

Before The Hon'ble National Green Tribunal, Principal Bench,  
New Delhi

Original Application No. 129/2024

In the matter of -

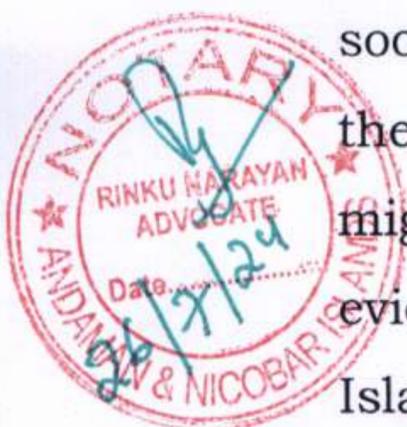
News item titled "Forest land five times Delhi's geographical area under encroachment govt. data shows" appearing in Deccan Herald dated 05.01.2024

Reply on behalf of Andaman & Nicobar Islands (UT)

**Most Respectfully Showeth:-**

1. That the present reply/repot is being filed through Shabu Kannapara Thomas S/o Late Thomas Kunju Kunju, aged 58 years by occupation in Govt. Service holding the charge of Conservator of Forests (Headquarters) in Department of Environment & Forests, A & N Administration who is authorised and competent to file the same on behalf of the answering respondent.

2. **1960:** That the Encroachments inside the forest areas started soon after the completion of colonization/settlement schemes in the late sixties and increased after 1969 due to influx of illegal migrants from East Pakistan who came as refugees. This is evident from the decadal growth of the population of these Islands which increased by 105% between 1951 and 1961; 81%



*Shabu Kannapara Thomas*

between 1961 and 1971; 64% between 1971 and 1981; 47% between 1981 and 1991, 27% between 1991 and 2001 and 7% between 2001 and 2011.

3. **1970:** That the then Ministry of Agriculture in the year 1979 had appointed an Expert Committee under the Chairmanship of Shri M.K.Dalvi, Addl. IGF, GoI to go into the whole question of encroachment in Forest as well as Revenue land in Andaman & Nicobar Island and to determine the extent of encroachment and identification of circumstances leading to encroachment.
4. That the said Committee submitted its report giving the extent of encroachment on Forest and Revenue land as on 31.12.1979 identifying the 1174 families found encroaching upon 2824.57 Ha of forest land and 2673 families encroaching upon 1165.96 Ha of Revenue Land. It was also pointed out that much of the encroachment on forest land had taken place in Paschim Sagar, Gandhi Nagar, Ganesh Nagar, Radha Nagar, Shanti Nagar, Burmachad and Talbagan in Diglipur Forest Division whereas the encroachments on Revenue land were reported in Port Blair, Ferrargunj, Rangat, Mayabunder and Diglipur Tehsils.
5. That the recommendations of this Committee were circulated in the Home Ministers Advisory Committee (HMAC) and the Ministry of Home Affairs requested the Andaman & Nicobar



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Administration to prepare a complete list of all persons who had encroached upon Forest and Revenue lands by conducting a comprehensive survey and demarcating the same on the ground.

6. **1980:** That Accordingly, a Committee comprising of the Chief Conservator of Forests, Inspector General of Police and Deputy Commissioner constituted vide Order No.4861 dated 21.10.1982 was assigned the task of preparation of a complete list of all the persons who had encroached upon the Forest and Revenue lands along with the maps and records, through joint survey teams with personnel drawn from Revenue, Forest and Police Departments. The team consisting of Divisional Forest Officer, Assistant Commissioner (Rev.) and Dy. Superintendent of Police, after detailed field inspections and deliberation had compiled the list of all encroachments which were existing on forest and revenue lands as on 1982-83.

7. That the Island Development Authority, in its first meeting held on 27.12.1986 under the Chairmanship of the Prime Minister, took a decision to regularize all encroachments in forest areas upto 31.12.1978, with the stipulation that encroachment upto 1 (one) hectare per family will be regularized by ensuring that this would not result in honeycombing of the forests and that diversion of forest land would be permitted subject to the condition that equal area of revenue land would be allocated to

*S. K. Thomas*



Forest Department. A total of 1367 forest encroachers were identified to be forest encroacher upto 31.12.1978. The copy of Minutes of the meeting dt.27.12.86 is annexed as **Annexure-I.**

8. That the proposal for de-reservation of 1367 Ha of forest land for regularization of the encroachments as per the provisions of the Forest (Conservation) Act, 1927 was approved by the Ministry of Environment & Forests vide their letter No.8-274/87-FC dated 19<sup>th</sup> August, 1988, and the area was handed over to Revenue department for issue of licences. The copy of the letter dt.19<sup>th</sup> August 1988 is annexed as **Annexure-II.**
9. That an area of 1367 Ha in 19 Blocks were de-reserved in South Andaman (Indira Nagar- 38 Ha, Macca Pahar- 56 Ha, Kodyaghat- 35 Ha), Baratang (Roglachang- 0.48 Ha, Nayagarh- 1 Ha, Lakhnokhana - 9 Ha), Middle Andaman (Laukinallah - 17 Ha), Mayabunder (East of Bajota - 21 Ha, Adjoining Rest Camp - 127 Ha, North of Chainpur - 6 Ha, SW of Karmatang - 56 Ha, East of Karmatang X - 42 Ha, SW of Tugapur-8 - 24 Ha, West of Webi - 26 Ha, West of Karmatang-IX - 82 Ha), Diglipur (Paschim Sagar - 401 Ha, Shanti Nagar - 152 Ha, Ganesh Nagar - 119 Ha, Gandhi Nagar - 155 Ha).
10. That the Administration constituted a Review Committee, one each for forest land and revenue land vide Notification No.54-

*Sk Thomas*



1/85-H&R dated 10.2.1988 to scrutinize a large number of representations received thereafter from the members of the public against omission of their names from the list prepared by the High Powered Committee constituted by the Administration vide Order No.4861 dated 21.10.1982 and to prepare a list of persons found eligible for regularization of encroachments. The copy of the Notification dt.10.02.88 is annexed as **Annexure-III**. It may be mentioned that out of 2866 claims received, the Committee on scrutiny recommended 89 claims as genuine pre-78 encroachments, which had inadvertently been left out in the past.

11. That a PIL being W.P.(C) No. 202 of 1995 was filed by T.N. Godavarman Thirumalpad on issue of forest conservation, in which the Hon'ble Supreme Court issued notices and made all States/UTs parties in the W.P. The MoEF had appointed Prof. Shekhar Singh as Commissioner of the Court to give a report on the state of forests and other allied matters in respect of A&N Islands in compliance of the Hon'ble Supreme Court order dated 23.11.2001 in I.A. No. 502 of 1999 filed by Society for Andaman & Nicobar Ecology (SANE), Bombay Natural History Society and Kalpavriksha in WP (Civil) No. 202 of 1995 (T. N. Godavarman - Vs- Union of India &Ors). The copy of the order dt.23.11.2001 is annexed as **Annexure-IV**. Prof. Shekhar Singh had submitted

*Sh. Manoj*



the report on 30.01.2002. The copy of the report is annexed as **Annexure-V.**

12. That the Hon'ble Supreme Court in its order dated 07.05.2002 had accepted the recommendations of Prof. Shekhar Singh with certain modifications in some of the recommendations and further ordered that specific action shall be undertaken by MoEF/A&N Administration on the other recommendations which were not specifically dealt in the order. The copy of the order dt.07.05.2002 is annexed as **Annexure-VI.**

### **STATUS AFTER 2002**

13. The Hon'ble Supreme Court in its Order dated 07.05.2002 in IA No 502 of 1999 issued the following directions in respect to the encroachments in forest area of the Andaman & Nicobar Islands. The operative part of the Order is reproduced below:

*"(12) Regularization of encroachments on forest land in any form, including allotment/use of forest land for Agricultural or Horticulture purpose, shall be strictly prohibited".*

*(13) All those families who have been identified as having encroached on forest land prior to 1978 and have not yet shifted to their allotted rehabilitation sites, shall be given one months notice to vacate their encroachments and shift to the allotted land. Failing this, their allotment shall be cancelled and they shall be forcibly evicted within three months of the deadline being over,*

*Dr. Thomas*



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without any further claim to land or any other form of rehabilitation. Such notices should be issued within six months.

(14) Similarly, those among the pre -1978 families that have shifted to their allotted sites but have occupied more land than they were entitled to shall also be given one month's notice to vacate the extra land occupied by them. On the expiry of the notice, the allotments of those who have not complied with this notice shall be cancelled and they should be forcibly evicted within three months without any further claims to compensation of land. Such notices should be issued within six months.

(15) All the post -78 encroachments shall be completely removed within three months.

(16) For the eviction of encroachers, an effective action plan shall be prepared and implemented under direct supervision, monitoring and control of a Committee under the Chairmanship of the Lt. Governor with Chief Secretary, Principal Chief Conservator of Forests and reputed NGO representatives, its members. The Chief Secretary, Andaman & Nicobar Islands, shall file every month an affidavit about progress of eviction of encroachments."

13. That in order to oversee the implementation of the directions of the Supreme Court, a State Level Committee has been constituted under the Chairmanship of Lt. Governor, with Chief Secretary, PCCF, and two NGO representatives as members. A committee under the Chairmanship of Chief Secretary was constituted for

*Sk Manoj*



the purpose of periodic review of the progress in the eviction of encroachers. At the Forest Division level, Task Forces have been constituted with forest, revenue and police officials. One Assistant Conservator of Forests in each forest division has been appointed as Special Executive Magistrate under Sec. 21 Cr.P.C. to maintain law and order and prevent breach of peace during the eviction operations in forest areas.

A Special Cell consisting of DCF(HQ), Additional District Magistrate, Assistant Commissioner (Settlement) and Assistant Commissioner (Forest Settlement) was constituted for the purpose of coordination and monitoring of eviction of encroachers.

14. That in compliance of the above direction, notices were issued for eviction of Post 1978 forest encroachers and shifting of Pre-1978 forest encroachers to their allotted sites in the de-reserved blocks. Accordingly, the eviction process was carried out and monthly affidavit on the progress of eviction is being filed in the Hon'ble Supreme Court.

**Post 1978 Forest Encroachments:**

15. That 4311 cases of Post 1978 encroachments comprising of 3990 individuals and 321 institutions/Govt Building/religious structure over an area of 3563.59 Ha forest land spread over 165

*Sk Thomas*



pockets were identified and their district wise status of complete eviction as on 31.05.2024 is given in the table below:

Sl. No.	District	Name of Division	Total No of Case	Area encroached (Ha)	Eviction completed (Nos)	Area evicted (Ha)
1	North &	Diglipur	1118	1094.46	42	39.23
2		Mayabunder	803	818.94	245	273.30
3	Middle Andaman	Middle Andaman	745	685.52	241	241.80
4		Baratang	543	217.33	10	9.48
5	South	Havelock	1	0.24	1	0.24
6	Andaman	South Andaman	981	730.022	295	180.00
7		Little Andaman	120	16.932	14	1.164
8	Nicobar	Nicobar Division	0	0	0	0
		<b>Total</b>	<b>4311</b>	<b>3563.44</b>	<b>848</b>	<b>745.22</b>

16. That the Administration desired to settle the evicted forest encroachers in revenue land and providing sustainable livelihood through a Rehabilitation package. Therefore, the First Settlement Plan of UT Administration of 2003 for settlement of encroachers, settlers etc. in 'deemed forest' was approved by MHA. A Press Note dated 17<sup>th</sup> & 18<sup>th</sup> August 2003 was published by the Administration

*Sk Thomas*



regarding drawal of lots for making provisional allotment of land to the Post – 78 forest encroachers of various Tehsil and 5 allotments were made.

17. That the First Settlement Plan was challenged by Local Born Association in SLP No. 18030 of 2003. It is submitted that First Settlement Plan could not be implemented as Central Empowered Committee (CEC) did not allow deemed forest land to be used for re-settlement of forest encroachers vide its report dated 18.03.2004. The Hon'ble Supreme Court vide order dated 09.10.2003 in SLP No. 18030 of 2003 restrained the administration to allot land and rehabilitate package to the post-78 forest encroachers till further orders. Subsequently, New Settlement Plan was prepared by the UT Administration for settlement of encroachers, settlers etc. which was approved by MHA in 2009. The copy of the same is annexed as **Annexure-VII**. As per the New Settlement Plan, the land under the possession of Post-78 revenue encroachers has to be regularized to the extent of 340 sq.m. of house sites and the excess land occupied by these Post-78 revenue encroachers should be got vacated by them where the Post-78 forest encroachers shall be settled.

18. That an IA 2784 was filed by the Revenue Department of the A & N Administration in 2010 before the Hon'ble Supreme Court of India in WP(C) No. 202 of 1995 titled T.N. Godavarman Thirumalpad-Vs-UoI requesting Hon'ble Supreme Court to allow 'deemed forest' to be

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used for development purposes including allowing the UT Administration to implement the New Settlement Plan of 2009.

19. That the CEC in its report dated 28.07.2016 which is annexed **Annexure-VIII** in I.A. No. 2784 had made recommendation that the CEC has no objection if the Administration implements the Settlement Plan as approved in principle by MHA provided it is consistent with and not in violation with Hon'ble Supreme Court's order dt.07.05.2002. The matter is sub-judice.

**Pre -1978 Forest Encroachments:**

20. That the Hon'ble Supreme Court in its order dated 07.05.2002 in in IA No 502 of 1999 in WP(C) No 202 of 1995 (T. N. Godavarman -Vs- Union of India & Ors) directed to issue one month's notice to all Pre-78 encroachers to vacate the forest land encroached by them and shift to de-reserved land and also to those Pre-78 encroachers who have occupied land in excess of allotment (upto 1.00 Ha). A resurvey was then conducted and actual number of Pre-78 encroachers identified in forest areas including the dereserved block were found to be 1149. Out of the total 1149 pre-78 encroachers, 522 were in the de-reserved blocks and were regularized in-situ, whereas the remaining 627 were to be evicted from the forest land and shifted to the dereserved forest land.

The details of the 627 ex-situ encroachers who have to be shifted to their identified dereserved blocks are as follows:

*S. Thomas*



Encroachers already shifted to dereserved block/ vacated forest land	112
Could not be settled due to de-reserved land unsuitable for settlement	386
Relocation of the Pre-78 encroachers in progress.	129
<b>Total</b>	<b>627</b>

The district wise and forest division wise breakup of Pre-78 encroachments and the eviction made, as on 31.05.2024 are recorded as under:

S.No.	District		Name of Forest Division	Total No of Case	Evicted
1	North & Middle Andaman	North Andaman	Diglipur	390	82
2		Middle Andaman	Mayabunder	205	18
3		Andaman	Middle Andaman	12	0
4	South Andaman		Baratang	5	5
5			South Andaman	15	7
6	Nicobar District		Nicobar Division	0	0
	<b>Total</b>			<b>627</b>	<b>112</b>

*A. Thomas*



21. That in respect of the 386 Ha of unsuitable dereserved land, an Interlocutory Application (IA) No.2686 of 2011 has been filed before the Apex Court on 04.08.2009 in WP(C) No 202 of 1995 (T. N. Godavarman -Vs- Union of India & Ors) with the prayer to allow the Administration to use 432 Ha of forest land to settle 386 cases of Pre-78 encroachers as the land dereserved for the purpose was not found suitable on account of having a large number of naturally grown trees, presence of nallahs, streams and area having steep slopes.
22. That the Hon'ble Court vide its order dated 05.10.2015 which is annexed as **Annexure-IX** transferred the I. A. No. 2686 of 2009 to Ministry of Environment, Forest & Climate Change with the direction to MoEF&CC to consider the applications in accordance with law as expeditiously as possible.
23. That the A & N Administration vide letter dated 11.10.2022 which is annexed as **Annexure-X** had requested the Ministry to consider the applications and issue necessary orders in accordance with law.

**REPORT OF CEC DATED 09.10.2006 ON THE STATUS OF  
REGULARIZATION OF ALLOTMENT/ENCROACHMENT OF  
FOREST LAND**

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24. That pursuant to the direction issued by the Hon'ble Supreme Court vide its order dated 7<sup>th</sup> May 2002, in I. A. No. 502 of 1999 in W. P. (C) No. 202 of 1995 the department proceeded with eviction of post-78 encroachers at various locations. The action of the Department was challenged by a number of Applicants (215 encroachers) through Writ Petition filed before the Hon'ble High Court, Calcutta, Circuit Bench at Port Blair praying for regularization of the encroachers on forest land and the Hon'ble High Court referred the matter to CEC. The CEC after examination of the cases submitted a report dated 09.10.2006 to the Hon'ble Supreme Court.

25. That the report dated 09.10.2006 which is annexed as **Annexure-XI** has been registered as I.A. No. 1659 in W.P.(C) No.202/95. In the report, out of the 215 applicants, CEC has recommended 62 cases for regularisation and remaining to be evicted. The A & N Administration had filed affidavit dated 19.11.2008 and 06.09.2017 in the Hon'ble Supreme Court accepting the recommendations made by the CEC in its report dated 09.10.2006. The matter is still sub-judice.

26. That this Hon'ble Tribunal in its order dated 19.04.2024 has directed the States/Union Territories to disclose the information on forest encroachment in the reply in the tabular format

*Dr Thomas*



prescribed in the order by filing an annexure thereto. Accordingly, the information in the tabular format is annexed as **Annexure- XII**

27. That the Andaman & Nicobar Islands Administration will abide by whatever direction/order passed by this Hon'ble Tribunal.

28. That the Andaman & Nicobar Islands administration will file any further reply/report as and when directed by this Hon'ble Tribunal.

FOR ANDAMAN & NICOBAR ISLANDS

THROUGH

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Serial no  
44/XXIII/2024

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M-9810625315

Affirmed before me after the contents were read over & explained in simple Hindi / English language, on this 26 day of July 2024

TYPED COPY

ISLAND DEVELOPMENT AUTHORITY

PROCEEDINGS OF THE FIRST MEETING

27<sup>TH</sup> Dec, 1986

PORT BLAIR, ANDAMANS

PLANNING COMMISSION

NEW DELHI

ISLAND DEVELOPMENT AUTHORITY  
PROCEEDINGS OF THE FIRST MEETING  
27<sup>TH</sup> DEC. 1986, PORT BLAIR ANDAMANS

The list of IDA members who attended the meeting as also of special invitees and other participants is given in Annexure.

2. The Prime Minister welcomed all the members of the Island Development Authority (IDA) to the first meeting of IDA. He said that convening this meeting in Port Blair would give members a greater appreciation of the difficulties encountered in these distant and far flung islands. There would be two meetings of IDA every year in one of the island territories (Andaman & Nicobar/Lakshadweep) and the other in Delhi.

3. The L.G of Andaman & Nicobar then raised certain issues summarised below:

3.1 Problems relating to security of the islands

There are two proposals one relates the security 36 inhabited islands and the other to 270 uninhabited islands. The requirements are for 3 aircrafts, one ship and CRPF department. This has now been agreed to some equipment and coast guard support would also be required. The proposal accepted so far covers six islands this has to be extended to another eight.

3.2 Free Port

There has been no progress on this proposal and the feasibility report is also not ready. It is necessary to fix a time limit for the finalisation of the feasibility report.

3.3 Shipping

Orders have been placed for four ships. It will take three year to require these. For the interim period, chartering of ships could be considered. It was stated that it is cheaper to transport people by air rather than by ship appropriate subsidy for air travel will be needed taking note of what is already being provided in the case of shipping. The proposal for hydrofoil service was mentioned. The U.T Administration is in touch with a party in Singapore who has put forward a proposal for hydrofoil service which appears reasonable.

3.4 Construction Activities.

There is construction activity to be carried out at a level of rupees eight crores per year. The PWD set up the UT is totally inadequate for this. It was suggested that a central works agency such as NBCC be inducted to carry out these development construction works and to strengthen the PWD.

### 3.5 Tourism

A Committee appointed by the Steering Group of IDA is presently looking into this area on an overall basis. The basis position is that there are 18,000 foreign tourists and 36,000 domestic tourists per year. LG suggested that tourism should be declared as an industry. Six islands have already been opened for tourism: 5 more were suggested that can and need to be opened.

The Indira Point should be developed as Indira Park. The total cost of this proposal is Rs. 1 crore.

### 3.6 Air Services

The airport at Port Blair is a naval airport. This needs to be enlarged and improved. At present, only Boeing 737 with half load can land. It should be strengthened to allow airbuses to land. The existing air fare is a deterrent to tourism.

### 3.7 Power

There is acute shortage of power. All villages need to be electrified; out of 491 villages, 320 villages are electrified and 171 are still left over. The requirements of the islands have been communicated to the Ministry of Power but because of the delays in approvals from DGS&D for purchase of equipment. It has not been possible to implement power generation program.

A policy decision on taking up the hydroelectric project at Diglipur is required, ONGC has stuck has but it has been sealed since it was not economically viable; it should be possible to pipe this gas for gas based power generation. The Nehru Thermal Power Station should be cleared. The 40 MV thermal power generation proposal is already with the Ministry of power. These decision need to be expedited.

### 3.8 Medical Services

There are serious lacunae since specialists service are lacking in important areas e.g. pathology, ophthalmology etc. The Defence Ministry is agreeable to provide specialists. A policy decision is needed in this regard to permit this. LG requested that the sub-centre should be within a 5km. distance and Primary Health Care Centre a 12km. distance. National norms applicable on the main land generally should not be used here.

### 3.9 Implementation of the 20-Point programme

Progress has not been satisfactory. The pattern of financial assistance in these islands need to be known to the UT administration well in advance to facilitate implementation of schemes forest had to be surrendered under RLEGP. Approvals are given only in the three months before the end of the financial year.

### 3.10 Fisheries Development

Considering the fact that 1/3<sup>rd</sup> of the national EEZ arises through the A & N islands oceanic resources need to be tapped urgently on scientific lines in particular for development of fisheries. A proposal to set up a Fisheries Development Corporation needs to be approved. Trained manpower will be needed for this area. Some of the Central Fisheries research and training institutions should be instructed to accommodate persons from the islands for training purpose.

### 3.11 Industry

86% of the land area is presently under forests only 14% is thus revenue land. Unemployment is emerging as a major problem area and solutions in terms of appropriate industrialization need to be worked out. There are 5 major and 31 minor wood-based industries these cannot be further encouraged if forests are to be conserved. A shipyard and electronics and eight engineering non-polluting industry could offer employment potential incentives will be needed to develop these 100% subsidy was required for transportation charges and energy.

### 3.12 Civil Supplies

A serious problem relates to packaged items with marked pieces. These are currently sold in the islands at much higher prices than on the main land. A small increase to the package price for the country as a whole could be used to cover transport costs of materials to the island providing goods at rates equal to the mainland. There is urgent need to set up a Civil Supplies Corporation in the islands to facilitate the distribution of consumer goods and avoid profiteering by middlemen.

### 3.13 LPG

This should be made available on the island population at the all India rate and transportation charges should be borne by the Government.

### 3.14 Encroachments

A cut off date on forest encroachment need to be clearly indicated and regularization effected after the specified date, eviction proceedings can be taken up.

