle, Salt-water Crocodile related work and Nicobar Megapod); SACON (Nicobar Megapod, Nicobar Macaque, Robber Crab and other endemic bird species of Great Nicobar); Zoological Survey of India (for coral and Giant Clam translocation and restoration work, inter-tidal flora and fauna work); Botanical Survey of India (for invasive species related work); A&N Forest department (for mangrove restoration and supervision of work of WII, SACON, BSI and ZSI); and A&N Tribal Welfare Department (for welfare, protection and other measure for Shompen and Nicobarese). All these funds will be provided by the PP as stated in the specific conditions and within stated time stipulated from sr. no A to I upon receiving the EC and CRZ so that respective agencies can initiate uninterrupted conservation action, research and monitoring while the project is being implemented.*

Monitoring Committee

- VI. *PP will establish three independent Monitoring Committees to oversee the implementation of Environmental Management Plan. Each committee must meet twice a year and undertake one site visit each year. The committees will take review of progress of work of respective areas and implementation of mitigation measures and advise further on its implementation. Minutes of the meetings, site visit reports by these committees and recommendation of the same will be included in the implementation plans of each institute and PP. Proceedings of each Committee will be uploaded on the A&N state forest department website under a specific link provide to the project at GNI. One committee will be to oversee the pollution related matters and measures and its implementation. Second committee is to oversee the implementation of biodiversity related conditions. Third committee will oversee welfare and issues related to Shompen and Nicobarese. Following specific composition of the committees are stipulated. The tenure of the committee will be till the completion of final phase of Holistic Development Plan. However, tenure of every individual expert in each of the Committee shall not exceed three years, and accordingly committees should be reconstituted every three years. The budget allocation of 10 Crore is provided to meet the expanses of the committee meetings. For the first three years following:*

- i. **Committee to oversee pollution related matters** – The Committee will be chaired by Member Secretary of State Pollution Control Board. The other members of the committee should include representative from CPCB, one national reputed expert each in the field of air, noise, water, solid waste and soil pollution. The committee will also include representative of Chief Wildlife Warden not below the rank of CF, representative of PP, representative of Niti Aayog, representative of collector, representative of disaster management unit, representative from Central/State-UT Ground Water Authority and one member of EAC-CRZ and Infra 1 Committee.
 - ii. **Committee to oversee biodiversity related matters** – The Committee will be chaired by PCCF (WL) A & N Forest Department. The other members of the committee must include directors of WII, SACON, ZSI, and Botanical Survey of India, representative of PP, representative of Niti Aayog, representative of collector, Director, CSIR-National Botanical Research Institute, two independent and nationally recognized scientists in the field of terrestrial and marine biodiversity, Director-Deep Sea Mission of GoI and one member of EAC-CRZ and Infra 1 Committee with biodiversity expertise.
 - iii. **Committee to oversee welfare and issues related to Shompen and Nicobarese-** The Committee will be chaired by the Collector. The other members of the committee should include Director - A & N Tribal Welfare Department, PCCF and HoFF-A&N, Director of department of health, two independent and nationally reputed individual experts on Shompen and Nicobarese, representative of PP, representative of Niti Aayog, representative of A&N Administration and one member of EAC-CRZ and Infra 1 Committee.
- VII. **Western Flank of the Galathea Bay:** Along the western flank of Galathea Bay no development will be allowed in Phase 1 and 2 of the projects except defence related infrastructure (pocket 10 in the master plan) or any activity that is strategic and national defence point of view important in nature. A buffer of 500 meters from HTL on both the sides of the flank shall be maintained in any case. Infrastructure related to Gas-based power plant as shown in the development plan (pocket 9) will be allowed. Institutional areas marked in pocket 9 and 10 will not be allowed at this location. It needs to be shifted within pocket 1 to 7. Tourism will not be permitted along the western flank of Galathea Bay in any phases. Pemayya Bay and all other Leatherback nesting sites on the western parts of GNI must remain no development zones as these sites are likely to be used by Leatherback Sea Turtles as alternate sites due to impact of ICTT at Galathea Bay. All major nesting beaches in Great Nicobar Islands including Alexandria Bay, Casuarina Bay, Pemayya Bay, Dogmar will be protected by establishing protection camp, sea turtle hatcheries and kept under 24X7 surveillance and monitoring from nesting till hatching season each year. No development and tourism will be allowed on these shores. Besides, in GNI nesting of Leatherback turtles also have been reported in East of Indira point, West of Indira Point, Koshindon, Laxmi Nagar, North of Alexandria, South of Alexandria, North of Dogmar, South of Dogmar, Pulo Bed, PuloKunji, re Pinsuot, Renhong, Safed Balu, Patatiyo and South of Galathea. These sites will be kept disturbance free with no tourism activity or infrastructure

development. WII studies will provide further insight in to it and can be further incorporated in the management plan of Leatherback and other sea turtles at GNI.

- VIII. *No withdrawal of water from Galathea River is permitted. Galathea River must remain free of any recreational activity. No ground withdrawal of freshwater will be permitted. Drinking water will be exclusively augmented through two reservoirs proposed along with capacity augmentation of existing freshwater storage facilities at GNI.*
- IX. *Construction activity shall be carried out strictly according to the provisions of the ICRZ Notification, 2019. No construction works other than those permitted in Coastal Regulation Zone Notification shall be carried out in Coastal Regulation Zone area.*
- X. *All the recommendations and conditions specified by the Andaman Nicobar Coastal Zone Management Authority (ANCZMA) vide letter dated 8th July, 2022 shall be complied with.*
- XI. *Consent to Establish/Operate for the project shall be obtained from the State Pollution Control Board as required under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974. The project proponent shall comply with the air pollution mitigation measures as submitted.*
- XII. *The Project proponent shall ensure that no creeks or rivers are blocked due to any activities at the project site and free flow of water is maintained.*
- XIII. *Necessary approvals to be taken during implementation and commissioning from statutory bodies concerned.*
- XIV. *Shoreline should not be disturbed due to dumping. Periodical study on shore line changes and coastal geomorphology shall be conducted and mitigation measures like living shoreline carried out in line with conservation plan. The details shall be submitted along with the six monthly monitoring report to the regional office of MoEFCC.*
- XV. *No trees will be cut at one go. These will be done in phased manner and depending on the progress of the work on an annual basis. Plan for cutting of trees should be developed by PP and got approved from state forest department. All trees which are exceptionally tall and old in age shall be safeguarded, as far as possible. A&NFD will mark all such trees and submit the species wise list to the Ministry and EAC and the regional office of MoEFCC before the infrastructure activities take place.*
- XVI. *Trees with nesting holes of endemic owls to be identified and geo-tagged with the help from SACON. Such trees shall be safeguarded, as far as possible.*
- XVII. *Some of the township clusters seems to have several defence installations abutted by commercial and tourism infrastructure thus PP shall obtain the recommendations from the Ministry of Defence and as suggested by them buffer zone will be maintained in between the defence installation and township cluster, commercial and tourism infrastructure.*

- XVIII. *The arterial road shall be developed in a phased matter. In the first phase, 30 m ROW shall be utilized and developed and the balance 25 m ROW shall be reserved for future expansion for Bus Rapid Transit (BRT) or Light Rail Transit (LRT). Need for development of remaining 25 m RoW will be reviewed by the project monitoring committee on biodiversity before its construction and after full capacity utilization of 30m RoW and evaluation by CSIR-Central Road Research Institute (CRRI). During that period the 25 m RoW shall be maintained in “as it is” condition.*
- XIX. *In the western coast of Galathea Bay excluding the defence installation and power plant, a buffer area of 500 mts from high tide line around Pemayya may be declared as Coastal Protection Area with no development within the area.*
- XX. *Safe wildlife corridors at eight (8) locations along the eastern side of the island connecting forest and seashore through via-ducts (elevated crossings) on the north south arterial road shall be provided. In addition to wildlife corridors, culverts and canopy crossings will be provided at appropriate locations for movement of wildlife. The chainage wise locations of the wildlife corridors has been identified by ZSI and Department of Environment & Forest. The width of the corridor ranges from 250 m to 1100 m and the eastern side of the corridors towards the seashore would be maintained as green area. SACON and WII may further suggest additional corridors and canopy crossings based on the data available with them and proposed studies. Representative of A&FFD will physically monitor that the same are implemented as stipulated in the EIA-EMP.*
- XXI. *The Mangrove Conservation and Management Plan for Great Nicobar Island has been prepared by the Department of Environment and Forests, A&N Administration with the budget of Rs.7.5 crores for mangrove conservation and management as part of EMP. PP shall strictly implement the same. The conservation plan shall adhere the strategies to restore and revive the mangrove areas through ecological restoration and redensification.*
- XXII. *No dredging activity should be taken in Rocky areas to avoid any type of Disaster. Dredge management plan with automatic monitoring sensors in port area, reclamation area to contain the impact of dredge spoil on marine ecosystem to be developed and to be overseen by nationally reputed institution such as NIOT or NIO.*
- XXIII. *All illumination for ICTT, Gas-based power plant and other infrastructure adjacent to sea turtle nesting areas must be in conformity with international standards and sea turtle friendly. No other type of illumination would be permitted. WII will develop illumination policy for the entire infrastructure and PP will ensure its implementation.*
- XXIV. *Dredging, sea reclamation activity for ICTT should take into account nesting and hatching time of sea turtles. Also it should be strictly following Dredging protocol and operational protocol as prepared by IUCN experts and Species Survival Commission’s Marine Turtle Specialist Group and revision, scrutiny, and follow-up of the processing time to time as per the expert opinion.*

- XXV. Movement of the ships within Galathea Bay once the ICTT is operational should take into account the movement of Leatherback Turtles. WII satellite data will aid ICTT operators to monitor movement and accordingly plan operations to avoid sea turtle collision risks. One scientist from WII and representative of A&NFD will be on boarded by ICTT operators for the environment monitoring cell as a part of their standard operating procedures. Adequate financial provisions be made by ICTT to meet the costs of both environmental cell and requirements of WII scientists including long term satellite tagging of Leatherback Sea Turtles.
- XXVI. Installation of deflectors to be done to clear turtles from the path of the suctioning equipment. Underwater silt/sediment dispersal preventing curtains to be deployed to avoid deposition of silt on sandy shores.
- XXVII. PP must explore and use non-conventional sources of energy in the form of solar, wind or tidal energy to bridge the deficit, if needed.
- XXVIII. A & N administration should establish within six month a Special Medical Unit along with state of art infrastructure, medicines and qualified medical staff at GNI to monitor human induced diseases due to expected influx of large population both domestic and international. All mechanism must be in place to ensure that Shompen and Nicobarese are not exposed to the risks related to introduced diseases. SOP and Guidelines will be developed by the Special Medical Unit for the same within 6 months from the grant of EC&CRZ. A provision of 100 Crore is recommended and PP is advised to accordingly revise EMP and submit the same to the Ministry and EAC within 30 days from the grant of EC and CRZ. PP is also directed to make these funds available for A&N Administration within 3 months from grant of EC and CRZ. Any additional funds required will be provided through special provisions by A&N Administration.
- XXIX. Forest department will establish hatcheries to ensure minimum 90% survival of hatchlings with onset of coming nesting season for Leatherback and other sea turtles, as presented during the EAC. Systematic data will be maintained for the same and reported to the regional office of the Ministry on annual basis.
- XXX. The existing island human population should be protected and if needed, ensure to provide the compensation instead of their agricultural/ residential Lands. The census of local as well as population from mainland should be documented.
- XXXI. Optimum number (minimum 2) of road side monitors (CAAQMS) at appropriate distance from the kerb of the road shall be fixed following the CPCB criteria to monitor biogenic VOCs, NO_x and PM_{2.5}.
- XXXII. Disposal of hazardous waste material would not be allowed in GNI including batteries, pesticides, organochlorines etc.
- XXXIII. The waste generated during construction and operation period of the project shall be managed as per the prevailing regulations on management of solid waste, plastic waste, e-waste, bio-medical waste, C&D waste and hazardous wastes issued in 2016 by the Ministry. The waste shall be segregated and should be

recycled/reused as per the regulatory provisions. No Municipal Landfills will be allowed in GNI. All rejects after the recycle/reuse of waste must be transported to mainland for its safe disposal. A separate application for TSDF shall be made to the Ministry in case of establishment of TSDF at GNI.

- XXXIV. For the first 5 years (Phase-I) of the project, power demand shall be met through Diesel Generators (DG). Phase I of project shall include construction and commissioning of 50MVA gas based power plant and floating solar power plant in water reservoirs. The combined installed capacity to 90 MVA through diesel and gas based power will further augmented by 20 MVA through first phase of solar power from 6th year. During 10-15 years (Phase-II), the power generation shall be augmented to 220 MVA by increasing the installed capacity of Gas based power plant to 150 MVA and increasing the Solar power generation by additional 50 MVA taking total Solar power generation to 70 MVA. During 15 – 30 years (Phase III) the Gas based power plant capacity shall be increased to 300 MVA and Solar power plant shall be augmented to 100 MVA.*
- XXXV. Additional storage facility for 7000 kl fuel, 4 ha of additional land at GNI has been provided considering the existing fuel storage capacity is inadequate to cater to increased fuel demand during construction. The area for the storage and hazard mitigation measures as stated in the revised EIA-EMP be followed strictly.*
- XXXVI. All the facilities such as port, powerplant and township etc., to be designed to withstand seismic and Tsunami hazard and detailed plan should be submitted to monitoring committee.*
- XXXVII. As stated by PP, a total number of 102 active mounds of Nicobar Megapode and their locations in GNI have been mapped by ZSI. Out of the 102 mounds, only 19 mounds are falling in the project area. Further, it is seen that several mounds are falling in the green area of the development and the same will be protected. SACON will thoroughly map exact locations of all such mounds falling in the green areas of development and A&N forest department will ensure that these are not disturbed during project development and accordingly advised to define safe buffer areas as advised by SACON for each mound and to be designated as NDZs.*
- XXXVIII. A&N Administration should develop tourism policy for GNI considering ecological sensitivities of the island. The tourism development will be guided by the GNI Tourism Policy. PP has to ensure that tourism development is consistent to this policy.*
- XXXIX. PP will establish a modern nature and science information center at GNI in consultation with National Council of Science Museum, Kolkatta (NCSM) an autonomous society under the Ministry of Culture, Government of India. PP is advised to write to NCSM seeking further assistance and develop a full proposal within 3 months from grant of EC&CRZ. All costs necessary for developing the center will be made available by PP. The center can also act as capacity building for operators of various infrastructure components of GNI holistic development. Accordingly, the Committee informed PP to revise the EMP provisions.*

- XL. *Use of vehicles or any recreational means on Sea Turtle nesting beaches will be strictly prohibited. Such beaches will be clearly marked as no-use zones by A&NFD. These will also be included in the Tourism Policy of GNI.*
- XLI. ***Three new sanctuaries are notified by A&N administration as follows towards mitigation measures. It will be ensured that these remains as sanctuaries with no further scope of denotification for any purposes.***
- a. ***Leatherback turtle sanctuary of 13.75 sq.km at Little Nicobar Island***
 - b. ***The entire Menchal Island of 1.29 sq.km as a Megapode Sanctuary.***
 - c. ***The entire Meroe Island of 2.73 sq.km as a Coral Sanctuary.***
- XLII. ***The recommendation from Standing Committee of NBWL under the Wildlife (Protection) Act, 1972 should be obtained, if applicable.***

STANDARD CONDITIONS:

A. International Container Transshipment Terminal (ICTT)

I. Statutory compliance

- (i) *Construction activity shall be carried out strictly according to the provisions of ICRZ Notification, 2019 and the Coastal Zone Management Plan as drawn up by the State/UT Government. No construction work other than those permitted in Coastal Regulation Zone Notification shall be carried out in Coastal Regulation Zone area.*
- (ii) *All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Coast Guard, Civil Aviation Department shall be obtained, as applicable by project proponents from the respective competent authorities.*

II. Air quality monitoring and preservation:

- (i) *The project proponent shall install system to carryout Ambient Air Quality monitoring for common/criterion parameters relevant to the main pollutants released (e.g. PM10 and PM2.5 in reference to PM emission, and SO2 and NOx in reference to SO2 and NOx emissions) within and outside the project area at least at four locations, covering upwind and downwind directions.*
- (ii) *Appropriate Air Pollution Control (APC) system shall be provided for all the dust generating points including fugitive dust from all vulnerable sources, so as to comply prescribed emission standards.*

- (iii) *Shrouding shall be carried out in the work site enclosing the dock/proposed facility area. This will act as dust curtain as well achieving zero dust discharge from the site. These curtain or shroud will be immensely effective in restricting disturbance from wind in affecting the dry dock operations, preventing waste dispersion, improving working conditions through provision of shade for the workers.*
- (iv) *Dust collectors shall be deployed in all areas where blasting (surface cleaning) and painting operations are to be carried out, supplemented by stacks for effective dispersion.*
- (v) *The Vessels shall comply the emission norms prescribed from time to time.*
- (vi) *Diesel power generating sets proposed as source of backup power should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use of low sulphur diesel. The location of the DG sets may be decided with in consultation with State Pollution Control Board.*

III. Water quality monitoring and preservation:

- (i) *The Project proponent shall ensure that no creeks or rivers are blocked due to any activities at the project site and free flow of water is maintained.*
- (ii) *Appropriate measures must be taken while undertaking digging activities to avoid any likely degradation of water quality. Silt curtains shall be used to contain the spreading of suspended sediment during dredging within the dredging area.*
- (iii) *No ships docking at the proposed project site will discharge its on-board waste water untreated in to the estuary/ channel. All such wastewater load will be diverted to the proposed Effluent Treatment Plant of the project site.*
- (iv) *Measures should be taken to contain, control and recover the accidental spills of fuel and cargo handle.*
- (v) *Total fresh water use shall not exceed the proposed requirement as provided in the project details. Prior permission from competent authority shall be obtained for use of fresh water.*
- (vi) *A certificate from the competent authority for discharging treated effluent/ untreated effluents into the Public sewer/ disposal/ drainage systems along with the final disposal point should be obtained.*
- (vii) *No diversion of the natural course of the river shall be made without prior permission from the Ministry of Water resources.*
- (viii) *All the erosion control measures shall be taken at water front facilities. Earth protection work shall be carried out*

to avoid erosion of soil from the shoreline/boundary line from the land area into the marine water body.

IV. Noise monitoring and prevention:

- (i) Noise level survey shall be carried as per the prescribed guidelines and report in this regard shall be submitted to Regional Officer of the Ministry as a part of six-monthly compliance report.*
- (ii) Noise from vehicles, power machinery and equipment on-site should not exceed the prescribed limit. Equipment should be regularly serviced. Attention should also be given to muffler maintenance and enclosure of noisy equipments.*
- (iii) Acoustic enclosures for DG sets, noise barriers for ground-run bays, ear plugs for operating personnel shall be implemented as mitigation measures for noise impact due to ground sources.*
- (iv) The ambient noise levels should conform to the standards prescribed under E(P)A Rules, 1986 viz. 75 dB(A) during day time and 70 dB(A) during night time.*

V. Energy Conservation measures:

- (i) Provide solar power generation on roof tops of buildings, for solar light system for all common areas, street lights, parking around project area and maintain the same regularly;*
- (ii) Provide LED lights in offices and project areas.*

VI. Waste management:

- (i) Shoreline should not be disturbed due to dumping. Periodical study on shore line changes shall be conducted and mitigation carried out, if necessary. The details shall be submitted along with the six monthly monitoring reports.*
- (ii) Necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that they conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986.*
- (iii) The solid wastes shall be managed and disposed as per the norms of the Solid Waste Management Rules, 2016.*
- (iv) Any wastes from construction and demolition activities related thereto shall be managed so as to strictly conform to the Construction and Demolition Waste Management Rules, 2016.*
- (v) A certificate from the competent authority handling municipal solid wastes should be obtained, indicating the*

existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from project.

