

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH

NEW DELHI

ORIGINAL APPLICATION NO.249/2023

News Item on India's Sinking Islands appeared in the Hindu dt. 19.03.2023

WITH

ORIGINAL APPLICATION NO.795/2023

News Item titled "Third of India's coastline vulnerable to erosion here are the worst hit States "Appearing in Indian Express dt. 06.12.23"

AFFIDAVIT ON BEHALF OF CHIEF SECRETARY, A&N ISLANDS

I Keshav Chandra aged about 53 Years S/o. Shri Bindeshwari Roy at present working as Chief Secretary, A & N Administration do hereby solemnly affirm and declare as under:

1. That I am working as Chief Secretary, A & N Administration and I have gone through the original application, orders passed by this Hon'ble Tribunal in the present matter, relevant records and understood the contents thereof. I am well acquainted with the facts of the case and competent to swear this affidavit in my official capacity.
2. The Hon'ble Tribunal in Original Application No.249/2023 News Item on India's Sinking Islands appeared in the Hindu 19.03.2023 with Original Application No.795/2023 News Item titled "Third of India's coastline vulnerable to erosion – here are the worst-hit states" appealing in Indian Express dated 06.12.2023 had in its Order dated 13.03.2024,



Keshav Chandra

has directed that *“the Chief Secretaries/LGs of Coastal States/Union Territories under consideration to file the affidavit before the Tribunal within six weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF disclosing the outer time limit within which the CZMP-ICRZP as per the 2019 Notification will be finally formulated/revised and submitted to the MoEF&CC, failing which the concerned Chief Secretary will appear virtually on the next date of hearing and explain the reason for non-submission of such an affidavit”*.

3. That the Andaman & Nicobar Coastal Zone Management Authority (A&NCZMA) in O.A.795 of 2023 had filed a detailed report on the status of finalization of ICRZ/IIM Plans which are at various stages of preparation/implementation. It is also submitted that the A & N Island Administration and A & N Coastal Zone Management Authority is conscious of the ecological sensitivity of Andaman & Nicobar Islands and taking every steps to maintain the ecological and environmental balance with a holistic approach to the development.
4. That in the year 2019, the MoEF&CC in supersession of Island Protection Zone Notification 2011 issued Island Coastal Regulation Zone Notification vide Notification No. S.O. 1242 (E) dated 8th March, 2019 declared the coastal stretches of the eight bigger oceanic islands of A&N Islands namely South Andaman, Middle Andaman, North Andaman, Baratang, Little Andaman, Great Nicobar, Swaraj Dweep (erstwhile Havelock) and Car Nicobar and the water area up to territorial water limits of the country, as the Island Coastal Regulation Zone. Apart from the above mentioned eight islands, other 06 islands namely Rutland, Kamorta, Katchal, Little Nicobar, Interview and



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Teressa Island having area of more than 100 sq km falls under Group-II shall also be managed through ICRZ plans.

5. That as per Para 5 of the ICRZ Notification 2019 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 whereas as per Para 6 of the notification, other small islands shall be managed through the respective Integrated Island Management Plan (IIMP). For all such small islands, the Union Territory administration has to formulate IIMP as per guidelines contained in Annexure-IV and submit to the MoEF&CC for approval at the earliest. Until and unless the IIMP are framed, provisions of 2019 notification shall not come into force and the IIMPs as per the provisions of IPZ notification 2011 shall continued to be followed.
6. Accordingly, A&N Administration had started revision/updation/preparation of ICZMPs (ICRZ& IIM Plan) of 30 Islands of Andaman and Nicobar by executing contract agreement with National Centre for Sustainable Coastal Management (NCSCM), Chennai, details as under:
 - i. Agreement dated 22.05.2020 executed for revision/updation of ICZMPs for fourteen islands namely Great Nicobar, Little Andaman, South Andaman, Shaheed Dweep, Smith Island, Flat Bay, Middle Andaman, Baratang, Long Island, Swaraj Dweep, Rutland, Car Nicobar, Kamorta, Aves Island.
 - ii. Agreement dated 24.09.2021 executed for preparation of ICZMPs for 10 islands namely North Andaman, Teressa, North Passage,



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Stewart, East Island, Strait Island, Nancowrie, Narcondum, Pilowmillow, Curlew Island.