4. Member of Parliament for A & N, Shri Manoranjan Bhakta appreciated the holding of the conference in Port Blair. Since many of the immediate issues had been covered by the LG, he would only make additional points which need to be brought to the notice of IDA or re-emphasized. These are

- 4(i) For proper development of the island, their carrying capacity needs to be clearly defined from the present level of 2 lakhs, he felt that the limit would be 8-10 lakhs. Measures that would ensure this need to be planned and implemented.
- (ii) He reiterated the problem of mainland-island and inter-island transportation; and inadequacy of present ferry services.
- 4(iii) Unemployment poses the most serious problem.
- 4(iv) While environment, ecology and forest aspects require careful consideration supportive measure, some adjustments arising from the needs of the existing population are required.
- 4(v) Regularisation of forest encroachment cases.
- 4(vi) Acute housing problem on the islands.
- 4(vii) The Forest Department of the island has so far been functioning as a commercial department. This should be converted into a service department.

- 4(viii) For development of proper education, the local structure needs to be strengthened. There is only one Government college which should be affiliated with Pondicherry Central University. (It was noted that this issue has already been settled satisfactorily.)
- 4(ix) In promotion of tourism, dolphins can be useful if trained.
- 4(x) The present Pradesh Council may be given Assembly status.
5. The administrator Lakshadweep made the following points:
- (i) Lakshadweep islands are very densely inhabited in contrast to the A & N Islands.
  - (ii) The nature of the lagoons and the need to protect them implies that there cannot be construction of harbours.
  - (iii) Transport and communications, with appropriate shipping and air service need to be looked into as priority areas. The possibility of having hovercraft service needs to be explored.
  - (iv) Since the islands are widely scattered provision of air service to just one island would serve only a limited purpose. There is need to have integrated air services covering helicopter and vayudoot services.
  - (v) The present pattern of administration which is typical of the mainland needs to be changed for Lakshadweep to suit local needs.
  - (vi) Unemployment is beginning to pose serious problems. There is expectation of Government jobs rather than efforts at self-employment particularly in relation to the resource base which is fisheries.
  - (vii) Fisheries Development Corporation is being set up.
  - (viii) Electronic and light industry would be very useful in addition to fisheries as a source of employment.
  - (ix) Land is scarce for these items, Hence studies of land use patterns in relation to population and its needs should be expeditiously carried out.
6. The Member of Parliament from Lakshadweep Shri Sayeed Stated that transport and employment were the two most crucial problems of the UT, Additional shipping must be provided for main-island traffic. Inter-island services are also important. Appropriate self-employment related to the natural endowments of the islands are relevant to these call for urgent attention. Provision of medical specialists like gynecologists, development of Ayurvedic system of medicine, ensuring that in polytechnics set up in the A & N Islands some seats are reserved for Lakshadweep candidates, were other immediate issues mentioned.
7. The Prime Minister remarked that the possibility of having the Dornier aircraft with floats to make them amphibious was being considered by the Civil Aviation Ministry. This would be expedited. He also suggested that in the case of these far flung island,

some special training programmes for midwives could be introduced to enhance immediate local availability of skilled personnel.

8. Prof. Menon stated that the developmental programmes being planned for the islands are meant to solve local problems to meet local aspiration , taking full advantage of local resources and ensuring that the ecology of the islands and their natural beauty are carefully preserved as directed by the Prime Minister after his visit to Lakshadweep. The Development programmes will be taken up within the approved 7<sup>th</sup> Plan allocations.

From the 5<sup>th</sup>, through the 6<sup>th</sup> to the 7<sup>th</sup> there has been a significant step up in allocations. The 7<sup>th</sup> Plan allocation are sufficient as has emerged from discussions with the authorities of the island territories; what is important is that the island must have the ability & support to use their allocations efficiently. Various proposals exist of are being put up with regard to transport, tourism, fisheries, post-harvest technologies. Free port, industries, human settlement etc. These need to be gone into on an integrated basis leading to a holistic approach and plan. The ecologically sensitive areas should be declared as biosphere reserves on an urgent basis so that no interference takes place in these areas. For this, the base line data on environmental aspects is required. The agenda papers have listed several studies which need to be commissioned, many of which have already been taken up. He requested that the studies listed in the agenda may be approved by the IDA.

9. The Prime Minister instructed that the studies be completed according to time-schedules within six months. The proposal on the Telecommunication sector was also approved.
10. Dr. B.D. Sharma invited attention to various problems concerning the Negrito group of tribal communities in the Andaman Islands and Shompens in Great Nicobar. The first issue in the case of these tribes is that of physical survival community.
11. The major issue in relation to the Nicobaree tribal's is to develop their economy in consonance with the resource potential of the surrounding sea. A basic change in the content of education from the Primary School level is urgently required. Shri Sayeed , M.P . from Lakshadweep agreed with this.
12. MOS, Surface Transport stated that one ship is being obtained from Saudi Arabia in a month's time and another ship would be available in three months, The possibility of getting smaller ships is also being explored. By 15<sup>th</sup> January, at least one ship would be functional. He stated that technical expert feel that the operational cost of hydrofoils will be very high.
13. The Finance Minister wanted the costs studied carefully and a report prepared. If found feasible, funds can be made available for hydrofoil transport, PM directed that this proposal may be liked into also by Home and Defence Minister; if they feel that there may be some security problems, the security staff from these Ministries could be physically placed on these services. The programme relating to jetty facilities should also he expeditiously pursued.
14. Shri Romi Khosla stated that 75 percent of the timber extracted in the Islands is used for plywood and match factories, and not used for construction purposes. In fact,

timber is not used at all as an economic base for durable assets of the Islands. He felt that alongwith tourism and fisheries development, timber utilization should also be gone into from the viewpoint of optimal utilization for economic development of the Islands. Large factories are consuming large amounts of timber in ways which only destroy the inheritance. PM said that such industry should be shutdown at the earliest and agreed with the suggestion of shri Khosla on studying the optimum utilization of the timber resources.

15. Shri Bhajan Lal stated that environment and forest are crucial elements in the case of these Islands; there should be no further destruction of the forests.
16. To overcome handicaps to major industrialization in these islands, the PM suggested that some incentives need to be provided. Instead of a free port, he suggested the possibility of importing materials and components into Andaman & Nicobar islands duty-free and making high value added products for sale on the mainland.
17. Finance Minister agreed to have this examined, Including in the light of Customs Act, as also other incentive/concession that would help setting up of appropriate industries in these islands.
18. Minister, Tourism stated that tourism must be looked at on an integrated basis with a mix of high and low cost facilities.
19. On a point made by Mufti Mohammed Syed, the Prime Minister suggested that it would be useful to look into the setting up an institute of Island Development which will deal with ocean, fisheries, environment, tourism and related training aspects etc. He also suggested that if we bring in 100 outsiders to the islands for various jobs such as tourism, it could be ensured that 100 local people be employed on the mainland. The setting up of the proposed Institute might help to look at all aspects of island development on an integrated basis. He asked the steering committee to examine this proposal in details.
20. MOS, Planning stated that the various departmental programmes should be carefully examined at the planning stage itself to keep environmental aspects in mind including questions of land use, forest, conservation, population growth and carrying capacity etc. The Planning commission would be able to coordinate these activities.
21. Secretary, Tourism stated that the Department of Tourism was preparing a package programme for tourism the Committee set up for this is looking into the total long term aspects keeping in view environmental safeguards. This programme would be appropriately discussed with all concerned Ministries and put to the Steering Committee.
22. The main decisions taken in the meeting and the action points for further follow up, as summarised by the Chairman are given below:-
  - 22.1 Proposal relating to mechanisms for ensuring the security of the A&N Islands were approved.

Action: Min. of Home Affairs & Defence

- 22.2 Existing norms, as applicable in the case of various developmental activities, on a uniform basis for the whole of the country, should not be used in the case of special areas such as island territories and desert and hill areas; new norms in this regard will need to be worked out. Aesthetic aspects of these islands must be kept in view in implementing various developmental activities relating to human settlements, construction etc.

Action: Planning Commission

- 22.3 In addition to the Navodaya School which exists in the A&N Islands, it was agreed to have one more Navodaya School for this territory as also one for Lakshadweep. One ITI for A&N and one ITI for Lakshadweep, and one Polytechnic in A&N were also approved. It was agreed that this polytechnic will have a certain number of seats reserved for those from the Lakshadweep islands.

Action: Min of Human Resource Dev.  
Deptt. Of Education

- 22.4 All encroachments in forest areas upto 31.12.1978 would be regularized, upto one hectare per family, and ensuring that these encroachments are not in the middle of forest areas. No encroachment should be allowed to be regularized that would result in honeycombing of the forests; in such cases the parties concerned should be shifted to the periphery to avoid honeycombing of forest. Conversion of forest land will be permitted only on the basis that equal area of revenue and will be allocated for forest.

Action: Ministries of Home Affairs and Environment and Forests

- 22.5 The proposal of the UT for setting up a 12.5 MW thermal plant was agreed to. It was decided that the possibility of the use of gas would be explored; in particular of bringing gas located at a distance of 25 kms. By pipeline for gas generation.

Action: Deptt. of Power and Min. of Petroleum

- 22.6 Tourism, keeping in mind all appropriate environmental and aesthetic safeguards, should be promoted, and the possibility of declaring it as an industry should be examined. The programme for tourism should be worked out as an integrated package.

Action: Department of Tourism

- 22.7 It was agreed to examine the possibility of setting up an Institute for Island Development which would concern itself with various aspects including tourism, environment and ecology, fisheries and oceanography, and training in these and related areas.

Action: IDA Secretariat, Planning Commission

- 22.8 The developmental programme for the islands should be such as not to make these territories a liability; they should be made self-sustaining and the programme be of a nature as to have a positive impact on the national economy.

Action: IDA Secretariat, Planning Commission

22.9 It was agreed that Port Blair would be declared as a Customs Port.

Action: Ministry of Finance

22.10 The possibilities of setting up watch making industry, and manufacture of electronic and other high value added items would be expeditiously examined.

Action: Min. of Industry and Deptt. of Electronics

22.11 All studies as listed in the Agenda were approved, these would be completed on definite time schedules, and the reports of these studies would be put up at the next meeting of IDA which would be held after six months.

Action: IDA Secretariat, Planning Commission

22.12 It was agreed that, as per the report of the Committee set up for the purpose, low cost house would be constructed as a demonstration project in the islands, on the basis of which a large scale programme for housing would be taken up.

Action: Shri Romi Khosla & UT Administrator

22.13 The Ministry of Surface Transport would examine expeditious all proposals on main-land islands are inter-island transport. A Master Plan for transportation should be worked out on an urgent basis. One ship should be made available in a month a time and another one in three months time on charter basis. It was agreed that an appropriate subsidy structure would be worked out as could be applicable to difference transport systems. The proposal for use of hydrofoil in the private sector would be examined urgently in consultation with Home & Defence Ministries.

Action: Ministry of Surface Transport, Deptt. of Shipping, MHA and Min. of Finance, Planning Commission

22.14 For training in the area of Fisheries was agreed that sine seats would be reserved in Central Fisheries and related concerned research Institutions for candidates for A&N and Lakshadweep UTs.

22.15 In the area of helath, it was decided that the medical personnel form the Defence Ministry would be made available for appointment in the Island territories as necessary.

Action: Min. of Defence, Min of Health & F.W., and UT Administration

22.16 It was agreed that a Civil Supplies network as proposed should be created in the island to ensure that supplies reach each of the inhabited islands. Packaged items and LPG would be sold in the island UTs at the same market price as on the mainland; necessary price adjustments to enable this will be looked into.

Action: Deptt. of Civil Supplies, UT Admin., Planning Commission

22.17 It was agreed that equipment could be imported on priority basis, to expedite commissioning of the planned recommunication facilities in the islands, as proposed in the agenda. Necessary support for installation and commissioning of these facilities would also be provided.

Action: Deptt. of Telecommunication, UT  
Admn. And Min. of Defence

22.18 Cultivation of red oil palm should not be extended to cover more area unit the environmental impact assessment as already commissioned by the Ministry of Environment & Forests, is completed and all aspects have been looked at on an integrated basis. It will only be expanded if recommended by CARI Port Blair in consultation with Deptt. of Environment.

Action: Min. of Environment & Forests and UT Admin.

22.19 IDA was informed that it has been decided by the Cabinet to start a Helicopter service from 1<sup>st</sup> of January for inter-island services with 70 per cent subsidy, and also direct air services Delhi Port Blair from 1<sup>st</sup> April 1987.

22.20 A land-study study from the view point of planning developmental programmes would be initiated for both groups of Islands.

Action: IDA Secretariat, Planning Commission

22.21 A study on the health and other aspects and problems of the tribal groups would be arranged; PM would have a meeting with this Expert Group before they embark on this study.

Action: IDA Secretariat, Planning commission

22.22 The possibility of industrial development based on duty free imports into the islands for making high value added products for sale on the mainland and for exports would be explored; if found feasible, a detailed project report would be prepared.

Action: Min. of Commerce and Finance.

22.23 The next meeting of IDA would be held in Delhi after six months. The IDA Secretariat would initiate necessary follow up action in consultation with all the Ministries and Departments, who will be requested to expedite action on decision reached. The reports would be coordinated by the IDA Secretariat and put up to the Steering Committee.

22.24 Prime Minister conducted the meeting by thanking all the Members of IDA. He suggested that the decisions arrived at the meeting should be expeditiously followed up. Developmental programmes should be progressed rapidly to meet the aspirations of the local population but in full conformity with environmental and ecological safeguards.

## LIST OF PARTICIPANTS

## Members

1.	Prime Minister	(Shri Rajiv Gandhi)-Chairman
2.	Finance Minister	(Shri V.P. Singh)
3.	Minister for Environment & Forests	(Shri Bhajan Lal)
4.	Minister of Tourism	(Shri Mufti Mohd. Sayed)
5.	Minister for Surface Transport	(Shri Rajesh Pilot)
6.	Minister of State for I&B	(Shri Ajit Panja)
7.	Minister of State for Planning	(Shri Sukh Ram)
8.	Scientific Adviser to PM and Member, Planning Commission	(Prof. M.G.K. Menon)
9.	Member of Parliament, A&N Islands	(Shri Manoranjan Bhakta)
10.	Member of Parliament, Lakshadweep Islands	(Shri. P.M. Sayeed)
11.	Commissioner for Scheduled Castes and Scheduled Tribes	(Dr. B.D. Sharma)
12.	Additional Secretary, Deptt. of Ocean Development	(Dr. S.N. Dwivendi)
13.	Shri. N.D. Jayal, INTACH	
14.	Shri Romi Khosla, Architect. Secretary, Island Development Authority	(Dr. (Mrs.) Manju Sharma)

## Special Invitees

1.	Minister of State for Home Affairs	(Shri Chintamani Panigrahi)
2.	Secretary, Environment and Forest	(Shri T.N. Seshan)
3.	Secretary, tourism	(Shri S.K. Mishra)
4.	Lt. Governor, Andaman & Nicobar Island	(Lt. General T.S. Oberoi)
5.	Administrator, Lakshadweep Island	(Shri J. Sagar)

## Other Officers

1.	Secretary to Prime Minister	(Smt. Serla Grewal)
2.	Additional Secretary to PM	(Smt. Otima Bordia)
3.	Additional Secretary, Ministry of Home Affair	(Shri LP. Gupta)
4.	Joint Secretary to PM	(Shri Mani Shanker Iyer)
5.	Joint Secretary to PM	(Shri Wajahat Habibullah)
6.	Joint Secretary, Ministry of Shipping & Transport (Port)	Shri Yogendra Narain
7.	Joint Secretary, Ministry of Shipping & transport (Shipping)	(Shri P.V. Rao)
8.	Chief Secretary, Andaman & Nicobar Administration	(Shri S.R. Sharma)
9.	Development commissioner, Andaman & Nicobar Admn.	(Shri M.K. Bezboruah)
10.	Deputy Adviser, Planning Commission	(Dr. S. Ramanathan)
11.	Deputy Adviser, Planning Commission	(Shri P.K. Biswas)

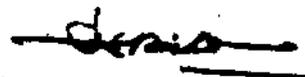


-2-

the Forest Department by A&N Admn. Preliminary notification under Section 4 of Indian Forest Act 1927 for reservation as forest should be issued by 30.11.88 and final notification by 31.3.89.

- (v) The scheme for compensatory afforestation of these 2846.99 ha. of land should immediately be prepared and furnished to the Ministry. Works on compensatory forest lands should start from the planting season 1989 and A&N Admn. should provide budget and other support to the PCCF for doing these jobs.

Yours faithfully,



( R.S. BISHT )

UNDER SECRETARY TO THE GOVT. OF INDIA.

TYPED COPYMost Immediate.

ANDAMAN AND NICOBAR ADMINISTRATION  
SECRETARIAT

Port Blair, the 10<sup>th</sup> Feb. 1998.

NOTIFICATION

No. F.N Bo. 54-1/85-H&R(.) WHEREAS it has been decided vide Administration's Scheme No. 54-1/85-H&R dated 17.8.1987 to regularise unauthorized encroachments on Govt. land, which manner detailed out therein;

AND WHEREAS it came to the notice of the Administration that the list furnished by the high Power Committee constituted by the Administration vide Order No. 4861 dated 02.10.1982 did not contain the names of all the eligible persons and a number of representations have been received from the members of the public regarding non-inclusion of their names in the list of encroachers prepared by the said High Power Committee;

AND WHEREAS the A&N Administration after taking note of such omissions invited applications from the members of public said High Power Committee and who were in unauthorized occupation of Govt. land prior to 31.12.1978 and large number of such applications were received by various functionaries of the Administration.

NOW THEREFORE, in exercise of the powers vested in his under Section 146 of A&N Islands Land Revenue and Land Reforms Regulation, 1996, the Administrator, A&N Island is pleased to appoint the following two committees in supersession of the Committees appointed earlier vide order No. 4464 dated 24<sup>th</sup> August 1984 and No. 4252 dated 24<sup>th</sup> September, 1985 for scrutinizing the applications received from the members of public against earlier notice dated 8<sup>th</sup> October, 1984 published by the Addl. District Magistrate and the applications which are likely to be received within a month from the date of publication of the subsequent notice by the Administration on 10.2.1988.

Committee No. 1- For matters pertaining to forest land

- |  |                    |
|--|--------------------|
| 1. Counsellor (Forest)                     | -Chairman          |
| 2. Chief Conservator of Forests            | -Member Secretary. |
| 3. Divisional Forest Officer<br>Concerned. | -Member.           |
| 4. Superintendent of Police concerned      | -Member.           |

...2/-

Committee No. 2- For matters pertaining to revenue land

- |  |                    |
|--|--------------------|
| 1. Counsellor (Revenue)                | -Chairman.         |
| 2. Deputy Commissioner concerned       | -Member Secretary. |
| 3. Assistant Commissioner<br>Concerned | -Member.           |
| 4. Supdt. of Police concerned          | -Member.           |

The above committees shall, start functioning with immediate effect and scrutinize the applications which have already been received and are lying in various offices of the Administration in response to the earlier notice. Applications received against the subsequent notice published on 1.-2-1998 may be scrutinized as and when they are suitable and the list of the eligible persons thus prepared by the committees should be submitted to the Administration by 31.3.1988.

By Order,

Assistant Secretary (Revenue)

No.54-1/85-H&R  
ANDAMAN AND NICOBAR ADMINISTRATION  
SECRETARIAT

Port Blair, dated the 10<sup>th</sup>. February, 1988.

Forwarded to the Manage Govt. Press with the request that this notification along with its Hindi version may kindly be published in an extra-ordinary issue to the A&N

25 copies of the notification may also be supplied to the Revenue Section of the Secretariat immediately.

2. The Hindi Officer to please supply Hindi version in the notification to the Manager, Govt. Press immediately.

Copy to:-

1. The Counsellor (Forest).
2. The Counsellor (Revenue).
3. The Chief Conservator of Forests, A&N Islands.
4. The Deputy Commissioner (A) Port Blair.
5. The Deputy Commissioner (N) Car Nicobar.
6. The Inspector General of Police.

With this spare copies.

Copy also to:-

1. The P.S. to Lt. Governor.
  2. The P.S. to chief Secretary.
  3. The P.A. To Secretary (Rev. & Forests).
- Spare copies -50 Nos.

Assistant Secretary  
(Revenue).

ITEM Nos. 301 to 334

COURT No. 2

SECTION PIL

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S .

ITEM NO. 301

RE: SPECIAL INVESTIGATION TEAM REPORT FILED IN COURT ON 12.03.2001  
AND AFFIDAVIT FILED IN COURT ON 23.04.2001.

ITEM NO. 302

DIRECTION WITH REGARD TO SETTING UP OF NODAL AGENCIES IN THE STATES  
OF M.P. AND CHHATISGARH TO DISPOSE OF THE INTERLOCUTORY APPLICATIONS  
WITH REGARD TO OVERSEEING THE WORKING OF FOREST  
(APPLNS. RELATING TO SATATE OF ASSAM)

ITEM NO. 303

IA NO. 295 in WP (C) 202/1995  
T.N. GODAVARMAN THIRUMALPAD

Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
(Interim application through Amicus Curiae for directions regarding  
the State of Assam PCCF Order dated 12th February, 1998)

ITEM NO. 304

I.A. No. 664 in W.P.(C) No.202/95  
T.N. GODAVARMAN THIRUMALPAD

Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
(For directions)

ITEM NO. 305

I.A. No.677 in W.P.(C) 202/1995  
T.N. GODAVARMAN THIRUMALPAD

Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
(For directions / impleadment )

ITEM NO. 306

I.A. No. 395 in W.P.(C) 202/1995  
T.N. GODAVARMAN THIRUMALPAD

Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
( For clarification on behalf of State of Meghalaya )

ITEM NO. 307

I.A. No.496 in W.P.(C) 202/1995  
T.N. GODAVARMAN THIRUMALPAD

Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
(For directions on behalf of State of Meghalaya)

ITEM NO. 308  
I.A. No. 497 in WP(C) NO. 202/1995  
T.N. GODAVARMAN THIRUMALPAD Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
(For directions on behalf of State of Meghalaya)

ITEM NO. 309  
I.A. NO. 424 in WP(C) No. 202/1995  
T.N. GODAVARMAN THIRUMALPAD Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
(Interim application on behalf of the applicant Santosh Bharti)

ITEM NO. 310  
I.A. NO. 566 in WP(C) No. 202/1995  
T.N. GODAVARMAN THIRUMALPAD Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
(Suo-motu action taken by this Hon'ble Court on the statement of Mr. K.N. Raval, Ld. Additional Solicitor General on behalf of Central Government showing the position of the cases approved for diverting a forest land stipulation for compensatory afforestation under the forest conservation act and the compensatory afforestation done funds to be utilised and actually utilised)

ITEM NO. 311  
I.A. NO. 652-653 IN WP(C) NO. 202/1995  
T.N. GODAVARMAN THIRUMALPAD Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
(For directions & exemption from filing O.T.)