- (vi) Used CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/ rules of the regulatory authority to avoid mercury contamination.*
- (vii) Oil spill contingency plan shall be prepared and part of DMP to tackle emergencies. The equipment and recovery of oil from a spill would be assessed. Guidelines given in MARPOL and Shipping Acts for oil spill management would be followed. Mechanism for integration of terminals oil contingency plan with the overall area contingency plan under the co-ordination of Coast should be covered.*

VII. Green Belt:

- (i) Green belt shall be developed in area as provided in project details with a native tree species in accordance with CPCB guidelines.*
- (ii) Top soil shall be separately stored and used in the development of green belt.*

VIII. Marine Ecology:

- (i) Dredging shall not be carried out during the fish breeding and spawning seasons.*
- (ii) Dredging, etc shall be carried out in the confined manner to reduce the impacts on marine environment.*
- (iii) The dredging schedule shall be so planned that the turbidity developed is dispersed soon enough to prevent any stress on the fish population.*
- (iv) A detailed marine biodiversity management plan shall be prepared through the NIO or any other institute of repute on marine, brackish water and fresh water ecology and biodiversity and submitted to and implemented to the satisfaction of the State Biodiversity Board and the CRZ authority. The report shall be based on a study of the impact of the project activities on the intertidal biotopes, corals and coral communities, molluscs, sea grasses, sea weeds, sub-tidal habitats, fishes, other marine and aquatic micro, macro and mega flora and fauna including benthos, plankton, turtles, birds etc. as also the productivity. The data collection and impact assessment shall be as per standards survey methods and include underwater photography.*
- (v) Marine ecology shall be monitored regularly also in terms of sea weeds, sea grasses, mudflats, sand dunes, fisheries, echinoderms, shrimps, turtles, corals, coastal vegetation, mangroves and other marine biodiversity components including all micro, macro and mega floral and faunal components of marine biodiversity.*

- (vi) *The project proponent shall ensure that water traffic does not impact the aquatic wildlife sanctuaries that fall along the stretch of the river.*

B. Township & Area development

I. Statutory compliance:

- (i) *The project proponent shall obtain all necessary clearance/ permission from all relevant agencies including town planning authority before commencement of work. All the construction shall be done in accordance with the local building byelaws.*
- (ii) *The approval of the Competent Authority shall be obtained for structural safety of buildings due to earthquakes, adequacy of firefighting equipment etc. as per National Building Code including protection measures from lightening etc.*
- (iii) *The project proponent shall obtain forest clearance under the provisions of Forest (Conservation) Act, 1980, in case of the diversion of forest land for non-forest purpose involved in the project.*
- (iv) *The project proponent shall obtain Consent to Establish/ Operate under the provisions of Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974 from the concerned State Pollution Control Board/ Committee.*
- (v) *The project proponent shall obtain the necessary permission for drawl of ground water/ surface water required for the project from the competent authority.*
- (vi) *All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department shall be obtained, as applicable, by project proponents from the respective competent authorities.*
- (vii) *The provisions of the Solid Waste Management Rules, 2016, e-Waste (Management) Rules, 2016, and the Plastics Waste Management Rules, 2016, shall be followed.*
- (viii) *The project proponent shall follow the ECBC/ECBC-R prescribed by Bureau of Energy Efficiency, Ministry of Power strictly.*

II. Air quality monitoring and preservation:

- (i) *Notification GSR 94(E) dated 25.01.2018 of MoEF&CC regarding Mandatory Implementation of Dust Mitigation Measures for Construction and Demolition Activities for projects requiring Environmental Clearance shall be complied with.*
- (ii) *A management plan shall be drawn up and implemented to contain the current exceedance in ambient air quality at the site.*
- (iii) *The project proponent shall install system to carryout Ambient Air Quality monitoring for common/criterion parameters relevant to the main pollutants released (e.g.*

- PM10 and PM2.5) covering upwind and downwind directions during the construction period.*
- (iv) Diesel power generating sets proposed as source of backup power should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use of low sulphur diesel. The location of the DG sets may be decided with in consultation with State Pollution Control Board.*
 - (v) Construction site shall be adequately barricaded before the construction begins. Dust, smoke & other air pollution prevention measures shall be provided for the building as well as the site. These measures shall include screens for the building under construction, continuous dust/ wind breaking walls all around the site (at least 3-meter height). Plastic/tarpaulin sheet covers shall be provided for vehicles bringing in sand, cement, murrum and other construction materials prone to causing dust pollution at the site as well as taking out debris from the site.*
 - (vi) Sand, murrum, loose soil, cement, stored on site shall be covered adequately so as to prevent dust pollution.*
 - (vii) Wet jet shall be provided for grinding and stone cutting.*
 - (viii) Unpaved surfaces and loose soil shall be adequately sprinkled with water to suppress dust.*
 - (ix) All construction and demolition debris shall be stored at the site (and not dumped on the roads or open spaces outside) before they are properly disposed. All demolition and construction waste shall be managed as per the provisions of the Construction and Demolition Waste Management Rules 2016.*
 - (x) The diesel generator sets to be used during construction phase shall be low sulphur diesel type and shall conform to Environmental (Protection) prescribed for air and noise emission standards.*
 - (xi) The gaseous emissions from DG set shall be dispersed through adequate stack height as per CPCB standards. Acoustic enclosure shall be provided to the DG sets to mitigate the noise pollution. Low sulphur diesel shall be used. The location of the DG set and exhaust pipe height shall be as per the provisions of the Central Pollution Control Board (CPCB) norms.*
 - (xii) For indoor air quality the ventilation provisions as per National Building Code of India.*

III. Water quality monitoring and preservation:

- (i) The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site, on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rain water.*
- (ii) Buildings shall be designed to follow the natural topography as much as possible. Minimum cutting and filling should be done.*

- (iii) Total fresh water use shall not exceed the proposed requirement as provided in the project details.
- (iv) The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project proponent. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.
- (v) A certificate shall be obtained from the local body supplying water, specifying the total annual water availability with the local authority, the quantity of water already committed, the quantity of water allotted to the project under consideration and the balance water available. This should be specified separately for ground water and surface water sources, ensuring that there is no impact on other users.
- (vi) At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
- (vii) Installation of dual pipe plumbing for supplying fresh water for drinking, cooking and bathing etc and other for supply of recycled water for flushing, landscape irrigation, car washing, thermal cooling, conditioning etc. shall be done.
- (viii) Use of water saving devices/fixtures (viz. low flow flushing systems; use of low flow faucets tap aerators etc) for water conservation shall be incorporated in the building plan.
- (ix) Separation of grey and black water should be done by the use of dual plumbing system. In case of single stack system separate recirculation lines for flushing by giving dual plumbing system be done.
- (x) Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.
- (xi) The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Byelaws, 2016. Rain water harvesting recharge pits/storage tanks shall be provided for ground water recharging as per the CGWB norms.
- (xii) A rain water harvesting plan needs to be designed where the recharge bores of minimum one recharge bore per 5,000 square meters of built up area and storage capacity of minimum one day of total fresh water requirement shall be provided. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority.
- (xiii) All recharge should be limited to shallow aquifer.
- (xiv) No ground water shall be used during construction phase of the project.
- (xv) Any ground water dewatering should be properly managed and shall conform to the approvals and the guidelines of the CGWA in the matter. Formal approval shall be taken from the CGWA for any ground water abstraction or dewatering.
- (xvi) The quantity of fresh water usage, water recycling and rainwater harvesting shall be measured and recorded to monitor the water balance as projected by the project

- proponent. The record shall be submitted to the Regional Office, MoEF&CC along with six monthly Monitoring reports.
- (xvii) Sewage shall be treated in the STP with tertiary treatment. The treated effluent from STP shall be recycled/re-used for flushing, AC make up water and gardening. As proposed, no treated water shall be disposed in to municipal drain.
 - (xviii) No sewage or untreated effluent water would be discharged through storm water drains.
 - (xix) Onsite sewage treatment of capacity of treating 100% waste water to be installed. The installation of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the Ministry before the project is commissioned for operation. Treated waste water shall be reused on site for landscape, flushing, cooling tower, and other end-uses. Excess treated water shall be discharged as per statutory norms notified by Ministry of Environment, Forest and Climate Change. Natural treatment systems shall be promoted.
 - (xx) Periodical monitoring of water quality of treated sewage shall be conducted. Necessary measures should be made to mitigate the odour problem from STP.
 - (xxi) Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organization (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013.

IV. Noise monitoring and prevention:

- i. Ambient noise levels shall conform to residential area/commercial area/industrial area/silence zone both during day and night as per Noise Pollution (Control and Regulation) Rules, 2000. Incremental pollution loads on the ambient air and noise quality shall be closely monitored during construction phase. Adequate measures shall be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB / SPCB.
- ii. Noise level survey shall be carried as per the prescribed guidelines and report in this regard shall be submitted to Regional Officer of the Ministry as a part of six-monthly compliance report.
- iii. Acoustic enclosures for DG sets, noise barriers for ground-run bays, ear plugs for operating personnel shall be implemented as mitigation measures for noise impact due to ground sources.

V. Energy Conservation measures:

- i. Compliance with the Energy Conservation Building Code (ECBC) of Bureau of Energy Efficiency shall be ensured. Buildings in the States which have notified their own ECBC, shall comply with the State ECBC.
- ii. Outdoor and common area lighting shall be LED.
- iii. Concept of passive solar design that minimize energy consumption in buildings by using design elements, such as building orientation, landscaping, efficient building envelope, appropriate fenestration, increased day lighting design and thermal mass etc. shall be incorporated in the building design. Wall, window, and roof u-values shall be as per ECBC specifications.

- iv. *Energy conservation measures like installation of CFLs/LED for the lighting the area outside the building should be integral part of the project design and should be in place before project commissioning.*
- v. *Solar, wind or other Renewable Energy shall be installed to meet electricity generation equivalent to 1% of the demand load or as per the state level/ local building bye-laws requirement, whichever is higher.*
- vi. *Solar power shall be used for lighting in the apartment to reduce the power load on grid. Separate electric meter shall be installed for solar power. Solar water heating shall be provided to meet 20% of the hot water demand of the commercial and institutional building or as per the requirement of the local building bye-laws, whichever is higher. Residential buildings are also recommended to meet its hot water demand from solar water heaters, as far as possible.*

VI. Waste Management:

- i. *A certificate from the competent authority handling municipal solid wastes, indicating the existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from project shall be obtained.*
- ii. *Disposal of muck during construction phase shall not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.*
- iii. *Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Solid waste shall be segregated into wet garbage and inert materials.*
- iv. *Organic waste compost/Vermiculture pit/Organic Waste Converter within the premises with a minimum capacity of 0.3 kg /person/day must be installed.*
- v. *All non-biodegradable waste shall be handed over to authorized recyclers for which a written tie up must be done with the authorized recyclers.*
- vi. *Any hazardous waste generated during construction phase, shall be disposed off as per applicable rules and norms with necessary approvals of the State Pollution Control Board.*
- vii. *Use of environment friendly materials in bricks, blocks and other construction materials, shall be required for at least 20% of the construction material quantity. These include Fly Ash bricks, hollow bricks, AACs, Fly Ash Lime Gypsum blocks, Compressed earth blocks, and other environment friendly materials.*
- viii. *Fly ash should be used as building material in the construction as per the provision of Fly Ash Notification of September, 1999 and amended as on 27th August, 2003 and 25th January, 2016. Ready mixed concrete must be used in building construction.*
- ix. *Any wastes from construction and demolition activities related thereto shall be managed so as to strictly conform to the Construction and Demolition Waste Management Rules, 2016.*

- x. *Used CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines/ rules of the regulatory authority to avoid mercury contamination.*

VII. Green Cover:

- i. *A minimum of 1 tree for every 80 sqm of land should be planted and maintained. The existing trees will be counted for this purpose. The landscape planning should include plantation of native species. The species with heavy foliage, broad leaves and wide canopy cover are desirable. Water intensive and/or invasive species should not be used for landscaping.*
- ii. *Topsoil should be stripped to a depth of 20 cm from the areas proposed for buildings, roads, paved areas, and external services. It should be stockpiled appropriately in designated areas and reapplied during plantation of the proposed vegetation on site.*

VIII. Transport

- i. *A comprehensive mobility plan, as per MoUD best practices guidelines (URDPFI), shall be prepared to include motorized, non-motorized, public, and private networks. Road should be designed with due consideration for environment, and safety of users. The road system can be designed with these basic criteria.*
 - a. *Hierarchy of roads with proper segregation of vehicular and pedestrian traffic.*
 - b. *Traffic calming measures.*
 - c. *Proper design of entry and exit points.*
 - d. *Parking norms as per local regulation.*
- ii. *Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards be operated only during non-peak hours.*
- iii. *A detailed traffic management and traffic decongestion plan shall be drawn up to ensure that the current level of service of the roads within a 05 kms radius of the project is maintained and improved upon after the implementation of the project. This plan should be based on cumulative impact of all development and increased habitation being carried out or proposed to be carried out by the project or other agencies in this 05 Kms radius of the site in different scenarios of space and time and the traffic management plan shall be duly validated and certified by the State Urban Development department and the P.W.D./competent authority for road augmentation and shall also have their consent to the implementation of components of the plan which involve the participation of these departments.*

C. 450 MVA Gas and Solar based power plant.

I. Statutory Compliance

- i. Part C of Schedule II of Municipal Solid Wastes Rules, 2016 dated 08.04.2016 as amended from time to time shall be complied for power plants based on Municipal Solid Waste.
- ii. The recommendation from Standing Committee of NBWL under the Wildlife (Protection) Act, 1972 should be obtained, if applicable.
- iii. No Objection Certificate from Ministry of Civil Aviation be obtained for installation of requisite chimney height and its siting criteria for height clearance.
- iv. Groundwater shall not be drawn during construction of the project. In case, groundwater is drawn during construction, necessary permission be obtained from CGWA.

II. Air quality monitoring and Management:

- i. Stacks of prescribed height shall be provided with continuous online monitoring instruments for SOX, NOx and Particulate Matter as per extant rules.
- ii. Exit velocity of flue gases shall not be less than 20-25 m/s. Mercury emissions from stack shall also be monitored periodically.
- iii. Continuous Ambient Air Quality monitoring system shall be set up to monitor common/criteria pollutants from the flue gases such as PM10, PM2.5, SO2, NOX within the plant area at least at one location. The monitoring of other locations (at least three locations outside the plant area covering upwind and downwind directions at an angle of 120° each) shall be carried out manually.
- iv. Appropriate Air Pollution Control measures (DEs/DSs) be provided at all the dust generating sources including sufficient water sprinkling arrangements at various locations viz., roads, excavation sites, crusher plants, transfer points, loading and unloading areas, etc.

III. Noise pollution and its control measures:

- i. The Ambient Noise levels shall meet the standards prescribed as per the Noise Pollution (Regulation and Control) Rules, 2000.
- ii. Persons exposed to high noise generating equipment shall use Personal Protective Equipment (PPE) like earplugs/ear muffs, etc.
- iii. Periodical medical examination on hearing loss shall be carried out for all the workers and maintain audiometric record and for treatment of any hearing loss including rotating to non-noisy/less noisy areas.

IV Human Health Environment:

- i. Bi-annual Health check-up of all the workers is to be conducted. The study shall take into account of chronic exposure to noise which may lead to adverse effects like increase in heart rate and blood pressure, hypertension and peripheral vasoconstriction and thus increased peripheral vascular resistance. Similarly, the

study shall also assess the health impacts due to air polluting agents.

- ii. *Baseline health status within study area shall be assessed and report be prepared. Mitigation measures should be taken to address the endemic diseases.*
- iii. *Impact of operation of power plant on agricultural crops, large water bodies (as applicable) once in two years by engaging an institute of repute. The study shall also include impact due to heavy metals associated with emission from power plant.*
- iv. *Sewage Treatment Plant shall be provided for domestic wastewater.*

V. Risk Mitigation and Disaster Management:

- i. *Storage facilities for auxiliary liquid fuel such as LDO and HFO/LSHS shall be made as per the extant rules in the plant area in accordance with the directives of Petroleum & Explosives Safety Organisation (PESO). Sulphur Content in the liquid fuel should not exceed 0.5%.*
- ii. *Ergonomic working conditions with First Aid and sanitation arrangements shall be made for the drivers and other contract workers during construction phase.*
- iii. *Safety management plan based on Risk Assessment shall be prepared to limit the risk exposure to the workers within the plant boundary.*
- iv. *Regular mock drills for on-site emergency management plan and Integrated Emergency Response System shall be developed for all kind of possible disaster situations.*

D Public hearing and human health issues:

- (i) *The work space shall be maintained as per international standards for occupational health and safety with provision of fresh air respirators, blowers, and fans to prevent any accumulation and inhalation of undesirable levels of pollutants including VOCs.*
- (ii) *Workers shall be strictly enforced to wear personal protective equipments like dust mask, ear muffs or ear plugs, whenever and wherever necessary/ required. Special visco-elastic gloves will be used by labour exposed to hazards from vibration.*
- (iii) *In case of repair of any old vessels, excessive care shall be taken while handling Asbestos & Freon gas. Besides, fully enclosed covering should be provided for the temporary storage of asbestos materials at site before disposal to CTSDF.*
- (iv) *Safety training shall be given to all workers specific to their work area and every worker and employee will be engaged in fire hazard awareness training and mock drills which will be conducted regularly. All standard safety and occupational hazard measures shall be implemented and monitored by the concerned officials to prevent the*
- (v) *occurrence of untoward incidents/ accidents.*
- (vi) *Emergency preparedness plan based on the Hazard identification and Risk Assessment (HIRA) and Disaster Management Plan shall be implemented.*

- (vii) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
- (viii) Occupational health surveillance of the workers shall be done on a regular basis.

E. Environment Responsibility:

- (i) The company shall have a well laid down environmental policy duly approved by the Board of Directors. The environmental policy should prescribe for standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental / forest / wildlife norms/ conditions. The company shall have defined system of reporting infringements / deviation / violation of the environmental / forest / wildlife norms / conditions and / or shareholders / stake holders. The copy of the board resolution in this regard shall be submitted to the MoEF&CC as a part of six-monthly report.
- (ii) Action plan for implementing EMP and environmental conditions along with responsibility matrix of the company shall be prepared and shall be duly approved by competent authority. The year wise funds earmarked for environmental protection measures shall be kept in separate account and not to be diverted for any other purpose. Year wise progress of implementation of action plan shall be reported to the Ministry/Regional Office along with the Six Monthly Compliance Report.
- (iii) Self-environmental audit shall be conducted annually. Every three years third party environmental audit shall be carried out.

F. Miscellaneous:

- (i) The project proponent shall make public the environmental clearance granted for their project along with the environmental conditions and safeguards at their cost by prominently advertising it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days and in addition this shall also be displayed in the project proponent's website permanently.
- (ii) The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
- (iii) The project proponent shall upload the status of compliance of the stipulated environment clearance conditions, including results of monitored data on their website and update the same on half-yearly basis.
- (iv) The project proponent shall submit six-monthly reports on the status of the compliance of the stipulated environmental conditions on the website of the ministry of Environment, Forest and Climate Change at environment clearance portal.

- (v) *The project proponent shall submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company.*
- (vi) *The criteria pollutant levels namely; PM2.5, PM10, SO2, NOx (ambient levels) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.*
- (vii) *The project proponent shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities, commencing the land development work and start of production operation by the project.*
- (viii) *The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.*
- (ix) *The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP report, commitment made during Public Hearing and also that during their presentation to the Expert Appraisal Committee.*
- (x) *No further expansion or modifications in the project shall be carried out without prior approval of the Ministry of Environment, Forests and Climate Change (MoEF&CC).*
- (xi) *Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.*
- (xii) *The Ministry may revoke or suspend the clearance, if implementation of any of the above conditions is not satisfactory under the provisions of the Environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.*
- (xiii) *The Ministry reserves the right to stipulate additional conditions if found necessary. The Company in a time bound manner shall implement these conditions.*
- (xiv) *The Regional Office of this Ministry shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information/ monitoring reports.*
- (xv) *The above conditions shall be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 along with their amendments and Rules and any other orders passed by the Hon'ble Supreme Court of India / High Courts and any other Court of Law relating to the subject matter.”*

Appellants' contentions

7. Main contentions in the appeal are that the project will have adverse impact on rich bio-diversity of the area and damage the habitats of the

endangered species. Galathea bay is nesting ground for birds and the area is also part of CRZ-IA & IB. Location of port is expressly prohibited in CRZ-IA area, having presence of huge number of coral colonies. It will also lead to erosion of the coast. **Only one season data has been taken as against requirement of taking data for three seasons for comprehensive impact assessment**, studies have not been conducted as per ToR, turtle nesting sites will be disturbed, harm will be caused to dolphins and other species by dredging, consideration of sea level rise has also not been kept in mind. In power plant, apart from generation of power by solar and gas sources, 15% generation of power will be by diesel. Impact of combustion of diesel has not been considered. The area is a part of seismic zone-V having potential for disasters which aspect has not been considered. As per government policy, Shompen tribes and Nicobari communities have to be kept isolated which aspect has not been considered, ignoring Forest Rights Act, 2006 and Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956. EIA is not by accredited consultancy. There are two national parks - Campbell Bay National Park (in the North) and Galathea National Park (in the South) which will be adversely impacted.

Stand of the respondents

8. Stand of the MoEF&CC is that the proper appraisal has been conducted by the EAC in its meetings. EAC comprised not only members of Infra-I sector but also Member Secretaries of the Infra- II sector, Thermal sector and Nuclear, Defence and Strategic (NDS) sector, Coastal Regulation Zone (CRZ) sector for comprehensive appraisal of the various components of the Project both before grant of the ToR and thereafter at the time of appraisal for grant of the EC/CRZ Clearance. The project proponent was awarded detailed Terms of Reference with

18 specific ToRs for the ICTT, 23 specific ToRs for the Airport, 12 specific ToRs for the Township and Area Development Project and 52 specific ToRs for the Gas and Solar Based Power Plant, in addition to Special Conditions and all standard ToR conditions as applicable to such projects. A public hearing was held involving 138 participants on 27.01.2022. EIA Report was received on 7.03.2022. Thereafter, the project was again deliberated upon at the 293rd, 297th and 306th meetings of the EAC, before the Environmental Clearance was finally accorded on 4.11.2022. The Environmental Clearance accorded contains as many as 42 specific conditions dealing with each component of the project, in addition to all standard conditions applicable to each component dealing with statutory compliances, air quality monitoring and preservation, water quality monitoring and preservation, noise monitoring and preservation, energy conservation measures, waste management, green belt, marine ecology, transport, human health environment and mitigation and disaster management. Out of these specific conditions, the first condition itself comprises of 9 further sub-conditions dealing with (i) Leatherback Turtles (ii) Nicobar Megapode (iii) Saltwater Crocodile (iv) Impact of invasive species on native flora (v) Impact on inter-tidal flora and fauna (vi) Nicobar Macaque, Robber Crab and other endemic bird species of Greater Nicobar (vii) Mangrove Restoration (viii) Coral translocation and (ix) Welfare of local tribal population of Shompen and Nicobarese. PP has been asked to undertake studies as follows:-

“

- (i) *Independent evaluation of impact of proposed port site at Galathea Bay by engaging a nationally recognized institute such as Zoological Survey of India ("ZSI") or Salim Ali Centre for Ornithology and Natural History ("SACON") or the Wildlife Institute of India ("WIT") or a consortium of these institutes.*

- (ii) *Independent study for the assessment of biodiversity and Wildlife value of all alternative port sites by engaging nationally reputed institutes like WII, ZSI, SACON or the Indian Institute for Science ("IISc").*
- (iii) *Comprehensive study of the impact of dredging and reclamation and port operations by ZSI, SACON or WII or a consortium of these institutes*
- (iv) *A specific study on the impact of the proposed development on migratory birds by ZSI, SACON or WII covering both inward and return migration period.*
- (v) *Involvement of an independent organization with specialized skill such as IIT, NIOT, NCCR, NIO, etc. for technical aspects of site selection of the port as well reputed research institutes such as WII, ZSI, SACON for ecological assessment.*
- (vi) *In addition to the above, the Project Proponent also undertook multiple studies through reputed agencies during the preparation of an environmentally sound Environmental Management Plan ("EMP") such as: Marine Ecological Conservation of Island Fauna Diversity and Marine Ecological Studies, Comprehensive conservation plan for Nicobar Megapode, an assessment of the Environmental sensitiveness of sea turtle nesting beaches of the Great Nicobar island, Environmental Baseline Data Monitoring, Socio-Economic Survey, Environmental Impact Assessment Study, Topographic survey through helicopter mounted LIDAR and OLS Survey, Mathematical Modelling Study, Oceanographic Study, Hydrographic Survey and Bathymetric & Geophysical Survey, Soil Investigation Study, Traffic & Market Analysis for Port."*

9. It is further stated that there are stringent conservation and mitigation measures keeping in mind the need to balance the defence and strategic requirements of the Nation along with the seminal importance that is owed to the biodiversity and natural habitat of the region. Some of such measures are:-

- (i) *WII would establish a long-term field research unit in the Andaman & Nicobar specifically for undertaking uninterrupted turtle research and carrying out necessary conservation interventions if required*
- (ii) *WII and SACON would undertake comprehensive conservation measures for the endemic Nicobar Megapod, and two fail proposal for the same are to be submitted to the Project Proponent with a copy to the Answering Respondent.*

- (iii) *The Project Proponent would release funds within three months to the WII and A&N Forest Department for conservation measures for saltwater crocodiles*
- (iv) *SACON would develop a detailed proposal for the conservation of the Nicobar Macaque, Robber Crab and other endemic bird species of Great Nicobar, which would then be implemented by the Project Proponent.*
- (v) *Over and above all other conservation proposals, the Project Proponent is to separately provide funds to the A&N Forest Department for the complete oversee of the conservation and mitigation work, infrastructure and operation costs towards implementation of Leatherback Sea Turtle, Nicobar Megapod, Saltwater Crocodile management and other endemeic flora and fauna conservation.*
- (vi) *Three independent monitoring committees are to be established by the Project Proponent for implementation of the Environment Management Plan, i.e. - one committee would oversee all pollution related matters, one committee would oversee the implementation of biodiversity related conditions and the third committee would oversee welfare and issues related to the Shompen and Nicobarese tribal populations.*
- (vii) *Safe wildlife corridors at 8 locations along the eastern side of the island would be created.*
- (viii) *The Mangrove Conservation and Management Plan for Greater Nicobar Island prepared by the A&N Administration would be adhered to.*
- (ix) *The Coral Conservation Plan prepared by Zoological Survey of India (ZSI) addresses both the conservation strategies for coral colonies around Great Nicobar Island (GNI) as well as translocation strategies for ten hectares of impacted corals.*
- (x) *Various restrictions on dredging, construction activity, waste management, disease control etc. have all be provided for within the Environmental Clearance.”*

10. The Tribals were duly represented at the public hearing and they will not be displaced. **The EAC has inter alia noted that - (i) the project will not disturb or displace any Shompen/Nicobari tribal or their habitation (ii) there will be a clear demarcation of land so that there is no scope of conflict arising in future, and (iii) the habitat rights of the tribal persons will be duly taken care of as per the provisions of Forest Rights Act in the unlikely event that any issue in this regard should arise. Further, the Environmental Clearance mandates that**

Project Proponent constitutes a specific committee to oversee all issues related to welfare of the Tribal population.