- iii. Agreement dated 01.12.2022 executed for preparation of ICZMPs for 5 islands namely Chowra, Katchal, Little Nicobar, Interview and Tilong Chong.
 - iv. Agreement dated 09.05.2023 executed for preparation of IIMP for Netaji Subash Chandra Bose Dweep.
7. That out of the 30 ICZMPs to be prepared, the ICRZ Plans are for 14 islands and IIMPs for 16 islands for which contract agreements has been executed with NCSCM.
 8. That the ICRZ Plans of 02 Islands namely Great Nicobar & Little Andaman has been approved by MoEF&CC vide F.No.12-3/2021-IA.III dated 01.06.2021 & vide F.No.12-3/2021-IA.III (E-153007) dated 12.09.2022.
 9. That the draft ICZMPs of 10 Islands which includes ICRZ Plans of 07 Nos. of islands namely Swaraj Dweep, Baratang, Middle Andaman, North Andaman, Car Nicobar, Rutland & Kamorta islands and draft IIMP of 03 Nos. of islands namely Flat Bay, Smith, Long Island have been placed before the Technical Scrutiny Committee (TSC) for examination on 01.03.2024. The final drafts are awaited from NCSCM for placing the same before Andaman Nicobar Coastal Zone Management Authority (ANCZMA) for recommendation and submission to MoEF&CC.
 10. The draft ICZMPs of 02 islands which includes ICRZ Plan of 01 island namely South Andaman and IIM Plan of 01 island namely Shaheed



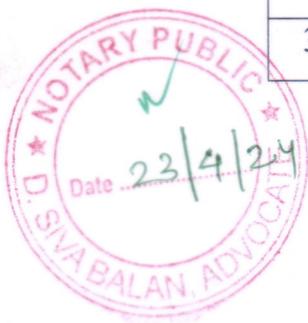
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Dweep has been sent to NCSCM for placing before the Technical Scrutiny Committee (TSC).

11. The draft ICZMPs of 15 Islands which includes ICRZ Plans of 04 islands namely Katchal, Little Nicobar, Interview Island, Teressa Island and IIM Plans for 11 islands namely Netaji Subash Chandra Bose Dweep, North Passage, Stewart Island, East Island, Narcondum Island, Curlew Island, Tillong Chong Island, Strait Island, Nancowrie Island, Pillomillow Island and Chowra Island is awaited from NCSCM, Chennai.
12. The draft ICZMPs of one island i.e. the IIMP of Aves Island is yet to be finalized due to order of status quo by Hon'ble Supreme Court of India in SLP No 25446 of 2019 (Andaman and Nicobar Administration & Ors-vs- Aves Island Coconut Plantation Co. Society Ltd & Anr). The Andaman & Nicobar has filed an additional affidavit before the Hon'ble Supreme Court on 14.03.2024 to seek leave from the Hon'ble Apex Court with respect to preparation of IIMP of Aves Island.

13. The status of preparation of ICZMP (ICRZ and IIMP) are summed up as follows:

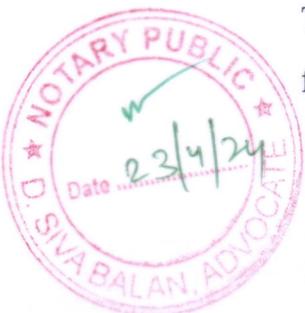
ICRZ- 14 Islands			
S.No	Status	No of Islands	Name of the islands
1.	ICRZ plan approved	02	Great Nicobar and Little Andaman
2.	ICRZ plan reviewed/examined by the Technical Scrutiny Committee (TCS)	07	Swaraj Dweep, Baratang, Middle Andaman, North Andaman, Car Nicobar, Rutland and Kamorta islands
3.	ICRZ plan sent to	01	South Andaman