ITEM NO. 312  
I.A. NO. 669 in I.A. No. 659 in W.P.(C) NO. 202/1995  
T.N. GODAVARMAN THIRUMALPAD Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
(For directions)  
AND  
I.A. NO. 659 in W.P. (C) NO. 202/1995  
T.N. GODAVARMAN THIRUMALPAD Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
(For directions with regard to the forest of Matheran in the State of Maharashtra)

ITEM NO. 313  
I.A. No. 636 in WP(C) NO. 202/1995  
T.N. GODAVARMAN THIRUMALPAD

Petitioner

VERSUS

UNION OF INDIA & ORS.  
(For modification/directions on behalf of State of Tripura)

Respondents

ITEM NO. 314  
I.A. No. 670 in WP(C) 202/1995  
T.N. GODAVARMAN THIRUMALPAD

Petitioner

VERSUS

UNION OF INDIA & ORS.  
(For directions to stop illegal mining, treefelling in the National Park)

Respondents

ITEM NO. 315  
I.A. Nos. 675-676 in IA NOs. 667-668 in WP(C) NO. 202/1995  
T.N. GODAVARMAN THIRUMALPAD

Petitioner

VERSUS

UNION OF INDIA & ORS.  
( For modification and stay)

Respondents

ITEM NO. 316  
I.A. NO. 679 in WP (C) NO. 202/1995  
T.N. GODAVARMAN THIRUMALPAD

Petitioner

VERSUS

UNION OF INDIA & ORS.  
(For clarification of order dated 10.05.2001)

Respondents

ITEM NO. 317  
I.A. No. 680 in WP (C) NO. 202/1995  
T.N. GODAVARMAN THIRUMALPAD

Petitioner

VERSUS

UNION OF INDIA & ORS.  
(For directions)

Respondents

ITEM NO. 318  
I.A. NO. 685 in WP (C) NO. 202/1995  
T.N. GODAVARMAN THIRUMALPAD

Petitioner

VERSUS

UNION OF INDIA & ORS.  
(Communication received by Ld. Amicus Curiae from the Chairman, High Power Committee from North Eastern Region dated 5th August, 1998)

Respondents

ITEM NO. 319  
I.A. NO. 686 in WP (C) 202/1995  
T.N. GODAVARMAN THIRUMALPAD

Petitioner

VERSUS

UNION OF INDIA & ORS.  
(Letter dated 24.08.2001 received from the Empowered Committee for State of Chhatisgarh treated as I.A. in pursuance of Court's order dated 07.09.2001)

Respondents

ITEM NO. 320 CONTEMPT PETITION (C) NO. 193/2001 in WP (C) 202/1995 DISTRICT FOREST OFFICER, TAMIL NADU	Petitioner
VERSUS	
GOWRI SHANKAR & ANR.	Respondents
ITEM NO. 321 I.A. NO. 502 in WP (C) 202/1995 T.N. GODAVARMAN THIRUMALPAD	Petitioner
VERSUS	
UNION OF INDIA & ORS. (For intervention)	Respondents
ITEM NO. 322 IA NO. 236 in WP (C) 202/1995 T.N. GODAVARMAN THIRUMALPAD	Petitioner
VERSUS	
UNION OF INDIA & ORS. (For directions)	Respondents
ITEM NO. 323 I.A. NOS. 634-635 in WP (C) 202/1995 T.N. GODAVARMAN THIRUMALPAD	Petitioner
VERSUS	
UNION OF INDIA & ORS. (For impleadment and directions)	Respondents
ITEM NO. 324 I.A. NOS. 697-698 in WP (C) 202/1995 T.N. GODAVARMAN THIRUMALPAD	Petitioner
VERSUS	
UNION OF INDIA & ORS. (For directions and exemption from filing O.T.)	Respondents
ITEM NO. 325 I.A. NOS. 700-701 in WP (C) 202/1995 WITH WP (C) NO. 171/1996 T.N. GODAVARMAN THIRUMALPAD	Petitioner
VERSUS	
UNION OF INDIA & ORS. (For intervention and directions)	Respondents
ITEM NO. 326 I.A. NOS. 13, 19, 22, 23, 24 and 28 in WP (C) 171/1996 ENVIRONMENT AWARENESS FORUM	Petitioner
VERSUS	
STATE OF J & K & ORS. ON BEHALF OF KHAIR TREES GROWERS ASSOCIATION (For impleadment and directions)	Respondents

ITEM NO. 327  
 WP (C) NO. 95/1997  
 ENVIRONMENT SOCIETY OF INDIA & ANR. Petitioner

VERSUS

U.O.I. & ORS. Respondents  
 (With appln. for stay and impleading party and office report)

ITEM NO. 328  
 SLP(C) NO. 1573/1999  
 K.V. SUBBANNA & ORS. Petitioner

VERSUS

STATE OF KARNATAKA & ORS. Respondents

ITEM NO. 329  
 W.P. (C) 603/2000  
 SOCIETY PROTECTION OF HUMAN RIGHTS & ORS. Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
 (With appln. for stay and office report)

ITEM NO. 330  
 I.A. NO. 605 in IA 477 & 480 in IA NO. 424 in WP (C) 202/1995  
 T.N. GODAVARMAN THIRUMALPAD Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
 (For directions)

ITEM NO. 331  
 IA NO. 29 in WP (C) 171/1996  
 ENVIRONMENT AWARENESS FORUM Petitioner

VERSUS

STATE OF J&K & ORS. Respondents  
 ON BEHALF OF KHAIR TREES GROWERS ASSOCIATION  
 (For directions)

ITEM NO. 332  
 IA Nos. 620 and 621 in WP (C) 202/1995 With WP (C) 171/1996  
 T.N. GODAVARMAN THIRUMALPAD Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
 (For directions and exemption from filing official translation)

ITEM NO. 333  
 IA No. 645 in IA 620 in WP (C) No. 202/1995  
 T.N. GODAVARMAN THIRUMALPAD Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
 (For directions)

ITEM NO. 334  
 I.A. No. 695 and 696 in WP (C) No. 202/1995 WITH WP (C) NO. 171/1996  
 T.N. GODAVARMAN THIRUMALPAD Petitioner

VERSUS

UNION OF INDIA & ORS. Respondents  
 (For directions and exemption from official translation)

Date : 23/11/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL  
 HON'BLE MR. JUSTICE K.G. BALAKRISHNAN  
 HON'BLE MR. JUSTICE ARIJIT PASAYAT

For appearing parties :

Mr. Harish N Salve, SG (AC)  
 Mr. Siddharth Choudhary, Adv.  
 Mr. U U Lalit, Adv. (AC)

Mr. Mahendra Vyas, Adv.  
 Mr. P K Manohar, Adv.

For Ministry of Environ-  
 ment & Forests/UoI

Mr. A D N Rao, Adv.  
 Mr. C.V. Subba Rao, Adv.  
 Mr. Krishan Mahajan, Adv.  
 Ms. Alka Agarwal, Adv.  
 Mr. C. Radhakrishna, Adv.  
 Mr. B.V. Balaram Das, Adv.  
 Mr. P. Parmeswaran, Adv.

Min. of Railways

Mr. Mukul Rohtagi, ASG.  
 Mr. S. Wasim A. Qadri, Adv.  
 Ms. Anil Katiyar, Adv.

UOI in WP 95/97

Mr. N.N. Goswami, Sr. Adv.  
 Ms. Smita Inna, Adv.  
 Mr. B.V. Balaram Das, Adv.

IA 669 & 659

Mr. U U Lalit, Adv.

IA 395, 496 & 497  
 State of Meghalaya

Mr. Ranjan Mukherjee, Adv.

IA 295

Mr. P.K. Manohar, Adv.

IA 664

Ms. Sudha Pal, Adv.  
 Ms. Rani Chhabra, Adv.

IA 677

Mr. M.L. Lahoty, Adv.  
 Mr. Paban K. Sharma, Adv.  
 Mr. Himanshu Shekhar, Adv.

IA 424

Mr. Prashant Bhushan, Adv.  
 Mr. S.K. Agnihotri, Adv.

IA 566

Mr. K.N. Rawal, ASG(NP)

IA 636	Mr. Kailash Vasdev, Sr. Adv. Mr. Rahul Singh, Adv. Ms. Vimla Sinha, Adv. Mr. Gopal Singh, Adv.
IA 670	Mr. A.D.N. Rao, Adv. Mr. B.V. Balaram Das, Adv.
IA 675-678	Mr. Vivek Tankha, Adv. Genl for State of M.P. Mr. Rohit K. Singh, Adv. Mr. S.K. Agnihotri, Adv.
IA 652-653	Mr. U.U. Lalit, Adv.
IA 679(Bihar State Forest Devlpt. Corpn.)	Mr. M.P. Jha, Adv. Mr. Ram Ekbal Roy, Adv. Mr. Anil Kumar Chopra, Adv.
IA 680	Ms. Anil Katiyar, Adv.
IA 685, 686 & 236,	Mr. Harish N. Salve, SG (A.C.) Mr. U.U. Lalit, Adv.
IA 502	Mr. Colin Gonsalvez, Adv. Ms. Tashi D. Bhutia, Adv. Ms. Aparna Bhat, Adv.
IA 634-635, 697-698	Mr. Mukul Rohtagi, ASG. Ms. Tasneem Ahmadi, Adv. Ms. Sangeeta Panicker, Adv. Mr. Mecolt Singh, Adv. Mr. Bharat Sangal, Adv.
IAs 700 & 701 State of Maharashtra	Mr. S.K. Dholakia, Sr. Adv. Mr. S.S. Shinde, Adv. Mr. S.V. Deshpande, Adv.
IAs 13,19,22,23,24 & 28 in WP 171/1996	Mr. Harish N. Salve, SG. (A.C.) Mr. Siddharth Choudhary, Adv.
IA 29 in WP 171	Mr. B.V. Balaram Das, Adv.
IA 605	Ms. Vibha Dutta Makhija, Adv. Mr. Uma Nath Singh, Adv.
Cont. Petn. 193/01	Mr. Harish N. Salve, SG.(AC) Mr. V. Balaji, Adv. Mr. P.N. Ramalingam, Adv.
For Jantia & Khasi Hills(in IA 497)	Mr. P.K. Goswami, Sr. Adv. Mr. B.B. Narzari, Adv. Mr. Rajiv Mehta, Adv.
Meghalaya Land & Forest Owners Association (in IA 497)	M/s Vijay Hansaria & H.S. Thangkhieni, Adv. for M/s Jain Hansaria & Co., Adv.
for respondent No. 3 Kudremukh Iron Ore Co. Ltd. (in IA 670)	Mr. K K Venugopal, Sr. Adv. Mr. Shiva Subramanian, Mr. S Sukumaran, Ms. Divya Nair, Mr. Ramesh Babu M R and Mr. M Raghu, Adv.
State of Manipur	Mr. Sapan Biswajit, Adv. Mr. K H Nobin Singh, Adv.
State of Chhatisgarh	Mr. Ravindra Srivastava, Adv. Genl. Mr. Prakash Shrivastava, Adv.

State of Goa	Ms. A. Subhashini, Adv.
State of Karnataka	Mr. Satya Mitra, Adv. Mr. Sanjay R. Hegde, Adv.
Petr. in WP 171/96	Ms. Shabnam Lone, Adv. Mr. M.N. Shroff, Adv.
State of Arunachal Pradesh	Mr. Anil Shrivastav, Adv.
State of Sikkim	Mr. A Mariarputham, Adv. for M/s. Arputham Aruna & Co., Adv.
Contemnor No. 1 in Cont Petn.193/01	Mr. M.L. Verma, Sr. Adv. Mr. Joseph Pookkatt, Adv. Mr. Prasenjit Keswani, Adv. Mr. Prashant Kumar, Adv.
RR No. 2 in Cont. Petn. 193/01	Mr. Gourab K. Banerjee, Adv. Mr. Vishwajit Singh, Adv.
RR in WP 171/96	Mr. Amit Dhingra, Adv. Ms. Musharaf Chaudhary, Adv. Mr. P.H. Parekh, Adv.
State of Haryana	Mr. Neeraj Kumar Jain, Adv. Mr. J.P. Dhanda, Adv.
RR in SLP 1573	Mr. Mukul Rohtagi, ASG. Mr. Aftab Ali Khan, Adv. Mr. C. Radhakrishna, Adv. Mr. B.V. Balaram Das, Adv.
State of Andhra Pradesh	Mr. T.V. Ratnam, Adv.
State of J & K	Ms. Shamama Anis, Adv. Mr. Anis Suhrawardy, Adv.
RR in WP 603/00	Mr. Dinesh Dwivedi, Sr. Adv. Ms. Anamila Agarwal, Adv. Ms. Chetan Siddharth, Adv. Mr. Ajay K. Agrawal, Adv.
Andaman Admn.	Mr. Altaf Ahmed, ASG. Mr. A.S. Rawat, Adv. Mr. D.S. Mahra, Adv.
	Chief Conservator of Forest, Andaman Admn (Present in Court)
	Contemnor-respondents Nos. 1 & 2 in Cont. Petn. 193/2001 personally present in Court.
State of Gujarat	Ms. Hemantika Wahi, Adv.
N.M.D.C.	Mr. Mukul Rohtagi, ASG.

UPON hearing counsel the Court made the following

O R D E R

RE: SPECIAL INVESTIGATION TEAM REPORT FILED IN COURT ON  
12.03.2001 AND AFFIDAVIT FILED IN COURT ON 12.03.2001 AND  
AFFIDAVIT FILED IN COURT ON 23.04.2001

List this matter for hearing after the Final Report  
of the Special Investigation Team is filed.

DIRECTION WITH REGARD TO SETTING UP OF NODAL AGENCIES IN  
THE STATE OF M.P. AND CHHATISGARH TO DISPOSE OF THE  
INTERLOCUTORY APPLICATIONS WITH REGARD TO OVERSEEING THE  
WORKING OF FOREST

Report filed by the Empowered Committee is taken  
on record and accepted.

List I.A. 589 alongwith the report on the next date  
of hearing.

I.A. No.295 (Interim application through Amicus Curiae  
for directions regarding the State of Assam PCCF order  
dated 12th February, 1998

List after six weeks.

I.A. No. 664 (For directions

Reply be filed within two weeks. Rejoinder be  
filed within two weeks thereafter. List after four weeks.

I.A. NO. 577 (for directions/impleadment

Reply be filed within two weeks. Rejoinder be filed within two weeks thereafter. List after four weeks.

I.A. No. 395, 496 & 497 (For clarification / directions on behalf of State of Meghalaya)

Replies be filed within four weeks. List on a non-miscellaneous day thereafter.

IA No. 424 (Interim application on behalf of the applicant, Santosh Bharti)

States of Bihar, Karnataka, Maharashtra, NCT of Delhi, Uttar Pradesh, Punjab, West Bengal and Andhra Pradesh have not filed their affidavits as per the office report dated 21st November, 2001. The Chief Secretaries of these States are directed to ensure the filing of their affidavits within four weeks from today. Affidavit of the Union of India should be filed within seven weeks from today. List thereafter.

I.A. No.566 (SUO-MOTU ACTION TAKEN BY THIS HON'BLE COURT ON THE STATEMENT OF MR. K.N. RAWAL, LD. ADDITIONAL SOLICITOR GENERAL ON BEHALF OF CENTRAL GOVERNMENT SHOWING THE POSITION OF THE CASES APPROVED FOR DIVERTING A FOREST LAND STIPULATION FOR COMPENSATORY AFFORESTATION UNDER THE FOREST CONSERVATION ACT AND THE COMPENSATORY AFFORESTATION DONE FUNDS TO BE UTILISED AND ACTUALLY UTILISED

Most of the affidavits have been filed from a statement which has been placed on record by the learned Amicus Curiae. It is clear that large sums of money have

been realised by various States from the user-agencies to whom permissions were granted for using forest land for non-forest purposes. Monies were paid by them to the State Governments for compensatory afforestation but the utilisation of the money for re-forestation represents only about 63 per cent of the funds actually realised by the State Governments. The shortfall is of nearly Rs.200 crores.

While on the next date of hearing the Court will consider as to how this shortfall is to be made good, the Ministry of Environment & Forests should formulate a Scheme whereby whenever any permission is granted for change of user of forest land for non-forest purposes and one of the conditions of the permission is that there should be compensatory afforestation then the responsibility of the same should be that of the user-agency and should be required to set apart a sum of money for doing the needful. In such a case the State Governments concerned will have to provide or make available land on which reforestation can take place and this land may have to be made available either at the expense of the user-agency or of the State Governments, as the State Governments may decide. The scheme which is framed by the Ministry of Environment & Forests should be such as to ensure that afforestation takes place as per the permissions which are granted and there should be no shortfall in respect thereto. Counsel for the Union of India states that appropriate scheme will be formulated on the basis of which permissions will be granted in future and the same placed before this Court within eight weeks. List thereafter.

I.A. NOs. 652-653 (For directions and exemption from filing O.T.)

Issue notice returnable after four weeks. Dasti service in addition is permitted.

I.A. NOs. 669 in I.A. No. 659(For directions)

Adjourned. List after four weeks.

I.A.No.636 (For modification/diurections on behalf of State of Tripura

Our attention is being drawn to the letter dated 27th April, 2001, of the Ministry of Environment & Forests to the Chief Secretary, Government of Tripura, Agartala with regard to the running of the wood-based units in Tripura. As per this letter, the State Government's attention was ing drawn to the Court's order dated 15th January, 1998, and it has been stated in this letter that the State Government has allowed saw-mills to function in a manner which was not permitted by this Court's order. It is not on record as to whether the direction contained in this letter was complied with. However, as it prima facie appears that this Court's order of 15th January, 1998 has been permitted to be violated. We issue notice to the Chief Secretary, Government of Tripura, Agartala to show cause why appropriate action should not be taken in respect thereto.

Mr. Kailash Vasdev, ld. senior counsel states that in response to the letter dated 27th April, 2001 there was a communication from the State of Tripura to the Ministry of Environment & Forests asking for

clarifications. Be that as it may, our concern is as to why the State should have allowed the order of this Court dated 15th January, 1998, to be contravened. Affidavit of the Chief Secretary be filed within four weeks. In the first instance, it is not necessary for the Chief Secretary to be personally present.

List I.A. No. 636 after six weeks alongwith the letter above filed.

I.A. NO. 670 ( For directions to stop illegal mining tree felling in the Kudrumukh National Park)

Adjourned to 15th January, 2001.

I.A. Nos. 675-676 (for modification and stay) & I.A. No. 686 (Letter dated 24.08.2001 received from the Empowered Committee for State of Chhatisgarh treated as I.A. in pursuance of Court's order dated 07.09.2001)

This is an application filed by the State of Madhya Pradesh for quashing the order dated 18th June, 2001 passed by the Empowered Committee whereby the State of Madhya Pradesh has been directed to pay a sum of Rs. 15 crores to the State of Chhatisgarh for compensatory afforestation because permission had been granted to the National Mineral Development Corporation to carry out non-forest activity of mining and N.M.D.C. and it had deposited the money with the State of M.P. for carrying out the compensatory afforestation. As afforestation has to be done in Chhatisgarh therefore, State of M.P. which had received the amount from N.M.D.C. should pay this amount.

We are informed that pursuant to the said order, a sum of Rs. 15 crores has been deposited. Mr. Ravindra Srivastava, Id. Advocate General for the State of Chhatisgarh states that this amount will be taken out of the general revenue of the State and gives an undertaking that this will be spent for afforestation of 3600 hectares which was an obligation cast on the N.M.D.C. The compensatory afforestation will be carried out by the State of Chhatisgarh in accordance with the Scheme. As we see it by virtue of the re-organisation there has been division of assets by applying a particular formula. The division has taken place on the basis of the respective population of the States and not on the basis of where the projects were to be undertaken. In a sense, therefore, the State of Chhatisgarh must be regarded as they have received the amount of Rs. 40.30 crores. This flows from the fact that the assets and liabilities have been divided in the proportion of 73.3790 : 26.6203 persons between the State of Madhya Pradesh and the State of Chhatisgarh. Reliance has been placed by Mr. Vivek Tankha, Id. Advocate General for the State of M.P. on Annexures P3 and P4 which are letters of the Reserve Bank of India and the Accountant General according to which the division of assets and the liabilities have taken place in the aforesaid manner. If this be so, then Rs. 15 crores which has been paid under the orders of the Empowered Committee by the State of M.P. may be regarded as being in addition to Rs. 40 crores deemed to have been received by the State of Chhatisgarh.

The Id. Advocate General for the State of Chhatisgarh does not accept as correct, the proposition that the State has received Rs. 40 Crores which was deposited by N.M.D.C. for afforestation and he wishes to

file an affidavit in that behalf. Whether this Rs. 40, crores deposited by N.M.D.C. has as a result of division of assets and liabilities been received by the State of Chhatisgarh or not is therefore a point in dispute and in our opinion, this should be decided by the Reserve Bank of India which has bifurcated the assets. In the meantime, the State of Chhatisgarh will be permitted to utilise Rs.15 Crores which has been paid to it for afforestation. Rs. 15 crores should be kept in a separate bank account and a scheme prepared and furnished to this Court by the next date of hearing indicating the manner in which this amount will be used.

Copy of the order be sent to the Reserve Bank of India with the request to inform the Court on the issue as to whether the State of Chhatisgarh can be regarded as having received Rs. 40 crores which had been deposited by the N.M.D.C. for afforestation

To come up for further orders, after six weeks.

I.A. No. 679 (For clarification of order dt. 10.05.2001)

Dismissed as withdrawn.

I.A. No. 680 (For directions)

Adjourned. List after six weeks. Affidavit be filed in the meantime.

I.A. No. 685 ( Communication received by Id. Amicus Curiae from the Empowered Committee for State of Chhatisgarh treated as I.A. in pursuance of Court's order dated 07.09.2001)

Adjourned. List after six weeks.

Contempt Petition (C) 193/2001 in WP (C) 202/1995

At the request of Mr. M.L. Verma, learned senior counsel appearing for contemnor-respondent No. 1, the petition is adjourned by six weeks in order to enable him to file an affidavit. List thereafter. A suggestion has been mooted by Mr. Harish N. Salve, Id. Amicus Curiae in which there is some merit that for every illegal felling of tree in any plantation one hectare of land must be taken away from the plantation owners for the purpose of compulsory afforestation. This aspect will be considered.

I.A. No. 502 (For intervention)

An application has been filed by the Id. Amicus Curiae in Court against the illegal encroachment of forest land in various States and Union Territories is taken on board. Let the same be registered and numbered. Issue notice to the respondents returnable after six weeks. There will be an interim order in terms of prayer (a).

Affdiavits in reply to the application may be filed. It is suggested by the Id. Amicus Curiae that it will be helpful to the Court if an independent survey of Andaman & Nicobar Ecology is undertaken especially in regard to the forest cover of that area. He suggests that Professor Shekhar Singh of the Indian Institute of Public

Administration, New Delhi, who is an expert in this area and has worked in Andaman, be requested to give a Report to the Court with regard to the state of the forest and to what extent cutting of trees, if any, can be protected and what is required to be done to improve the ecology and the forest cover of the area. The Ministry of Environment & Forests is directed to appoint Prof. Shekhar Singh as a Commissioner to give a Report on the state of the forest and other allied matters of Andaman & Nicobar Islands. The expenses incurred thereto will be borne by the Min. of Env. & forests and Prof. Shekhar Singh may give a Report preferably within a period of six weeks. He will be at liberty to take assistance of such persons as he may deem proper. Apart from the out-of-pocket expenses which will be borne by the expenses by Ministry of Env. & Forests he will be entitled to such fee as will be determined by the Court on the next date of hearing after receipt of his report.