11. Further, **the project area does not fall within the boundary of any National Park or Wildlife Sanctuary or their Eco-Sensitive Zones and therefore, the project is not proposed to be established in any Eco Sensitive Zone of any Protected Area contrary to what has been claimed in the present appeal.** The Project Proponent further submitted that the project site is outside the Ecologically Sensitivity Zone (ESZ) notified around the two National Parks. The EAC, therefore directed the Project Proponent that **parts of the proposed master plan for Ports which are falling within CRZ IA and IB areas shall be excluded from the revised layout of master plan in order to safeguard the ecological sensitive areas of the coastal areas.** Inland Coastal Regulation Zone plans of Great Nicobar island as per ICRZ Notification, 2019 has been approved by the answering Respondent vide letter dated 1st June, 2021 i.e. before the grant of EC/CRZ clearance.

12. The diversion of forest for the instant project is as per the provisions of the National Forest Policy, 1988, which says that in hills and in mountain regions, the aim should be to maintain two-third of the area under forest cover. **Despite the diversion of proposed forest land for this project in Great Nicobar Island, the remaining forest cover still be more than two-third of the geographical area of island.** Moreover, if the proposed area with respect to the entire forest area of the A&N island is considered, it amounts to only 1.82%. It is also respectfully submitted that the area proposed for development is approximately 18% of the total area in Great Nicobar island. Remaining area of 82% covered under Protected Forests, National Parks, Eco Sensitive Zones and Biosphere Reserve and managed for conservation

of biodiversity at ecosystem, species and genetic levels. Thus, 82% of Great Nicobar Island will be protected and conserved to take care of ecosystem structure, functions and services. The Answering Respondent is also monitoring the steps being taken towards Compensatory Afforestation in this regard. Stage- 1 Clearance under the Forest Conservation Act, 1980 has been correctly accorded. In this regard, the answering Respondent respectfully submits that the proposal received from the UT administration was placed before the Forest Advisory Committee (FAC) in its meeting held on 21.09.2022. Keeping in view the strategic nature of the project, the meeting of the FAC was held separately and the minutes of the said meeting are therefore not available in public domain.

13. **Stand of the PP** is that the **project is for holistic development of Great Nicobar Island in view of its strategic, security and socio economic benefits.** It will transform the Island into a hub of port led development. NITI Aayog has studied and planned the holistic development of identified Islands. A&N Administration vide order dated 28.07.2020 appointed Andaman Nicobar Island Integrated Development Corporation Ltd. (ANIIDCO) as Project Proponent for development of various projects in question. On 18.12.2020, the NITI Aayog appointed a qualified Technical Consultant for preparation of Master Plan for Holistic of Great Nicobar Island who carried out land suitability assessment, eco sensitivity analysis, and carrying capacity assessment to delineate all environmentally sensitive areas and to provide a development suitability map of the Island. Accordingly, **EIA study has been undertaken to identify and analyse impact of the project on the environment and suggest various mitigation measures to ensure that the development takes place with minimal environmental and social impact.** Further, in compliance of the

Terms of Reference (ToR) issued by MoEF&CC vide letter dated 25.05.2021, assistance of technical organizations/institutions with expertise in ecological and biodiversity studies such as ZSI, WII, SACON etc. was taken for ecological assessment and their studies/ reports are part of the EIA report. As per the terms & conditions of grant of EC & CRZ Clearance vide letter dated 4.11.2022, wildlife conservation plans have been prepared for leatherback sea turtle, nicobar megapode, salt water crocodile, inter tidal flora 86 fauna, mangroves, nicobar macaque, robber crab, other endemic bird species and corals in consultation with Wildlife Institute of India (WII), Zoological Survey of India (ZSI), Salim Ali Centre for Ornithology and Natural History (SACON), Botanical Survey of India (BSI) and Institute of Forest Management (IIFM). Fund for the wildlife conservation plans shall be released to the institutes by the Respondent No. 2. Further, as per the terms & conditions of grant of EC & CRZ Clearance, three independent committees have been set upto oversee pollution related matters, biodiversity and welfare & issues related to Shopmen and Nicobarese tribes. The Government of India (GOI) has adopted a proactive policy aimed at transforming the Andaman and Nicobar Islands (A&N Islands), as an economic hub. Strategically located, the A&N Islands, larger than several island countries in themselves, are an asset in India's cultural, economic and strategic calculus. **The project will strengthen India's presence in the Andaman Sea and in Southeast Asia; and will create an economic hub with a major cargo transshipment terminal and a global tourism destination. The location of the project, besides being of strategic importance, presents immense opportunities to further strengthen India's trading position in the world by developing an International Transshipment terminal. A new transshipment port at GNI can be competitive because of the cost savings that shippers can realize using feeder ships to service ports around the rim of the Bay of Bengal.**

A new port at GNI highlights its locational advantages over competing ports in the region for accessing ports in Bay of Bengal region. The importance of the said project would further be evident from the following facts:

- a) The Andaman and Nicobar Islands constitute just 0.2 per cent of India's landmass but account for 30 per cent of the country's 200-nautical-mile Exclusive Economic Zone (EEZ).
- b) Great Nicobar Island is the largest of the Nicobar group of Islands which represents a huge, strategically located land mass in the Bay of Bengal, whose economic potential and strategic importance is enormous.

14. It is further stated that the project plan ensures that both development and environment go hand in hand. It is stated that the appeals are focusing only on environment without considering development. Both are to be considered. Reference has been made to judgement in Citizens For Green Doon and Others Versus Union of India and Others (2021 SCC OnLine SC 1243) pertaining to the Char Dham project. It is further stated that only 166.1 sq. km of area is proposed for development which is approximately 2% of the total area of A & N Islands. Further, 130.75 sq. km of forest area is proposed to be diverted for the project which is only approximately 1.82% of the total forest area of A & N Islands. A&N Administration is allowed to accept and process the Forest Clearance applications through offline mode as per Ministry's letter dated 12.06.2015. The PP filed online Terms of Reference (ToR) application to MoEF&CC on 03.03.2021 which was considered in the meeting of the Expert Appraisal Committee (EAC) and ToR was issued on 25.05.2021. The draft Environmental Impact Assessment (EIA) report was uploaded on the MoEF&CC portal on 24.12.2021. The public hearing on the draft EIA report

was held on 27.01.2022. Final EIA report, after incorporating the written suggestions/ objections and public hearing, was uploaded on the MoEF&CC portal on 07.03.2022. The EAC in its meeting held on 24.03.2022, considered the proposal and MoEF&CC on 4.11.2022 granted EC & CRZ clearance. A comprehensive EIA study was undertaken by QCI-NABET accredited consultants to evaluate environmental impact and identifying mitigation measures for the project. The following studies were undertaken as part of the EIA study by various technical organizations:

- Marine Ecological Conservation of Island Fauna Diversity and Marine Ecological Studies.
- An assessment of the Environmental sensitiveness of sea turtle nesting beaches of the Great Nicobar Island.
- Environmental Baseline Data Monitoring, Socio-Economic Survey, Environmental Impact Assessment Study.
- Topographic survey through helicopter mounted LIDAR and OLS Survey.
- Mathematical Modelling Study.
- Oceanographic Study, Hydrographic Survey and Bathymetric & Geophysical Survey.
- Soil Investigation Study.
- Traffic & Market Analysis for Port.

As part of the EIA study, alternate site analysis for Port, Airport and Power Plant were undertaken and requirement for power, water and solid waste management were worked out. Thereafter, baseline environmental studies for air, water, noise & ecological attributes were undertaken. **Mathematical modelling was undertaken for the Port project for shoreline changes, transportation study was undertaken for working out details of road network, impact assessment**

&mitigation measures for land environment, reclamation, change in coastline/shoreline, air emissions, noise pollution, waste water, solid waste, social ecology, coral reef, etc. were worked out; risk assessment study was undertaken for Port, Airport, Power Plant considering earthquake, tsunami, cyclone for preparation of management plan. Information and data obtained during the course of these studies were part of the comprehensive EIA report submitted to MoEF&CC. The Pollution Control Committee (PCC) uploaded the draft EIA report on the website of A&N Administration and after due publicity in local and mainland newspapers, broadcasting the information regarding public hearing in All India Radio (AIR) and Doordarshan, conducted public hearing on the draft EIA report on 27.01.2022 at 11.00 am in the community hall, Gram Panchayat, Campbell Bay, Nicobar District under the chairmanship of Deputy Commissioner (Nicobar). 138 participants including tribals, settlers, representatives of Tribal Council and Andaman Adim Janjati Vikas Samiti attended the public hearing alongwith the officials of A & N Administration. Written comments were received from 12 organizations/persons and 14 persons gave their comments during public hearing. All the written comments and verbal comments received during the public hearing were responded and the reply is part of the EIA report. The final EIA report after incorporating the written suggestions/objections and public hearing was uploaded on the MoEF&CC portal on 07.03.2022. Detailed site alternative analysis has been undertaken as part of EIA to identify the best location for Port, Airport and Power Plant. **Alternate site analysis has been carried out as part of EIA wherein multi criteria analysis of alternate site have been undertaken considering factors like land development, cost risk, dredging requirement, environmental issues, tribal, breakwater, etc. which is mentioned under Analysis of Alternatives under**

Chapter 5 of the EIA report. As per the alternate site analysis, Galathea Bay appears to be the most feasible in terms of technical, environmental and financial parameters, and was thus selected for further detailed evaluation.

15. The proposed development is integrated in nature and includes port, airport, power plant and all supporting infrastructure within the township. The township development provides all social and infrastructure amenities required to support the proposed development. The trunk infrastructure thus proposed spreads from North of Campbell Bay to Galathea Bay including seven revenue villages within project boundary. **As the availability of non-forest land is very limited in Great Nicobar Island and to have the integrated and strategic development of the island, forest land is required for which the diversion of forest land was proposed.** Residential township is required to cater to the requirement of personnel engaged in defence and Port development and therefore cannot be considered as standalone development. For the integrated development of GNI, only 130.75 sq. km of forest land is proposed for diversion which is around 1.82% of the existing forest area of A & N Islands. **Effectively only 7.11 sq. km Tribal Reserve area will be required for de-notification for the project which is only 0.21% of the total tribal reserve area of A & N Islands and thus 743.96 sq. km of the Great Nicobar Island will remain protected as Tribal Reserve.** Section 3 of A&N (Protection of Aboriginal Tribes) Regulation, 1956 empowers A&N Administration to declare reserve Tribal area specifying the limits of such area. Accordingly, the Empowered Committee of UT Administration has recommended de-notification of Tribal Reserve and Ministry of Tribal Affairs vide letter dated 18.11.2020 has given no objection for the proposal for de-notification of tribal reserve area in Great Nicobar Island subject to compliance under

Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The Andaman & Nicobar Coastal Zone Management Authority (ANCZMA) meeting convened for recommending CRZ Clearance for various projects in A&N Islands held on 17.03.2022, the Principal Secretary (Environment & Forests) has attended the meeting and on 27.06.2022, the Commissioner-cum-Secretary (E&F) has attended member of the ANCZMA. Both the officers were not holding the charge of Managing Director of ANIIDCO (2nd Respondent). With regard to Forest Clearance, it is submitted that the A & N Administration had vide Order No. 639 dated 28.07.2020 designated the 2nd Respondent as the project proponent of various projects in GNI. As part of the recommendation of the State Govt. for diversion of forest land, the then Commissioner-cum-Secretary (E&F) had recommended the Holistic Development proposal of GNI on 07.10.2020. During that period **the then Commissioner-cum-Secretary (E & F) was not holding any charge in the office of the 2nd Respondent. Thus, there is no conflict of interest contrary to what has been alleged by the applicant in the present appeals.**

16. The MoEF&CC vide letter dated 01.06.2021 has conveyed its approval of the ICRZ Plans for the Great Nicobar Island as per ICRZ 2019. Para 5 (III)(A) of the ICRZ 2019 mandated that the draft ICRZ plans shall be prepared in 1:25000 scale and accordingly NCSCM has prepared the draft ICRZ maps in 1:25000 scale. After receipt of ICRZ map, the same was published in print and electronic media for wide publicity and for obtaining claims/suggestion/views from general public and other stakeholders. Public hearing on the draft Island Coastal Regulation Zone (ICRZ) Plan was also conducted. The ICRZ Plan of the Great Nicobar Island as per the ICRZ Notification 2019 was finalized after following the due process and after consulting the stakeholders in a fair and f transparent manner.

17. **As per the guidelines of Forest (Conservation) Act, 1980 formulated by the MoEF&CC dated 22.05.2019, the states/UTs having forest land of more than 75% of their respective total geographical area, shall not be insisted upon for providing non-forest land for raising compensatory afforestation and the same may be taken up in any other state/UT having deficient forest land/cover and having land bank for CA.** Since, the UT of Andaman 86 Nicobar Islands is having recorded forest cover of more than 75% of the geographical area, the compensatory afforestation is proposed to be raised in other States in conformity with the aforesaid guideline formulated by the MoEF&CC and in view of the fact that sufficient non-forest land for the purpose is not available in this UT. The project area does not fall within the boundary of any National Park or Wildlife Sanctuary or their Eco-Sensitive Zones. Therefore, the project is not proposed to be established in any Eco Sensitive Zone of any Protected Area contrary to what has been claimed in the present appeals.

Rejoinder

18. The appellants have filed rejoinders reiterating their stand in the main appeal.

Consideration by the Tribunal

19. We have heard learned counsel for the appellants – M/s Kaustav Dhar and A. Yogeshwaran and learned ASGs for the respondents - Ms. Aishwarya Bhati for MoEF&CC and Mr. Vikramjit Banerjee for ANIIDCO Ltd. and perused the record. We have given due consideration to the rival submissions already set out above.

20. Issue for consideration is whether the impugned FC/EC are liable to be interfered with either on account of failure of the authorities in following laid down procedure or on account of adverse impact on environment rendering the project unviable on anvil of sustainable development principle.

21. As already mentioned, main contentions on behalf of the appellants are that the area is rich in bio-diversity. It is covered by CRZ IA as per ICRZ Notification, 2019 where port is expressly prohibited. It has Mangroves, Corals and Coral reefs, Turtle nesting grounds, nesting ground of birds. It has high eroding stretches of critical habitats for turtle nesting, comprehensive EIA based on three seasons data has not been prepared, EIA report by Vimta, ZSI etc is not even a Rapid EIA, incorrect information in Form – I vitiates the EC, EIA report does not conform to TOR, no assessment of impact on biodiversity has been done in the EIA report, Public hearing is vitiated, impact of the project on Tribals has not been assessed, Wildlife clearance has not been taken, Port and Power plant are Red category activities prohibited in ESZ and Forest land cannot be diverted for township.

22. As against above, the stand of MoEF&CC and the PP is that the project is of great defence, national security and strategic significance for holistic development of Great Nicobar Island. It will strengthen India's presence in the Andaman Sea and in Southeast Asia and create an economic hub with a major cargo transshipment terminal and a global tourism destination. It presents immense opportunities to further strengthen India's trading position in the world by developing an International Transshipment terminal. A new transshipment port at GNI can be competitive because of the cost saving that shippers can realize using feeder ships to service ports around the rim of the Bay of Bengal. A

new port at GNI highlights its locational advantages over competing ports in the region for accessing ports in Bay of Bengal region. The airport will be developed as a joint military-civil dual use airport under the operational control of Indian Navy. There has been comprehensive evaluation by the EAC of Infra-I Sector with the association of Infra-II Sector, Thermal Sector, Nuclear Defence and Strategic (NDS) Sector, Coastal Regulation Zone (CRZ) Sector. Detailed ToRs were issued and public hearing was held with participation of 138 persons. EC has specific and general conditions ensuring protection of environment in every possible manner. Further studies will be conducted by relevant Institutions apart from taking conservation and mitigation measures with no disturbance to the tribal or eco-sensitive areas like National Park, Wildlife Sanctuaries with no damage to corals or mangroves. Since more than 75% area is on the forest, requirement of compensatory afforestation in the same area does not apply under the declared policy of the State.

23. During the hearing, Dr. Dhriti Banerjee, Director, Zoological Survey of India (ZSI) appeared by V.C. and explained that corals can be protected. Environmental impact can be sustainably managed. On being required, she has filed her specific statement as follows:

“The assessment made by ZSI revealed that the environmental impact can be managed sustainably to restore the pristine ecosystem though proper conservatory measures and have suggested long term environmental management plans for that area.

A total of 309 species of scleractinian corals under 66 genera, 19 families are recorded from Great Nicobar Island based on the comprehensive studies for last 14 years across all the coastal areas of this island. However, it has been noted that no major coral reef exists within the work area of the project. Only scattered coral reefs are available at the peninsular part of Galathea Bay. As per the detailed analysis, the environmental status and physicochemical status of the sampling sites are conducive to the oligotrophic environment. Hence, the overall benthic community of Galathea Bay is different from other major reefs. The size of the colonies reported from Galathea Bay is relatively small and most of the

species are found scattered with small growth forms which may be due to the presence of an extremely high cover of algae (51.75%). The high density of *Halimeda* sp. growing in Galathea Bay is known for its quick growth rate and deposit of calcium on a higher scale.

During the construction in seafront areas, the marine ecosystem may be affected especially wherever there are coral reefs. The development of jetties and ports along the coastal areas is likely to have an impact on the entire benthic cover including coral reefs, seagrass, and seaweed habitats along with associated faunal communities.

Even though there are no coral reefs in the proposed site, coral reefs are recorded in the adjoining areas of the proposed project site. However, as a precautionary measure, to avoid damage to the corals by any means, it is a prerequisite to translocate the corals from the Galathea Bay adjoining up to the depth limit of 15 m.

Any coral colonies which are presumed to be get impacted by the proposed construction has been recommended by ZSI to be translocated to a suitable place where similar environment as well as topographic features prevails in the Great Nicobar.

Reef restoration and coral relocation due to coastal development and/or dredging, are among the most common reasons for transplantation and is world-wide solution, which could be easily executed in Great Nicobar in alternate suitable offshore habitats. Successful coral reef restoration has previously been accomplished by ZSI in Gulf of Kachchh and the transplanted corals had >90% survival and effectively transformed into a functional coral reef.

Rehabilitation, restoration and development of new reef areas by modern technologies can lead to protection and conservation of reef and reef associated fauna of Great Nicobar.”

24. ANZMA recommendations dated 8.7.2022 have also been filed which inter-alia are as follows:

“The effective ICRZ areas involved in various activities of the project are given as under.

S. No	Name of the Activity	Total area in Sq.km	ICRZ I		ICRZ III		ICRZ IV	
			IA	IB	NDZ	50-100M	IVB	IVA
1	Port	7.39	0.67	0.38	0.00	0.00	0.18	0.62
2	Airport	8.49	0.58	0.82	0.38	0.10	0.14	0.56
3	Power Plant	0.39	0.00	0.00	0.00	0.00	0.00	0.00
4	Township Defence	12.60	0.81	1.43	0.02	0.00	0.07	0.20

5	Township Other Landuse	137.27	4.93	5.92	1.69	0.45	2.50	3.55
6	Port reclamation area	2.27	0.06	0.11	0.00	0.00	0.00	2.10
7	Airport Reclamation on area	0.71	0.02	0.08	0.04	0.00	0.32	0.02
	Total	169.08	7.07	8.74	2.13	0.55	3.21	7.05

The project proponent submitted the revised area falling under various categories of ICRZ and the details are as follows.

Sr. No	Activity	Area in Sq.km	ICRZ I		ICRZ III		ICRZ IV	
			CRZ IA	CRZ IB	NDZ	5'-100m	IVB	IVA
1	Port (ICIT)	7.39	0.57	0.25	0	0	0.18	0.62
2	Airport	8.45	0.60	0.82	0.38	0.1	0.14	0.56
3	Power Plant	0.39	0.00	0.00	0	0	0	0
4	Township (Defence)	12.6	0.81	1.43	0.02	0	0.07	0.2
5	Township (other landuses)	137.27	5.03	6.05	1.69	0.45	2.5	3.55
Total		166.1	7.01	8.55	2.09	0.55	2.89	4.93
A	Port (reclamation area)	2.27	0.06	0.11	0	0	0	2.1
B	Airport (reclamation area)	0.71	0.00	0.33	0.04	0	0.32	0.02
Total (including reclaimed area)		169.08	7.07	8.74	2.13	0.55	3.21	7.05

It is mentioned that the revised effective area ICRZ involved in the project includes the same area of 7.07 sq.km in ICRZ IA and 8.74 Sq.km in ICRZ IB, 2.13 Sq.km in ICRZ III NDZ, 0.55 Sq.km in ICRZ III, 3.21 sq.km in ICRZ VI B and 7.05 Sq.km in ICRZ IVA. The only difference in the revised effective area mentioned by the project proponent is 0.57 sq.km and 0.25 sq.km instead of 0.67 sq.km and 0.38 sq.km in ICRZ IA and IB respectively in case of Port and 5.03 sq.km and 6.05 sq.km instead of 4.93 sq.km and 5.92 sq.km in ICRZ IA and IB respectively in the case of township (other land uses). In case of Airport reclamation, there is no CRZ IA involved and the area involved in ICRZ IB is 0.33

sq.km, 0.04 sq.km in NDZ of ICRZ III, 0.32 sq.km in ICRZ IV B and 0.02 Sq.km in ICRZ IV B. The proposed activities are permissible in ICRZ areas as per ICRZ notification 2019 as the Greenfield Airport Project is part of holistic Development of GNI project is now for Defence, Strategic, National Security, and Public Purpose.

Recommendation:

Taking into consideration of the above facts namely the revised ICRZ area involved in the holistic development of Great Nicobar Island and the green field airport project is for defence, strategic, National Security and public purpose, ANZMA further recommends the project with revised ICRZ area involved in the project as above. The conditions stipulated in the earlier meeting dated 17.03.2022 and communicated vide letter No. PCCF/ EPA/ 1 / Vol-XVI/ 653 dated 22.03.2022 continue to remain valid and the project proponent has to follow those conditions while executing/implementing the project.”