	NCSCM for placing before Technical Scrutiny Committee (TCS)		
4.	Draft of ICRZ plan awaited from NCSCM	04	Katchal, Little Nicobar, Interview Island, and Teressa Island
IIMPs- 16 Islands			
1.	IIMP reviewed /examined by the Technical Scrutiny Committee (TCS)	03	Flat Bay, Smith and Long Island
2.	IIMP sent to NCSCM for placing before Technical Scrutiny Committee (TCS)	01	Shaheed Dweep
3.	Draft of IIMP awaited from NCSCM	11	Netaji Subash Chandra Bose Dweep, North Passage, Stewart Island, East Island, Narcondum Island , Curlew Island, Tillong Chong Island, Strait Island, Nancowrie Island, Pillomillow Island and Chowra Island
4	Draft IIMP received but yet to be finalized due to SLP No 25446 of 2019	01	Aves Island

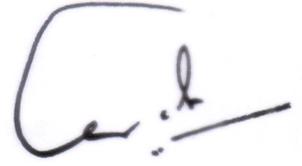


14. The time taken for finalization of the ICRZ plans from signing of the contract agreement to obtaining the approval of the Ministry was 27 months for Little Andaman. In case of islands such as South Andaman, Shaheed Dweep, Smith Island, Flat Bay, Middle Andaman, Baratang, long Island, Swaraj Dweep, Rutland, Car Nicobar, Kamorta, Aves island for which agreement was executed on 22.05.2020 (alongwith Great Nicobar and Little Andaman), even after nearly completion of 04 years still the final draft ICRZ/IIMP plans duly reviewed by the Technical Scrutiny Committee (TSC) is awaited. On receipt of the draft plan, the same needs to be notified with the approval of NCZMA which might take considerable time (say 3 to 6 months).
15. That considering the time taken by NCSCM for finalization of the above said ICRZ plans of Great Nicobar and Little Andaman Islands and the status of preparation of other plans, the Andaman & Nicobar Administration would require further 36 months as the outer time limit for formulating the ICZMPs of remaining 12 Islands and IIMPs of remaining 16 Islands as per the 2019 Notification.
16. That as the Andaman & Nicobar Administration has entered into a contract agreement with third party/Institute, i.e. National Centre for Sustainable Coastal Management (NCSCM), Chennai for preparation of ICZMPs of 30 islands, the outer limit submitted in the preceding paras would be possible subject to the timely action of NCSCM, Chennai on ICZMPs at various stages as well as provision of relief sought for Aves Island from the Apex Court. That the deponent prays to this Hon'ble Tribunal to take the same into consideration while deciding the issue as far as A&N Islands are concerned.



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17. That the Andaman & Nicobar Administration is constantly pursuing with NCSCM for expediting the finalization of ICRZ/IIMP plans which are at various stages and upon receipt of final IIMP/ICRZ Plans from NCSCM the Administration shall process it expeditiously to obtain the approval of the NCZMA.
18. That considering the ecological sensitivity of Islands the deponent is taking every steps to finalise the ICRZ Plan for all the Islands at the earliest i.e. before the outer time limit of 36 months.

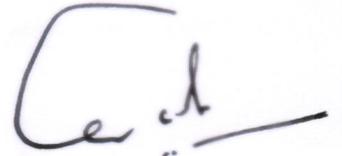


DEPONENT

मुख्य सचिव / Chief Secretary
अं. तथा नि. प्रशासन / A&N Administration
पोर्ट ब्लेयर / Port Blair

VERIFICATION

Verified at Port Blair on 23/04 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and derived from official records and nothing material has been concealed therefrom.



DEPONENT

मुख्य सचिव / Chief Secretary
अं. तथा नि. प्रशासन / A&N Administration
पोर्ट ब्लेयर / Port Blair



Affirmed before me after the contents were read over and explained in simple Hindi / English language, on this 23rd day of April 2024.


D. SIVA BALAN
ADVOCATE & NOTARY PUBLIC
A & N Administration
Port Blair, A & N Islands
Enrl. No. WB/1212A/2000

Notary Serial No. 236
Date 23/04/24