Till further orders the Administrator, Andaman & Nicobar Islands is directed to ensure compliance of this court's order dated 10.01.2001, namely, no naturally grown tree will be cut by any one and no saw-mill, veneer or plywood factory shall utilise any naturally grown trees without further orders from this Court.

List of such factories, saw-mills and veneer will be filed by the Andaman & Nicobar Administration within two weeks. They will also file an inventory of the material lying in the Government Saw-mills.

List after six weeks.

IA No. 236 (for directions)

Issue notice returnable after six weeks. Dasti service in addition is permitted.

I.A. Nos. 634-635 (for impleadment and directions) and IA Nos. 697-698 (for directions and exemption from filing O.T.)

Issue notice to Ministry of Environment & Forests which will file its reply within three weeks. It will also file Environmental Impact of Assessment Report on the basis of the permission granted by the Ministry.

IA Nos. 700-701 (for intervention and directions)

Issue notice returnable after six weeks.

IA No. 605 (for directions)

The order directing the six Police Officers to be placed under suspension is hereby withdrawn. The disciplinary proceedings which are stated to have been initiated against them shall be completed within six months from today and report file in the Court. List thereafter.

IA Nos. 620 & 621 (For directions and exemption from filing official translation)

A report has been filed by Mr. M.K. Sharma. Copies of the same be given to the ld. Amicus Curiae and to the counsel for the parties who may give their comments on the next date of hearing. List after six weeks.

IA Nos. 645 & 695 (For directions)

Issue notice returnable after six weeks. Replies  
be filed in the meantime.

Rest of the matters

Adjourned.

Kalyani.

(PREM PRAKASH)  
COURT MASTER

**REPORT OF THE COMMISSION SET UP  
UNDER ORDERS OF THE SUPREME  
COURT ON THE STATUS OF FORESTS  
AND OTHER ALLIED MATTERS IN  
ANDAMAN AND NICOBAR ISLANDS**

**VOLUME I**

**REPORT AND ANNEXES**

**SHEKHAR SINGH  
INDIAN INSTITUTE OF PUBLIC ADMINISTRATION  
NEW DELHI**

**JANUARY 2002**

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## PREFACE

This report has been prepared under the directions of the Supreme Court of India, in a short period of 7 weeks. Consequently, it suffers from many of the shortcomings that a hurried process has. Also, because of the shortage of time, the report focuses mainly on the Andaman group of Islands. This is also because they have far greater problems related to forest working and other adverse environmental impacts, than the Nicobar group. The shortage of time also prevented a visit to the Nicobar islands, though I have visited them earlier for other purposes.

In the preparation of this report I have been greatly assisted by the help and cooperation of the Lt. Governor of the Andaman and Nicobar Islands, Shri NN Jha, and by other officers of the A&N administration, especially of the forest department. I would particularly like to acknowledge my gratitude to Shri SS Patnaik, Principal Chief Conservator of Forests, Shri PV Savant, Chief Conservator of Forests, Shri DV Negi, Conservator, Shri Khazan Singh, Chief Wildlife Warden, and Shri RSC Jayaraj, DCF, all of the Andaman and Nicobar Islands Forest Department.

Thanks are also due to Dr. Rauf Ali and Dr. Harry Andrews of the Andaman & Nicobar Environmental Team (ANET), to Dr. Ravi Sankaran of SACON, and to Shri Samir Acharya of SANE. I am particularly grateful to all the individuals, groups and associations who took the trouble and found the time to meet with me during my two visits to the Islands,

On the mainland, I benefited much from interactions with Shri JC Daniels and Shri Debi Goenka of the Bombay Natural History Society. I was also fortunate enough to meet some other members of the Society and have detailed discussions with them. Shri Pankaj Shekhsaria and Shri Ashish Kothari of Kalpavriksh also provided much useful information and ideas.

Officers of the Ministry of Environment and Forests, Government of India, especially Shri MK Jiwrajika and Shri AR Chadha, were also very helpful and forthcoming with information and advice, as were officers of the Planning Commission, Ministry of non-conventional energy and the Forest Survey of India.

Finally, I owe a large debt to my colleagues at the IIPA, especially Shri Raman Mehta, Ms. Vishaish Uppal, Shri Arpan Sharma, and Shri Harish Sharma, two of whom accompanied me to the islands and all of them toiled day and night to complete this report in time.

Shekhar Singh  
New Delhi

30 January, 2002

## CONCLUSIONS AND MAIN RECOMMENDATIONS

## A. CONCLUSIONS

1. The Andaman and Nicobar Islands (ANI) are an internationally acknowledged hot spot for biodiversity. These islands have over 2500 species of flowering plants (223 species endemic – not found anywhere else in the world), 5100 species of animals (100 freshwater, 2100 terrestrial and 2900 marine), 179 species of corals, making it the richest coral reef in India, 52 species of mammals (33 species endemic), 244 species of birds (96 endemic) and 76 species of reptiles (24 endemic). The fact that these islands have a relatively small population and low population density, and that they are remote and difficult to access, makes them one of the last places in India where, with a little effort, biodiversity can be effectively conserved, and that too without serious adverse impacts on the local inhabitants.
2. Given the unique biodiversity values in the Andaman and Nicobar Islands (ANI) and their extreme ecological fragility, the major objective of forest and ecosystem management in these Islands should be biodiversity conservation and protection of the habitat of the tribals living in the forests. ANI has a preponderance of evergreen and semi-evergreen tropical rain forests, which are not only the richest biodiversity pools in the world but are also very fragile.
3. One of the major threats to the biodiversity of the forests of ANI is the stress on commercial forestry. The forest department and the Andaman and Nicobar Islands Forest Plantation and Development Corporation (ANIFPDC) currently follow a “conversion” forestry system where natural forests are worked, commercial species extracted and the worked forests regenerated and managed in a manner such that there is a resultant preponderance of commercial species for future harvesting. In the process, biodiversity is deliberately destroyed. Surprisingly, this is being done according to prescriptions in working plans that have been approved by the MoEF. In some areas, the natural forests have been totally cleared and replaced with plantations of padauk, gurjan, teak, or a combination of these and other commercial species. As per decisions taken by the Island Development Authority (IDA), under the Chairmanship of the Prime Minister, and

recommendations of the Director General of Forests, the Ministry of Environment and Forests (MoEF) and the ANI Administration started phasing out forest working and lowered extraction levels from 1,23,678 cum in 1988-89 to 1,03,660 cum in 1990-91. However, they subsequently arbitrarily raised the level of extraction to 1,35,523 cum in 1994-95. Fortunately, with the closing down of three of the main wood based industries, the extraction levels have now come down. Nearly 60% of the exploitable forests (excluding the tribal reserve and protected areas) in South Andamans, Mayabandar and Baratang, have already been "worked" and exploited and, consequently, their natural profile significantly changed and their biodiversity value compromised, perhaps forever.

4. Another major threat to the forests of the Islands is because of encroachment of forest areas. The A&N Administration had already identified and regularised the forest encroachments of 1367 families who had encroached up to 1978, on over 2500 ha. of forestland. However, a large proportion of these families continue to occupy additional forestland and continue to further expand and degrade their holdings. Even the families shifted to their designated sites have reportedly encroached additional land. Also, some of the families that had been identified as pre 1978 have, since then, sold their encroached land and shifted elsewhere. The families that have bought these encroached lands are now claiming to be pre 1978 encroachers. In addition, an estimated 2325 families have encroached subsequent to 1978 on 2633.654 ha of forestland. Many of these encroachments are in some of the last remaining natural lowland forests in North Andaman. They also appear to be growing in size and in numbers
5. The most significant of the remaining natural forests in Andamans are those within the Jarawa Reserve in South and Middle Andaman and the Onge Reserve in Little Andaman. In recent years the Andaman Trunk Road has been opened and passes contiguous to and in some cases through the tribal reserve. This road, and the increased access to the Jarawas, poses a major threat not only to the Jarawa tribals but also to the forests that they have protected for so many years.

6. The Ministry of Environment and Forests (MoEF) has been granting permission under the Forest (Conservation) Act, 1980 for the diversion of forestland for non-forest uses on a case-by-case basis without determining the optimality of the land use and the future options that such a clearance could compromise.
7. Poachers from Myanmar and other neighbouring countries come to poach timber, sea cucumbers and other species, especially in North Andaman. There are also local poachers operating in the Islands. The forest department does not appear to have the requisite legal and the infrastructure, especially in terms of manpower, arms, and fast boats, to prevent poaching.
8. Many exotic species of animals and plants have been introduced in the Islands, with a very destructive impact on forest regeneration. The introduction of oil palms in Little Andaman and of teak in various parts of the islands has also had a significant negative impact.
9. Approximately 2,23,937 cubic metres of sand was officially extracted from the beaches of the Islands in the three years 1998-2001. 72 beaches around the islands were used for extraction. In addition, it is alleged by local people that there is also illegal extraction of sand, which is considerable. The extraction of sand is being arbitrarily allowed by the MoEF and is causing a lot of environmental damage. It is also not a sustainable method of resource use. However, there appears to be no effort to phase out the extraction and to move towards other, more sustainable and safer, methods of construction.
10. The ability of the fragile ecosystem of these islands to withstand the impact of tourism is limited. Apart from disturbance to the forests, there is also disturbance to the marine and coastal ecosystem, especially to the coral reefs. The Islands offer a great potential for high value, low volume, specialised eco-tourism that can be done with minimal infrastructure and follows the principles of dispersion and flexibility.

**B. MAIN RECOMMENDATIONS****Harvesting of Forests**

1. Felling of trees and collection of non-timber forest produce (NTFP) should be banned from the forests of Little Andaman Island and all tribal reserves except for i) collection of NTFP from already worked forests of Little Andaman and from forest areas designated for the purpose in the Nicobar group of Islands, for meeting the legitimate consumption of local inhabitants; and ii) collection of timber and other forest produce by tribals living within tribal reserves for meeting their bonafide needs.
2. Harvesting of all forest produce including timber and NTFP should be completely prohibited from National Parks and Sanctuaries.
3. In addition to areas covered under 1 & 2 above, no felling of trees should be allowed in any unworked forest area, i.e., area where felling of trees as per working plans, working schemes, felling schemes or approved working plans, has not taken place earlier. There should also be no diversion of forestland from any such unworked area or from areas covered under 1 and 2 above, without the specific orders of the Supreme Court.
4. No felling of trees for whatsoever reasons or justification should be carried out to supply to, or to meet the raw material requirement of, plywood, veneer, blockboard, match stick or any other such wood based units except to local small-scale units (including saw mills) solely for meeting the local requirement for sawn timber and other wood based products.
5. For meeting the timber and other forest produce requirements of inhabitants of the ANI, felling of trees from forest areas not covered under 1, 2 & 3 above, i.e., forest area worked earlier in accordance with working plans, working schemes, felling schemes or approved working plan and excluding areas falling within national parks, sanctuaries, tribal reserves, or Little Andaman, may be allowed. Such felling may be undertaken as per prescriptions of the working plans approved by the MoEF. These plans should also contain action plans for removing, in a phased manner, trees of commercial species that are in number or concentration in excess of what is found in a natural forest of the same type and

similar location. Concurrently, efforts should be made to bring back the forest to its natural profile by encouraging /reintroducing those species of fauna and flora that naturally occurred in these forests prior to their being "converted". The working plan should also contain sufficient provisions for regeneration of felled areas. In accordance with an earlier Supreme Court order of 22<sup>nd</sup> September, 2000, felling of trees should be allowed only if sufficient financial provisions for implementing the working plan prescriptions have been made.

6. In the meanwhile, the present ban on felling of trees may be continued and the local requirement of timber and other forest produce may be met by utilising the already felled trees and sawn timber lying with the forest department and the ANIFPDC.
7. Once the stock of already felled trees and sawn timber is depleted, the local requirement of timber should be met, as far as possible, by harvesting the mono culture and mixed plantations of padauk, gurjan, teak and other species. The felling of trees from already worked natural forest, as specified in 5 above, should be undertaken only to meet the balance requirement. However, if the local requirement of timber and other forest produce is more than what could be obtained by felling of plantations and sustainably extracting trees from worked areas, as specified in 5 above, the same may be met by bringing timber in from other parts of the country. Under no circumstances should the over harvesting of the forest available for felling under para 5 above be permitted or undertaken.
8. There should be no expansion of monoculture or commercial plantations on forestland. The existing plantations of oil palm, rubber and teak are reportedly no longer viable and should be phased out. The land so released should, in so far as it is forestland, be regenerated as specified earlier. No exotic species of fauna or flora should be introduced into the islands. Accordingly, a suitable set of guidelines and procedures should be developed for the purpose. Consequently, the Andaman and Nicobar Islands Forest Plantation and Development Corporation Ltd. (ANIFPDC) should be wound up as it was primarily set up to promote commercial forestry and plantations, especially in Little Andaman.

9. Government departments, including defence and PWD, should be supplied fuel wood and other required forest produce by the forest department and should not be permitted to directly collect these from the forests.

#### **Working Of Wood Based Units**

10. There should be a complete ban on the establishment of any new wood based unit for the next 10 years.
11. All existing small-scale wood based units (saw mills) should be relocated within industrial estates or, where industrial estates are not feasible, in locations contiguous to forest offices or otherwise convenient for the forest department to monitor. This relocation should be completed within one year, after which the non-complying saw mills should be closed down. These saw mills should also be required to obtain a licence from the ANI Forest Department within three months and to maintain such records as may be prescribed by the forest department. Their licence may be renewed every year at the discretion of the ANI Forest Department, after the department has satisfied itself that a) the unit was not involved in the use of any illegal timber; b) the prescribed records were properly maintained; c) all provision of the act, rules and the terms and conditions stipulated by the forest department from time to time have been complied with. Necessary rules, guidelines etc., for the purpose, should be prescribed by the forest department within three months.
12. No subsidy of any type, including transport subsidy, should be given to any wood based unit.
13. Existing medium and large scale wood based industries (including plywood, veneer, and match industries) can be allowed to function provided they import their entire requirement of wood and other forest based raw materials from the mainland or from abroad. No subsidies should be allowed to them.
14. No timber, either as logs or as sawn timber or plywood/veneer, or in any other form, should be transported out of the Islands through any means whatsoever. This should not, however, inhibit the transportation, as personal baggage, of a reasonable quantity of wooden handicrafts by tourists or of personal articles by those permanently leaving the islands. Also, where a wood based industry, as

specified in 13 above, imports its entire wood and forest based raw material requirement, then it should be permitted to export its finished product.

#### Encroachments

15. Any further regularisation of encroachments on forestland in any form, including allotment/use of forestland for agricultural or horticultural purposes, should be strictly prohibited.
16. All those families who have been identified as having encroached on forest land prior to 1978 and have not yet shifted to their allotted rehabilitation sites, should be given three months notice to vacate their encroachments and shift to the allotted land. Failing this, their allotment should be cancelled and they should be forcibly evicted within three months of the deadline being over, without any further claim to land or any other form of rehabilitation.
17. Similarly, those among the pre-1978 families that have shifted to their allotted sites but have occupied more land than they were entitled to, should also be given three months notice to vacate the extra land occupied by them. On the expiry of this notice period, the allotments of those who have not complied with this notice should be cancelled and they should be forcibly evicted within three months, without any further claim to compensation or land.
18. All post 1978 forest encroachments should be completely removed forthwith and, in any case, within six months. Post 1978 encroachers (except for foreign nationals) should be allotted homesteads in revenue land and training and opportunity for self-employment or for other types of livelihood activities provided. Necessary powers for the eviction of encroachers should be given to the forest department. For the purpose, an effective action plan should be prepared and implemented under direct supervision, monitoring and control of a committee comprising of the Lt. Governor, Chief Secretary, Principal Chief Conservator of Forests of ANI, and reputed local NGO representatives. The Chief Secretary, ANI, may be asked to file a monthly progress report in the Supreme Court.
19. In order to prevent any further encroachments and rampant immigration, the Administration should, within three months, regulate the entry of people to the islands by having the Islands declared as an inner line area and by imposing

relevant restrictions under section 3 and other provisions of the Environment (Protection) Act of 1986. In accordance with this, non-residents entering the islands should have to invariably register themselves so that those who do not return to the mainland within a reasonable time can be traced and, where they have illegally encroached on land, can be evicted from these encroachments at the earliest. In addition, entry to the more vulnerable and forested areas of the Islands should be restricted. Once this regulation is in position, the administration should in a time bound manner issue identity cards to all the residents so that there is no gap in the period of identification and issuance of ID cards. This would ensure that fresh illegal encroachers are easily identified. Subsidised travel to the Islands should, once identity cards have been issued, be available only to bonafide residents of the Islands.

#### **Other General Issues**

20. For the conservation and protection of the forests and other ecosystems, an effective action plan should be prepared by the ANI Forest Department, in consultation with local NGOs and experts. This plan should also envisage a suitable enhancement of the protected area network, especially in the main islands of the Andaman and in the Nicobar Group. All unworked forest areas in Diglipur, Mayabunder, Middle Andamans and Baratang should be made into national parks, leaving a buffer belt between the national park boundary and the edge of revenue settlements, for protection by village protection committees. In addition, there should be a consolidation of the nearly hundred small island parks and sanctuaries and they should be constituted into viable units encompassing the marine areas surrounding them. This plan, after being approved by the MoEF, should be strictly implemented. The necessary funds, vehicles, equipment, human power, police help and legal power required for the effective implementation of this action plan should be made available by the ANI administration.
21. The Andaman Trunk Road should be closed to all vehicular traffic from Miletalak in South Andaman to the northern boundary of the S. Andaman Island. Similarly, it should be closed to all traffic from Kadamtala (corresponding to Prolobjig camp No.3) in Middle Andaman up to Kaushalya Nagar (corresponding to Porlobjig

- camp No. 15). This should be done within three months. Further, no person except for the Jarawas living in the Reserve should be allowed to enter the Reserve by any means unless he/she is permitted by the Principal Chief Conservator of Forests, and the Secretary, Tribal Welfare, ANI Administration, and no such permission should be granted unless the person is proceeding on bonafide work related to the welfare of the tribals or the protection of the area.
22. The practice of distributing timber and NTFP free to settlers should be discontinued. Instead, rural populations should be formed into village forest protection committees and, as per the joint forest protection norms prevalent in other parts of the country, the amount of timber and NTFP required by village communities should be given to them on the basis of a memorandum of understanding, in return for their role in protecting the forests adjacent to their settlements and in detecting and preventing encroachments.
  23. The extraction of sand should be phased out and no further extension should be granted after the current extension is over on 30 September, 2002.
  24. No concrete or permanent infrastructure for tourism should be built on any forest area in the Islands. Tourist activities in forest areas should be restricted to tented accommodation or temporary wooden/prefabricated structures that can be dismantled easily and moved to another site. These areas should remain under the control of the forest department who should be responsible for ensuring that the quantum and type of tourism is such that it does not in any way degrade the forests or other ecosystems.
  25. The felling of 27 trees for the 33 KV transmission line from Bamboo Flat to Minnie Bay, and 17 trees for construction of rural road from Adajig to Fiat Bay Village should be permitted as a one-time relaxation, as these projects are already in their final stages, a small number of trees are involved and, reportedly, necessary clearances had been obtained from the MoEF prior to the Supreme Court's order of 10.01.01. However, all other proposals or clearances under the Forest (Conservation) Act of 1980 or the Environment (Protection) Act of 1986, where diversion of land or felling of trees or other activities that would have an

impact on the environment, are still to be undertaken, should be put up for review by the Supreme Court.

REPORT

## I. PREAMBLE

Consequent to the order of the Supreme Court, on 26-11-2001, the Ministry of Environment and Forests issued an order on 6-12-2001 (No. 13-19/2001-SU) appointing me a Commissioner to give a report on the state of the forest and other allied matters of the Andaman and Nicobar Islands (copy of order at annex 1).

Accordingly, I made two visits to the Andaman and Nicobar Islands (ANI), the first from 16 to 21 December, 2001, and the second from 16 to 19 January, 2002. Apart from Port Blair, I also visited and held meetings in South, Middle and North Andaman during the first visit, and in Little Andaman during the second visit. In all, 33 public meetings were held and representatives of 52 groups were met (Summary of oral submissions at annex 2; copies of written submissions in Volume III). Meetings were also held with the Lt. Governor, other government officials, scientists, NGOs and with the petitioners (Detailed itinerary enclosed as annex 3)

I also travelled to Mumbai to have a meeting with representatives of Kalpavriksh and the Bombay Natural History Society (BNHS), two of the petitioners, on 24 December, 2001 and met with the Minister and officials of the Ministry of Environment and Forests, Government of India, on 4 January, 2002.

## II. STRUCTURE OF THE REPORT

The report, along with the annexes and maps are in Volume I. The conclusions and main recommendations are summarised at the start of the report.

Volume II contains copies of the data that were sent by the Andaman and Nicobar (ANI) administration, copies of the memoranda submitted by the ANI administration, the Member of Parliament from ANI, the ANI Forest Plantation and Development Corporation (ANIFPDC), the various petitioners and the forest workers union. It also contains copies of various documents relied upon as a part of this study, the correspondence with various government departments and a list of people who made oral submissions during the ANI visits.