25. Copy of report of July 2021 prepared by ZSI has also been placed on record with following executive summary:

“Executive Summary

1. The Andaman and Nicobar Islands comprise an accurate chain of 836 islands, islets and rocky outcrops (including 649 islands and 187 rocks and rocky islands), spreading in a linear distance of around 900 km in the Bay of Bengal and the Andaman Sea between latitudes 06° and 14°N and longitudes 92° and 94° E.
2. The archipelago has a total land area of 8249 sq km and a coastline of 1962 km. The Andaman Islands and Nicobar Islands are distinctly separated by the wide Ten Degree Channel which is about 150 km wide and 400 fathoms deep. The Andaman group consists of more than 324 major islands with an area of 6408 sq km and the Nicobar group comprises 24 major islands with the landmass of 1841 sq km.
3. The Andaman and Nicobar Islands have a Continental Shelf of 35,000 sq km with an EEZ of 0.6 million sq. km, includes the ecologically enriched faunal and floral diversities.
4. The Great Nicobar Island is the southernmost landmass in Andaman and Nicobar Archipelago. The total area of this island is 1044 km². It is a tropical and sub-tropical moist broadleaf forest biome and located in the Indo-Malayan biogeographic zone. The Great Nicobar Biosphere Reserve (GNBR) of this island is one of the 11 Biosphere Reserves declared under the Man and Biosphere Programme of Ministry of Environment, and Forests, Government of India and UNESCO.
5. Great Nicobar Biosphere Reserve (GNBR) was declared on 6th January 1989 by the Government of India Order No. J-22010/14/89-CSC. The GNBR is comprised of Campbell Bay National Park in the north and Galathea National Park in the south. GNBR spread 885 km² in two zones. A total area of

705 km² has been designated as Core Zone, and 180 km² is Buffer Zone.

6. *The President of India is acting through the NITI Aayog, Government of India for holistic development of Great Nicobar Island.*
7. *As per the Vision Document prepared by NITI Aayog, a contiguous stretch of land is required in the south-eastern and south-western part of the island, which has a narrow strip ranging from 1.83 km to 3.8 km in the eastern side and 1.3 km to 5.4 km in the western side from the Galathea National Park which also happens to be the Protected Forest and Tribal Reserve.*
8. *In the eastern side, the NITI Aayog has proposed to construct an Airport, requiring 21.64 sq. km of land at the south eastern part and construction of Rapid Mass Transit System originating from Campbell Bay and terminating somewhere in the western part and running parallel to the coastline. In the southern part, besides the development of a major Transshipment Port, the area is also earmarked for future strategic Defence use in view of the developing geo-political scenario in the area. The south-western and western part of Great Nicobar Island outside the Galathea National Park are narrow and proposed to be used as Free Trade Zone as ancillary to the trans-shipment port leaving little area for declaration of ESZ and thereby the Committee recommended finalization of the ESZ notification of Galathea National Park. The proposed holistic development includes 1) Tourism and Hospitality; 2) Jetty and Marina; 3) Mixed use area; 4) Airport; 5) Port & 6) A Marina for Eco-Tourism.*
9. *AECOM is currently undertaking environmental monitoring for the Great Nicobar Island which is one of the largest islands in Andaman and Nicobar archipelago. In consultation with the concerned UT Administration and the concerned central ministries, it has been decided to undertake the holistic development of the Great Nicobar Island.*
10. *In view of this, AECOM, 9th Floor, Infinity Tower-‘C’, DLF Cyber City, DLF Phase-2, Gurgaon-122 002 has approached the Zoological Survey of India, Headquarters, Kolkata by electronic communication through an e-mail with the subject ‘Andaman Project’ dated 14th December 2020 to undertake ‘Rapid Environmental Impact Assessment studies on Marine Ecology for the Master Plan of Development of Great Nicobar Island’ to fulfill the requirement of Environmental and CRZ clearance from the Ministry of Environment, Forest and Climate Change, Government of India. Hence the present study has been executed.*
11. *Along the intertidal stations of the coastal waters of Great Nicobar Island, Station GB 1 (Galathea beach) witnessed the highest concentration of silicate (3.567 µg/ml) while station RB 1 (Rajiv Nagar Beach) had the least silicate concentration (2.131µg/ml).*
12. *The average phytoplankton abundance in the marine waters of sampling stations of Great Nicobar Island is about 24400 no./L (no. of organisms per litre). The phytoplankton abundance ranges from a maximum of 34200 no./L in the*

- station GB3 M to a minimum of 15200 no./L at station LB2 IT.
13. The two major groups of phytoplankton observed are diatoms and mixotrophic (photosynthetic) dinoflagellates. The abundance of diatoms is much higher than the dinoflagellates across all stations, both in the intertidal and marine coastal study sites. This data is supported by the overall high silicate concentrations in the study area.
 14. In terms of phytoplankton diversity, station LB M is the most diverse. Mixotrophic dinoflagellate diversity is high in Lakshman Beach stations, while diatom diversity is high in Galathea Bay stations.
 15. The average microzooplankton abundance in the marine waters of sampling stations of Great Nicobar Island is about 19033 no./L (no. of organisms per litre). The microzooplankton abundance ranges from a maximum of 20800 no./L in the station GB3 M to a minimum of 16900 no./L at station LB3 IT.
 16. The major microzooplankton groups recorded from the study area are Ciliophora, heterotrophic Dinoflagellata, Foraminifera, Radiolaria and larval forms of Copepoda, Decapoda, Bivalva to name a few. In the intertidal stations the larval forms, especially copepod nauplii and bivalve larvae dominate the numbers, followed by foraminiferans (except in Galathea beach stations, where ciliates are the dominant group).
 17. A total of 17 groups of organisms or taxa were obtained in zooplankton collection namely, Copepoda, Ostracoda, Amphipoda, Decapoda, Siphonophora, Decapoda larvae, Polychaete, Polychaete larvae, Mollusca, Mollusca larvae, Appendicularia, Thaliacea, Cumacea, Cladocera, Chaetognatha, fish/invertebrate eggs and fish larvae. Copepods comprised the major portion of the mesozooplankton biomass.
 18. A total of 92 species of mesozooplanktons were recorded from the study among which Copepoda showed the maximum species diversity. Copepoda comprised of 34 species, Ostracoda comprised of 9 species, Euphausiacea comprised of 12 species, Decapoda constituted of 5 species, Chaetognatha constituted of 9 species, Anthoathecata constituted of 2 species, Siphonophorae constituted of 4 species, Amphipoda and Pteropoda comprised of 2 species each, Appendicularia comprised of 4 species and Thaliacea comprised of 9 species.
 19. A total of 309 species of scleractinian corals under 66 genera, 19 families (including two genera under Scleractinia Incertae Sedis) are recorded from Great Nicobar Island. The present database of scleractinian species is prepared based on the available literature and studies made by the present author during period of last 12 years.
 20. Among the recorded 309 species, 66 species are under threatened category (2 species are under Endangered and 64 species are under Vulnerable categories) as per the category and criteria of IUCN (2021), while 90 species are recorded under Near Threatened, 135 species are under Least Concern and 9 species are under Data Deficient categories, whereas 9 species are under not evaluated category.

21. *A total of 245 species of scleractinian corals under 53 genera, 15 families (including 2 genera under Scleractinia Incertae Sedis) are recorded from seven sites including the proposed project site of Great Nicobar Island during the present study. A maximum of 117 species have been documented from Galathea Bay followed by 111 species from Sastri Nagar, 107 species from Campbell Bay, 102 species from Laxman Beach, 76 species from Gandhi Nagar, 25 species from Anderson Bay, and only 15 species Laxmi Nagar.*
22. *Thorough studies were carried out at the seven study locations of Great Nicobar Island to estimate the benthic cover. Maximum 39.27% of live coral cover was recorded from Campbell Bay region followed by 30.81% from Gandhi Nagar, 25.59% from Sastri Nagar, 24.10% from Laxman Beach, 19.92% from Anderson Bar, 17.46 from Galathea Bay, and the minimum of 13.45% from Laxmi Nager. Among the other algae, a maximum of 51.75% was recorded from Galathea Bay while the minimum of 5.52% from Anderson Bay.*
23. *The present study indicates a total of 491.7975 hect. reef areas across the seven study areas including 116.4173 hect. of reef areas at the Galathea Bay which is distributed up to the maximum extent of 1200m (perpendicular) from the coastline while most of the reefs are scattered in distribution within the limit of a mean distance of 500m, whereas the reef areas of Sastri Nagar are recorded with a total distributional cover of around 103.8703 hect. along with the mean distributional range from the coast is 250m (perpendicular) along with the maximum of 500m, while Laxman Beach represents the minimum of 34.4921 hect. Of reef areas within the mean proximity of 150m from the coast while the maximum distributional ranges are within 350m.*
24. *Great Nicobar Island is the land of two indigenous tribal population viz. Shompen and Nicobarese.*
25. *Shompens live in small groups in dense interior forests of the island and are entirely dependent on forest resources and sea products for their sustenance. They probably migrated into this area, several hundred years ago from nearby Malaysian regions. The Mongoloid Shompen Tribe, about 219 in number, is living within the Biosphere Reserve. They are shy in nature and avoid contact with outsiders. They live around and along the perennial freshwater rivers and constructs huts using palm and pandanus leaves. The Shompens are hunters and food gatherers leading a semi-nomadic life with stone-age civilization. They cultivate yams, pandanus, coconuts, arecanuts, bananas etc. They maintain small herds of pigs and also hunt wild pigs with spears and fish with harpoons.*
26. *The Nicobarese are horticulturists, are the second indigenous tribe, situated in mostly coastal areas of Great Nicobar Biosphere Reserve. Coconut, pandanus, banana, papaya, yam and other starchy roots and tubers are their principal items of crop. They also depend for food on hunting and fishing. Pig rearing is an important traditional practice of Nicobarese.*
27. *The Nicobarese live in villages located along the coast. The huts are made of wooden logs, stems of areca palm, coconut palm etc. while the roof is thatched with grass, canes,*

bamboo and coconut leaves. At present, their traditional beliefs and customs are changing and modern education and Government jobs are readily accepted if they are in their own place.

28. According to the data of Botanical Survey of India, approximately 600 species of flora reported from Great Nicobar Island. Among them, 86 species of plants found endemic to Great Nicobar Island. Of which 28 species are exclusively reported from Great Nicobar Island, while 18 species identified from entire Nicobar group of Islands and 40 species recorded from Andaman and Nicobar Islands. Considerable number of plant species reported from Great Nicobar Island has ethno-botanical significance
29. A total of 695 species of fauna with the endemism of 158 species, which is equivalent to 22.73% have been reported from Great Nicobar Island.
30. A total of 48 vertebrates, recorded as endemic to Andaman and Nicobar Islands, were found in Great Nicobar Island during the study period. Among them 3 species are mammals, 36 species are birds, 7 species are reptiles and 2 species are amphibians.
31. This reserve is home for several endemic and endangered species including Nicobar Megapode *Megapodius nicobariensis*, Edible-nest Swiftlet *Aerodramus fuciphagus*, Nicobar Tree Shrew *Tupaia nicobarica*, Long-tailed Macaque *Macaca fascicularis*, Saltwater Crocodile *Crocodylus porosus*, Giant Leatherback Sea Turtle *Dermochelys coriacea*, Reticulated python *Python reticulatus* and Coconut Crab *Birgus latro*.
32. The Saltwater Crocodile is a common species throughout the Andaman and Nicobar Islands. Population estimates of saltwater crocodiles in Great Nicobar Island are about 6 adults and 3 sub-adults-based on questionnaire. It was sighted at Indira Point, Mahar Nallah, Gandhi Nagar, Shastri Nagar, and Galathea Bay.
33. Out of the five species of turtles recorded from mainland coast of India, the leatherback turtle *Dermochelys coriacea* (Vandelli, 1764) is well known for its nesting in the Andaman and Nicobar Islands. Leatherback turtles nesting have been recorded mainly on the long and wide beaches at the mouth of the Dagmar and Alexandira rivers on the west coast and at the mouth of the Galathea River along its south eastern coast.
34. Globally, leatherback turtle status according to IUCN is listed as Vulnerable. The Northeast Indian leatherback subpopulation nests primarily in the Andaman and Nicobar Islands of India, in some parts of Sri Lanka and to a lesser extent in Thailand. The first documentation of leatherback turtle nesting in the Great Nicobar Island was by Dr. Satish Bhaskar in 1978-79 and subsequently by other researchers including A&NB Forest Department and NGOs and institutions in the Andaman & Nicobar Islands. The leatherback nesting population in the Nicobar is one of the four colonies that exceeds 1000 individuals in the Indo-Pacific, and hence of global significance.
35. The southern bay of Great Nicobar is Southeast Asia's largest leatherback turtle nesting site. In Galathea bay nesting, egg

- laying and hatchling are more for Leatherback turtle compared to the other regions of Great Nicobar Island. In current year, estimation of the number of hatchlings is not completed; hence the number is not mentioned.
36. The number of nestings, eggs laid and number of hatchlings has been increasing over past four years. The number of hatchlings increases at a rate of 21 % from 2018 to 2019 while it increases at a rate of 147 % from 2019 to 2020. The nesting leatherback populations of this species have also shown an increase in the trend in Galathea Bay. It is estimated that the succession rate of hatchlings of leatherback turtle are 59% in 2018; 60% in 2019 and 63.5% in 2020. The hatchling process has not completed for this year and hence not enumerated and presented.
 37. The Nicobar Megapode *Megapodius nicobariensis abbotti* (Oberholser, 1919) is an endemic bird species in the Nicobar group of Islands. According to the IUCN, this species was listed as Vulnerable (Birdlife International, 2000) and as per Govt. of India, Schedule-I of the Wildlife Protection Act (1972). As per the survey by ZSI, there are ~ 100 active mounds were recorded and ~ 202 megapodes were detected during the point-transect and playback surveys *Megapodius nicobariensis abbotti* occurs in all of the southern group of islands, it was estimated that 7 active mounds and 14 breeding pairs in Galathea.
 38. The Long-Tailed Macaque *Macaca fascicularis umbrosus* (Miller, 1902) is the only non-human primates found on Nicobar group of Islands. In 2000, a total of 88 groups, having a mean size of 36 monkeys, were recorded in Great Nicobar, Little Nicobar and Katchal Islands. However, in 2006 a total of 40 groups, including 814 monkeys were recorded in Great Nicobar, Little Nicobar and Katchal Islands while assessing the impact of the Tsunami on the Long-Tailed Macaque of Nicobar Islands. This is the only primate in the Nicobar Islands, and is listed in Schedule I of the Indian Wildlife (Protection) Act, 1972.
 39. The coconut crab or Robber crab or Palm thief (*Birgus latro* (Linnaeus, 1767)) is the largest terrestrial arthropod in the World (which is related to hermit crabs and lobsters). The crab is named because it is associated with coconut tree. It is listed as Schedule – I, Part - I under Wildlife Protection Act, 1972. The coconut crab populations are threatened with extinction in the Nicobar group of Islands, except for Menchal Island due to human predatory practices.
 40. Prediction of Environmental Impacts, Environmental Management Plan and Recommendations are given in detail in the report for the proposed 14.2 Million TEU (Twenty Feet Equivalent Unit) ICTT Port, (main project), Airport (4,000 Peak hour passenger, Category 4F), Township and Area Development for 14,960 Ha and Power Plant (405 MVA Gas + Diesel) (Additional 45 MVA from solar power will be included in total power generation.”

Finding

26. From above resume, it is patent that the project has great significance not only for economic development of the island and surrounding areas of strategic location but also for defense and national security. Even the appellants have not joined issue on these aspects. **While the Tribunal's consideration is confined to material on record, we have also noted (without any comment) media reports that the area is located in China's 'string of pearls' strategy¹ which is sought to be countered by Indian Authorities under India's 'Act East' policy. Indian Ocean has emerged as a key intersection zone of Indian and Chinese strategic interests. There are further media reports of huge poaching of environmental marine resources of Andaman by poachers from Myanmar for which number of people have been arrested. Poaching activities include destruction of corals, killing of sharks, taking away of valuable fishes². The project will help bridge infrastructural gap in island and promote international trade saving huge amount on transshipment cargo³.**

27. In view of above, what remains to be seen is whether the project is compliant with the mandatory environmental norms.

Forest Clearance

28. As regards forest clearance, it is seen that forest cover in the area is more than 75%. While forest is of great significance in tackling air pollution and climate change, development cannot be totally ignored. There is hardly

¹ <https://idsa.in/askanexpert/why-has-india-necklace-diamonds-strategy-indian-ocean-region>

² <https://www.reuters.com/article/environment-india-poaching-andaman-dc-idUSDEL4606520070607>
<https://link.springer.com/article/10.1007/s11852-018-0640-y>

³ <https://www.financialexpress.com/business/infrastructure-government-to-build-international-container-transshipment-port-in-great-nicobar-island-2961754/>
<https://economictimes.indiatimes.com/news/economy/infrastructure/centre-prepares-for-rs-41000-crore-international-transshipment-port-at-great-nicobar-island/articleshow/97379332.cms>

any development in the area. There is need not only for economic development but also national security. These factors are not shown to be irrelevant. There is no conflict of interest as such. There is policy permitting afforestation outside the State if forest cover is more than 75%. Thus, no case is made out to interfere with the FC, considering the countervailing public interest in allowing diversion of forest land for the project which is subject to all relevant conditions. In *Lafarge Umiam Mining (P) Ltd. v. Union of India*, (2011) 7 SCC 338, it was observed :

“ .. Time has come for us to apply the constitutional “doctrine of proportionality” to the matters concerning environment as a part of the process of judicial review in contradistinction to merit review. It cannot be gainsaid that utilisation of the environment and its natural resources has to be in a way that is consistent with principles of sustainable development and intergenerational equity, but balancing of these equities may entail policy choices. In the circumstances, barring exceptions, decisions relating to utilisation of natural resources have to be tested on the anvil of the well-recognised principles of judicial review. Have all the relevant factors been taken into account? Have any extraneous factors influenced the decision? Is the decision strictly in accordance with the legislative policy underlying the law (if any) that governs the field? Is the decision consistent with the principles of sustainable development in the sense that has the decision-maker taken into account the said principle and, on the basis of relevant considerations, arrived at a balanced decision? Thus, the Court should review the decision-making process to ensure that the decision of MoEF is fair and fully informed, based on the correct principles, and free from any bias or restraint. Once this is ensured, then the doctrine of “margin of appreciation” in favour of the decision-maker would come into play.”

29. Considering the above, we do not find any ground to interfere with the FC.

Environmental Clearance

30. Issues in this regard are alleged violation of ICRZ, 2019 for locating the port in prohibited area, ignoring soil erosion, damage to corals, wildlife habitats and tribals. Further issue is compliance of laid down procedure under the EIA notification, including public hearing. While it is true that EIA procedure is mandatory, it does not however follow that hyper technical

approach should be adopted ignoring ground realities about need of the country for development and national security. Every developmental activity is bound to have some adverse impact on environment but if impact can be mitigated and advantages to the society are greater, such project have to be allowed in larger public interest. In the present case, laid down procedure has been followed, public hearing held, EIA prepared, EAC evaluation undertaken, wildlife habitats protection, Tribal welfare considered and necessary conservation measures planned. MoEF&CC and the PP have stated that area proposed to be part of Port, falling in prohibited area as per CRZ notification will be left out, there will be no coverage of eco sensitive areas, corals will be protected and all other necessary measures taken.

31. The legal position has been discussed inter-alia in *G. Sundarrajan vs. Union of India & Ors.*⁴ as follows:

“238.1. In Intellectuals Forum, Tirupathi v. State of A.P. and others⁵, it has been held that merely asserting an intention for development will not be enough to sanction the destruction of local ecological resources. What is required to be prescribed is the principle of sustainable development and find a balance between the developmental needs and the environmental degradation.

238.2. In Bombay Dying & Mfg. Co. Ltd. (3) v. Bombay Environmental Action Group and others⁶, while dealing with the concept of sustainable development and planned development vis-à-vis Article 21 of the Constitution, a two-Judge Bench has opined thus:- (SCC p. 521)

“25l. It is often felt that in the process of encouraging development the environment gets sidelined. However, with major threats to the environment, such as climate change, depletion of natural resources, the eutrophication^{7} of water systems and biodiversity and global warming, the need to protect the environment has*

⁴ (2013) 6 SCC 620

⁵ (2006) 3 SCC 549

⁶ (2006) 3 SCC 434

⁷ * **Ed.:** Eutrophication of a water body is phenomenon that can impel a great deal of algae and other plankton or other plant life to reproduce quickly and lead to extermination of other aquatic life such as fish. Eutrophication occurs when excessive nutritional substances such as nitrogen and phosphorus are discharged into lakes, reservoirs and gulfs, etc.

become a priority. At the same time, it is also necessary to promote development. The harmonisation of the two needs has led to the concept of sustainable development, so much so that it has become the most significant and focal point of environmental legislation and judicial decisions relating to the same. Sustainable development, simply put, is a process in which development can be sustained over generations. Brundtland Report defines “sustainable development” as development that meets the needs of the present generations without compromising the ability of the future generations to meet their own needs. Making the concept of sustainable development operational for public policies raises important challenges that involve complex synergies and trade offs.”

238.3. *In M.C. Mehta v. Union of India and others*⁸, while stating about sustainable development and the needs of the present without compromising the ability of the future generation to meet their own needs, this Court has expressed thus:- (SCC pp. 166-67, para 46)

“46. ... The definition of “sustainable development” which Brundtland gave more than 3 decades back still holds good. The phrase covers the development that meets the needs of the present without compromising the ability of the future generation to meet their own needs. In Narmada Bachao Andolan v. Union of India⁹ this Court observed that sustainable development means the type or extent of development that can take place and which can be sustained by nature/ecology with or without mitigation. In these matters, the required standard now is that the risk of harm to the environment or to human health is to be decided in public interest, according to a “reasonable person’s” test. [See Chairman Barton: The Status of the Precautionary Principle in Australia (Vol. 22, 1998, Harv. Envtl. Law Review, p. 509 at p. 549-A) as referred to in para 28 in A.P. Pollution Control Board v. Prof. M.V. Nayudu¹⁰.]”

238.4. *In Tirupur Dyeing Factory Owners Association v. Noyyal River Ayacutdars Protection Association and others*¹¹, while dealing with the concept of sustainable development, the Court has observed as under:- (SCC p. 747, para 26)

“26. The concept of “sustainable development” has been explained that it covers the development that meets the needs of the person without compromising the ability of the future generation to meet their own needs. It means the development, that can take place and which can be sustained by nature/ecology with or without mitigation. Therefore, in such matters, the

⁸ (2004) 12 SCC 118

⁹ (2000) 10 SCC 664

¹⁰ (1999) 2 SCC 718

¹¹ (2009) 9 SCC 737

required standard is that the risk of harm to the environment or to human health is to be decided in public interest, according to a “reasonable person’s” test. The development of the industries, irrigation resources and power projects are necessary to improve employment opportunities and generation of revenue, therefore, cannot be ignored. In such eventuality, a balance has to be struck for the reason that if the activity is allowed to go on, there may be irreparable damage to the environment and there may be irreparable damage to the economic interest. A similar view has been reiterated by this Court in T.N. Godavarman Thirumulpad (104) v. Union of India¹² and M.C. Mehta v. Union of India¹³.”