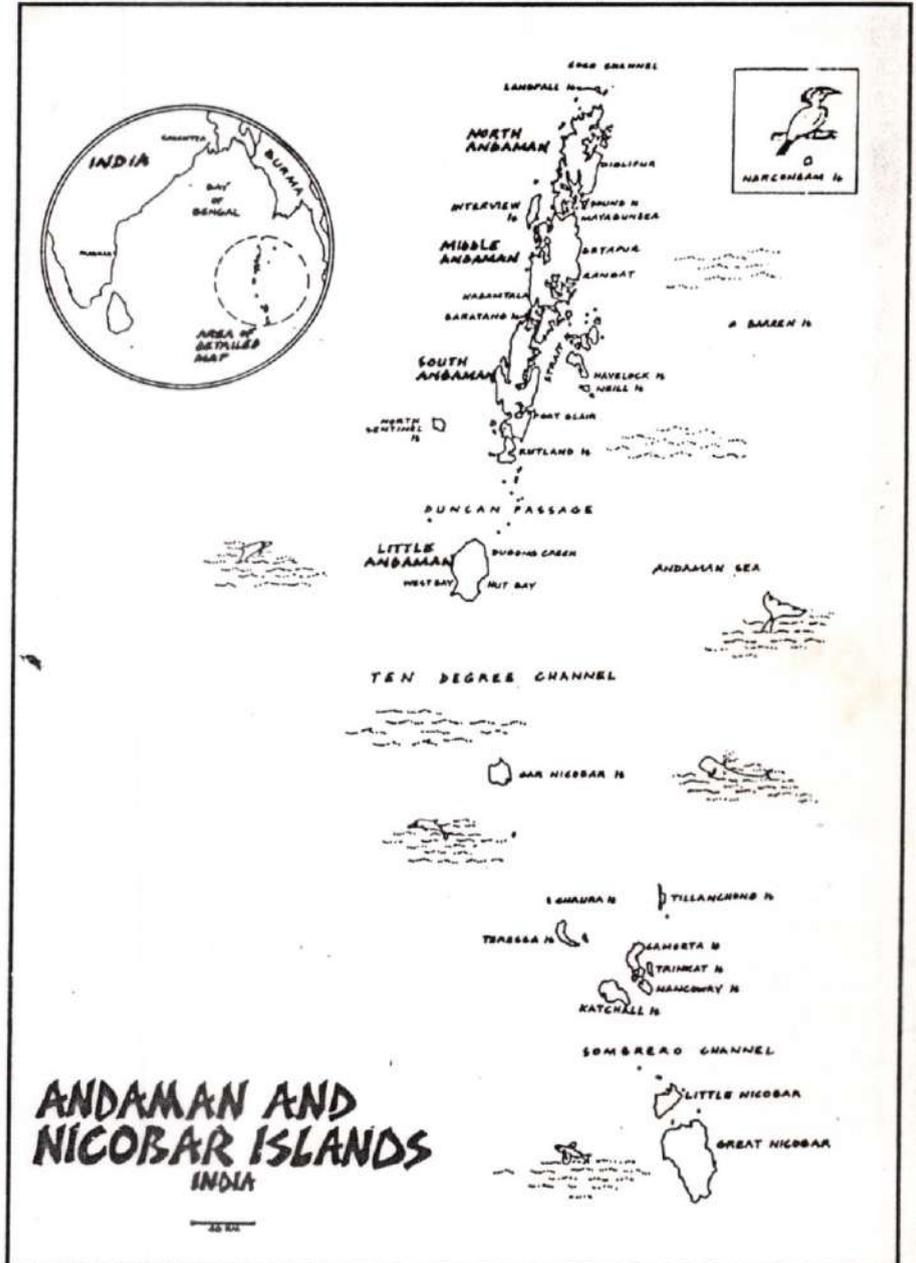
Volume III contains copies of all the other petitions and memoranda received while visiting ANI.

### III. PROFILE OF THE ISLANDS

**Location and Area:** The Andaman and Nicobar group of islands is situated in the Bay of Bengal, between peninsular India and Myanmar. It is located between  $6^{\circ} 45''$  and  $13^{\circ} 41''$  North latitudes, and  $92^{\circ} 12''$  and  $93^{\circ} 57''$  East longitudes. Arranged in an arc from the north to the south, there are 349 islands, which can be distinguished into two groups geographically. Islands located north of  $10^{\circ}$  N Latitude are the Andaman group of islands while the rest belong to the Nicobar group.

The northernmost point (Land-fall island) is about 901 km away from the mouth of Hoogly River and about 190 km from Myanmar. The southernmost island is Great Nicobar, whose southern most tip is only about 150 km away from

Sumatra, Indonesia. The Capital of the Andaman and Nicobar Islands is Port Blair, which is 1255 km from Kolkata, 1190 km from Chennai and 1200 kms from Vishakhapatnam. The Union territory has two districts viz. Andaman and Nicobar.



There are 325 islands in the Andaman group while the Nicobar group has 24 islands. Total geographic area of Andaman and Nicobar Islands is 8249 sq. km., of which, the Andaman group of islands cover 6408 sq. km., while the Nicobar group covers 1841 sq. km. The recorded forest area is 7170.69 sq km (86.93%) and the actual forest cover is 7606 sq km (92.2%).

Out of the total 349 islands only 38 islands are inhabited, 24 in the Andaman group and 12 in the Nicobar group.

There are 547 villages in this Union Territory, of which 504 are inhabited and the remaining 43 are uninhabited. Of these, 355 villages (334 inhabited and 21 uninhabited) are in Andaman district and the remaining 192 villages (170 inhabited and 22 uninhabited) are in the Nicobar district. [District Census handbook of Andaman District, 1991]

**Geography and Geology:** These islands are the summits of a submerged mountain range lying on the great tectonic suture zone extending from the eastern Himalayas along the Myanmar border to the Arakan and finally Sumatra and Lesser Sundas.

The physiography of these islands is characterised by undulating topography and intervening valleys. There are, however, some flat islands like Car Nicobar and Trinket.

There are no major perennial fresh water rivers in these islands except Kalpong in North Andaman and Alexendra, Dagmar and Galathea rivers in Great Nicobar. There are several rain fed streams, which dry up during summer. The coastline of these islands forms a large number of bays, lagoons and serpentine creeks, and has a length of about 1962 km. At several places tidal creeks penetrate far inside the land and form outlets for fresh water streams.

Two islands of volcanic origin are found here- the Narcondum and the Barren Islands. The former is now apparently extinct while the latter is still active. [Andaman and Nicobar forest Department Report ]

**Soil:** Soil cover is rather thin, varying from 2m to 5m. It is mostly alluvial on hilltops while diluvial in ridges and valleys. The coastal flats have an admixture of sand, silty clay and diluvial material with fine fragments of coral lime. The soil is, in general, mild to moderately acidic with high humus on top. [Andaman and Nicobar forest Department Report ]

**Climate:** These islands have a tropical climate, which is warm, moist and equable. The temperature ranges from 18<sup>0</sup> C to 34<sup>0</sup> C. The proximity of the sea and the abundant rainfall prevent extremes of heat. An average of 3000 mm per year is received from southwest and northeast months. Humidity is high varying from 66 to 85%. In normal conditions the wind speed is fairly constant (5 knots per hour) but during cyclonic weather it may go as high as 12 to 13 knots per hour. [Andaman and Nicobar forest Department Report ]

**Demography:** The population of these islands as per the last three censuses is shown in the following table:

Population	1981	1991	2001
Andaman District	157,821	241,453	314,239
Nicobar District	30,433	39,208	42,028
<b>Total</b>	<b>188,254</b>	<b>280,661</b>	<b>356,265</b>

The table above shows that the population is growing at a rapid pace. This increase is mainly due to the immigration of people from mainland. The density of population in ANI is about 43 persons per sq. km (All India: 324). Population is mainly dominated by settlers from mainland. Tribal population constitute only 9.45% of the total population. Main occupations of people include agriculture, animal husbandry, fishing, forestry and plantations, construction, transport, trade and commerce. [Andaman and Nicobar forest Department Report and Census of India 2001]

#### IV. IMPORTANCE OF A&N BIODIVERSITY

The Andaman and Nicobar Islands are an internationally acknowledged hot spot for biodiversity. This is despite the fact that there have been very few intensive studies in these Islands and many of the species still remain to be discovered or identified.

However, even the little that is known is enough to establish the very high biodiversity value of these islands.

The fact that these islands have a relatively small population and low population density, and that they are remote and difficult to access, makes them one of the last places in India where, with a little effort, biodiversity can be effectively conserved, and that too without serious adverse impacts on the local inhabitants.

### ANDAMAN & NICOBAR ISLANDS BIODIVERSITY AT A GLANCE

•Plant diversity:

–About 2500 flowering plants described  
 –14% (223 spp.) are endemic- found no where else in the World - and 40% of non-endemics have only extra-Indian distribution

•Animal diversity:

–5100 animals described (100 freshwater, 2100 terrestrial and 2900 marine)  
 –Coral reefs richest in India- 179 spp.  
 –Mammals- 52 spp of which 33 are endemic (63%), Birds- 244 spp of which 96 are endemic (39%) and Reptiles –76 spp of which 24 are endemic (32%)  
 (Source: ANI Forest Department Presentation)

#### Animal Life

Nature has endowed these islands with a unique and varied animal life both on land as well as in sea. Faunal distribution in these islands is influenced by fauna of both Indo-Chinese and Indo-Malayan regions. Large mammals are absent in both Andaman and Nicobar Islands. Geographic Isolation of these islands has resulted in high degree of endemism. The surrounding seas are equally rich in marine biodiversity. Endemism is more pronounced in land animals.

#### Faunal diversity and endemism in A & N Islands

Animal Group	No. of special Subspecies	No. of Endemics	% Endemism
Terrestrial Fauna			
Mammalia	55	32	61.5
Aves	246	99	40.2
Reptilia	76	24	31.6
Amphibia	18	3	16.7
Mollusca	110	77	70.0
Arachnida	94	38	40.4
Hemiptera	146	22	15.0
Diptera	214	24	11.2
Coleioptera	878	92	10.5
Lepidoptera	426	52	12.2
Isoptera	40	19	47.5
Odonata	36	4	11.1
Annelida	30	9	30.0
Total	2,366	495	20.92
Marine Fauna			
Mammalia	7	-	-
Reptilia	12	-	-

Animal Group	No. of special Subspecies	No. of Endemics	% Endemism
Pisces	1,200	2	0.2
Echinodermata	350	4	0.4
Mollusca	1,000	18	1.9
Crustacea	600	6	1.0
Polychaeta	184	4	2.2
Anthozoa	326	2	0.6
Porifera	72	-	-
Meiofauna	490	102	21.0
Total	4,241	138	0.11

**Mammals:** Out of 55 terrestrial and 7 marine mammal species reported so far, **32 species are endemic**. Common mammals found here are Andaman Wild Pig, Crab eating macaque, Andaman masked palm civet, Dugong, Dolphin, Whale, Spotted deer, Andaman spiny shrew, Nicobar tree shrew, Andaman horse-shoe bat, Lesser short nosed bat, elephant etc.

**Birds:** The rich avi-faunal diversity has always attracted ornithologists and bird watchers to these islands. As many as 246 species and sub species of birds are reported to inhabit these islands and of these **99 species and sub-species are endemic**. Some important species are Andaman Teal, Megapode, Narcondum hornbill, Nicobar pigeon, Green Imperial Pigeon, Nicobar Parakeet, Crested serpent eagle, White-bellied sea eagle, Edible-nest swiftlet, Emerald dove etc.

**Reptiles:** Sandy Beaches of these islands are famous for turtle nesting. There are 76 terrestrial reptiles. **Of these 24 species are endemic**. Important species include four main species of sea turtles viz., Leatherback turtle, Green sea turtle, Hawksbill turtle, and Olive Ridley turtle. Also found is the Salt-water crocodile, Water monitor lizard, Reticulate Python, sea snakes and many other varieties of snakes including King Cobra.

**Corals:** ANI are the richest of the Indian region in coral diversity with as many as 179 species covering 2000 sq km. Coral reefs are important breeding and nursery ground for fish and many other organisms and have been aptly called "The Tropical Rain forests in the Sea".

**Marine Life:** Due to its long coastal stretch, these islands have a very rich marine biodiversity. They harbour more than 1200 species of fish, 350 species of echinoderms, 1000 species of molluscs and many lower forms of life. Among vertebrates, dugongs,

dolphins, whales, salt-water crocodiles, sea turtles, sea snakes etc. are common. (Source: *Andaman and Nicobar Islands: Forests and Environment, Department of Environment and Forests, ANI Administration, March 2001*)

#### V. THE STATE OF THE FOREST AND OTHER ALLIED MATTERS

Given the unique biodiversity values in the Andaman and Nicobar Islands (ANI) and their extreme ecological fragility, the major objective of forest and ecosystem management in these Islands should be biodiversity conservation. The other objectives that need to be concurrently kept in mind are:

- a. Protection of ecological services, like soil and water conservation.
- b. Provision of timber and non-timber products for local use.
- c. Protection of the habitat of the forest based tribals of the Islands.
- d. Recreation.

The fact that ANI has a preponderance of evergreen and semi-evergreen tropical rain forests makes the conservation of forests from the point of view of both biodiversity and ecological services particularly important. Rain forests are not only the richest biodiversity pools in the world but are also very fragile. Most of the nutrients are in the vegetation and the forest litter and the soils are usually shallow. The slightest disturbance of the forest leads not only to significant loss in biodiversity but also to aggravated water runoff and soil erosion. The erosion of soil depletes the land and adversely affects the marine ecosystem, which receives the eroded soil. This is especially true of the ANI, where the topography is undulating and rainfall high. The fact that most forestry operations are carried out so as to finish just before the monsoons further aggravates the situation, as the soils that have been disturbed by the forestry operations do not have time to stabilise before torrential rains wash them out to the sea. Consequently, the coastal and marine ecosystem, including the very rich corals reefs and other marine life, gets badly affected.

The loss in floral biodiversity has an effect on the faunal biodiversity, affecting species of insects, birds, mammals, reptiles and others. This, in turn, also affects the coastal and marine biodiversity.

Keeping this in mind, the major threats to the forests and other ecosystems of ANI are outlined below.

#### A. COMMERCIAL FORESTRY

One of the major threats to the biodiversity of the forests of ANI is the stress on commercial forestry. For over a hundred years the forests have been subjected to increasing commercial exploitation. The forest department currently follows a “conversion” forestry system where natural forests are worked, commercial species extracted and the worked forests regenerated and managed in a manner such that there is a resultant preponderance of commercial species for future harvesting. In the process, biodiversity is destroyed deliberately. For example, the *Working Plan for The Forests of Little Andaman Islands (1999 to 2009)* states:

**“Measures to Attain Special Objectives of Management:** It is Proposed to attain the special objectives of management by adopting a suitable natural regeneration technique, supplemented by artificial means wherever necessary, without any deterioration in the site quality, so that the natural forests of Evergreen, Semi-Evergreen and Deciduous types are converted into forest areas containing a higher percentage of more valuable timber species thus increasing the productivity and potential value of these forests. In such places where natural regeneration technique does not result in adequate stocking, it is augmented by dibbling/broadcasting of seeds of valuable species like padauk, gurjan, White Chuglam, Badam etc. and if necessary artificially planting seedlings from nursery stock.” (Emphasis added. Written By Prakash M. Bhatt, IFS, Deputy Conservator of Forests,)

Similar passages are found in other working plans of the ANI forest divisions. What is surprising is that the Ministry of Environment and Forests (MoEF) is, even now, approving working plans with such objectives.

In some areas the natural forests have been totally cleared and replaced with plantations of padauk, gurjan, teak, or a combination of these and other commercial species (annex 4).

Forests were also leased out to the private industries and, from 1977, to the Forest Corporation, to fell and “regenerate”. Though the practice of leasing forests to the private industry finally stopped in 1990-91, the corporation continues to directly fell and regenerate forests in Little Andaman and in North Andaman Islands.

Whereas this approach might have been in consonance with earlier thinking about forest management, for over two decades now the value of conserving biodiversity is well understood and accepted.

The forests of Andamans have been systematically converted from natural, biodiversity rich, forests to commercial "plantations" primarily to meet the raw material demand of the four medium sized wood based industries that were established in the Islands. These were:

- a) WIMCO in South Andaman
- b) Andaman Timber Industry (ATI) in South Andaman (Installed capacity 31,160 cum pa)
- c) Jayshree Timber Products, Middle Andaman (28,300 cum pa)
- d) Kitply Industries Ltd. in Middle Andaman (31,650 cum pa)

Of these, WIMCO closed down some years back and the Andaman Timber Industry and Jayshree Timber Products closed down recently, for various reasons, though prior to the Supreme Court order of October, 2001. Only Kitply Industries was still functioning when the Supreme Court ordered a ban on the felling and processing of all naturally grown trees.

These industries, apart from getting timber from the forests, have also been provided a handsome transport subsidy by the government, to bring in materials and to export their finished products.

The Ministry of Industry, Government of India, had sanctioned a Transport Subsidy Scheme for the wood based industries in the ANI from 1971. Under this scheme, 90% of the cost of transportation of raw material from the main land to the islands and 90% of the cost of transportation of the finished goods to the mainland was reimbursed to the medium and small-scale units by the ministry of Industry. This scheme was amended in 1993 to benefit wood based industries for a period of five years only from the date of commencement of commercial production.

This scheme was again amended, in 1995, and subsidy continued to be paid to the units, irrespective of size, beyond the stipulated 5 years, from March 1995 to March 2000. There is now a proposal to further extend this scheme for, it is argued, that

such subsidies are necessary to ensure that employment is provided in the forest based industries. (Source: Note from the Planning Commission –copy at Volume II page 309).

It is interesting to note that while the three industries, ATI, Jayshree and Kitply, totally employed 1994 persons directly, in the last four years (1997-2001) they drew transport subsidies from the government of around Rs.15 crores, with an annual peak of over 5 crores in just 1999-2000 (For details, see Volume II, page 135-136).

It is questionable, therefore, as to how much, if any thing at all, they contributed to the local economy.

In fact, the Minutes of the Island Development Authority (IDA)<sup>1</sup> meeting of December, 1986, under the chairmanship of the then Prime Minister, record that:

“ Shri Romi Khosla stated that 75 percent of the timber extracted in the islands is used for plywood and match factories, and not for construction purposes. In fact, timber is not used at all as an economic base for durable assets of the Islands. ....Large factories are consuming large amounts of timber in ways which only destroy the inheritance. PM said that such industry should be shut down at the earliest...” (Proceedings of the first meeting of the IDA, 27 December 1986, para 14).

In January 1989, again under the chairmanship of the then Prime Minister, the IDA decided that:

“...wood extraction to feed the existing industries should be completely phased out in the next few years; if necessary, one should even import the wood needed” (Minutes of the Fifth Meeting of the IDA, January 1989, item No. 6, ix e)).

The then Inspector General of Forests (now re-designated as the Director General of Forests) visited the Islands in October 1989, and also recommended that:

“Timber extraction in A&N Islands should be restricted to maximum of 1,15,000 cu.m. which is the current requirement and it should be further reduced in

<sup>1</sup> The IDA was constituted on 8<sup>th</sup> August, 1986 with the Prime Minister as the Chairperson. The members include the Finance Minister, Deputy Chairman of the Planning Commission and ministers of various other ministries (transport, tourism, planning, communications, defence, environment & forests, information and broadcasting, various officials and experts. The functions of the IDA are to (i) decide on policies and programmes for an integrated development of the Islands (ANI and Lakshadweep) keeping in view all aspects of environmental protection as well as the special technical and scientific requirement of the Islands, and (ii) review progress of implementation and impact of the programmes of development.

subsequent years by phasing out supply of timber to major wood base industries.”  
(*Timber Extraction in Andaman & Nicobar Islands*, AG Oka, 1989).

Despite this, the Ministry of Environment and Forests and the A&N Administration, after affecting an initial decline in extraction levels from 1,23,678 cum in 1988-89 to 1,03,660 cum in 1990-91, again raised the level of extraction to 1,35,523 cum in 1994-95 (annex 5). Considering there was no subsequent decision of the IDA or the Prime Minister, reversing the earlier decision, it is not clear on what basis this was done. Fortunately, with the closing down of three of the wood based industries, the extraction levels have now come down.

In addition, timber is also being supplied to the two government saw mills, one in Chatham, South Andaman (installed capacity 24,000 cum pa) and one in Betapur, Middle Andaman (5000 cum pa) (Source: ANI administration, copy at Volume II page 204).

Some of the timber sawn is being exported to the mainland. This is mainly sold in Chennai and Kolkata. The ANI administration maintains depots in these two cities for selling the timber it exports. However, the quantity of sawn timber exported by the administration has not crossed 1000 cum pa for the last 10 years and has fluctuated between 130.77 cum in 1998-99 to 868 cum in 1991-92 (Source: ANI administration, Volume II, page 152).

Locally, timber is used by small-scale sawmills, which numbered about 35 in 2001, with a total installed capacity of around 60,000 cum per annum and an operating capacity of about 25,000 cum pa (annex 6). In addition, there are also over 130 small furniture manufacturers using about 1600 cum of sawn timber (equivalent to about 3000 cum of logs) per year. Much of the timber processed by these two categories is for domestic use, though a small proportion (614 cum in 2000-01) is sent out to Chennai and Kolkata (annex 7).

Only the government saw mills are permitted to saw padauk, the major hardwood in the Islands. This is reportedly being done in order to prevent theft of padauk from the forests. However, as the government saw mills are located only in South and Middle Andaman, the availability of such hardwoods to the people in other parts of the Islands is a problem.

As a result of the commercial orientation of forestry in the Islands, at present nearly 60% of the exploitable forests (excluding the tribal reserve and protected areas) in South Andamans, Mayabandar and Baratang, have already been "worked" and exploited and, consequently, their natural profile significantly changed and their biodiversity value compromised, perhaps forever. Though the ANI forest department have stated that the total area of forests that they work is only 30%, this includes the area of the numerous outlying islands, mostly very small (see list of national parks and sanctuaries at annex 8). Given the nature of island ecology, the biodiversity values of the larger islands are much higher, by and large, than those of small islands of usually 1 sq km or less. Though this is an accepted scientific fact, the actual position in the ANI does not seem to have been studied in detail. The only study that could be found was by Dr Priya Davidar of the Salim Ali School of Ecology and Environmental Sciences. She states:

"...forests on large islands are very important in the conservation of biodiversity. All the 47 species of forest birds and 57 species of butterflies (out of a total of 65 species recorded in this survey) were recorded on islands larger than 30 sq km in area. Islands smaller than 1 sq km had records of 36 species of forest birds and 39 species of butterflies. On islands smaller than 0.1 sq km, in area, only 20 species of forest birds and 21 species of butterflies were recorded" ('Conservation Priorities for the Andaman and Nicobar Islands', *Journal, Bombay natural History Society*, 93(3), December 1996, p 556 -copy at Volume II, page 277).

Therefore, though many of these small islands, which are in any case mostly inaccessible and therefore not economically viable to work, have been excluded from the "working circle", much of the larger islands, which are far richer in biodiversity, have been worked. Also, in terms of ecological services, like soil and water conservation, the larger islands are far more vulnerable as they are the ones where a majority of the population resides.

In all these areas the vast majority of non-commercial species have either disappeared or their composition been significantly changed. Though enough evidence of this exists, there appear to be very few studies documenting exactly what changes have actually occurred and what species have been lost or decreased in distribution and number. The two studies found dealt with just tree species. One is an unpublished MSc

dissertation of Sonali Pandit, of the Salim Ali School of Ecology and Environmental Sciences, Pondicherry University, (*Regeneration of Important Rainforest Tree Species in Virgin and Selectively Logged Sites in the South Andaman Islands*, not dated). This dissertation was based on a field study of three sites in South Andaman, one that was undisturbed, and the other two that had been worked, of which one was regenerated from 1955 and the other from 1986. According to this study, there were major differences between the composition of the first, undisturbed, patch and the remaining two. Most notable was the fact that the undisturbed site had a predominance of rare, non-commercial species, while in the latter two these had almost disappeared and the preponderance was of commercial species (annex 9).

The second study, done by the Forest Survey of India (FSI) of the Ministry of Environment and Forests, Government of India, also suggested a similar decline in biodiversity (copy at Volume II, page 36-53).

During the second visit to Andamans, the forest department organised for me a visit to what was presumably a good regeneration site. This was a forest "regeneration" site of 1951, in South Andaman. This visit also revealed that the regenerated area had a preponderance of commercial species and that the species composition had drastically changed from its natural profile (forest department report at annex 10).

### Recommendations

#### Forest Harvesting

- 1) *Felling of trees and collection of non-timber forest produce (NTFP) should be banned from the forests of Little Andaman Island and all tribal reserves except for i) collection of NTFP from already worked forests of Little Andaman and from forest areas designated for the purpose in the Nicobar group of Islands, for meeting the legitimate consumption of local inhabitants; and ii) collection of timber and other forest produce by tribals living within tribal reserves for meeting their bonafide needs.*
- 2) *Harvesting of all forest produce including timber and NTFP should be completely prohibited from National Parks and Sanctuaries.*
- 3) *In addition to areas covered under 1 & 2 above, no felling of trees should be allowed in any unworked forest area, i.e., area where felling of trees as per*

*working plans, working schemes, felling schemes or approved working plans, has not taken place earlier. There should also be no diversion of forestland from any such unworked area or from areas covered under 1 and 2 above, without the specific orders of the Supreme Court.*

- 4) No felling of trees for whatsoever reasons or justification should be carried out to supply to, or to meet the raw material requirement of, plywood, veneer, blockboard, match stick or any other such wood based units except to local small-scale units (including saw mills) solely for meeting the local requirement for sawn timber and other wood based products.*
- 5) For meeting the timber and other forest produce requirements of inhabitants of the ANI, felling of trees from forest areas not covered under 1, 2 & 3 above, i.e., forest area worked earlier in accordance with working plans, working schemes, felling schemes or approved working plan and excluding areas falling within national parks, sanctuaries, tribal reserves, or Little Andaman, may be allowed. Such felling may be undertaken as per prescriptions of the working plans approved by the MoEF. These plans should also contain action plans for removing, in a phased manner, trees of commercial species that are in number or concentration in excess of what is found in a natural forest of the same type and similar location. Concurrently, efforts should be made to bring back the forest to its natural profile by encouraging /reintroducing those species of fauna and flora that naturally occurred in these forests prior to their being "converted". The working plan should also contain sufficient provisions for regeneration of felled areas. In accordance with an earlier Supreme Court order of 22<sup>nd</sup> September, 2000, felling of trees should be allowed only if sufficient financial provisions for implementing the working plan prescriptions have been made.*
- 6) In the meanwhile, the present ban on felling of trees may be continued and the local requirement of timber and other forest produce may be met by utilising the already felled trees and sawn timber lying with the forest department and the ANIFPDC.*

- 7) *Once the stock of already felled trees and sawn timber is depleted, the local requirement of timber should be met, as far as possible, by harvesting the monoculture and mixed plantations of padauk, gurjan, teak and other species. The felling of trees from already worked natural forest, as specified in 5 above, should be undertaken only to meet the balance requirement. However, if the local requirement of timber and other forest produce is more than what could be obtained by felling of plantations and sustainably extracting trees from worked areas, as specified in 5 above, the same may be met by bringing timber in from other parts of the country. Under no circumstances should the over harvesting of the forest available for felling under para 5 above be permitted or undertaken.*
- 8) *There should be no expansion of monoculture or commercial plantations on forestland. The existing plantations of oil palm, rubber and teak are reportedly no longer viable and should be phased out. The land so released should, in so far as it is forestland, be regenerated as specified earlier. Consequently, the Andaman and Nicobar Islands Forest Plantation and Development Corporation Ltd. (ANIFPDC) should be wound up as it was primarily set up to promote commercial forestry and plantations, especially in Little Andaman.*
- 9) *At the same time, efforts should be made to reduce the level of demand for timber and for firewood. For the purpose, the A&N Administration should investigate and implement methods of achieving this, including the conversion to the wood and bamboo based "Assam type" construction, which is both less timber intensive, and safer in earthquakes, than the present all-timber or RCC buildings.*

#### **Wood Based Industry**

- 10) *There should be a complete ban on the establishment of any new wood based unit for the next 10 years.*
- 11) *All existing small-scale wood based units (saw mills) should be relocated within industrial estates or, where industrial estates are not feasible, in locations contiguous to forest offices or otherwise convenient for the forest department to monitor. This relocation should be completed within one year, after which the*

*non-complying saw mills should be closed down. These saw mills should also be required to obtain a licence from the ANI Forest Department within three months and to maintain such records as may be prescribed by the forest department. Their licence may be renewed every year at the discretion of the ANI Forest Department, after the department has satisfied itself that a) the unit was not involved in the use of any illegal timber; b) the prescribed records were properly maintained; c) all provision of the act, rules and the terms and conditions stipulated by the forest department from time to time have been complied with. Necessary rules, guidelines etc., for the purpose, should be prescribed by the forest department within three months.*

*12) No subsidy of any type, including transport subsidy, should be given to any wood based unit.*

*13) Existing medium and large scale wood based industries (including plywood, veneer, and match industries) can be allowed to function provided they import their entire requirement of wood and other forest based raw materials from the mainland or from abroad. No subsidies should be allowed to them.*

*14) No timber, either as logs or as sawn timber or plywood/veneer, or in any other form, should be transported out of the Islands through any means whatsoever. This should not, however, inhibit the transportation, as personal baggage, of a reasonable quantity of wooden handicrafts by tourists or of personal articles by those permanently leaving the islands. Also, where a wood based industry, as specified in 13 above, imports its entire wood and forest based raw material requirement, then it should be permitted to export its finished product.*

#### B. USING UNTREATED TIMBER FOR CONSTRUCTION

Another factor contributing to an increasing demand of timber is the fact that most of the timber used in the Islands is not treated prior to being used for construction purposes. This results in its having a very short life, requiring replacement every three or four years. Despite the fact that the then Inspector General of Forests, Government of India, had recommended way back in 1989 that: "No timber should be used without proper preservative and seasoning treatment to prolong the life of timber" (Oka 1989), the current installed capacity for treating timber is only 1,900 cum per annum. (Annex 11),

which is far below the local requirement of treated timber, estimated to be around 5 to 10 thousand cum per annum. Treated timber has a life that is reportedly ten times greater than that of untreated timber. Therefore, by treating all timber, the demand should come down ten fold.

#### Recommendation

*15) All timber, bamboo and cane used for construction and requiring treatment in order to extend its durability and life, should be so treated and the administration should ensure that requisite capacity to treat all such timber is in position within a period of six months. After the expiry of this period, no timber, bamboo or cane of the type requiring treatment should be sold for use in building and construction activities, or used for such purpose, unless it has been appropriately treated.*

#### C. ENCROACHMENTS

Another major threat to the forests of the Islands is because of encroachment of forest areas. The A&N Administration had already identified and regularised the forest encroachments of 1367 families who had encroached up to 1978, on over 2500 ha. of forestland. They were to be regularised/resettled in one hectare land each and 1367 hectares of forestland had, with the approval of the MoEF, been denotified in 1988 for the purpose. However, a large proportion of the families that had to be shifted have not been shifted to their designated sites. Therefore, they continue to occupy forestland and to further expand and degrade their holdings (Source: ANI administration, Volume II, pages 171- 173, 71-76). There is no obvious reason why these families have not yet been shifted, despite decisions in the IDA and other bodies to this effect.

Meanwhile, many of the families who continue in, or have been shifted to, their designated sites of 1 ha each have, reportedly, encroached additional land and are now sitting on areas far in excess of those allotted to them. Concurrently, those families who have not yet been shifted continue to reside in forest areas on sites that are mostly much larger than 1 ha and often progressively increasing.

Besides, reportedly some of the families originally identified as pre 1978 have now moved away and in their place new families have settled on their encroached land. These families are reportedly now claiming pre-1978 status.

In addition, an estimated 2325 families have encroached subsequent to 1978 on 2633.654 ha of forestland (details at annex 12). These have now been identified though little action seems to have been taken to remove them from the forest areas.

Unfortunately, many of these encroachments are in some of the last remaining natural lowland forests in North Andaman. Also, they appear to each be growing in size and collectively growing in numbers (Aerial pictures of encroachments in the forests of Diglipur, North Andaman, enclosed from page 47 onwards. Maps of encroachments at annex 13-18).

### Recommendations

- 16) *Any further regularisation of encroachments on forestland in any form, including allotment/use of forestland for agricultural or horticultural purposes, should be strictly prohibited.*
- 17) *All those families who have been identified as having encroached on forest land prior to 1978 and have not yet shifted to their allotted rehabilitation sites, should be given three months notice to vacate their encroachments and shift to the allotted land. Failing this, their allotment should be cancelled and they should be forcibly evicted within three months of the deadline being over, without any further claim to land or any other form of rehabilitation.*
- 18) *Similarly, those among the pre-1978 families that have shifted to their allotted sites but have occupied more land than they were entitled to, should also be given three months notice to vacate the extra land occupied by them. On the expiry of this notice period, the allotments of those who have not complied with this notice should be cancelled and they should be forcibly evicted within three months, without any further claim to compensation or land.*
- 19) *All post 1978 forest encroachments should be completely removed forthwith and, in any case, within six months. Post 1978 encroachers (except for foreign nationals) should be allotted homesteads in revenue land and training and opportunity for self-employment or for other types of livelihood activities provided.*
- 20) *The forest officials in the ANI should be given requisite powers to do this, including:*

- *Power of summary eviction of encroachments: As in the case of Madhya Pradesh, vide Section 80A, IFA, 1927.*
  - *Magisterial powers to assistant conservators of forests: The Assistant Conservators of Forests should be appointed as executive magistrates/special executive magistrates in order to oversee the evictions carried out by the Range Officers on receipt of orders of eviction from the estate officers.*
- 21) *For the purpose, an effective action plan should be prepared and implemented under direct supervision, monitoring and control of a committee comprising of the Lt. Governor, Chief Secretary, Principal Chief Conservator of Forests of ANI, and reputed local NGO representatives. The Chief Secretary, ANI, may be asked to file a monthly progress report in the Supreme Court.*
- 22) *In order to prevent any further encroachments and rampant immigration, the Administration should, within three months, regulate the entry of people to the islands by having the Islands declared as an inner line area and by imposing relevant restrictions under section 3 and other provisions of the Environment (Protection) Act of 1986. In accordance with this, non-residents entering the islands should have to invariably register themselves so that those who do not return to the mainland within a reasonable time can be traced and, where they have illegally encroached on land, can be evicted from these encroachments at the earliest. In addition, entry to the more vulnerable and forested areas of the Islands should be restricted.*
- 23) *Once this regulation is in position, the administration should in a time bound manner issue identity cards to all the residents so that there is no gap in the period of identification and issuance of ID cards. This would ensure that fresh illegal encroachers are easily identified. Subsidised travel to the Islands should, once identity cards have been issued, be available only to bonafide residents of the Islands.*
- 24) *Divisional Forest Officers and, where relevant, village protection committees, as described later, should be made responsible for prevention, early detection and quick eviction of new forest encroachers.*

*25) The forest department should be strengthened and appropriate village institutions set up for the purpose, as detailed later.*

D. ROAD THROUGH THE JARAWA TRIBAL RESERVE

Perhaps the best remaining natural forests in the Andaman Islands are in the tribal reserves. The most significant of these are the Jarawa Reserve in South and Middle Andaman and the Onge Reserve in Little Andaman. Due to the earlier hostility of the Jarawas, these areas were left alone. However, in recent years the Andaman Trunk Road has opened up and passes contiguous to and in some cases through the tribal reserve (map at annex 21). This road, and the increased access to the Jarawas, poses a major threat not only to the Jarawa tribals but also to the forests that they have protected for so many years. The road has also made it easier for encroachments to take place in the forests by allowing easy access to many forest areas that were earlier not easily approachable.

Interestingly, a high level committee constituted at the behest of the then Prime Minister, Mrs. Indira Gandhi, had suggested in the early 1980s that, as regards the Andaman Trunk Road:

- “i) though the absence of any road would be the ideal condition for the Jarawa, the next alternative would be
- ii) to realign the road so as to orient it as far away from the boundary for the Jarawa Reserve as possible.”

Recommendation

*26) The Andaman Trunk Road should be closed to all vehicular traffic from Miletilak in South Andaman to the northern boundary of the S. Andaman Island. Similarly, it should be closed to all traffic from Kadamtala (corresponding to Prolobjig camp No.3) in Middle Andaman up to Kaushalya Nagar (corresponding to Porlobjig camp No. 15). This should be done within three months. Further, no person except for the Jarawas living in the Reserve should be allowed to enter the Reserve by any means unless he/she is permitted by the Principal Chief Conservator of Forests, and the Secretary, Tribal Welfare, ANI Administration, and no such permission should be granted unless the person is proceeding on bonafide work related to the welfare of the tribals or the protection of the area.*

#### E. DIVERSION OF LAND AND FELLING OF TREES FOR DEVELOPMENT PROJECTS AND ACTIVITIES

From time to time the Ministry of Environment and Forests (MoEF) has been granting permission under the Forest Conservation Act for the diversion of forestland for non-forest uses. Naturally grown trees are also being cut for various purposes including for the development of tourist and defence infrastructure. However, there appears to be no land use plan for the Islands and clearances seem to be given on a case by case basis without determining the optimality of the land use and the future options that such a clearance could compromise.

The defence forces have recently constituted a combined command of the Navy, Air force and Army, in the Islands. However, there appears to be no clear understanding of how much land they would require and how many trees need to be cut in the process. There have been requests from them for allowing the felling of over a thousand trees for clearing approaches to runways and for other such requirements. However, no one was able to give a consolidated picture of the requirements. Though efforts were made on both the visits to talk to the armed forces representatives on this matter, they were not available.

#### Recommendations

- 27) *The felling of 27 trees for the 33 KV transmission line from Bamboo Flat to Minnie Bay, and 17 trees for construction of rural road from Adajig to Flat Bay Village should be permitted as a one-time relaxation, as these projects are already in their final stages, a small number of trees are involved and, reportedly, necessary clearances had been obtained from the MoEF prior to the Supreme Court's order of 10.01.01. However, all other proposals or clearances under the Forest (Conservation) Act of 1980 or the Environment (Protection) Act of 1986, where diversion of land or felling of trees or other activities that would have an impact on the environment, are still to be undertaken, should be put up for review by the Supreme Court.*
- 28) *For the conservation and protection of the forests and other ecosystems, an effective action plan should be prepared by the ANI Forest Department, in consultation with local NGOs and experts. This plan should also envisage a*

*suitable enhancement of the protected area network, especially in the main islands of the Andaman and in the Nicobar Group. All unworked forest areas in Diglipur, Mayabunder, Middle Andamans and Baratang should be made into national parks, leaving a buffer belt between the national park boundary and the edge of revenue settlements, for protection by village protection committees. In addition, there should be a consolidation of the nearly hundred small island parks and sanctuaries and they should be constituted into viable units encompassing the marine areas surrounding them. This plan, after being approved by the MoEF, should be strictly implemented. The necessary funds, vehicles, equipment, human power, police help and legal power required for the effective implementation of this action plan should be made available by the ANI administration.*

- 29) *Appropriate regulations under existing Acts like the Environment (Protection) Act of 1986, with similar objectives as The Delhi Preservation of Trees Act, 1994, currently in force in the Union Territory of Delhi, should be set in place in ANI, within six months, to regulate the felling of trees on non-forest land.*

#### F. POACHING

Both the government and the local people reported the incidence of poaching of trees, other forest produce, wild animals and marine life. It was stated by many of the citizen groups that poachers from Myanmar and other neighbouring countries also come to poach timber, sea cucumbers and other species, especially in North Andaman. There are also local poachers operating in the Islands. The forest department does not appear to have the infrastructure, especially in terms of manpower, arms and fast boats, to prevent poaching. Also, they appear not to have requisite powers to deter poaching and effectively apprehend poachers.

#### Recommendations

- 30) *The Forest Department should be immediately strengthened in order to be able to effectively prevent poaching.*
- 31) *Forest officers should be given adequate powers, under the Indian Forest Act of 1927 (IFA,) as has been done in other states, to meet the threat of poaching. These could include:*

- *Power of confiscation: as provided for vide Section 52, 52A, 52B and 52C IFA, 1927 in Bihar, Section 52A and 52B in Himachal Pradesh, Section 52, 52A, 52B, and 52C in Madhya Pradesh, Section 62A to 61G of Goa, Section 61a to Section 62G of Gujarat, and Section 61A to 61G of Maharashtra.*
- *Increase in the limit fixed for amount of compensation for trees under section 68(3) IFA, 1927: The present limit of Rs. 50 is required to be increased to Rs. 10000/- as in Goa.*

32) *A co-ordination mechanism should be set up where the forest department, the civil administration, the Coast Guard and the Combined Defence Command in ANI can take co-ordinated action against poachers, especially against foreign poachers.*

#### G. INTRODUCTION OF EXOTICS

The introduction of exotics is always a threat to ecosystems, but it is a special threat to Island ecosystems, as is obvious in the ANI.

Over the years, many exotic species of animals and plants have been introduced in the Islands, some deliberately and many accidentally. Some of those that have had a very destructive impact on forest regeneration include the spotted deer (cheetal) and the elephant. The deer, reportedly brought for aesthetic purposes, have proliferated widely due to the absence of any natural predator in the Islands and have significantly retarded forest regeneration. The elephants were brought to the Islands by a timber logging company, which subsequently abandoned them. Reportedly about sixty of them have become feral and are seriously impacting on the forests in the regions that they are found. The introduction of dogs and cats, many of which have turned feral, also pose a great threat to turtle breeding and other indigenous species

There has also been infestation by various exotic species of weeds, which could prove to be a major deterrent to the regeneration of degraded forest areas, especially areas freed from encroachment.

The introduction of oil palms in Little Andaman and of teak in various parts of the islands has also had a significant negative impact. In fact, the areas in Little Andaman where oil palms were introduced show up clearly as degraded forests in the remote sensing map prepared by the Forest Survey of India (FSI) (maps at annex 19).

### Recommendations

33) *No exotic species of fauna or flora should be introduced into the islands.*

*Accordingly, a suitable set of guidelines and procedures should be developed for the purpose.*

34) *A time bound action plan should be drawn up to deal with the exotics already on the island, including weeds, and their removal/eradication should be taken up on a war footing, including the translocation of elephants back to the mainland and the inhibition of breeding, by deer, by darting the alpha males with anti-fertility drugs, as has been successfully tried in other countries.*

### H. COLLECTION AND DISTRIBUTION OF ROYALTY FREE TIMBER AND NON-TIMBER FOREST PRODUCE

Apart from commercial timber, the forests of these Islands are also providing timber and NTFP for use by the local people (annex 20). There is also "royalty free" distribution of timber.

In addition, government departments like PWD (for construction and repairs of roads) and the defence forces also directly access fuel wood. This not only leads to unregulated extraction but, in some cases, as along the Andaman Trunk Road, is leading to perceptible forest destruction.

### Recommendations

35) *The practice of distributing timber and NTFP free to settlers should be discontinued. Instead, rural populations should be formed into village forest protection committees and, as per the joint forest protection norms prevalent in other parts of the country, the amount of timber and NTFP required by village communities should be given to them on the basis of a memorandum of understanding, in return for their role in protecting the forests adjacent to their settlements and in detecting and preventing encroachments.*

36) *Government departments, including defence and PWD, should be supplied fuel wood and other required forest produce by the forest department and should not be permitted to directly collect these from the forests.*

37) *Concurrent efforts should be made to minimise demand for forest-based resources. The Administration should encourage the use of sawdust as fuel, as*

*is the practice in many other parts of the country. They should also investigate the possibility of replacing firewood as a domestic fuel by gas and consider giving a one-time subsidy for the purchase of gas stoves and cylinders to the poor rural population. Adequate supply of LPG to the Islands should be ensured on a priority basis.*

#### I. MINING OF SAND

The erosion of the beaches and the depletion of coastal and marine species all have an impact on the forests and on the overall ecological status of the Islands. Coastal erosion affects the forests and degrades them directly. Besides, the complex interaction between insects, birds and forest plants gets disrupted as soon as there is degradation of coasts and coastal and marine species. Forest working also affects the coastal ecosystem, especially the coral reefs, by accentuating the flow of silt into the water.

Under the Coastal Regulation Zone (CRZ) notification under section 3(1) and section 3(2)(v) of the Environment (Protection) Act, 1986 and rule 5(3)(d) of the Environment (Protection) Rules, 1986 declaring coastal stretches as coastal regulation zone (CRZ) and regulating activities in the CRZ, "Mining of sands, rocks and other substrata materials, except those rare minerals not available outside the CRZ areas;" were banned. However, a special exception was made for the ANI, as under.

"Provided that in the Union Territory of the Andaman and Nicobar islands, mining of sands may be permitted by the Committee which shall be constituted by the Lieutenant Governor of the Andaman and Nicobar Islands consisting of Chief Secretary; Secretary, Department of Environment; Secretary, Department of Water Resources; and Secretary, Public Works Department. Committee may permit mining of sand from non-degraded areas for construction purposes from selected sites, in a regulated manner on a case-to-case basis, for a period up to the 30th September, 2000. The quantity of sand mined shall not exceed the essential requirements for completion of construction works including dwelling units, shops in respect of current year and 2000-2001 annual plans. The permission for mining of sand may be given on the basis of a mining plan from such sites and in such quantity which shall not have adverse impacts on the environment."

The MoEF has further extended the period up to 30 September, 2002. However, there is no assessment of either the general environmental impact on the ecosystem of the Islands because of the extraction of sand, nor a location-specific assessment of the impact of extraction on each specific beach/coastal stretch from where such extraction takes place. Therefore, it is not clear on what basis the MoEF has allowed and continues to allow the extraction of sand.

According to the figures supplied by the ANI administration, approximately 2,23,937 cubic metres of sand was officially extracted from the beaches of the Islands in the three years 1998-2001. 72 beaches around the islands were used for extraction (annex 22). In addition, it is alleged by local people that there is also illegal extraction of sand, which is considerable.

Sand is primarily extracted for construction purposes. It is undeniable that the extraction of sand is causing a lot of environmental damage and that this is not a sustainable method of resource use. However, there appears to be no effort to phase out the extraction and to move towards other, more sustainable, methods of construction. Also, as the Islands are located in a high earthquake-risk zone, it is undesirable to construct concrete buildings there. Alternative construction material is available in the Islands and the small amount of concrete that still might be needed can easily be made using rock dust.

### Recommendations

- 38) The extraction of sand should be phased out and no further extension should be granted after the current extension is over on 30 September, 2002.*
- 39) As already mentioned earlier, alternate material for construction, including treated bamboo and soft woods, should be encouraged as this is less damaging to the environment and safer in case of an earth quake. Stone dust should be utilised where use of concrete is essential.*

### J. INAPPROPRIATE TOURISM

The ability of the fragile ecosystem of these islands to withstand the impact of tourism is limited. Apart from disturbance to the forests, there is also disturbance to the marine and coastal ecosystem, especially to the coral reefs. This can be seen in the Wandoor National Park where the coral reefs, in the two islands open to tourists (Jolly Buoy and Redskin),

have almost totally been destroyed. There is also the problem of water availability, disposal of garbage, generation of electricity and the construction of other infrastructure. Also, as most of the food and other goods sold in the Islands are imported from the mainland and the government pays a hefty subsidy for their transportation to the Islands, it is unlikely that the expenditure by the tourists for goods and services in the islands, would result in any net benefit to the economy. In fact, tourists coming by ship are often a net drain on the economy, as the government subsidy on each passenger ticket is also very high.