238.5. In *T.N. Godavarman Thirumulpad (through K.M. Chinnappa) v. Union of India and others*¹⁴, this Court observed that: (SCC p. 628, para 35)

“35. It cannot be disputed that no development is possible without some adverse effect on the ecology and environment, and the projects of public utility cannot be abandoned and it is necessary to adjust the interest of the people as well as the necessity to maintain the environment. A balance has to be struck between the two interests. Where the commercial venture or enterprise would bring in results which are far more useful for the people, difficulty of a small number of people has to be bypassed. The comparative hardships have to be balanced and the convenience and benefit to a larger section of the people has to get primacy over comparatively lesser hardship.”

238.6. In *Narmada Bachao Andolan v. Union of India and others*⁴³, a three-Judge Bench, while dealing with the public projects and policies, has opined that the court does not become the approving authority of such policies. Thereafter, the Bench observed thus:- (SCC p. 763, para 234)

“234. ... Normally such decisions are taken by the Government after due care and consideration. In a democracy welfare of the people at large, and not merely of a small section of the society, has to be the concern of a responsible Government.”

239. *I have referred to the aforesaid pronouncements only to highlight that this Court has emphasized on striking a balance between the ecology and environment on onehand and the projects of public utility on the other. The trend of authorities is that a delicate balance has to be struck between the ecological impact and development.*

240. *The other principle that has been ingrained is that if a project is beneficial for the larger public, inconvenience to smaller number of*

¹² (2008) 2 SCC 222

¹³ (2009) 6 SCC 142

¹⁴ (2002) 10 SCC 606

people is to be accepted. It has to be respectfully accepted as a proposition of law that individual interest or, for that matter, smaller public interest must yield to the larger public interest. Inconvenience of some should be bypassed for a larger interest or cause of the society. But, a pregnant one, the present case really does not fall within the four corners of that principle. It is not a case of the land oustees. It is not a case of “some inconvenience”. It is not comparable to the loss caused to property.

241. *I have already emphasized upon the concept of living with the borrowed time of the future generation which essentially means not to ignore the intergenerational interests. Needless to emphasize, the dire need of the present society has to be treated with urgency, but, the said urgency cannot be conferred with absolute supremacy over life. Ouster from land or deprivation of some benefit of different nature relatively would come within the compartment of smaller public interest or certain inconveniences. But when it touches the very atom of life, which is the dearest and noblest possession of every person, it becomes the obligation of the constitutional courts to see how the delicate balance has been struck and can remain in a continuum in a sustained position. To elaborate, unless adequate care, caution and monitoring at every stage is taken and there is constant vigil, life of “some” can be in danger. That will be totally shattering of the constitutional guarantee enshrined under Article 21 of the Constitution. It would be guillotining the human right, for when the candle of life gets extinguished, all rights of that person perish with it. Safety, security and life would constitute a pyramid within the sanctity of Article 21 and no jettisoning is permissible. Therefore, I am obliged to think that the delicate balance in other spheres may have some allowance but in the case of establishment of a nuclear plant, the safety measures would not tolerate any lapse. The grammar has to be totally different.*

242. *I may hasten to clarify that I have not discussed anything about the ecology and environment which has been propounded before us, but I may particularly put that the proportionality of risk may not be “zero” regard being had to the nature’s unpredictability. All efforts are to be made to avoid any man-made disaster. Though the concept of delicate balance and the doctrine of proportionality of risk factor gets attracted, yet the same commands the highest degree of constant alertness, for it is disaster affecting the living. The life of some cannot be sacrificed for the purpose of the eventual larger good.”*

Conclusion

32. We are of the opinion that there can be no two views about need for adequate studies of adverse impact on coral reefs, mangroves, turtle nesting sites, bird nesting sites, other wildlife, of erosion, disaster management and other conservation and mitigation measures. ICRZ 2019 has to be duly complied with about the location of the Port. Tribal rights and their rehabilitation has to be ensured. Compensatory

Afforestation/mangrove plantations have to be as per forest policy. Stand of the respondents shows that such studies have already been undertaken and further studies are proposed. The respondents are committed to comply with the ICRZ 2019 and tribal rights. They have also planned compensatory afforestation and mangrove plantations. Thus, by and large the project is compliant and EC does not call for interference.

33. However, there are some unanswered deficiencies pointed out by the appellants which need to be addressed. By way of instance, it is pointed out that out of 20668 coral colonies, 16150 are proposed to be translocated without any mention of threat to remaining 4518 coral colonies. It is pointed out that ICRZ Regulations prohibit destruction of corals. Further, data collected for impact assessment is only of one season as against requirement of three seasons. It is also shown that part of the project is in CRZ IA area where Port is prohibited. These aspects may call for revisiting the EC by a High-Powered Committee (HPC) which we propose to constitute. The same will be headed by Secretary, MoEF&CC, GoI. Other members will be Chief Secretary, Andaman & Nicobar, Zoological Survey of India, Botanical Survey of India, Central Pollution Control Board, nominee of Vice Chairman of Niti Aayog, nominee of Secretary, Ministry of Shipping and Director, Wildlife Institute of India. Secretary, MoEF&CC may appoint a nodal officer, not below the rank of Joint Secretary, for facilitating functioning of the Committee. The Committee may meet within two weeks from today and finalise its proceedings within two months. It will be open to the Committee to associate any other institution/expert. In the light of report of the Committee, the EC or its conditions may be re-looked into by the competent authority. Till then, further work in pursuance of impugned EC may not proceed except for the work which may not be of irreversible nature.

The appeals will stand disposed of accordingly.

A copy of this order be forwarded to Secretary, MoEF&CC, GoI, Chief Secretary, Andaman & Nicobar, Zoological Survey of India, Botanical Survey of India, CPCB, Vice Chairman of Niti Aayog, Secretary, Ministry of Shipping and Director, Wildlife Institute of India by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

B. Amit Sthalekar, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

April 03, 2023
Appeal Nos. 29 to 32/2022/EZ
SN+DV+AB

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 8th March, 2019

ANNEXURE A2

S.O.1242(E).—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O.20 (E), dated the 6th January, 2011 (hereinafter referred to as the Island Protection Zone Notification, 2011), the Central Government declared certain coastal stretches of Andaman and Nicobar and Lakshadweep as the Island Protection Zone (hereinafter referred to as the IPZ); under Section 3 of Environment (Protection) Act, 1986;

And Whereas, the Ministry of Environment, Forest and Climate Change has received representations from Union territories (UTs) of Lakshadweep and Andaman and Nicobar, besides other stakeholders, regarding certain provisions in the IPZ Notification, 2011 related to management and conservation of marine and coastal ecosystems, development in coastal areas, eco-tourism, livelihood options and sustainable development of coastal communities etc;

And Whereas, various stakeholders have requested the Ministry of Environment, Forest and Climate Change to address the concerns related to coastal environment and sustainable development with respect to the IPZ Notification, 2011;

And Whereas, the Ministry of Environment, Forest and Climate Change had constituted a Committee under the Chairmanship of Dr. Shailesh Nayak to examine various issues and concerns of coastal states and Union territories and various stakeholders, relating to the IPZ Notification 2011 and to recommend appropriate changes in the said Notification;

And Whereas, the report submitted by Dr. Shailesh Nayak Committee has been examined in the Ministry and consultations have been held with various stakeholders in this regard;

Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 and in supersession of Island Protection Zone Notification 2011, vide number S.O.20(E), dated the 6th January, 2011, except as respects things done or omitted to be done before such supersession, the Central Government, with a view to conserve and protect the unique environment of coastal stretches and marine areas, besides livelihood security to the fisher communities and other local communities in the coastal areas and to promote sustainable development based on scientific principles taking into account the dangers of natural hazards, sea level rise due to global warming, does hereby, declare the coastal stretches of the eight bigger oceanic islands in Andaman and Nicobar namely, Middle Andaman, North Andaman, South Andaman, Great Nicobar, Baratang, Havelock, Little Andaman, Car Nicobar Islands and the water area up to territorial water limits of the country, as the Island Coastal Regulation Zone (hereinafter referred to as the ICRZ) as under:

- (i) The land area from High Tide Line (hereinafter referred to as the HTL) to 200 meters on the landward side along the sea front for Group-I Islands and 100 meters on the landward side along the sea front for Group-II Islands.
- (ii) The eight bigger oceanic islands in Andaman and Nicobar (ICRZ Islands) shall be grouped as follows:

Group-I:	Islands with geographical areas >1000 sq.km such as South Andaman, Middle Andaman, North Andaman and Great Nicobar.
Group-II:	Islands with geographical areas >100 sq.km but < 1000 sq.km such as Baratang, Little Andaman, Havelock and Car Nicobar.

Explanation,- For the purposes of this Notification, the expression “High Tide Line” means the line on the land upto which the highest water line reaches during the spring tide, as demarcated by the National Centre for Sustainable Coastal Management (NCSCM), Chennai in accordance with the laid down procedures.

- (iii)(a) The ICRZ shall apply to the land area between HTL to 20 meters or width of the creek, whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of five parts per thousand (ppt) measured during the driest period of the year and distance up to which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Island Coastal Regional Zone Plans (hereinafter referred to as the ICRZ Plans).
- (b) The distance of the ICRZ along the tidal influence water bodies, thus determined, shall be demarcated accordingly in the Island Coastal Zone Management Plan (hereinafter referred to as the ICRZP).

- (c) The ICRZ boundaries along the creeks etc. as above shall however be subject to revision and final approval of the respective ICRZ Plans as per this Notification, framed with due consultative process and public hearing etc. and environmental safeguards enlisted therein. Till such time the ICRZ Plans to this notification is approved, the limit of 100 meters or width of the creek whichever is less, shall continue to apply.
- Explanation: For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea in the bays, estuaries, rivers, creeks, backwaters, lagoons and ponds etc. that are connected to the sea.
- (iv) The intertidal zone means the land area between the HTL and the Low Tide Line (hereinafter referred to as the LTL).
- (v) The water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.
- 2. Classification of the ICRZ –** For the purpose of conserving and protecting the coastal areas and marine waters, the ICRZ area shall be classified as follows, namely:-
- (i) **ICRZ-I** areas are environmentally most critical and shall be further classified as under:
- (ii) **ICRZ-IA:**
- (a) The ICRZ-I A shall constitute the following ecologically sensitive areas and the geo- morphological features which play a role in the maintaining the integrity of the coast viz.:
- (i) Mangroves. In case mangrove area is more than 1000 square meters, a buffer of 20 meters along the mangroves shall be provided and such area shall also constitute CRZ –I A.
 - (ii) Corals and coral reefs;
 - (iii) Sand Dunes;
 - (iv) Biologically active Mudflats;
 - (v) National parks, marine parks, sanctuaries, reserve forests, wildlife habitats and other protected areas under the provisions of Wild Life (Protection) Act, the Forest (Conservation) Act or Environment (Protection) Act; including Biosphere Reserves;
 - (vi) Salt Marshes;
 - (vii) Turtle nesting grounds;
 - (viii) Horse shoe crab's habitat;
 - (ix) Sea grass beds;
 - (x) Seaweeds,
 - (xi) Nesting grounds of birds;
 - (xii) Areas or structures of archaeological importance and heritage sites.
- (b) A detailed environment management plan shall be formulated by the Union territories for such ecologically sensitive areas (ESAs) in respective territories, as mapped out by NCSCM, based on guidelines as contained in **Annexure-I** and integrated in the ICRZ Plans.
- (iii) **ICRZ-I B:** The CCRZ-IB shall consist of the intertidal zone i.e. the area between Low Tide Line and High Tide Line shall constitute the ICRZ-I B.
- (iv) **ICRZ-II:**
- (a) The ICRZ-II shall constitute the developed land areas up to or close to the shoreline, within the existing municipal limits or in other existing legally designated urban areas, which are substantially built-up with a ratio of built up plots to that of total plots being more than 50% and have been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains etc.
 - (b) The Land areas along the creeks or tidal influence water bodies, located in the ICRZ II shall also be earmarked as ICRZ II and the distance upto which the ICRZ is to be reckoned as the land area between HTL to 20 meters or width of the creek, whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of five parts per thousand (ppt)

measured during the driest period of the year and distance up to which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Island Coastal Regional Zone Plans (hereinafter referred to as the ICRZ Plans).

- (v) **ICRZ-III:** The land areas that are relatively undisturbed (viz. rural areas etc.) and those do not fall under ICRZ-II, shall constitute ICRZ-III.

Explanation.- 1. For Group-I Islands, the area up to 100 meter from the HTL on the landward side shall be earmarked as the No Development Zone (NDZ).

Provided that the NDZ for development of eco-tourism activities shall be 50 m and the Andaman and Nicobar administration shall ensure that the concerns of the fishing community are fully protected.

2. For Group-II Islands, the area up to 50 mts from the HTL on the landward side shall be earmarked as the No Development Zone (NDZ).

Provided that the NDZ for development of eco-tourism activities shall be 20 m and the A&N administration shall ensure that the concerns of the fishing community are fully protected.

- (vi) Land area up to 20 m from the HTL, or width of the creek whichever is less, along the tidal influenced water bodies in the CRZ III, shall also be earmarked as the NDZ and the distance upto which the NDZ is to be reckoned as the land area between HTL to 20 meters or width of the creek, whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea and the distance upto which development along such tidal influenced water bodies is to be regulated shall be governed by the distance upto which the tidal effects are experienced which shall be determined based on salinity concentration of five parts per thousand (ppt) measured during the driest period of the year and distance up to which tidal effects are experienced shall be clearly identified and demarcated accordingly in the Island Coastal Regional Zone Plans (hereinafter referred to as the ICRZ Plans).

Note: The NDZ shall not be applicable in such areas falling within notified Port limits.

- (vii) **ICRZ-IV.-** The ICRZ - IV shall constitute the water area and shall be further classified as under:
- (viii) **ICRZ- IVA.-** The water area and the sea bed area between the Low Tide Line up to twelve (12) nautical miles on the seaward side shall constitute ICRZ-IV A.
- (ix) **ICRZ- IVB.-** ICRZ-IV B areas shall include the water area and the bed area between LTL at the bank of the tidal influenced water body to the LTL on the opposite side of the bank, extending from the mouth of the water body at the sea up to the influence of tide, i.e., salinity of five parts per thousand (ppt) during the driest season of the year.
3. **Prohibited activities within ICRZ.-** The following activities shall be prohibited, in general, within the entire ICRZ. Exceptions to these and other permissible or regulated activities in specific ICRZ categories viz. ICRZ-I, II, III & IV, shall however be governed by the provisions under para 5 of this Notification:
- (i) destruction of corals.
 - (ii) mining of sand from in and around coral areas, nesting and breeding grounds of endemic and endangered species.
 - (iii) shore protection works (hard constructions) on the seaward side of the corals.
 - (iv) setting up of new industries and expansion of existing industries, operations or processes.
 - (v) manufacture or handling of oil, storage or disposal of hazardous substances as specified in the notification of Ministry of Environment, Forest & Climate Change.
 - (vi) setting up of new fish processing units.
 - (vii) land reclamation, bunding or disturbing the natural course of seawater.
 - (viii) discharge of untreated waste and effluents from industries, cities or towns and other human settlements.
 - (ix) dumping of city or town wastes including construction debris, industrial solid wastes, fly ash for the purpose of land filling.
 - (x) port and harbour projects in high eroding stretches of the coast.
 - (xi) mining of sand, rocks and other sub-strata materials.
 - (xii) dressing or altering active sand dunes.

- (xiii) in order to safeguard the aquatic system and marine life, disposal of plastic into the coastal waters shall be prohibited. Adequate measures for management and disposal of plastic materials shall be undertaken in the ICRZ.
- (xiv) drawal of ground water.

4. Regulation of permissible activities in the ICRZ

(I) ICRZ-I.-

(II) **ICRZ-IA.-** These areas are ecologically most sensitive and generally no activities shall be permitted to be carried out in the ICRZ-I A areas, with following exceptions:

- (a) Eco-tourism activities such as mangrove walks, tree huts, nature trails, etc., in identified stretches areas subject to such eco-tourism plan featuring in the approved ICRZ Plans as per this Notification, framed with due consultative process/ public hearing etc. and further subject to environmental safeguards and precautions related to the Ecologically Sensitive Areas, as enlisted in the ICRZ Plans.
- (b) In the mangrove buffer, only such activities shall be permitted like laying of pipelines, transmission lines, conveyance systems/mechanisms and construction of road on stilts etc. that are required for public utilities.
- (c) Construction of roads and roads on stilts, by way of reclamation in ICRZ-IA areas, shall be permitted only in exceptional cases for defence, strategic purposes and public utilities, subject to a detailed marine or terrestrial environment impact assessment or both, to be recommended by the Coastal Zone Management Authority (CZMA) and approved by the Ministry of Environment, Forest and Climate Change; and in case construction of such roads passes through mangrove areas or is likely to damage the mangroves, a minimum three times the mangrove area affected or destroyed or cut during the construction process shall be taken up for compensatory plantation of mangroves.

(III) ICRZ-IB.-

The activities shall be regulated or permissible in the ICRZ-I B areas as under:

- (i) Land reclamation and bunding etc. shall be permitted only for activities such as;
 - (a) Foreshore facilities like ports, harbours, Jetties, wharves, quays, slipway, bridges, hover ports for coast guard and sea links etc.
 - (b) Projects for Defence, strategic and security purpose;
 - (c) Road on stilts, provided that such roads shall not be authorized for permitting development on the landward side of such roads, till the existing High Tide Line:

Provided that the use of reclaimed land may be permitted only for public utilities such as mass rapid or multimodal transit system, construction and installation of all necessary associated public utilities and infrastructure to operate such transit or transport system including those for electrical or electronic signaling system, transit stopover of permitted designs; except for any industrial operation, repair and maintenance.
 - (d) Measures for control of erosion.
 - (e) Maintenance and clearing of waterways, channels, ports and hover ports for coast guard.
 - (f) Measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structure for prevention of salinity ingress and freshwater recharge.
- (ii) Activities related to waterfront or directly needing foreshore facilities such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, lighthouses, navigational safety facilities, coastal police stations, Indian coast guard stations and the like.
- (iii) Power by non-conventional energy sources and associated facilities.
- (iv) Transfer of hazardous substances from ships to Ports, terminals and refineries and vice versa.
- (v) Facilities for receipt and storage of petroleum products and liquefied natural gas as specified in **Annexure-II**, subject to implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate in the Ministry of Petroleum and Natural Gas, provided that such facilities are for receipt and storage of fertilizers and raw materials required for fertilizers, like ammonia, phosphoric acid, sulphur, sulphuric acid, nitric acid etc.

- (vi) Storage of non-hazardous cargo i.e. edible oil, fertilizers & food grains in notified Ports.
- (vii) Hatchery and natural fish drying.
- (viii) Existing fish processing units may utilize 25% additional plinth area for modernization purposes (only for additional equipments and pollution control measures) subject to the following:
 - (a) FSI of such reconstruction not exceeding the permissible FSI permissible as per prevalent town and country planning regulations.
 - (b) Additional plinth area is constructed only to the landward side.
 - (c) Approval of the concerned State Pollution Control Board or the Pollution Control Committee.
- (ix) Treatment facilities for waste and effluents and conveyance of treated effluents.
- (x) Storm water drains.
- (xi) Projects classified or identified as strategic, Defence related projects and Projects of Department of Atomic Energy.
- (xii) Manual mining of atomic mineral(s) notified under Part-B of First Schedule of Mines and Minerals (Development and Regulation) Act, 1957 occurring as such or in association with one or other minerals in the inter-tidal zone by such agencies as authorised by Department of Atomic Energy, as per mining plan approved by the Department of Atomic Energy.

Provided that the manual mining operations are carried out only by deploying persons using baskets and hand spades for collection of ore or mineral within the intertidal zone and as per approved mining plan, without deploying or using drilling and blasting or Heavy Earth Moving Machinery in the intertidal zone.
- (xiii) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
- (xiv) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water, intake water for desalination plants etc., and outfall for discharge of treated wastewater or cooling water from thermal power plants, in conformity with the environmental standards notified by Ministry of Environment, Forest and Climate Change and relevant directions of Central Pollution Control Board (CPCB) or the State Pollution Control Board (SPCB) or the Pollution Control Committee (PCC), as the case may be.
- (xv) Pipelines, conveying systems including transmission lines.
- (xvi) Weather radar for monitoring of cyclones prediction ocean observation platforms, movement and associated facilities.
- (xvii) Salt harvesting and associated facilities.
- (xviii) Desalination plants and associated facilities.
- (xix) Mining of sand for construction purposes:

Provided that the mining of sand shall be permitted by Andaman and Nicobar CZMA in identified non-eco sensitive and approved sites, as identified by Institute of Ocean Management (IOM), Chennai, subject to the following, namely:-

- (a) the mining plans shall stipulate sufficient safeguards to prevent damage to the sensitive coastal eco-system including corals, turtles, crocodiles, bird nesting sites and other protected areas.
- (b) total quality of sand to be mined shall be fixed taking into consideration the order of Hon'ble Supreme Court, dated 7th May, 2002 in Writ Petition (Civil No.2002 of 1995).
- (c) the sand mining shall be monitored by a constituted Committee by the Lieutenant Governor of Andaman and Nicobar comprising of (1) Chief Secretary, Andaman & Nicobar, (2) Secretary, Department of Environment, (3) Secretary, Department of Water Resources, (4) Secretary, Andaman and Nicobar Public Works Department, (5) Representative from the Regional Office of Ministry of Environment, Forest and Climate Change, Bhubaneshwar and (6) Representative of an NGO based at Andaman and Nicobar.

(IV) ICRZ-II

- (i) Activities as permitted in ICRZ-I B, shall also be permissible in ICRZ-II, as applicable.

- (ii) Construction of buildings for residential purposes, schools, hospitals, institutions, offices, public places etc. shall be permitted only on the landward side of the existing road, or on the landward side of existing authorized fixed structures; provided that no permission for construction of buildings shall be given on landward side of any new roads which are constructed on the seaward side of an existing road.
 - (iii) Buildings permitted as in (ii) above, shall be subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index or Floor Area Ratio prevailing as on the date of this notification in the official gazette, and in the event that there is a need for amendment of the FSI after the date of publication of this notification in the official Gazette, the Urban Local Body or the Union territory Administration shall approach the Ministry of Environment, Forest and Climate Change through the concerned Union territory Coastal Zone Management Authority (CZMA) and the concerned CZMA shall forward the proposal to the National Coastal Zone Management Authority (NCZMA) with its views in the matter, and the NCZMA shall thereafter examine various aspects like availability of public amenities, environment protection measures, etc. and take a suitable decision on the proposal and it shall be the responsibility of the concerned Town Planning Authority to ensure that the solid Wastes are handled as per respective Solid Waste Management Rules and no untreated sewage is discharged on the coast or coastal waters.
 - (iv) Reconstruction of authorized buildings shall be permitted, without change in present land use, subject to the local town and country planning regulations as applicable from time to time, and the norms for the Floor Space Index or Floor Area Ratio, prevailing as on the date of this Notification. and in the event that there is a need for amendment of the FSI after the date of publication of this notification in the official Gazette, the Urban Local Body or the Union territory Administration shall approach the Ministry of Environment, Forest and Climate Change through the concerned Union territory Coastal Zone Management Authority (CZMA) and the concerned CZMA shall forward the proposal to the National Coastal Zone Management Authority (NCZMA) with its views in the matter, and the NCZMA shall thereafter examine various aspects like availability of public amenities, environment protection measures, etc. and take a suitable decision on the proposal and it shall be the responsibility of the concerned Town Planning Authority to ensure that the solid Wastes are handled as per respective Solid Waste Management Rules and no untreated sewage is discharged on the coast or coastal waters.
 - (v) Development of vacant plots in designated areas for construction of beach resorts/hotels/tourism development projects subject to the conditions or guidelines at Annexure-III.
 - (vi) Temporary tourism facilities shall be permissible in the beaches which shall only include shacks, toilets or washrooms, change rooms, shower panels; walk ways constructed using interlocking paver blocks and the like, drinking water facilities, seating arrangements, facilities associated for water sports activities etc. and such facilities shall however be permitted only subject to the tourism plan featuring in the approved ICRZ Plan as per this Notification, framed with due consultative process and public hearing etc. and further subject to maintaining a minimum distance of 10 meters from HTL for setting up of such facilities and environmental safeguards enlisted in the ICRZ Plans.
 - (vii) Construction or repairs of infrastructure facilities for Marine Coastal Police Stations may be permitted on a case to case basis by CZMA.
 - (viii) Mining of atomic minerals notified under Part-B of the First Schedule to Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by the Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.
- (V) ICRZ-III:**
- (a) Activities as permitted in ICRZ-I B, shall also be permissible in ICRZ-III, as applicable.
 - (b) Regulation of activities in the NDZ: Following activities shall be permitted or regulated in the NDZ.-
 - (i) no construction shall be permitted within NDZ in ICRZ-III, except for repairs or reconstruction of existing authorized structure not exceeding existing Floor Space Index, existing plinth area and existing density; for permissible activities under the notification including facilities essential for activities and construction/reconstruction of dwelling units of traditional coastal communities including fisher folk, incorporating necessary disaster management provisions and proper sanitation arrangements.
 - (ii) agriculture, horticulture, gardens, pastures, parks, playfields and forestry.

- (iii) construction of dispensaries, schools, public rain shelter, community toilets, bridges, roads, provision of facilities for water supply, drainage, sewerage, crematoria, cemeteries and electric sub-station which are required for the local inhabitants may be permitted on a case to case basis by CZMA.
 - (iv) construction of units or auxiliary thereto for domestic sewage, treatment and disposal with the prior approval of the concerned Pollution Control Board or Committee.
 - (v) facilities required for local fishing communities such as fish drying yards, auction halls, net mending yards, traditional boat building yards, ice plant, ice crushing units, fish curing facilities and the like;
 - (vi) wherever there is a national or state highway passing through the NDZ of ICRZ-III areas, temporary tourism facilities such as toilets, change rooms, drinking water facility and temporary shacks can be taken up on the seaward side of the road.
 - (vii) on landward side of such roads in the NDZ, Resorts / hotels and associated tourism facilities shall be permitted. Such facilities shall, however, be permitted only subject to the incorporation of tourism plan in the approved ICRZ Plans as per this Notification and the conditions / guidelines at **Annexure-III**, as applicable.
 - (viii) temporary tourism facilities shall be permissible in the NDZ and beaches in the ICRZ-III areas and such temporary facilities shall only include shacks, toilets or washrooms, change rooms, shower panels; walk ways constructed using interlocking paver blocks and the like, drinking water facilities, seating arrangements, facilities associated for water sports activities etc. and such facilities shall however be permitted only subject to the tourism plan featuring in the approved ICRZ Plan as per this Notification framed with due consultative process and public hearing etc. and further subject to maintaining a minimum distance of 10 meters from HTL for setting up of such facilities and environmental safeguards enlisted in the ICRZ Plans.
 - (ix) mining of atomic minerals notified under Part-B of the First Schedule to Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by the Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.
- (c) For ICRZ-III Areas beyond the NDZ, activities shall be permissible and regulated as under:
- (i) development of vacant plots in designated areas for construction of beach resorts or hotels or tourism development projects subject to the conditions / guidelines at Annexure-III;
 - (ii) construction or reconstruction of dwelling units so long it is within the ambit of traditional rights and customary uses such as existing fishing villages etc. Building permission for such construction or reconstruction will be subject to local town and country planning rules with an overall height of construction not exceeding nine meters and with only two floors (ground + one floor);
 - (iii) the local communities including fishermen can be permitted to facilitate tourism through 'home stay' without changing the plinth area/ design or facade of the existing houses.
 - (iv) construction of public rain shelters, community toilets, water supply drainage, sewerage, roads and bridges etc.
 - (v) Construction or repairs of infrastructure facilities for Marine Coastal Police Stations may be permitted on a case to case basis by CZMA.
- (d) Drawing of groundwater and construction related thereto shall be prohibited within 200 meters of HTL except for the use of local communities in areas inhabited by them. In the areas between 200 meters - 500 meters of the HTL, groundwater withdrawal can be permitted only through manual means from ordinary wells for drinking, horticulture, agriculture and fisheries etc. where no other source of water is available. Restrictions for such drawal may be imposed by the designated Authority by UT administration in the areas affected by sea water intrusion.
- (e) Mining of atomic minerals notified under Part-B of the First Schedule to Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) occurring as such or in association with one or other minerals by such agencies as authorised by the Department of Atomic Energy, Government of India, as per mining plan by the Atomic Mineral Directorate for Exploration and Research.
- (VI) ICRZ-IV.-** Activities shall be permitted and regulated in the CRZ IV areas as under:
- (i) Traditional fishing and allied activities undertaken by local communities.
 - (ii) Land reclamation and bunding etc. to be permitted only for activities such as;

- (a) Foreshore facilities like ports, harbours, Jetties, wharves, quays, slipway, bridges, sea links and hover ports for coast guard etc.
- (b) Projects for Defence, strategic and security purpose including Coast Guard.
- (c) Measures for control of erosion.
- (d) Maintenance and clearing of waterways, channels and ports.
- (e) Measures to prevent sand bars, installation of tidal regulators, laying of storm water drains or for structure for prevention of salinity ingress and freshwater recharge.
- (iii) Activities related to waterfront or directly needing foreshore facilities such as ports and harbours, jetties, quays, wharves, erosion control measures, breakwaters, pipelines, navigational safety facilities, and the like.
- (iv) Power by non-conventional energy sources and associated facilities.
- (v) Transfer of hazardous substances from ships to Ports.
- (vi) Storage of non-hazardous cargo like edible oil, fertilizers and food grains in notified Ports.
- (vii) Facilities for discharging treated effluents into the water course.
- (viii) Projects classified as Strategic and Defence related projects including coast guard coastal security network.
- (ix) Projects of Department of Atomic Energy.
- (x) Exploration and extraction of oil and natural gas and all associated activities and facilities thereto;
- (xi) Exploration and mining of atomic minerals notified under Part-B of the First Schedule of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), occurring as such or in association with other mineral(s) and of such associated mineral(s).
- (xii) Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants. Foreshore requiring facilities for transport of raw materials, facilities for intake of cooling water and outfall for discharge of treated wastewater or cooling water from thermal power plants, in conformity with the environmental standards notified by Ministry of Environment, Forest and Climate Change and relevant directions of Central Pollution Control Board (CPCB) or the State Pollution Control Board (SPCB) or the Pollution Control Committee (PCC), as the case may be.
- (xiii) Pipelines, conveying systems including transmission lines.
- (xiv) Weather radar for monitoring of cyclone prediction, ocean observation platforms, movement and associated facilities.

5. Island Coastal Regulation Zone Plan (ICRZP):

- (i) The Andaman and Nicobar administration shall revise or update their respective island coastal regulation zone plan (ICRZP) framed under IPZ Notification, 2011, as per provisions of this Notification and submit to the Ministry of Environment, Forest and Climate Change for approval at the earliest. All the project activities attracting the provisions of this Notification shall be required to be appraised as per the updated ICRZ Plans to this Notification. Until and unless the plans are so revised or updated, provisions of this Notification shall not come in force and the plans as per provisions of IPZ Notification, 2011 shall continue to be followed for appraisal and CRZ clearance to such projects;
- (ii) The ICRZ Plans may be prepared or updated by engaging reputed and experienced scientific institution(s) or the agencies including the National Centre for Sustainable Coastal Management (hereinafter referred to as the NCSCM) of Ministry of Environment, Forest and Climate Change and in consultation with the concerned stakeholders;
- (iii)(a) Draft plans shall be prepared in 1:25,000 scale map identifying and classifying the ICRZ areas within the respective territories in accordance with the guidelines given in Annexure-IV of the notification, which involve public consultation;
 - (b) All developmental activities listed in this notification shall be regulated by the Union Territory Administration, the local authority or the concerned CZMA within the framework of such approved ICRZ plans, as the case may be, in accordance with provisions of this notification;
- (iv) The draft plans shall be submitted to the A&N CZMA for appraisal, including appropriate consultations, and recommendations in accordance with the procedure(s) laid down in the Environment (Protection) Act, 1986;

- (v) The Ministry of Environment, Forest and Climate Change shall thereafter consider and approve the plans;
- (vi) The ICRZ Plans shall not normally be revised before a period of five years after which, the concerned Union territory administration may consider undertaking a revision.

6. Areas requiring special consideration: Small Islands of Andaman Islands and Nicobar and Lakshadweep:

- (i) All the smaller Islands in Andaman and Nicobar and Lakshadweep, other than those listed under the ICRZ categories, shall also be covered under this Notification.
- (ii) These smaller islands shall be managed through the respective Integrated Island Management Plans (hereinafter referred to as the IIMP). Integrated Island Management Plans (IIMPs) shall be formulated by respective Union territory administration for all such Islands as per guidelines contained in **Annexure-IV**, and submitted to Ministry of Environment, Forest and Climate Change for approval at the earliest. Until and unless the IIMPs are framed, provisions of this Notification shall not come in force and the IIMPs as per provisions of IPZ Notification 2011 shall continue to be followed.
- (iii) In view of the unique coastal systems and space limitations in these islands, a No Development Zone (NDZ) of 20 meters from the HTL on the landward side shall uniformly apply to such islands and activities shall be regulated as under:
 - (a) Existing dwelling units of local communities of these islands may be repaired or reconstructed within 20 meters from the HTL and however, no new construction shall be permitted.
 - (b) Foreshore facilities such as fishing jetty, fish drying yards, net mending yard, fishing processing by traditional methods, boat building yards, ice plant, boat repairs and the like, may be taken up in NDZ limits subject to due environmental safeguards.
 - (c) Activities in the Coastal Water areas, inter-tidal zone and ecologically sensitive areas shall be permitted or regulated as in the ICRZ-I and ICRZ-IV areas under Para 4 of this Notification.
 - (d) Development in these Islands beyond 20 meters of HTL shall be governed by the respective IIMPs and local regulations, as applicable.

7. ICRZ clearance for permissible or regulated activities- Delegations

- (i) All permitted or regulated project activities attracting the provisions of this notification shall be required to obtain ICRZ clearance prior to their commencement.
- (ii) All development activities or projects in ICRZ-I and ICRZ-IV areas, which are regulated and permissible as per this notification, shall be dealt with by the Ministry of Environment, Forest and Climate Change for clearance, based on the recommendation of the concerned CZMA.
- (iii) For all other permissible and regulated activities as per this Notification, which fall purely in ICRZ-II and ICRZ-III areas, the ICRZ clearance shall be considered by the concerned CZMAs. Such projects in ICRZ -II and III, which also happen to be traversing through ICRZ-I and/or ICRZ-IV areas, ICRZ clearance shall, however be considered only by the Ministry of Environment, Forest and Climate Change, based on recommendations of the CZMA.
- (iv) Projects or activities which attract the provisions of this Notification as also the provisions of EIA Notification 2006, shall be dealt with for a composite Environmental and ICRZ clearance under EIA Notification 2006 by the concerned approving Authority, based on recommendations of concerned CZMA, as per delegations i.e., State Environmental Impact Assessment Authority (hereinafter referred to as the SEIAA) for category 'B' projects and by the Ministry of Environment, Forest and Climate Change for category 'A' projects respectively.
- (v) In case of building and construction projects with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification, these shall be approved by the concerned local Union Territory Planning Authorities in accordance with this notification, after obtaining recommendations of the CZMA.
- (vi) Only for self-dwelling units up to a total built up area of 300 sq. meters, approval shall be accorded by the concerned local Authority, without the requirement of recommendations of the CZMA. Such authorities shall, however, examine the proposal from the perspective of this Notification, before according approval.

8. Procedure for ICRZ clearance for permissible and regulated activities:

- (i) The project proponents shall apply with the following documents to the concerned Union territory Coastal Zone Management Authority for seeking prior clearance under the ICRZ Notification:

- (a) Project summary details as per **Annexure-V** of the notification.
 - (b) Rapid EIA Report including marine and terrestrial component, as applicable, except for building construction projects or housing schemes.
 - (c) Comprehensive EIA with cumulative studies for projects, (except for building construction projects or housing schemes with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification) if located in low and medium eroding stretches, as per the ICRZP to this notification.
 - (d) Risk Assessment Report and Disaster Management Plan except for building construction projects or housing schemes with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification.
 - (e) ICRZ map in 1:4000 scale, drawn up by any of the agencies identified by the Ministry of Environment, Forest and Climate Change vide its Office order number J-17011/8/92-IA-III dated 14th March 2014 using the demarcation of the HTL or LTL, as carried out by NCSCM.
 - (f) Project layout superimposed on the above map duly indicating the project boundaries and the ICRZ category of the project location as per the approved ICZMP of this Notification.
 - (g) The ICRZ map normally covering 7km radius around the project site also indicating the ICRZ-I, II, III and IV areas including other notified ecologically sensitive areas.
 - (h) “Consent to establish” or NOC from the concerned State Pollution Control Boards or Union Territory Pollution Control Committees for the projects involving treated discharge of industrial effluents and sewage. In case prior consent of Pollution Control Board or Pollution Control Committee is not obtained, the same shall be ensured by the proponent before the start of the construction activity of the project, following the clearance under this Notification.
- (ii) The Andaman and Nicobar CZMA shall examine the documents as in (i) above, in accordance with the approved ICRZ Plan or IIMP, as the case may be, and in compliance with ICRZ notification and make recommendations within a period of sixty days from date of receipt of complete application as under:-
- (a) For the projects or activities also attracting the EIA Notification, 2006, the CZMA shall forward its recommendations to the Ministry of Environment, Forest and Climate Change or SEIAA for category ‘A’ and category ‘B’ projects respectively, to enable according a composite clearance under the EIA Notification:

Provided that, even for such Category ‘B’ projects located in ICRZ-I or ICRZ-IV areas, final recommendation for ICRZ clearance shall be made only by Ministry of Environment, Forest and Climate Change to the concerned SEIAA to enable it accord a composite EC and ICRZ clearance to the proposal.
 - (b) ICZMAs shall forward their recommendations to the Ministry of Environment, Forest and Climate Change for the projects/activities not covered in the EIA notification, 2006, but attracting ICRZ Notification and located in ICRZ-I or ICRZ-IV areas.
 - (c) Projects or activities not covered in the EIA notification, 2006, but attracting ICRZ Notification and located in ICRZ-II or ICRZ-III areas shall be considered for clearance by the concerned ICZMA within sixty days of the receipt of the complete proposal from the proponent.
 - (d) In case of construction projects attracting CRZ Notification but with built-up area less than the threshold limit stipulated for attracting the provisions of the EIA Notification 2006, CZMAs shall forward their recommendations to the Union territory planning authorities, to facilitate granting approval by such authorities.
- (iii) The Ministry of Environment, Forest and Climate Change, shall consider complete project proposals for clearance under the ICRZ Notification, based on the recommendations of the ICZMA, within a period of sixty days.
- (iv) In case the ICZMAs are not in operation due to their reconstitution or any other reasons, then it shall be responsibility of the Department of Environment in the Union territory Administrations, who are the custodian of the ICRZ Plans or IIMPs, to provide comments and recommend the proposals in terms of the provisions of the said notification.
- (v) (a) The clearance accorded to the projects under this notification shall be valid for a period of seven years, provided that the construction activities are completed and the operations commence within seven years from the date of issue of such clearance.
- (b) The validity may be further extended for a maximum period of three years, provided an application is made to the concerned authority by the applicant within the validity period, along with recommendation

for extension of validity of the clearance by the concerned Union Territory Coastal Zone Management Authority.

- (vi) Post clearance monitoring:-
- (a) It shall be mandatory for the project proponent to submit half-yearly compliance reports in respect of the stipulated terms and conditions of the environmental clearance in hard and soft copies to the regulatory authority(s) concerned, on 1st June and 31st December of each calendar year and all such compliance reports submitted by the project proponent shall be published in public domain and its copies shall be given to any person on application to the concerned CZMA.
- (b) The compliance report shall also be displayed on the website of the concerned regulatory authority.
- (vii) To maintain transparency in the working of the CZMAs, it shall be the responsibility of the CZMA to create a dedicated website and post the agenda, minutes, decisions taken, clearance letters, violations, action taken on the violations and court matters including the Orders of the Hon'ble Court as also the approved ICRZ Plans or IIMPs of the respective Islands of the Union territory.

9. Enforcement of the ICRZ Notification:

- (i) For the purpose of implementation and enforcement of the provisions this notification and compliance with conditions stipulated there under, the powers either original or delegated are available under the Environment (Protection) Act, 1986 with the Ministry of Environment, Forest and Climate Change, and the Union territory Administration, NCZMA and SCZMAs;
- (ii) The composition, tenure and mandate of NCZMA and State Government or the Union territory CZMAs have already been notified by the Ministry of Environment, Forest and Climate Change in terms of Orders of Hon'ble Supreme Court in Writ Petition 664 of 1993;
- (iii) The Union territory CZMAs shall primarily be responsible for enforcing and monitoring of this notification and to assist in this task, the Union Territory shall constitute district level Committees under the Chairmanship of the District Magistrate concerned comprising at least three representatives of local traditional coastal communities including from fisherfolk;
- (iv) The Union territory administration may consider further delegation of the enforcement of this notification to the level of respective District Magistrates;
- (v) The dwelling units of the traditional coastal communities including fisher folk as were permissible under the provisions of the IPZ notification, 2011, but which have not obtained formal approval from concerned authorities under the aforesaid notification shall be considered by the respective Union territory CZMAs and the dwelling units shall be regularized subject to the following condition, namely:-
- (a) these are not used for any commercial activity.
- (b) these are not sold or transferred to non-traditional coastal community.

[F.No.12-14/2018-IA-III]

RITESH KUMAR SINGH, Jt. Secy .

Annexure-I

CONSERVATION, PROTECTION AND MANAGEMENT FRAMEWORK FOR ESAs

The coastal and marine Ecologically Sensitive Areas (ESAs) and the geo-morphological features play a vital role in maintaining the functions of the coast. Mangroves, beaches, coral reefs etc., aid in controlling coastal erosion, shoreline change, saltwater intrusion and also serve as natural defence against coastal hazards such as storm surges, cyclones and tsunamis. The ESAs maintain the biological integrity of the coast by providing direct and indirect ecosystem services to the coastal livelihood. In addition, several invaluable archaeological and heritage sites are also located along the coast. Hence conservation and protection of the above areas/ features/ sites become necessary.

1. General measures

- (i) All ESAs shall be identified and boundary delineated by NCSCM using satellite data.
- (ii) The State/UT Governments through the authorized agencies shall prepare CZMP as per the guidelines contained in the Notification highlighting the conservation and protection of the ESAs.
- (iii) Those activities permissible under this notification shall be included in the CZMPs.

Specific conditions shall be adopted for the conservation, protection and management of each of the ESAs as under:-

A. Mangroves:

- (i) Mangroves declared as forest under Forest Conservation Act, 1980:
Notwithstanding anything contained in this notification, such mangroves declared by the concerned UT Administrations or the Central Government as forest land under the Forest (Conservation) Act, 1980 shall attract the provisions of the Forest (Conservation) Act, 1980 only.
- (ii) Mangroves not declared under Forest (Conservation) Act, 1980.
 - (a) Mangroves in Government land shall be protected based on a detailed plan to be prepared by the concerned State/UT Governments. In case the mangrove area is more than 1000 sq m, a buffer of 20 m along the periphery of mangrove area shall be provided. This buffer zone of 20 m may be utilized for public facilities for developing parks, research facilities related to mangrove biodiversity, facilities for conservation and the like.
 - (b) Mangroves in private land will not require a buffer zone.

B. Corals and coral reefs and associated biodiversity:

- (i) Destruction of coral and coral reefs and the surroundings is a prohibited activity.
- (ii) All coral and coral reefs shall be protected except for those small quantities required for research purposes.
- (iii) Coral and coral reefs transplantation activities shall be through recognized research institutions wherever required for regeneration after obtaining necessary approvals under Wildlife (Protection) Act 1972.
- (iv) The dead and/or destroyed coral areas shall be taken up for rejuvenation and rehabilitation. The conservation and protection of corals and coral reefs shall be taken up as follows:
 - (a) Active and live coral and coral reefs identified and delineated shall be declared and notified as ESA under Environment (Protection) Act 1986.
 - (b) It shall be ensured that no activities that are detrimental to the health of corals, coral reefs and its associated biodiversity such as mining, effluent and sewage discharge, dredging, ballast water discharge, ship washings, fishing other than traditional non-destructive fisheries, construction activities and the like are taken up in and around the coral areas.

C. The National Parks, marine parks, Sanctuaries, reserve forests, wildlife habitats and other protected areas declared under the provisions of Wild Life (Protection) Act, 1972 (53 of 1972), the Forest (Conservation) Act 1980 (69 of 1980) or Environment (Protection) Act 1986 (29 of 1986); including Biosphere Reserves would be conserved and protected as follows:

- (i) Conservation and protection of the above listed areas shall be as per the provisions of the respective Acts/notifications/guidelines.
- (iii) Efforts shall be made to increase the forest area in the coastal region in order to prevent loss of life and property from increased storms, tides and floods.
- (iv) The concerned Union territory administration shall provide for adequate funds for such measures to undertake shelter belt plantation or bio-shields with planting material suitable to the location.

D. Salt marshes:

The conservation and protection of salt marshes shall be as follows:

- (i) The salt marsh areas shall be conserved and protected and efforts shall be made to promote the endemic biodiversity in the salt marshes.
- (ii) Only those activities required for overhead conveying or transmission of cables and underground laying of transmission line cables and so on, shall be permissible.
- (iii) Traditional fishing is permissible in salt marshes.
- (iv) Temporary tourism facilities around the salt marsh areas could be considered subject to adhering to strict norms laid down in the guidelines.
- (v) Certain salt marshes which have less biodiversity, identified by NCSCM, Chennai and demarcated in ICRZ Plan can be considered for salt pan activities.