The Islands offer a great potential for high value, low volume, specialised eco-tourism that can be done with minimal infrastructure and follows the principles of dispersion and flexibility. Special-interest tourists, wanting to view the unique and rich biodiversity of the Islands, can be accommodated in wilderness areas in small clusters of tents with low concentrations in any one place. The location of these tents can be shifted every two or three years to ensure that no one site is inordinately impacted. Besides, there can be some ship-based tourism where specialised tourists are taken around in a ship that anchors at spots of tourist interest and allows day trips in small numbers. In fact, there are already foreign yachts coming and anchoring in the islands, but very little benefit flows from them to the local economy (annex 23).

#### Recommendations

- 40) No concrete or permanent infrastructure for tourism should be built on any forest area in the Islands. Tourist activities in forest areas should be restricted to tented accommodation or temporary wooden/prefabricated structures that can be dismantled easily and moved to another site. These areas should remain under the control of the forest department who should be responsible for ensuring that the quantum and type of tourism is such that it does not in any way degrade the forests or other ecosystems.*
- 41) A proper eco-friendly tourism plan should be developed for the Islands within one year. This plan should also do an economic and a distributional analysis to highlight how tourism can make a net contribution to the economy of the Islands and how the economic benefits can be equitably distributed among the various segments of the local society and generate local employment.*

- 42) *Such a plan must be in conformity with the requirement for conserving the ecological and cultural integrity of the Islands and not pose a security threat to this strategically important area.*

#### Miscellaneous Recommendations

- 43) *The forest department and the administration of ANI should make public at the beginning of each year the proposed uses of natural resources, including forests. This detailed information specifying, among other things, uses, locations, quantum, purpose and users, and giving details of the basis on which these decisions have been made, should be published in the local news papers and also made available on a web site to be maintained for the purpose by the administration. At the end of each year, actual use, deviations from the proposals and the reasons thereof, must also be similarly made public.*
- 44) *The various forest working plans/protected area management plans should also be made accessible to the public, as soon as they are approved. Copies should be kept at all public libraries and other accessible places in the Islands. In addition, copies should be freely made available to the general public, on demand, after charging actual costs of photocopying.*
- 45) *All officers of the administration, including forest officers, should undergo an orientation training of at least five days, every three years, to acquaint themselves with the ecological characteristics of the Islands and the options available for their economic development in an environmentally and socially sustainable manner. Officers being posted from the mainland to these islands should be so oriented within three months of their posting.*
- 46) *The Government of India and the ANI Administration should consider setting up an Island Development Institute in ANI, that can become a centre of research, training and education for managing island and coastal ecosystems in a sustainable manner. This institute could not only cater to national needs but, over time, also become a regional institution. A proposal to the effect already exists and was submitted to the IDA many years back. It can be suitably modified and considered.*

47) *There are many areas that need to be properly researched and many problems that need innovative solutions. These include:*

- *A assessment of the ecological differences between worked and un-worked forests.*
- *Methods of returning the worked and encroached forests to a their natural state.*
- *Methods of further working forests in a manner that minimises impact on biodiversity and the environment.*
- *Methods to conserve soil and water.*
- *Feasibility of generating energy through non-conventional methods, including wind and tidal energy.*
- *Methods of treating garbage and other pollutants, thereby protecting the coastal and marine environment from degradation.*
- *Methods of using alternate building materials that are environmentally friendly and sustainable.*

*These and other required studies should be commissioned on a priority basis so that their findings can be urgently applied for the betterment of the islands.*

## VI. SOME POSSIBLE IMPLICATIONS OF THE RECOMMENDATIONS

1. There is likely to be some loss of employment, as detailed below, if these recommendations were followed.
  - a. Loss of about 300 jobs if Kitlpy Industries close down as a result of these recommendations.
  - b. Loss of about 2000 jobs if the Andaman & Nicobar Islands Forest and Plantation Development Corporation closes down.
  - c. Loss of some employment (exact quantum not known) due to the ban on export of timber. However, this is likely to be very small, as very little timber was being sent to the mainland by private sawmills. In 1998-99 it was 923 cum, in 99-2000 it was 570 cum and in 2000-01 it was 614 cum.
  - d. Surplus staff in the forest department due to curtailing of forest working and extraction.

- e. Some loss of livelihood due to the banning of extraction of sand.
  - f. Some loss of road transport related employment due to the banning of traffic on the Andaman Trunk Road.
  - g. Need for additional sources of livelihood for about 2300 post 1978 forest encroachers, once they are removed from the forests.
2. However, following from these recommendations, there will also be significant cost saving and additional employment opportunities, as detailed below.
- a. Savings on transport subsidies to the forest based industry to the tune of rupees five to six crores per year.
  - b. Savings from the closing down of two forest depots, one in Chennai and one in Kolkata, reportedly around rupees one crore a year.
  - c. Additional employment for setting up forest protection forces.
  - d. Additional employment in regenerating encroached areas and earlier worked forests.
  - e. Additional employment in the shipping sector due to increased ferry traffic after closing down the Andaman Trunk Road.
3. There are other relatively untapped or under-utilised areas of employment that can be developed. Including:
- a. Fisheries – especially coastal – with local involvement. Current estimates suggest that only a small proportion of the fishery potential is being tapped. The islands have a continental shelf of 16 to 35 thousand sq km (according to different sources) and an exclusive economic zone (EEZ) of 600,000 sq km., which is 28% of the total Indian EEZ. The total potential has been variously calculated to be between 12,000 and 1,60,000 tonnes of fish (*Master Plan for Andaman and Nicobar islands for the Development of Fisheries*, Government of India, Ministry of Agriculture, 1989), just from the shelf area. However, more recent estimates are between 45,000 and 1,60,000 tonnes pa. According to the ANI administration, the current levels of harvest are just a fraction of the harvestable potential (Volume II, page 136).

- b. Production of goods/food for local use – and the consequent removal of subsidies for transportation of these goods from the mainland. At present, almost all the goods for local consumption come from the mainland. Their transportation, by ship, also costs the government dearly in subsidies. However, many of these goods can be produced locally. This would not only promote local employment and save on subsidies, but also cut down on the requirement for cargo space.
- c. Handicrafts. There is great potential for developing artisanal handicrafts industry and this could provide significant additional employment.
- d. Swiftlet nest cultivation. This is potentially a very lucrative activity. There is great demand for swiftlet nests in the nearby Southeast Asian countries, and 1 kg fetched between Rupees one and two lakhs. A note describing the potential has been enclosed in Volume II, page 300.
- e. Orchids cultivation. This, again, has tremendous potential, as these islands have a large number of very beautiful and rare orchids.
- f. Spices/ Medicinal plants – without expanding agricultural land. All official settlers in the islands were given two hectares of flat (valley) land and two hectares of hill land. Much of this hill land is still forested and its conversion to agricultural land, apart from not being economically viable, would also cause significant soil erosion and disrupt the water cycles. Therefore, this land can be used for activities conducive to soil and water conservation, like high value spices/medicinal plants. There are many valuable spices and medicinal plants that are found in the Islands.
- g. Eco tourism. This, again, has tremendous potential. High value specialised ecological tourism can generate a fair amount of local employment at all levels.
- h. Water and soil conservation works. These are desperately needed in the ANI, which has acute water shortage and is also losing a lot of its topsoil, thereby disrupting the terrestrial, coastal and marine ecosystem. Existing schemes of the government of India, like the watershed programme, can

be extended and strengthened in these islands to both conserve the environment and generate employment.

4. Consequently, the potential for additional employment, if properly developed, is enough to offset any adverse impacts of the recommendations. Besides, if the Island is developed as a centre of education, research and training in island and coastal management, as recommended earlier, many additional jobs can be created. In fact, over time, caution will have to be exercised to ensure that the requirement for human power in the Islands does not exceed the local supply, necessitating further migration from the mainland.
5. There is also some concern expressed by the ANI forest department that if felling in unworked forests was banned then the worked forests and plantations would not be able to support even the local demands for timber. However, detailed discussions with the department and a scrutiny of documents and data brings out the following facts:
  - a. The total area of worked forests in the Andamans, excluding Little Andaman, is approximately 1,00,000 ha.
  - b. Most of these forests were worked in a manner such that only a proportion of the mature trees of commercial species were extracted and the immature ones left.
  - c. Therefore, in each hectare of the worked forests there should now be a large number of mature trees that were either left behind as mother trees or that were immature when the logging was done fifty to sixty years ago, but are now mature and ready for harvesting.
  - d. As the surplus number of commercial trees, in excess of what would have been their numbers in a natural forest, have to be removed in order to allow the forests to return to as close a natural form as possible, the extraction of these mature trees would serve the dual purpose of providing timber for local consumption and returning the forests to a near-natural profile.
  - e. It has been estimated that at least 10 cum per hectare can be safely and sustainably extracted from these worked forests, though once working

plans are made the figure might go up. Therefore, given that the total available worked forest is 1,00,000 ha, the total availability of commercial timber would work out to 10,00,000 cum. This would be enough to meet the local timber demands (calculated at 30,000 cum per year currently, but likely to go down once timber conservation efforts are put in place) for at least 30 years, by which time additional timber would have become mature and harvestable.

- f. In addition. There are over 12,500 ha of plantations of hardwoods done in the islands (annex 4). It is estimated that these plantations, that in any case need to be cleared so that the land can be regenerated, will provide 300 to 500 cum per hectare, depending on the species. This would work out to between 37,50,000 cum to 62,50,000 cum of timber, which would by itself be enough to meet the local hardwood requirements (calculated to be about 25,000 cum per annum - for details see Volume II -page 154-55, 161) for between 150 and 250 years. Needless to say, both in the plantations and in the worked forest areas, extraction should start first in the earliest plots and proceed to newer ones so that adequate time is given for regeneration.
6. The forest department has also expressed a concern that if no export of timber is allowed to the mainland then this might lead to the artificial manipulation of timber prices locally and prices would be artificially forced down, as the forest department would have no option but to sell their timber locally or have it perish. However, considering that the forest department saw mills have a combined capacity of 29,000 cum pa they could, if required, process all the timber that is harvested in a year, thereby preventing it from deteriorating. Besides, once the capacity to treat timber has been enhanced, as recommended, there should be no danger of any timber being wasted if the local sawmills do not pick it up. In case timber in any month is not picked up, felling for subsequent months or seasons could be trimmed to take this into consideration.

7. A concern has also been expressed that forests need to be worked in case they are to remain healthy and "over mature" and dead trees need to be removed. There is also the view that once a tree reaches a certain age, it has a "negative increment" and, therefore, must be cut. However, these arguments do not stand up to scientific scrutiny. Forests have existed and continue to exist in areas where they have never been "managed" by human beings. There are many examples of this in the Andaman and Nicobar Islands itself. The concern for negative increment and for "healthy" forests is a concern that might be relevant to commercial plantations but is certainly not tenable where natural forests are concerned. In fact dead trees are as important a part of natural ecosystems, both as habitat to specialised species of fauna and flora and an input into the soil, as are live trees.

ITEM Nos. 16 TO 25 &amp; 29

COURT NO. 1

SECTON PIL

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

ITEM NO. 16

I.A. NO. 502 in W.P. (C) No. 202/1995

T. N. GODAVARMAN THIRUMALPAD

Petitioner

VERSUS

UNION OF INDIA &amp; ORS

Respondents

(for intervention)

With I.A No. 737 in I.A No. 502 in W.P. (C) No. 202/1995  
(for directions)

ITEM NO. 17

I.A. Nos. 634-635 in W.P. (C) No. 202/95  
(for impleadment and directions)

ITEM NO. 18

I.A. Nos. 697-698 in W.P. (C) No. 202/95  
(for directions and exemption from filing O.T)

ITEM NO. 19

I.A. Nos. 695 with 706 in I.A. Nos. 695-696 in W.P. (C) No. 202/95  
(for directions and exemption from filing O.T)

ITEM NO. 20

I.A. Nos. 723- 724 in W.P. (C) No. 202/95  
(for intervention and clarification/modification)  
with  
I.A. Nos. 711 I.A. No. 502 in W.P. (C) No. 502/1995  
(for intervention/modification/clarification and directions)

ITEM NO. 21

I.A. No. 566 in W.P. (C) No. 202/1995

(suo-motu action taken by this Hon'ble Court on the statement of Mr. K. N. Raval, learned Additional solicitor General on behalf of Central Government showing the position of the cases approved for diverting a forest land stipulation for compensatory afforestation under the Forest Conservation Act and the compensatory afforestation done funds to be utilized and actually utilised).

ITEM NO. 22

I.A. No. 738 in I. A. No. 502 in W.P. (C) No. 202/1995  
(for intervention on behalf of Andaman Furniture Industries Association)  
With

I.A. No. 739 in I. A. No. 502 in W.P. (C) No. 202/1995  
(for clarification /modification of Order dated 23.11.2001 on behalf of Andaman Furniture Industries Association)



## For Applicant(s)

IA 695 & 706	Mr. S Ravindra Bhat, Adv. Mr. Prashant Bhushan, Adv.
IA 737	Mr. Altaf Ahmad, ASG Mr. Monohar Singh Bakshi, Ms. Sunita Sharma, Mr. Ashok Bhan and Mr. D S Mahra, Advs.
IA 502	Mr. Colin Gonsalves, Adv. M/s. Ritwick Dutta, Vipin Mathew Benjamin, Aparna Bhat and Sweta Kakkad, Advs.
IAs 634-635,697-698	Mr. Mukul Rohtagi, ASG Ms. Tasneem Ahmadi, Mr. Bharat Sangal, Ms. Sangeeta Panicker and Mr. R K Mecolt Singh, Advs.
IA 723-724	Mr. K K Venugopal, Sr. Adv. Mr. Gopal Jain, Adv. Ms. Ruby Singh Ahuja, Adv.
IA 711	Mr. M N Krishnamani, Sr. Adv. Mr. Parthapratim Chaudhuri, Adv. Mr. Soumyajit Pani, Adv. Mr. K S Rana, Adv.
IA 738 & 739	Mr. S Muralidhar, Adv. Mr. S Vallinayagam, Adv. Mr. Shreyas Jayasimha, Adv.
in WP 118/02	Mr. M L Lahoty, Adv. Mr. Paban K Sharma, Adv. Mr. Himanshu Shekhar, Adv.
in IA 295	Mr. Harish N. Salve, S.G. (A.C.) Mr. Siddharth Choudhary, Adv. Mr. U.U. Lalit, Adv. (A.C.)
in IA 424	Mr. Vivek Tankha, Adv. Genl. Mr. S.K. Agnihotri, Adv. Mr. Rohit K. Singh, Adv. Mr. Anil Kumar Pandey, Adv.
in IA 729	Mr. Prakash Shrivastava, Adv.
in IAs 754 & 755	Mr. Raj Panjwani, Adv. Mr. Vijay Panjwani, Adv.
in Cont. Petn. 193/01	Mr. V. Balaji, Adv. Mr. P.N. Ramalingam, Adv.  Ms/ Arputham Aruna & Co., Advs.(NP)

## For Respondent(s)

State of Assam	Ms. Krishna Sarma, Adv. Ms. Asha G Nair and Mr. V.K. Siddharthan, Advs. for M/s. Corporate Law Group, Advs.
Andaman & Nicobar Administration	Mr. Altaf Ahmad, ASG Ms. Sunita Sharma and Mr. Ashok Bhan, and Mr. D.S. Mahra, Adv.

State of Andhra Pradesh	Mr. T V Ratnam, Adv. Mr. K Subba Rao, Adv.
State of Arunachal Pradesh	Mr. Anil Shrivastav, Adv.
State of Bihar	Mr. B B Singh, Adv.
State of Chhatisgarh	Mr. Prakash Shrivastava, Adv.
UT of Chandigarh	Ms. Kamini Jaiswal, Adv. Ms. Aishwarya Rao, Adv.
UT of Daman & Diu, Dadra & Nagar Haveli & Lakshadweep	Mr. Kailash Vasdev, Sr. Adv. Ms. Sunita Sharma, Adv. Mr. D S Mahra, Adv.
State of Goa	Ms. A Subhashini, Adv.
State of Gujarat	Ms. Hemantika Wahi, Adv. Ms. Sumita Hazarika and Ms. Aruna Gupta, Adv.
State of Haryana	Mr. J P Dhanda, Adv. Ms. Raj Rani Dhanda, Mr. K P Singh and Mr. D S Nagar, Adv.
State of Himachal Pradesh	Mr. Naresh K Sharma, Adv.
State of Jharkhand	Mr. Arup Banerjee, Adv. Mr. Ashok Mathur, Adv.
State of Karnataka	Mr. Sanjay R Hegde, Adv. Mr. Satya Mitra, Adv.
State of Kerala	Mr. K R Sasiprabhu, Adv.
State of Mizoram	Mr. Hemantika Wahi, Adv. Ms. Sumita Hazarika and Ms. Aruna Gupta, Adv.
State of M.P.	Mr. Vivek Tankha, Adv. Genl. Mr. S K Agnihotri, Adv. Mr. Anil Kumar Pandey, Adv. Mr. Rohit K Singh, Adv.
State of Meghalaya	Mr. Ranjan Mukherjee, Adv.
State of Manipur	Mr. Gireesh Kumar, Adv. Mr. K H Nobin Singh, Adv.
State of Maharashtra	Mr. S S Shinde and Mr. S V Deshpande, Adv.
State of Nagaland	Mr. Kailash Vasdev, Sr. Adv. Ms. V D Khanna, Adv.
State of Orissa	Mr. Raj Kumar Mehta, Adv.

Govt. of Pondicherry	Mr. V G Pragasam, Adv.
State of Punjab	Mr. Atul Nanda, Dy. Adv. Genl. Mr. Rajeev Sharma, Adv.
State of Sikkim	Mr. A Mariarputham, Adv. Ms. Aruna Mathur, Mr. Anurag D Mathur, Adv. for Arputham Aruna & Co., Adv.
State of Tripura	Mr. Gopal Singh, Adv. Mr. Rahul Singh, Adv.
State of Uttaranchal	Ms. Rachna Srivastava, Adv. Mr. Mahesh C. Kaushiwa, Adv.  Mr. Ajay K. Agarwal, Adv. Mr. Mahesh Chandra, Adv.
State of U.P.	Mr. Ajay K Agrawal, Adv. Ms. Alka Agarwal, Adv.
State of West Bengal	Mr. Avijit Bhattacharjee, Adv. Mr. Atanu Saikia, Adv.
For UOI in IA 295 & 424	Mr. Soli J. Sorabjee, A.G. Mr Prateek Jalan, Adv. Mr. R.N. Poddar, Adv. Mr. B.V. Balaram Das, Adv.
in CP 193/2001	Mr. Joseph Pookkatt, Adv. Mr. Prashant Kumar, Adv. Mr. Prasenjit Keswani, Adv.

UPON hearing counsel, the Court made the following  
O R D E R

After hearing the learned Amicus Curiae, counsel for the parties and taking into consideration the affidavit of the Union of India - Ministry of Environment and Forests in relation to survey of eco-system of Andaman and Nicobar Islands, the learned Amicus Curiae has made certain suggestions.

There does not seem to be any objection to this Court in accepting the Report of Shri Shekhar Singh that some modifications have been suggested. We therefore, in the first instance, accept the Report of Shri Shekhar Singh.

On a query being raised by us, Mr. Altaf Ahmed, learned Additional Solicitor General, appearing for The Union Territory of Andaman & Nicobar Islands on instructions informed the Court that there is no social forestry in Andaman & Nicobar Islands. The wood which is being cut is from the natural forest and plantation of teak etc. has taken place in the forest, which had been worked and approximating 40,000 cubic metres of wood is cut from the forest annually for the purposes of the small mills the total logging of wood being approximately 1,30,000 cubic metres per year. In the last two years, this figure has come down but the fact remains that instead of resorting to social forestry and thereby providing employment to the people in growing forest at the present moment the natural forests are being cut and the timber sawn.

Andaman & Nicobar Islands is one of the hot spots and is in the eco-fragile area and has, therefore, the eco-diversity thereby has to be preserved. For this, it is essential that the natural forest is protected and re-generation allowed to take place.

We are also informed that the existing saw-mills have a subsisting licence valid till 30th March, 2003. The saw-mills and the other wood-based industries in the Andaman & Nicobar Islands are not permitted to cut the trees and supplies to them are made only by the Government itself or through its Corporation. Some of these saw-mills and industries have logs of wood and sawn timber in their stock. It would therefore be

iniquitous to deprive them of an opportunity to utilise the stock for which payment has been made to the Government for the purchase of wood. However, it is to be borne in mind that fresh logging of wood must cease immediately.

After taking all facts and circumstances into consideration, we issue the following directions:

(1) All felling of trees from the forest of little Andaman Islands, the national park and sanctuaries, the tribal reserves and all other areas shall stand suspended.

(2) For the areas in which there are working plans, the Government through the Chief Secretary shall disclose on an affidavit –

(i) The extent of felling and re-generation permitted under these working plans during the last 10 years.

(ii) The compliance with re-generation/re-plantation/ re-forestation targets under the working plans and reasons if any for the shortfall.

(3) The working plan of the Andaman & Nicobar Islands should be re-worked on the basis as was applied to the State of M.P. and others, namely that before any felling of trees, there should first be compulsory afforestation/re-generation, the felling permissions would be based upon the extent of re-generation of forest undertaken and not the other way round.

(4) No felling of tree (under the working plan or otherwise) shall be permitted for meeting any raw material requirements of the plywood, veneer, black board, match stick or any other wood-based industry.

(5) In drawing up the new working plans the Government shall formulate a Committee with one Ecologist who is proficient with the ecology of Andaman.

(6) The working plans so formulated shall be placed before this Court within a period of twelve weeks.

(7) The trees felled under the working plan in the manner indicated aforesaid should be utilised for the requirements of the local inhabitants.

(8) The licences of all the saw-mills and wood-based industries shall not be renewed after 31st March, 2003. This will not debar the authorities from cancelling licences in accordance with law, if there is no breach of the Licence Committee by the Licencees before that date.

(9) The ecology of the area does not permit any kind of industrial activity for which the wood is likely to be consumed. Therefore, licences of wood-based industries shall stand cancelled but they will be permitted to exhaust the existing stock till 31st March, 2003.

(10) The Union of India if it so adopts and thinks appropriate may take steps for re-locating the dislocated wood-based industries in the main land area anywhere in India as long as it is not within the vicinity of forest area. Henceforth for meeting the local requirements it is only the Government saw-mills which shall operate.

No fresh wood or logs shall be given to any of the saw-mills or the wood-based industries till fresh working plans are prepared and submitted to this Court and the approval obtained.

(11) With immediate effect, there will be no movement of logs or timber in any form including sawn timber from Andaman & Nicobar Islands to any part of India or anywhere else.

(12) Regularisation of encroachments on forest land in any form, including allotment/use of forest land for agricultural or horticultural purposes, shall be strictly prohibited.