E. Turtle nesting grounds shall be protected and conserved as follows:

- (i) Turtle nesting grounds identified by the concerned UT shall be protected as per Wildlife (Protection) Act , 1972.
- (ii) No activities shall be permitted in and around the turtle nesting ground including those causing light and sound pollution except for those required for conservation and protection of these sites.
- (iii) Strict management plans for protecting the turtle nesting grounds shall be undertaken and implemented by the concerned State/UT Authorities.

F. Horse shoe crab's habitat shall be protected and conserved as follows:

- (i) The habitat identified shall be taken up for conservation and protection.
- (ii) No activities shall be taken up in and around these habitats which affect the horse shoe crab ecosystem.

G. Sea grass beds shall be protected and conserved as follows:

- (i) Identified sea grass beds shall be conserved and protected.
- (ii) No developmental activities that have adverse effect on the sea grass bed shall be undertaken.
- (iii) Efforts shall be made to propagate sea grass beds along the coastal waters where ever possible by States/UTs as it acts as a carbon sink.

H. Nesting grounds of birds shall be protected and conserved as follows:

- (i) The nesting ground of birds including their local migratory route shall be protected. No developmental activities which have adverse impact on the nesting grounds and the migratory routes shall be undertaken including construction of wind mills, transmission lines and the like in the locality.
- (ii) Efforts shall be made to increase the forest cover and mangrove cover including enriching the biodiversity of salt marsh and other coastal water bodies so as to provide for suitable habitat for the avifauna.

I. Geo-morphologically Important Zones shall be protected and managed as follows:

- (i) **Sand dunes** identified shall be conserved and protected as follows:
 - (a) Sand dunes identified shall be notified under Environment (Protection) Act, 1986;
 - (b) No developmental activities be permissible except for providing eco-friendly temporary tourism facilities on stilts such as walkways, tents and the like;
 - (c) Mining of sand from sand dunes is a prohibited activity except for the removal of rare earth minerals with proper replenishment using the tailings or other suitable sand;
 - (d) No activities on the sand dunes shall be taken up that would lead to erosion/destruction of sand dunes;
 - (e) Afforestation, if any, on the sand dunes shall be done only with native flora;
 - (f) The States/UTs shall prepare management plans for the demarcated sand dunes.
- (ii) **Sandy beaches:**
 - (a) Mining of beach sand is prohibited except for manual mining of atomic minerals with proper replenishment using the tailings or other suitable sand.
 - (b) When the permissible developmental activities are taken up on the beaches if loss of beach in the neighbourhood is predicted, necessary beach nourishment to compensate for the losses shall be undertaken by the project authorities and its long term maintenance shall be ensured by them.
 - (c) The States/UTs shall prepare management plans for the demarcated beaches.
- (iii) **Biologically active Mudflats:**
 - (a) Biologically active mudflats will be identified by NCSCM, Chennai in association with the UT administration.
 - (b) The UT administration shall prepare management plans for such demarcated biologically active mudflats.

J. Areas or structures of archaeological importance and heritage value sites:

- (i) Union territory archaeological agencies shall be responsible for conservation and protection of all archaeological structures and heritage sites identified by Archaeological Survey of India, as per the provisions of the respective Acts/notifications/guidelines.
- (ii) No activities that are detrimental to the identified areas or structures of archaeological and heritage value shall be permitted.
- (iii) It shall be ensured that these structures or areas are preserved and activities undertaken without changing the façade/plinth of such structures. Such structures could be considered for use in accordance with the relevant norms after undertaking careful designing of the interiors without changing the exterior architectural design of the structure.

Annexure-II**List of petroleum and chemical products permitted for storage in ICRZ, except in ICRZ-IA**

- (i) Crude oil;
- (ii) Liquefied Petroleum Gas;
- (iii) Motor spirit;
- (iv) Kerosene;
- (v) Aviation fuel;
- (vi) High speed diesel;
- (vii) Lubricating oil;
- (viii) Butane;
- (ix) Propane;
- (x) Compressed Natural Gas;
- (xi) Naphtha;
- (xii) Furnace oil;
- (xiii) Low Sulphur Heavy Stock;
- (xiv) Liquefied Natural Gas;
- (xv) Fertilizers and raw materials for manufacture of fertilizers;
- (xvi) Acetic acid;
- (xvii) Mono ethylene glycol;
- (xviii) Paraxylene;
- (xix) Ethane;
- (xx) Butadine;
- (xxi) Methanol;
- (xxii) Caustic;
- (xxiii) Bitumen.

Annexure-III**Guidelines for development of Beach Resorts or Hotels or Tourism Development Projects on the designated ICRZ areas****1. ICRZ-II**

Construction of beach resorts or hotels in designated areas of ICRZ-II for occupation of tourist or visitors shall be subject to the following conditions, namely:-

- (i) Construction shall be permitted only to the landward side of an existing road or existing authorized fixed structures.

- (ii) Live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;
- (iii) No flattening of sand dunes shall be carried out;
- (iv) No permanent structures for sports facilities shall be permitted except the construction of goal posts, net posts and lamp posts;
- (v) Construction of basement may be allowed subject to the condition that no objection certification is obtained from the concerned Ground Water Authority to the effect that such construction will not adversely affect the flow of groundwater in that area;
- (vi) The concerned Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;
- (vii) The quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central or State Pollution Control Board and under the Environment (Protection) Act, 1986;
- (viii) Necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;
- (ix) If the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and State laws as applicable to the project shall be met with; and approval of the State or Union territory Tourism Department shall be obtained.

2. ICRZ-III

Construction of beach resorts or hotels in designated areas of ICRZ- III for occupation of tourists or visitors shall be subject to the following conditions, namely:-

- (i) Live fencing and barbed wire fencing with vegetative cover may be allowed around private properties subject to the condition that such fencing shall in no way hamper public access to the beach;
- (ii) No flattening of sand dunes shall be carried out;
- (iii) No permanent structures for sports facilities shall be permitted except construction of goal posts, net posts and lamp posts;
- (iv) Construction of basement may be allowed subject to the condition that no objection certification is obtained from the Ground Water Authority to the effect that such construction will not adversely affect the flow of groundwater in that area;
- (v) The Ground Water Authority shall take into consideration the guidelines issued by Central Government before granting such no objection certificate;
- (vi) Though no construction is allowed in the no development zone for the purposes of calculation of Floor Space Index, the area of entire plot including the portion which falls within the no development zone shall be taken into account;
- (vii) The total covered area on all floors shall not exceed 33 percent of the plot size i.e., the Floor Space Index shall not exceed 0.33 and the open area shall be suitably landscaped with appropriate vegetal cover;
- (viii) The construction shall be consistent with the surrounding landscape and local architectural style;
- (ix) The overall height of construction up to the highest ridge of the roof, shall not exceed 9metres and the construction shall not be more than two floors (ground floor plus one upper floor);
- (x) Groundwater shall not be tapped within 200 meter of the High Tide Line; within the 200 meter 500 meter zone it can be tapped only with the concurrence of the Central or Union territory Ground Water Board;
- (xi) Extraction of sand, leveling or digging of sandy stretches, except for structural foundation of building or swimming pool, shall not be permitted within 500 metres of the High Tide Line;
- (xii) The quality of treated effluents, solid wastes, emissions and noise levels and the like, from the project area must conform to the standards laid down by the competent authorities including the Central Pollution Control Board or UT Pollution Control Committee and under the Environment (Protection) Act, 1986;
- (xiii) Necessary arrangements for the treatment of the effluents and solid wastes must be made and it must be ensured that the untreated effluents and solid wastes are not discharged into the water or on the beach; and no effluent or solid waste shall be discharged on the beach;

- (xiv) To allow public access to the beach, at least a gap of 20metres width shall be provided between any two hotels or beach resorts; and in no case shall gaps be less than 500metres apart; and
- (xv) If the project involves diversion of forestland for non-forest purposes, clearance as required under the Forest (Conservation) Act, 1980 shall be obtained and the requirements of other Central and Union territory laws as applicable to the project shall be met with; and approval of the State or Union territory Tourism Department shall be obtained.

Note: Construction of beach resorts or hotels shall not be permitted in ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other area as may be notified by the Central or Union territory administration.

Annexure -IVA

GUIDELINES FOR PREPARATION OF ISLAND COASTAL REGULATION ZONE (ICRZ) PLANS

1. Demarcation of High Tide Line and Low Tide Line

Demarcation of High Tide Line (HTL) and Low Tide Line (LTL) as carried out by NCSCM shall be applicable for all purposes under this Notification.

2. Hazard Line:

A 'Hazard line' being demarcated by the Survey of India (SOI) taking into account the extent of the flooding on the land area due to water level fluctuations, sea level rise and shoreline changes(erosion/accretion) occurring over a period of time. The hazard line shall be used as a tool for disaster management plan for the coastal environment, including planning of adaptive and mitigation measures. With a view to reduce the vulnerability of the coastal communities and ensuring sustainable livelihood, while drawing the CZMPs, the land use planning for the area between the Hazard line and HTL shall take into account such impacts of climate change and shoreline changes.

3. Preparation of ICRZ Maps

- (i) Base Maps of 1:25,000 scale shall be acquired from the Survey of India (SOI) and wherever 1:25,000 maps are not available, 1:50,000 maps shall be enlarged to 1:25,000 for the purpose of base map preparation and these maps will be of the standard specification given below:

Unit	: 7.5 minutes X 7.5minutes
Numbering	: Survey of India Sheet Numbering System
Horizontal Datum	: Everest or WGS 84
Vertical Datum	: Mean Sea Level (MSL)
Topography	: Topography in the SOI maps will be updated using latest satellite imageries or aerial photographs
- (ii) ICRZ Maps of scale 1:25,000 shall be got prepared by any of the agencies identified by the MoEF&CC vide its Office order number J-17011/8/92-IA-III dated 14th March 2014 using the demarcation of the High Tide Line or LTL, as carried out by NCSCM.
- (iii) Various regulatory lines viz. at a distance of 20 m, 50 m, 200 m and 500 m from HTL respectively, as applicable in various ICRZ categories, shall be demarcated and transferred to the ICRZ Maps
- (iv) HTL, LTL and ICRZ boundaries, as applicable, shall also be demarcated in the ICRZ maps along the banks of tidal influenced inland water bodies.
- (v) Classification of different coastal zones shall be done as per the ICRZ notification and Standard national or international colour codes shall be used.

3. Local level ICRZ Maps

- (i) Local level ICRZ Maps are for the use of local bodies and other agencies to facilitate implementation of the ICRZ Plans
- (ii) Cadastral (village) maps in 1:3960 or the nearest scale, as available with revenue authorities shall be used as the base maps.
- (iii) HTL, LTL, other ICRZ regulatory lines shall be demarcated in the cadastral maps and classifications shall be transferred into local level CZM maps.

4. Classification of ICRZ areas

- (i) The ICRZ Maps shall clearly demarcate the land use plan of the area and map out the Ecologically Sensitive Areas (ESAs) or the ICRZ-IA areas as per mapping made available by NCSCM to coastal State and Union territory administrations. All such ESAs shall be appropriately demarcated with colour codes.
- (ii) Buffer zone along mangrove areas of more than 1000sq mts. shall be stipulated with a different colour distinguishing from the mangrove area. The buffer zone shall also be classified as ICRZ-I area.
- (iii) In the ICRZ areas, the fishing villages, common properties of the fishermen communities, fishing jetties, ice plants, fish drying platforms or areas infrastructure facilities of fishing and local communities such as dispensaries, roads, schools, and the like, shall be indicated on the cadastral scale maps. States shall prepare detailed plans for long term housing needs of coastal fisher communities in view of expansion and other needs, provisions of basic services including sanitation, safety, and disaster preparedness.
- (iv) The water areas of ICRZ-IV shall be demarcated and clearly demarcated if the water body is sea, lagoon, backwater, creek, bay, and estuary and for such classification of the water bodies the terminology used by Naval Hydrographic Office shall be relied upon.
- (v) The fishing Zones in the water bodies and the fish breeding areas shall be clearly marked.
- (vi) The existing authorized developments on the seaward side shall be clearly demarcated.
- (vii) The features like cyclone shelters, rain shelters, helipads and other infrastructure including road network may be clearly indicated on the ICRZ Plans for the purpose of rescue and relief operations during cyclones, storms, tsunami and the like.
- (viii) Construction of buildings or other activities shall be permitted under the ICRZPs provided adequate arrangements are made for proper management and disposal of solid and liquid wastes in accordance with the environmental standards, rules and statutes etc. Under no circumstances, untreated effluents shall be disposed of in the coastal waters.

5. Public consultations on the ICRZ Plans

- (i) The draft ICRZPs prepared shall be given wide publicity and suggestions and objections received in accordance with the Environment (Protection) Act, 1986. Public hearing shall be held at district level by the concerned CZMAs.
- (ii) Based on the suggestions and objections received the ICRZPs shall be revised and approval of the Ministry of Environment, Forest and Climate Change shall be obtained.
- (iii) The approved ICRZP shall be put up on the website of the Ministry of Environment, Forest and Climate Change, concerned website of the State, Union territory CZMA and hard copy made available in the Panchayat Office, District Collector Office and the like.

6. Revision of ICRZ Plans

- (i) Whenever there is a doubt the concerned State or Union territory Coastal Zone Management Authority shall refer the matter to the National Centre for Sustainable Coastal Management who shall verify the ICRZP based on latest satellite imagery and ground truthing.
- (ii) If required the rectified map would be submitted to the Ministry of Environment, Forest and Climate Change for consideration.

Annexure -IVB**Guidelines for preparation of Integrated Island Management Plan (IIMP)**

1. The Integrated Island Management Plan shall be prepared based on scientific methodology and appropriate coastal protection structures constructed/proposed to be constructed shall be indicated in addition to activities planned in the area and got approved by the concerned authority in the UT administration. Thereafter it shall be forwarded to the NCZMA for final approval.
2. The entire island including the aquatic area shall be considered for framing of the Integrated Island Management Plan (IIMP).
3. Integrated Island Management Plans shall be prepared indicating therein all present and future developments, conservation and preservation schemes with frame of ten years.
4. The Integrated Island Management Plan shall address vulnerability to human life and property based on elevation, geomorphology, sea level trends and horizontal line displacement and indicate suitable areas that are safe for

- locating dwelling units, infrastructure, and the like, and appropriate safeguards measures to protect the life and property of the local communities, infrastructure from natural hazards shall be indicated in the Integrated Islands Management Plan.
5. All the existing roads including the internal roads shall be strengthened, as these roads shall serve for the purpose of livelihood, communication, rescue, relief and evacuation measures during natural hazards.
 6. Adequate cyclone shelters shall be earmarked and constructed on elevated areas or on stilts adjacent to populated areas.
 7. The existing and as well new schools, market areas and other public facilities (excluding public toilets) where large number of public congregate, shall normally be located on safe areas preferably in elevated areas or protected areas shall be suggested.
 8. Along the seaward side sufficient bio-shield with local vegetation, trees including mangroves shall be planted and other soft protection measures.
 9. Sand dunes, being natural barrier in the event of flooding, shall be conserved and maintained or regenerated by planting shrubs or through appropriate measures.
 10. There shall be no restriction with regard to traditional fishing by local communities including installation of fish aggregating device as recommended by the Islands Administrations.
 11. The mining of construction material, especially sand from deep sea bed (beyond fifteen meters depth), after undertaking proper scientific studies may be permitted in the Plan;
 - (i) The alternative construction material, such as, bamboo, local forest products may be identified and used;
 - (ii) the other materials, like, metal, hollow brick blocks, and the like, shall be imported from the mainland.
 12. Emphasis shall be given for use of non-conventional energy resources especially, wind, solar and tidal energy, desalination, water recycling, and use of local products.
 13. Early warning system shall be provided for cyclone, tsunami, and the like, and an evacuation and relief measure plan in case of disasters shall be built preferably into the Integrated Islands Management Plan.
 14. Necessary provision shall be made in the Integrated Islands Management Plan for relocation and rehabilitation of people displaced due to natural disasters.
 15. Integrated Islands Management Plan shall also include the areas under habitation and make plan for future development.
 16. No developmental activities shall be permitted in the area under reserve forests, protected forests, national parks and sanctuaries notified under the Forests (Conservation) Act, 1980 (69 of 1980) or the Wildlife (Protection) Act, 1972 (53 of 1972) and the areas protected under the Environment (Protection) Act, 1986 (29 of 1986).
 17. The dwelling units or infrastructure of local communities as are existing at the time of preparation of Plan shall not be displaced.
 18. Repair of existing buildings or infrastructure including reconstruction activities shall be allowed.
 19. IIMP shall be prepared in 1:25,000 scale map for macro level planning and 1:10000 scale or cadastral scale for micro level planning.
 20. The High Tide Line demarcated by NCSCM, Chennai shall be used for all purpose while preparation of the Plan.

Annexure-V

PROJECT INFORMATION DETAILS

1. PROJECT DETAILS

- A. Project Name
- B. Survey No./ Village/ Co-ordinates
- C. District
- D. State
- E. Whether the proposal is for (Select relevant field)
 - (i) Fresh Clearance under ICRZ

- (ii) Amendment to an already issued ICRZ clearance
- (iii) Extension of validity of an already issued ICRZ clearance

- F. Name of the Applicant
- G. Address of the Applicant
- H. Contact details (Telephone nos. and e-mail address)
- I. Cost of the project (Rs in crores)

2. BENEFITS OF THE PROJECT

- A. Details of Project Benefits
- B. Employment Likely to be Generated (Yes/No)

If Yes

- (i) Total Manpower Requirement
- (ii) Permanent Employment (Numbers)
- (iii) Temporary Employment (Numbers)
- (iv) Temporary Employment- During Construction (Numbers)
- (v) Temporary Employment- During Operation (Numbers)

3. DESCRIPTION OF THE PROJECT UNDER CONSIDERATION (Select the Category of the project):

A. Resort / Buildings / civic amenities

- (i) Total area/Built-up area (in sqm.)
- (ii) Height of structure
- (iii) FSI ratio
- (iv) Name of concerned town planning authority/ Panchayat etc.
- (v) Details of provision of car parking area

B. Coastal Roads / Roads on Stilt

- (i) Area of land reclamation
- (ii) Estimated quantity of muck/earth for reclamation
- (iii) Traffic carrying capacity
- (iv) Dimensions of road

C. Pipelines from thermal power blow down

- (i) Length of pipeline
- (ii) Length traversing ICRZ area
- (iii) Depth of excavation
- (iv) Width of excavation
- (v) Length of pipeline from seashore to deep sea
- (vi) Depth of outfall point from surface of sea water
- (vii) Temperature of effluent above ambient at disposal point

D. Marine Disposal of Treated Effluent through pipelines

- (i) Location of intake/ outfall
- (ii) Depth of outfall point
- (iii) Length of pipeline
- (iv) Length traversing ICRZ area
- (v) Depth of excavation

- (vi) Width of excavation
- (vii) Length of pipeline from shore to deep sea/creek
- (viii) Depth of outfall point from surface of water
- (ix) Depth of water at disposal point
- (x) BOD, COD, TSS, oil & grease, heavy metals in the effluent

E. Facility for storage of goods/chemicals

- (i) Name of chemical
- (ii) End use of the chemical
- (iii) No. of tanks for storage
- (iv) Capacity of tanks

F. Offshore structures

- (i) Exploration or development
- (ii) Depth of sea bed
- (iii) No. of rigs
- (iv) No. of platform
- (v) Details of group gathering stations

G. Desalination Plant

- (i) Capacity of desalination
- (ii) Total brine generation
- (iii) Temperature of effluent above ambient at disposal point
- (iv) Ambient salinity
- (v) Disposal point

H. Mining of rare earth/atomic minerals

- (i) Capacity of mining
- (ii) Type of mineral to be extracted
- (iii) End use of the mineral
- (iv) Government order for mining lease/exploration and approved mining plan details
- (v) Extent of mining lease area.

I. Sewage Treatment Plants

- (i) Capacity
- (ii) Total area of construction
- (iii) Compliance of effluent parameters as laid down by cpcb/spcb/other authorised agency
- (iv) Whether discharge is in sea water/creek?
 - If yes
 - Distance of marine outfall point from shore/from the tidal river bank
 - Depth of outfall point from sea water/river water surface
 - Depth of seabed/riverbed at outfall point

J. Lighthouse

- (i) Total ground area of foundation/platform
- (ii) Height of the structure

K. Wind Mills

- (i) Capacity (MW)
- (ii) Height of the windmill
- (iii) Diameter of the windmill
- (iv) Length of blade
- (v) Speed of rotation
- (vi) Transmission lines (overhead or underground)

L. Others

- (i) Please specify with salient features
- (ii) Upload relevant Documents (upload PDF only)

4. PROJECT LOCATION AS PER ICRZ CLASSIFICATION (If project site falls in different/multiple CRZ categories the same may also be elaborated)

5. CLAUSE OF IPZ NOTIFICATION UNDER WHICH PROJECT IS A PERMISSIBLE /REGULATED ACTIVITY

6. MANDATORY FIELDS FOR PROJECT ASSESSMENT

A. ICRZ map in 1:4000 scale indicating HTL, LTL demarcation and distance of the nearest project boundary (in meters) from HTL to be stated

- (i) Upload Map (kml file)

B. Project layout superimposed on ICRZ Map 1:4000 scale with classification of project location including other notified ESAs prepared

- (i) Upload Map (kml file)

C. ICRZ map 1:25000 scale covering 7 km radius around Project site

- (i) Upload Map (kml file)

7. PROJECT LOCATED IN (Select Type)

- (i) Non eroding Coast
- (ii) Low and Medium eroding coast
- (iii) High eroding Coast

8. DETAILS OF FOREST/ MANGROVES LAND INVOLVED (YES/NO)

IF YES

- (i) Detail of area diverted
- (ii) Forest clearance to be submitted (Upload document)
- (iii) No. of trees to be cut under the project
- (iv) Compensatory afforestation plan to be submitted (Upload document)

9. DISTANCE OF PROPOSED PROJECT FROM ESA/MARINE PARK/ WILD LIFE SANCTUARY

- (i) Within 10 km radius from the project site (Yes/No)

If YES

- Permission from NBWL to be submitted (Upload document)

10. NOC OR CONSENT TO ESTABLISH FROM STATE/UT POLLUTION CONTROL BOARDS OBTAINED (YES/NO)**If YES**

- (i) Copy of NOC to be provided (Upload document)
- (ii) Conditions imposed to be stated (Upload document)

11. EIA studies (relevant fields to be filled)**A. Terrestrial studies:**

- (i) Summary Details of EIA (Terrestrial) Studies
- (ii) Upload Recommendation made in EIAs (Upload document)
- (iii) State period of Study

B. Marine Studies

- (i) Summary Details of EIA (Marine) Studies
- (ii) Upload Recommendation made in EIAs (Upload document)
- (iii) State period of Study

12. DISASTER MANAGEMENT PLAN / NATIONAL OIL SPILL DISASTER CONTINGENCY PLAN (if applicable)**13. PROJECT INVOLVING DISCHARGE OF LIQUID EFFLUENTS:**

- (i) Capacity of STP
- (ii) Quantity of effluent generated
- (iii) Quantity of effluent treated
- (iv) Method of treatment & disposal

14. PROJECT INVOLVING DISCHARGE OF SOLID WASTE:

- (i) Type of solid waste
- (ii) Quantity of solid waste generated
- (iii) Method of disposal
- (iv) Mode of transport

15. WATER REQUIREMENT (KLD)

- (i) Quantity of water required
- (ii) Source of water
- (iii) If Ground water (Upload a copy of approval from CGWA or authorised body)
- (iv) If other Source (Upload a copy of permission from competent authority)
- (v) Mode of transport
- (vi) Commitment of water supply (Upload document)

16. DETAILS OF WATER TREATMENT AND RECYCLING (If any) (Multiple Entries Allowed)

Type/ Source	Quantity of Waste Water Generated (Kilos Litre per Day)	Treatment Capacity (Kilos Litre per Day)	Treatment Method	Mode of Disposal	Quantity of Discharged Water (Kilos Litre per Day)	Quantity of Treatment Water used in Recycling/Reuse (Kilo Litre per Day)

17. DETAILS OF RAINWATER HARVESTING

- (i) No. of Storage tanks
- (ii) Total capacity of tanks

- (iii) No. of Recharge Pits
- (iv) Capacity of pits

18. ENERGY REQUIREMENT AND SOURCES

- (i) Total Power Requirements (kW.h)
- (ii) Source
- (iii) Upload Copy of Agreement (upload pdf only)
- (iv) Stand By Arrangement (Details)

19. ENERGY EFFICIENCY/SAVING MEASURES

- (i) Source/Mode
- (ii) Details of savings

20. RECOMMENDATION OF STATE /UT COASTAL ZONE MANAGEMENT AUTHORITY

- (i) Upload Copy of CZMA recommendations (Upload pdf only)
- (ii) Compliance status of the Conditions Imposed

21. WHETHER PROPOSAL ATTRACTS EIA NOTIFICATION, 2006. (Yes/No)

If YES,

- (i) the category thereof
- (ii) Status of proposal for EC (as applicable)

22. SOCIAL AND ENVIRONMENTAL ISSUES AND MITIGATIONS MEASURES SUGGESTED INCLUDING BUT NOT LIMITED TO R&R, WATER, AIR, HAZARDOUS WASTES, ECOLOGICAL ASPECTS, ETC. (Brief Details to be Provided)**23. DETAILS OF COURT CASES** Whether there is any Court Cases pending against the project and/or land in which the project is proposed to be set up? (Yes/No)

If Yes,

Pending or Disposed (Select relevant)

- (i) Name of the Court (Supreme Court, High Court, NGT)
- (ii) Case No.
- (iii) Case Details
- (iv) Orders/Directions of the court, if any and its relevance with the proposed project (Upload document)

24. ADDITIONAL INFORMATION, If any

UNDERTAKING: It is certified that the information given above are true to the best of my knowledge and belief and nothing contravening the provisions of CRZ Notification, 2011 has been concealed therefore.

Name and Signature of the applicant:

Date:

No.PCCF/EPA/1/Vol-XVI/154

अण्डमान तथा निकोबार प्रशासन

ANDAMAN AND NICOBAR ADMINISTRATION

वन एवं पर्यावरण विभाग

DEPARTMENT OF ENVIRONMENT & FORESTS

प्रधान मुख्य वन संरक्षक (तटवर्ती अंचल विनियम एवं वन संरक्षण)/नोडल अधिकारी,

वन(संरक्षण)अधिनियम/सदस्य सचिव, अण्डमान तथा निकोबार तटवर्ती अंचल प्रबंध प्राधिकरण

PCCF (CRZ & FC) / NODAL OFFICER, FCA & MS, A&NCZMA

वन सदन, हैडो, पोर्ट ब्लेयर/VAN SADAN, HADDO, PORT BLAIR

पोर्ट ब्लेयर/ Port Blair, दिनांक/Date: 8th July, 2022

सेवा में/To

Dr. H. Kharkwal

Additional director and Member Secretary (CRZ)

Ministry of Environment, Forest and Climate Change

Indira Paryavaran Bhawan,

Prithvi Wing, 2nd Floor, No.215,

Jor Bagh Road,

New Delhi-110003.

विषय/Sub: Integrated Development of International Container Transshipment Terminal (ICTT)-14.2 Million TEU along with Greenfield International Airport (4000 Peak Hour Passengers-PHP), township and Area Development and 450 MVA Gas and Solar based Power Plant in 16610 ha Great Nicobar Islands, Nicobar District by M/s Andaman and Nicobar Islands Integrated Development Corporation Ltd -reg.

Sir,

The ANZMA during its meeting held on 17.03.2022 deliberated and recommended the proposal to Govt of India, MoEF&CC for according composite ICRZ clearance under ICRZ notification 2019 and Environmental Clearance under EIA Notification, 2006 with certain conditions. The recommendation of the ANZMA was communicated to MoEF&CC with a copy to Project Proponent vide letter No. PCCF/EPA/1/Vol-XV/653 dated 22.03.2022.



The Expert Appraisal Committee (EAC) of MoEF&CC in its 297th meeting held on 24-05.2022 considered the said proposal for environmental clearance and observed that the project proponent has to submit revised ICRZ recommendation letter issued on 22/03/2022 by Andaman & Nicobar Islands Coastal Zone Management Authority (ANCZMA) especially regarding effective ICRZ area involved in various activities has been revised and part of holistic project now declared for Defence, Strategic, National Security, and Public Purpose.

Proposal brief:

Accordingly the project proponent M/s ANIIDCO submitted a proposal mentioning that Ministry of Home Affairs vide letter No. 15020/10/2022 dated 30.03.2022 mentioned that the Greenfield International Airport proposed in Great Nicobar Island as part of Integrated Development of the Island will be developed as a joint military-civil, dual use airport, under the operational control of Indian Navy. This project is for defence, strategic, National Security and public purpose.

The effective ICRZ areas involved in various activities of the project are given as under.

S.No	Name of the Activity	Total area in Sq.km	ICRZ I		ICRZ III		ICRZ IV	
			IA	IB	NDZ	50-100M	IVB	IVA
1	Port	7.39	0.67	0.38	0.00	0.00	0.18	0.62
2	Airport	8.49	0.58	0.82	0.38	0.10	0.14	0.56
3	Power Plant	0.39	0.00	0.00	0.00	0.00	0.00	0.00
4	Township Defence	12.60	0.81	1.43	0.02	0.00	0.07	0.20
5	Township Other Landuse	137.27	4.93	5.92	1.69	0.45	2.50	3.55
6	Port reclamation area	2.27	0.06	0.11	0.00	0.00	0.00	2.10
7	Airport Reclamation area	0.71	0.02	0.08	0.04	0.00	0.32	0.02
	Total	169.08	7.07	8.74	2.13	0.55	3.21	7.05

The project proponent submitted the revised area falling under various categories of ICRZ and the details are as follows.

Sr. No	Activity	Area in Sq.km	ICRZ I		ICRZ III		ICRZ IV	
			CRZ IA	CRZ IB	NDZ	50-100m	IVB	IVA
1	Port (ICTT)	7.39	0.57	0.25	0	0	0.18	0.62
2	Airport	8.45	0.60	0.82	0.38	0.1	0.14	0.56
3	Power Plant	0.39	0.00	0.00	0	0	0	0
4	Township (Defence)	12.6	0.81	1.43	0.02	0	0.07	0.2
5	Township (other landuses)	137.27	5.03	6.05	1.69	0.45	2.5	3.55
Total		166.1	7.01	8.55	2.09	0.55	2.89	4.93
A	Port (reclamation area)	2.27	0.06	0.11	0	0	0	2.1
B	Airport (reclamation area)	0.71	0.00	0.33	0.04	0	0.32	0.02
Total (including reclaimed area)		169.08	7.07	8.74	2.13	0.55	3.21	7.05

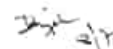
It is mentioned that the revised effective area ICRZ involved in the project includes the same area of 7.07 sq.km in ICRZ IA and 8.74 Sq.km in ICRZ IB, 2.13 Sq.km in ICRZ III NDZ, 0.55 Sq.km in ICRZ III, 3.21 sq.km in ICRZ VI B and 7.05 Sq.km in ICRZ IVA. The only difference in the revised effective area mentioned by the project proponent is 0.57 sq.km and 0.25 sq.km instead of 0.67 sq.km and 0.38 sq.km in ICRZ IA and IB respectively in case of Port and 5.03 sq.km and 6.05 sq.km instead of 4.93 sq.km and 5.92 sq.km in ICRZ

IA and IB respectively in the case of township (other land uses). In case of Airport reclamation, there is no CRZ IA involved and the area involved in ICRZ IB is 0.33 sq.km, 0.04 sq.km in NDZ of ICRZ III, 0.32 sq.km in ICRZ IV B and 0.02 Sq.km in ICRZ IV B. The proposed activities are permissible in ICRZ areas as per ICRZ notification 2019 as the Greenfield Airport Project is part of holistic Development of GNI project is now for Defence, Strategic, National Security, and Public Purpose.

Recommendation:

Taking into consideration of the above facts namely the revised ICRZ area involved in the holistic development of Great Nicobar Island and the green field airport project is for defence, strategic, National Security and public purpose, ANZMA further recommends the project with revised ICRZ area involved in the project as above. The conditions stipulated in the earlier meeting dated 17.03.2022 and communicated vide letter No. PCCF/EPA/1/Vol-XVI/653 dated 22.03.2022 continue to remain valid and the project proponent has to follow those conditions while executing/implementing the project.

Encl: As above.


 अपर प्रधान मुख्य वन संरक्षक /
 Additional Principal Chief Conservator of Forests
 (तटवर्ती अंचल एवं वन संरक्षण/CRZ & FC)
 सदस्य सचिव, अण्डमान तथा निकोबार तटवर्ती अंचल प्रबंध प्राधिकरण
 and Member Secretary, A&N CZMA
 वन सदन, हैडो, पोर्ट ब्लेयर/Van Sadan, Haddo, Port Blair

Copy to :

1. SPS to the Chief Secretary, A&N Administration for favour of information of the Chairman, ANZMA/the Chief Secretary, A & N Administration.
2. The Managing Director, ANIIDCO, Port Blair for information and necessary action.
3. The Additional Director and Member Secretary, IA (Nuclear & Defence), MoEF&CC, Indira Paryavaran Bhawan, Jor Bagh, New Delhi-110003

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Subject: Subject: Judgment of the Hon'ble NGT dated 03.04.2023 in Appeal No. 32 of 2022 etc
From: Ashish Kothari <chikikothari@gmail.com>
Date: 09/07/23, 3:25 pm
To: secy-moef@nic.in, cs-andaman@nic.in, tanmay.kumar-rj@gov.in, sricha@ias.nic.in, dhriti.banerjee@ZSI.gov.in, hq@bsi.gov.in, mkbiswas.cpcb@nic.in, rajnath-pc@nic.in, secyship@nic.in, dwii@wii.gov.in, vrt@wii.gov.in, ad.raju@nic.in
CC: Ashish Kothari <chikikothari@gmail.com>

ANNEXURE A4

To,

The Members of the High Powered Committee

1. Leena Nandan, Secretary, MoEF & CC
2. Keshav Chandra, Chief Secretary, A&N Islands
3. Additional Secretary, MoEF & CC
4. Dhriti Banerjee, Director, Zoological Survey of India
5. A.A. Mao, Director, Botanical Survey of India
6. M.K. Biswas, Regional Director, Kolkata, CPCB
7. Rajnath Ram, Adviser (Power & Energy), NITI Aayog
8. Sudansh Pant Nominee of the Secretary of Ministry of Shipping
9. V.R. Tiwari, Director, Wildlife Institute of India
10. Amardeep Raju, Scientist-E, EAC, Infra – I

Madam / Sir,

1. I am the appellant in Appeal No. 32 of 2022 before the Hon'ble NGT in which the environmental clearance dated 11/11/2022, bearing EC Identification No. - EC22A033AN125767 in File No. - 10/17/2021-IA-III to Andaman and Nicobar Islands Integrated Development Corporation Limited (ANIIDCO Ltd), was challenged.
2. The Hon'ble Tribunal at para 33 recorded the finding that there were unanswered deficiencies in the project clearance process and by way of instance listed three such deficiencies, relevant paragraph extracted below

"33. However, there are some unanswered deficiencies pointed out by the appellants which need to be addressed. By way of instance, it is pointed out that out of 20668 coral colonies, 16150 are proposed to be translocated without any mention of threat to remaining 4518 coral colonies. It is pointed out that ICRZ Regulations prohibit destruction of corals. Further, data collected for impact assessment is only of one season as against requirement of three

seasons. It is also shown that part of the project is in CRZ IA area where Port is prohibited.”

3. Thereafter, this Hon'ble Tribunal constituted a "High-Powered Committee (HPC)" for "revisiting the EC" to examine the "unanswered deficiencies". The Hon'ble Tribunal directed that the committee would be "headed by Secretary, MoEF&CC, GoI. Other members will be Chief Secretary, Andaman & Nicobar, Zoological Survey of India, Botanical Survey of India, Central Pollution Control Board, nominee of Vice Chairman of NITI Aayog, nominee of Secretary, Ministry of Shipping and Director, Wildlife Institute of India. Secretary, MoEF&CC may appoint a nodal officer, not below the rank of Joint Secretary, for facilitating functioning of the Committee.”
4. The Hon'ble Tribunal directed that this committee would revisit the EC and based on its report, the EC "may be re-looked into by the competent authority.”
5. However, till date no information on the constitution of the committee, its meetings or proceedings have been sent to me, the appellant in the Appeal. No information on the same is also available in public domain. I am given to understand that even request for information filed under the RTI Act, 2005 in May, 2023 to the MoEF & CC has been refused citing Section 8.1 (a) of the RTI Act, 2005.
6. On 19.06.2023 a news report appeared in the Business Standard newspaper, in which officers of the MoEF & CC were quoted as stating that the committee has cleared the project. We were shocked to see this news report but no further information in this regard was available.
7. Finally, a reply under the RTI Act dated 16.06.2023 from the CPCB enclosed an office memorandum dated 13.04.2023 issued by the MoEF & CC for constitution of the subject committee. This office memorandum also at para 5 specifies the terms of reference of the committee and are extracted below.

“5. The Terms of Reference of the Committee shall be as follows:

- i. To review the proposal related to coral translocation submitted by the project proponent and regulatory provisions under ICRZ Notification, 2019 with respect to corals.
- ii. To review the data collection requirement for the project as per the EIA

Notification, 2006.

iii. To review CRZ boundaries of the port project with respect to ICRZ Notification, 2019.”

8. It is unfortunate that the MoEF & CC has issued the subject office memorandum with the above extracted ToR. It is in clear violation of the Hon'ble Tribunal's order. While it is a clear case of conflict of interest that the same authorities who had granted the clearance and/or served as consultants to the project proponent and the entity which conceived the project (NITI Ayog) are members of the High Powered Committee, the Hon'ble Tribunal has reposed trust in these officers to review their decisions in light of the contentions raised in the appeal/s.
9. However, a bare reading of the ToR makes it abundantly clear that this exercise has been reduced to a mere formality. The Hon'ble Tribunal's judgment at para 33 very clearly states that the three deficiencies listed are only by way of "instance". The Hon'ble Tribunal has directed the committee to consider the deficiencies / illegalities pointed out by the appellants, which very clearly has not been the mandate of the committee as per the OM.
10. It is also shocking to note that the ToR (i) talks about review of the proposal for translocation of corals without reference to the fact that the ICRZ 2019 prohibits such destruction, ToR (ii) talks about data collection qua the EIA Notification, 2006, while it is the ICRZ 2019 which requires the preparation of a comprehensive EIA report (3 seasons baseline data) and ToR (iii) talks of review of the port boundaries in light of ICRZ, 2019.
11. It is necessary to point out that the revised layout of the project as recommended by the Andaman and Nicobar Coastal Zone Management Authority dated 08.07.2022, extracted at para 24 of the judgment clearly states that the following extent of areas classified as CRZ IA are earmarked for each component
 - a. Port – 0.57 Sq Km (57 Ha), reclamation area – 0.06 Sq Km (6 Ha)
 - b. Airport – 0.60 Sq Km (60 Ha)
 - c. Township (Defence) – 0.81 Sq Km (81 Ha)
 - d. Township (other land use) – 5.03 Sq Km (503 Ha)

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12. The ICRZ, 2019 categorically prohibits any of the above projects in ecologically sensitive CRZ IA areas. This aspect goes to the root of the matter and has to be examined by the committee. However, the OM limits the same to the Port layout.
13. Further, apart from ecologically sensitive CRZ IA areas, IB (inter tidal zone) areas of 82 hectares of the airport, 143 hectares for the township (defence) and 605 hectares for township (other land use) are to be converted. The ICRZ, 2019 also prohibits the establishment of these projects in CRZ IB (inter tidal areas). This aspect has been completely ignored by the OM. It is reiterated that illegality in siting goes to the root of the matter – the law prohibits the destruction of ecologically sensitive areas for such projects. The HPC ought not to lose sight of this fact. The project can be established at any location where it is legally permitted and where it does not result in the destruction of a sensitive biodiverse ecosystem.
14. The appeal before the Hon'ble Tribunal raises important questions inter alia on the legality of the project, the inadequacy of the impact assessment reports, the failure to consider impacts. These deficiencies pointed out were recognised by the Hon'ble Tribunal and were referred to the HPC for consideration.
15. I am attaching (in the zip file below) a copy of the appeal and documents filed in support of the appeal (which are already available with the MoEF & CC and the project proponent) for your perusal and consideration.
16. It is necessary that in the interest of the principles of natural justice, I am given a hearing so that the HPC has access to our submissions and evidence presented, which will aid in proper consideration of the present issue of seminal importance. The significance of the area in question cannot be overstated. While I reserve my right to object to the conflict of interest in the constitution of the committee and delegation of essential judicial function, the fact that this exercise has been set in motion by the MoEF & CC by virtue of the OM dated 13.04.2023 (which was received only on along with RTI reply dated 16.06.2023 by the addressee) and has come to my knowledge only now, I am sending the present representation so that correct facts are taken note of and the judgment of the Hon'ble Tribunal is not frustrated by the narrow and incorrect terms of reference mentioned in the OM by the MoEF & CC.

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17. I request you to take note of the fact that the proceedings of this nature ought not to be construed as adversarial. The protection of this unique ecosystem is in all of our interest, as is ensuring that the law is not violated.

Sincerely,

Ashish Kothari
S/o Rajni Kothari,
G1 Chaitraban Residency, Aundh,
Pune 411004

Encl :

1. File A – L, memo and note on submissions filed in Appeal 32 of 2022
2. Judgment of the Hon'ble Tribunal dated 03.04.2023 in Appeal No. 32 of 2022 etc
[Appeal 32 of 2022.zip](#)

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Subject: Re: Subject: Judgment of the Hon'ble NGT dated 03.04.2023 in Appeal No. 32 of 2022 etc

From: Ashish Kothari <chikikothari@gmail.com>

Date: 05/09/23, 6:45 pm

To: secy-moef@nic.in, cs-andaman@nic.in, tanmay.kumar-rj@gov.in, sricha@ias.nic.in, dhriti.banerjee@ZSI.gov.in, hq@bsi.gov.in, mkbiswas.cpcb@nic.in, rajnath-pc@nic.in, secyship@nic.in, dwii@wii.gov.in, vrt@wii.gov.in, ad.raju@nic.in

CC: Ashish Kothari <chikikothari@gmail.com>

From,
Ashish Kothari
S/o Rajni Kothari,
G1 Chaitraban Residency, Aundh,
Pune 411007

To,

The Members of the High Powered Committee

1. Leena Nandan, Secretary, MoEF & CC
2. Keshav Chandra, Chief Secretary, A&N Islands
3. Additional Secretary, MoEF & CC
4. Dhriti Banerjee, Director, Zoological Survey of India
5. A.A. Mao, Director, Botanical Survey of India
6. M.K. Biswas, Regional Director, Kolkata, CPCB
7. Rajnath Ram, Adviser (Power & Energy), NITI Aayog
8. Sudansh Pant, Nominee of the Secretary of Ministry of Shipping
9. V.R. Tiwari, Director, Wildlife Institute of India
10. Amardeep Raju, Scientist-E, EAC, Infra - I

Sub: Judgment of the Hon'ble NGT dated 03.04.2023 in Appeal No. 32 of 2022 etc

Ref: 1. My representation dated 09.07.2023 sent to 1 to 10 of you by email.

2. Office memorandum dated 13.04.2023 issued by MoEF & CC constituting a committee

Madam / Sir,

1. I am the appellant in Appeal No. 32 of 2022 before the Hon'ble NGT in which the environmental clearance dated 11/11/2022, bearing EC Identification No. - EC22A033AN125767 in File No. - 10/17/2021-IA-III to Andaman and Nicobar Islands Integrated Development Corporation Limited (ANIIDCO Ltd), was challenged and the Hon'ble Tribunal constituted a committee comprising of 1 to 10 of you to review the environmental clearance.

2. The Hon'ble Tribunal by way of instance recorded three illegalities such as project being located in a prohibited area (CRZ IA), the lack of a comprehensive EIA report, damage to corals and directed the reconsideration of the clearance. However, the OM

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mentioned in the 2nd reference was issued, wherein the ToR for the committee was restricted to 3 issues, in a direct violation of the order of the Hon'ble Tribunal.

3. I had submitted a detailed representation to 1 to 10 of you in this regard but I have not received any reply till date. I had sought for a hearing before the committee and annexed a copy of the appeal filed by me, so that all issues as directed by the Hon'ble Tribunal are properly considered.

4. I was not even informed of the constitution of the committee or its meetings. I am not aware whether the committee has held meetings to deliberate this issue. The proceedings of the committee are not in the public domain. The entire transaction appears to be shrouded in secrecy.

5. I request you, the members of the committee, especially the 1st of you, the Secretary of the MoEF&CC, to forthwith provide complete details of the proceedings of the committee including

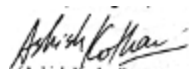
- a. Schedule of meetings of the committee
- b. The agenda of each meeting
- c. Minutes of each meeting of the committee
- d. Recommendations of the committee
- e. Orders passed by the MoEF & CC based on the recommendations of the committee

so that I can effectively participate in the process.

6. I submit that the present issue concerns the protection and preservation of the Great Nicobar Island and ensuring that the laws of our country are complied. There is no necessity to view the issue as adversarial.

7. In case you fail to provide the information sought within a period of 1 week, I will be constrained to approach Courts for redressal, holding you all responsible for costs and consequences thereof.

Sincerely,



Ashish Kothari

Attached: My representation dated 09.07.2023

—Attachments:—

Letter to Committee members, on Judgment of the Hon'ble NGT dated

89.9 kB