(13) All those families who have been identified as having encroached on forest land prior to 1978 and have not yet shifted to their allotted rehabilitation sites, shall be given one month's notice to vacate their encroachments and shift to the allotted land. Failing this, their allotment shall be cancelled and they shall be

forcibly evicted within three months of the deadline being over, without any further claim to land or any other form of rehabilitation. Such notices should be issued within six weeks.

(14) Similarly, those among the pre-1978 families that have shifted to their allotted sites but have occupied more land than they were entitled to shall also be given one month's notice to vacate the extra land occupied by them. On the expiry of this notice period, the allotments of those who have not complied with this notice shall be cancelled and they should be forcibly evicted within three months, without any further claim to compensation or land. Such notices should be issued within six weeks.

(15) All post 1978 forest encroachments shall be completely removed within three months.

(16) For the eviction of encroachers, an effective action plan shall be prepared and implemented under direct supervision, monitoring and control of a Committee under the Chairmanship of the Lt. Governor with Chief Secretary, Principal Chief Conservator of Forests and reputed NGO representatives, its members. The Chief Secretary, Andaman & Nicobar Islands, shall file every month an affidavit about progress of eviction of encroachments.

(17) The process of issue of identity cards to all the residents shall be completed within a period of six months.

(18) The extraction of sand shall be phased out @ minimum 20% per year on reducing balance basis to bring the sand mining to the level of 33% of the present level of mining within a maximum period of 5 years.

(19) The approvals accorded by Ministry of Environment & Forests under the Forest (Conservation) Act, 1980, shall be reviewed by a Committee consisting of Secretary, Environment & Forests, Director General of Forests and at least one non-official member of the Forest Advisory Committee constituted under the Forest (Conservation) Rules to restrict the approvals to the barest minimum needed to serve emergent public purposes. Felling of trees shall commence only after the process of compensatory afforestation has actually been undertaken on the ground. In future, the proposals shall be considered for approval only after detailed Environmental Impact Assessment has been carried out through an independent agency identified by Ministry of Environment & Forests.

(20) Specific actions shall be undertaken by Ministry of Environment & Forests/Andaman & Nicobar Islands Administration on the other recommendations of Shri Shekhar Singh Report which are not specifically dealt with in above orders. Ministry of Environment &

Forests and the Andaman & Nicobar Islands Administration shall file an affidavit within three months giving details of action taken by them on each of such recommendations.

Copy of this order be sent by the Registry to the Chief Secretary, Andaman & Nicobar Islands for information and compliance.

IA NOs. 502, 737 in 502, 695, 723-724, 711, 738 in 502, 739 in 502, WP(C) 118/02, 424, 729 in 424 & Cont. Petn.(C) 193/2001

List after the ensuing summer vacation.

IA NOs. 634-635 & 697-698

List on 9th May, 2002.

IA No. 295

Learned Attorney General states that in principle it is necessary and desirable that a National Empowered Committee should be constituted. He states that certain modalities have to be worked out before the order in this behalf could be finally passed. In view of the above, to come up on 9th May, 2002.

...13/-

IA No. 566

To come up for further orders after the ensuing summer vacation.

IA Nos. 754 & 755

Issue notice. Stay of the High Court order in the meanwhile.

Kalyani.

(S.L. GOYAL)  
COURT MASTER

प्रमाणित सही प्रति  
Certified true Copy



सहायक वन संरक्षक  
Assistant Conservator of Forests  
विधि विभाग / Legal Cell  
वन सदन / Van Sadan

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ANNEXURE-P-1 (iii)

F.No. U-13030/1/2007-ANL

Government of India/ Bharat Sarkar

Ministry of Home Affairs/Grih Mantralaya

New Delhi, dated the 26<sup>th</sup> June, 2009

To

The Chief Secretary  
A&N Administration  
Secretariat, Port Blair

Sub: Settlement Plan for the post-78 encroachers,  
allotment of homestead land to settler families  
- Regarding.

Sir,

I am directed to refer to A&N Administration's letter No. 7-12/ACS/2007/ 105 dated the 28<sup>th</sup> May, 2007 on the above subject and to say that the matter has been considered in the Ministry and following decisions have been taken with the approval of Union Home Minister:

- (i) This Ministry have no objection to the AN Administration taking up the proposal with MoEF/CEC for prior approval in respect of proposed settlement plan to meet shortage of land in allotment to settlers and in lieu of land lost due to soil erosion/ gravel deposition, since the land requirements for the above settlement plan is to be met from deemed forest.
- (ii) Similarly, settlement of pre-78 ex situ forest encroachers in the 9 newly identified forest pockets due to non availability of suitable land for settlement in 19 identified deserved blocks may also be taken up with MoEF/CEC for prior approval by the A&N Administration.
- (iii) As regards post-78 revenue and forest encroachers, "In-principle" approval for the proposal to allot 340 sq. mtrs. of house sites is granted subject to the following conditions:
- (a) That no land in the proposed settlement comes under forest/ deemed forest category.

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- (b) That number of beneficiaries and land required for settlement will be firmed up on detailed survey and reported to Ministry of Home Affairs.
- (c) That the proposed settlement plan would exhaustively cover all requirements of land from the excess land to be recovered from the post-78 revenue encroachers.
- (d) That no ineligible persons including foreign nationals are included in the list. The criteria and determination of eligibility will be got approved by MHA. Further A&N Administration must get the identity of such persons, who will be beneficiaries of the above settlement plan vetted by a team of officers consisting of District Administration, police, forest, officials and panchayat members. The names so selected by an open/ transparent process will be further published and objections invited before allotment of land is finalized.

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- (e) That the A&N Administration shall ensure that the beneficiaries are not allowed to sell/transfer in any manner the land allotted to them except with the prior approval of the LG.
- (f) That no other settlement plan is under consideration or will be considered beyond the cut off date of 07.05.2002 and encroachment registers will be frozen with effect from that date.
- (g) Certify that there is no stay order from any Court on the subject or that the proposed settlement plan is not barred by any Court order/ directive.
2. It is requested.. that further follow up action may be taken in pursuance of the above decisions and this Ministry be informed of the same.

Yours faithfully,

(M L Varma)  
Deputy Secretary to the Govt. of India  
Tele/Fax: 23094376

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**CENTRAL EMPOWERED COMMITTEE**

REPORT OF THE CEC IN I.A. NO. 2784 OF 2010 AND I.A. NO. 3735 OF 2014 IN I.A. NO. 502 OF 1999 IN WRIT PETITION (CIVIL) NO. 202 OF 1995 FILED BY THE ANDAMAN & NICOBAR ISLANDS ADMINISTRATION SEEKING MODIFICATION OF THE HON'BLE COURT'S ORDER DATED 12.12.1996 IN W.P. (C ) NO. 202 OF 1995 AND ORDER DATED 7.5.2002 IN I.A. NO. 502 OF 1999.

I.A. No. 2784 of 2010 has been filed on 15.1.2010 by the Applicant Andaman & Nicobar Islands Administration (hereinafter referred to as the Applicant Administration) before this Hon'ble Court with the following prayer:

- "(a) Modify the order dated 12.12.1996 in W.P. No. 202 of 1995 and order dated 7.5.2002 in I.A. No. 502 of 1999 and allow utilization of deemed forest land for development purpose and also allow felling of naturally grown trees; and*
- (b) Allow the Applicant Administration to use of deemed forest land for development purpose without providing any alternative land for Compensatory Afforestation due to non availability of any alternative land in these Islands; and*
- (c) Allow the Applicant Administration to implement the Settlement Plan approved by the Government of*

*India vide letter dated 26.6.2009 for regularization of post-78 revenue and forest encroachers and allotment of land to post-78 forest encroachers (with cut off date 7<sup>th</sup> May, 2002); and*

- (d) Exempt the Applicant / Administration from payment of Net Present Value as required by orders dated 28.3.2008 and 9.5.2008 in I.A. No. 566 in WP (C) No. 202 of 1995;*
- (e) Pass such other and further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case".*

2. During the pendency of the above IA. No. 2784 of 2010 the Applicant Administration filed I.A. No. 3735 of 2014 on 15.1.2014 with the following prayer:

- "a) Modify order dated 07.05.2002 and allow the preparation of the Working Plans for scientific management of the entire forest area constituting 30% of forests excluding areas falling within National Parks, Sanctuaries, Tribal Reserves and Mangroves keeping in view the changed circumstances as brought out in the Reports; and*
- b) Set aside the order suspending felling of trees and allow felling of trees from the forests of Little*

- Andaman excluding areas falling within National Parks, Sanctuaries, Tribal Reserves, under a Working Plan duly approved for scientific management of the forests and for meeting the local requirements of timber and NTFP in that island; and*
- c) Allow export of excess timber after being sold locally or sale through Government depots in mainland, India which have to be removed under the approved working Plan and are in excess having no local demand, to avoid the wastage; and*
  - d) Allow reclamation of plantation in a phased and gradual manner, depending upon the silvicultural rotation, and thereby covering the area with indigenous species occurring naturally for meeting the local requirements of timber and NTFP; and*
  - e) Pass such other order or orders as it may deem fit and proper in the facts and circumstances of the present case”.*

3. The above I.A. No.3735 of 15.1.2014 was heard by this Hon'ble Court on 4.8.2014 and following directions were issued:

*“Learned Council for the Applicant has moved the instant inter-locutory application, wherein prayer is for modification of the order dated 7.5.2002. Operative part*

of the order limited to the directions issued by this Court is extracted hereunder:

"After taking all facts and circumstances into consideration, we issue the following directions:

(1) All felling of trees from the forest of little Andaman Islands, the national park and sanctuaries, the tribal reserves and all other areas shall stand suspended.

(2) For the areas in which there are working plans, the Government through the Chief Secretary shall disclose on the affidavit –

(i) The extent of felling and re-generation permitted under these working plans during the last 10 years.

(ii) The compliance with re-generation / re-plantation / re-forestation targets under the working plans and reasons if any for the shortfall.

(3) The working plan of the Andaman & Nicobar Islands should be re-worked on the basis as was applied to the State of M.P. and others, namely that before any felling of trees, there should be first be

*compulsory afforestation/re-generation, the felling permissions would be based upon the extent of re-generation of forest undertaken and not the other way round.*

*(4) No felling of trees (under the working plan or otherwise) shall be permitted for meeting any raw material requirements of the plywood, veneer, black board, match stick or any other wood-based industry.*

*(5) In drawing up the new working plans the Government shall formulate a Committee with one Ecologist who is proficient with the ecology of Andaman.*

*(6) The working plans so formulated shall be placed before this Court within a period of twelve weeks.*

*(7) The trees felled under the working plan in the manner indicated aforesaid should be utilised for the requirements of the local inhabitants.*

(8) *The licences of all the saw-mills and wood-based industries shall not be renewed after 31<sup>st</sup> March, 2003. This will not debar the authorities from cancelling licences in accordance with law, if there is not breach of the Licence Committee by the Licencees before that date.*

(9) *The ecology of the area does not permit any kind of industrial activity for which the wood is likely to be consumed. Therefore, licences of wood-based industries shall stand cancelled but they will be permitted to exhaust the existing stock till 31<sup>st</sup> March, 2003.*

(10) *The Union of India if it so adopts and thinks appropriate may take steps for re-locating the dislocated wood-based industries in the main land area anywhere in India as long as it is not within the vicinity of forest area. Henceforth for meeting the local requirements it is only the Government saw-mills which shall operate.*

*No fresh wood or logs shall be given to any of the saw-mills or the wood-based industries till fresh working plans are prepared and submitted to this Court and the approval obtained.*

(11) *With immediate effect, there will be no movement of logs or timber in any form including sawn timber from Andaman & Nicobar Islands to any part of India or anywhere else.*

(12) *Regularisation of encroachments on forest land in any form, including allotment/use of forest land for agricultural or horticultural purposes, shall be strictly prohibited.*

(13) *All those families who have been identified as having encroached on forest land prior to 1978 and have not yet shifted to their allotted rehabilitation sites, shall be given one month's notice to vacate their encroachments and shift to the allotted land. Failing this, their allotment shall be cancelled and they shall be forcibly evicted within three months of the deadline being over, without any further claim to land or any other form of rehabilitation. Such notices should be issued within six weeks.*

(14) *Similarly, those among the pre-1978 families that have shifted to their allotted sites but have occupied more land than they were entitled to shall also be given one month's notice to vacate the extra*

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land occupied by them. On the expiry of this notice period, the allotments of those who have not complied with this notice shall be cancelled and they should be forcibly evicted within three months, without any further claim to compensation or land. Such notices should be issued within six weeks.

(15) All post 1978 forest encroachments shall be completely removed within three months.

(16) For the eviction of encroachers, an effective action plan shall be prepared and implemented under direct supervision, monitoring and control of a Committee under the Chairmanship of the Lt. Governor with Chief Secretary, Principal Chief Conservator of Forests and reputed NGO representatives, its members. The Chief Secretary, Andaman & Nicobar Islands, shall file every month an affidavit about progress of eviction of encroachments.

(17) The process of issue of identity cards to all the residents shall be completed within a period of six months.

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(18) *The extraction of sand shall be phased out @ minimum 20% per year on reducing balance basis to bring the sand mining to the level of 33% of the present level of mining within a maximum period of 5 years.*

(19) *The approvals accorded by Ministry of Environment & Forests under the Forest (Conservation) Act, 1980, shall be reviewed by a Committee consisting of Secretary, Environment & Forests, Director General of Forests and at least one non-official member of the Forest Advisory Committee constituted under the Forest (Conservation) Rules to restrict the approvals to the barest minimum needed to serve emergent public purposes. Felling of trees shall commence only after the process of compensatory afforestation has actually been undertaken on the ground. In future, the proposals shall be considered for approval only after detailed Environment Impact Assessment has been carried out through an independent agency identified by Ministry of Environment & Forests.*

(20) *Specific actions shall be undertaken by Ministry of Environment & Forests / Andaman & Nicobar Islands Administration on the other*

*recommendations of Shri Shekhar Singh Report which are not specifically dealt with in above orders. Ministry of Environment & Forests and the Andaman & Nicobar Islands Administration shall file an affidavit within three months giving details of action taken by them on each of such recommendations."*

*Learned counsel for the applicant seeks modification in the above directions.*

*Before we entertain the claim raised by the applicant for modification, we consider it just and appropriate to direct the applicant to file an affidavit of a responsible officer indicating compliance of the directions, extracted herein above, as also reasons for non-compliance of the remaining directions. Needful be done within six weeks, as requested. List thereafter. "*

Pursuant to the above directions dated 4.8.2014 issued by the Hon'ble Supreme Court the Applicant Administration has filed an Additional Affidavit dated 13.11.2015 in I.A. No.3735.

4. The prayer made in I.A.No.2784 of 2010 and I.A.No.3735 of 2014 have been jointly dealt with in the present Report by the CEC, after considering the Additional Affidavits dated 22.11.2013, 19.3.2015 and 27.7.2015 filed in I.A.No. 2784 and Additional Affidavit dated 13.11.2015 filed in I.A.No. 3735 by the

Applicant Administration, pursuant to the orders dated 4.8.2014 and 12.4.2016 of this Hon'ble Court.

5. The CEC subsequently held meetings with the Lt. Governor, Chief Secretary and the concerned officers of the Revenue and Forest Department of the Applicant Administration at Port Blair on 2.6.2016 and again with the Chief Secretary and concerned officers at New Delhi on 27.6.2016 when the updated information was furnished by the Applicant Administration vide two letters both dated 24.6.2016.

#### **OBSERVATIONS**

6. This Hon'ble Court had intervened and passed orders on 7.5.2002 giving a series of directions to stop forthwith the destruction of the pristine biodiversity rich forests which took place primarily because of (i) over exploitation of timber to meet the needs of the wood based industries including among others plywood and saw mills and (ii) destruction of forest a consequence of large scale encroachments on forest lands resulting from unchecked influx of migrants from mainland and elsewhere. An idea of the magnitude of the problems related to encroachments on forest lands can best be had by looking at the maps along with the statement giving details of the Pre- and Post-1978 encroachments pertaining to the Forest Divisions of

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Diglipur, Mayabunder, Middle Andaman, Baratang, South Andaman and Little Andaman. The maps and the statements giving details of encroachments are collectively enclosed at ANNEXURE R-1 (Colly) to this Report. It will be seen that the encroachments are extensively spread over the Islands honeycombing the forests. Each centre of encroachment over a period of time will grow like a cancer and fragment the forests further and which will be disastrous for the fragile eco-system of the Islands. The observations and recommendations of the CEC on some of the important issues relating to the compliance of this Hon'ble Court's order dated 7.5.2002 are given in the subsequent paragraphs.

#### **Removal and Settlement of Pre-1978 eligible forest encroachers**

7. This Hon'ble Court had vide order dated 7.5.2002 given specific directions for removal of Pre-1978 forest encroachers from the encroached forest lands and to shift them to allotted rehabilitation sites failing which their allotments were to be cancelled and they were to be forcibly evicted within three months. The Applicant Administration had pursuant to the above directions conducted a re-survey and identified 1,149 Pre-1978 encroachers out of which 522 were regularized in-situ. Out of the remaining 627 ex-situ encroachers as many as

51 encroachers were evicted. As regards the remaining 576 encroachers – 81 encroachers could not be settled due to local resistance, 15 encroachers refused to take possession of land and sign the possession certificate, 94 encroachers were handed over the possession of identified plots but refused to shift and 386 encroachers could not be settled because 534 ha. of de-reserved land out of 1367 ha. was found to be unsuitable for settlement mainly because of steep slopes, existence of large number of naturally grown trees and presence of nullah and streams. The Applicant Administration has identified 432 ha. of forest land for settling these 386 pre-1978 eligible forest encroachers ex-situ. However the CEC in its Report dated 22.6.2011 in I.A. No.2686 filed before this Hon'ble Court has prescribed certain conditions before allowing the encroachers to be settled on the 432 ha. and which matter is pending consideration of this Hon'ble Court. The order has also directed that those encroachers who had occupied more land than they were entitled to were to be given one month's notice to vacate the excess land occupied by them after which they were to be evicted forcibly within three months without any further claim to compensation or land. Thus 576 eligible pre-1978 encroachers out of 627 encroachers are yet to be settled and to that extent the directions for removal of Pre-1978 encroachers as directed by this Hon'ble Court have not been complied with.

### Eviction of Post-1978 forest encroachers and Settlement Plan

8. This Hon'ble Court in its order dated 7.5.2002 directed that all the post-1978 encroachers were to be completely removed within three months. There are 4,312 post-1978 forest encroachers occupying an area of 3,563.59 ha. As against this the total number of encroachers evicted till 15.6.2016 is only 754 and the area reclaimed is a mere 668.10 ha. An area of 2895.49 ha. out of 3,563.39 ha. therefore still continues to be under illegal occupation of 3,558 encroachers. The Hon'ble Court's orders dated 7.5.2002 thus largely remains uncomplished with.

9. The Applicant Administration with a view to resolve the issue of Post-1978 forest encroachments submitted a Settlement Plan to the Central Government in the Ministry of Home Affairs for regularisation of Post-1978 forest encroachments as well as revenue encroachments with cut-off date of 7.5.2002. The Settlement Plan proposes to settle all the forest and revenue encroachers on the available revenue land and not on "deemed forest" land. Each family will be allotted 340 sq.mtrs. in rural areas and 200 sq. mts. in urban areas or to the extent of area under encroachment whichever is less. This Settlement Plan subject to certain conditions was in June, 2009 approved, in principle, by the Ministry of Home Affairs. The

CEC in the circumstances will have no objection to this proposal provided it does not violate this Hon'ble Court's order dated 7.5.2002 at serial (12) by which "*....Regularisation of encroachments on forest land in any form, including allotment / use of forest land for agricultural or horticultural purposes, shall be strictly prohibited.*"

**Prayer seeking modification of this Hon'ble Court's orders**

10. The Applicant Administration in I.A.No.2784 of 2010 and I.A. No. 3735 of 2014 filed before this Hon'ble Court has sought for modification of this Hon'ble Court's order dated 12.12.1996 and 7.5.2002 and has amongst other prayers sought for the following:

- (i) allow utilization of "deemed forest" land for development purpose without providing alternative land for Compensatory Afforestation because of non-availability of any alternative land in these Islands;
- (ii) exempt the Applicant Administration from payment of Net Present Value (NPV) while allowing the use of 'deemed forest' for settlement of encroachers and for development purposes; and
- (iii) allow felling of naturally grown trees also from the 'unworked areas' (virgin forests) including from the

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Nicobar group of Islands to meet the requirement of local people and allow excess timber to be exported for sale to the mainland.

11. This Hon'ble Court by order dated 4.8.2014 has directed that before taking up the issues raised in the above mentioned two I.A.'s, the Applicant Administration first has to ensure the compliance of the directions of this Hon'ble Court's earlier order dated 7.5.2002 and also indicate reasons for non-compliance. Since compliance of some of the most important directions of this Hon'ble Court are yet to be ensured it is inappropriate and premature to consider at this stage the question of modification of this Hon'ble Court's order dated 7.5.2002. The CEC's views on the three main issues mentioned in the preceding paragraph and which have been raised by the Applicant Administration are dealt with in the subsequent paragraphs.

#### **Utilization of deemed forest land and compensatory afforestation**

12. The Applicant Administration has prayed to allow utilization of "deemed forest" land for development purposes and for settling encroachers without providing alternative non forest land for Compensatory Afforestation under the Forest (Conservation) Act, 1980. This prayer has been made on the plea that most of the area of lands is covered under Tribal

Reserves. National Parks and Sanctuaries, Mangroves and Reserve Forest all of which cannot be used for non-forest purposes, as per this Hon'ble Court's order dated 7.5.2002.

13. For any diversion of forest land for non-forest use the requirement of providing equivalent non-forest land or double the degraded land for Compensatory Afforestation is mandatory under the provisions of the Forest (Conservation) Act, 1980. This, by this Hon'ble Court's order dated 12.12.1996, has become applicable to "deemed forest" also. It is seen that earlier the Applicant Administration in an affidavit dated 27.8.2002 signed by the then Chief Secretary and filed before this Hon'ble Court has stated that henceforth no permission shall be accorded for felling of trees without compulsory compensatory regeneration/reforestation.

14. There is also a specific direction of this Hon'ble Court (at serial no.19) in the order dated 7.5.2002 with regard to Compensatory Afforestation and which states that felling of trees shall commence only after the process of compensatory afforestation has actually been undertaken on the ground. The said direction is reproduced below:

"(19) The approvals accorded by Ministry of Environment & Forests under the Forest (Conservation) Act, 1980, shall be reviewed by a Committee consisting of Secretary, Environment & Forests, Director General of Forests and at least one non-official member of the Forest Advisory Committee constituted under the Forest (Conservation) Rules to restrict the approvals to the barest minimum needed to serve emergent public purposes. Felling of trees shall commence only after the process of compensatory afforestation has actually been undertaken on the ground. In future, the proposals shall be considered for approval only after detailed Environment Impact Assessment has been carried out through an independent agency identified by Ministry of Environment & Forests".

15. In view of the above the CEC is not recommending any exemption from providing alternative 'equivalent land for Compensatory Afforestation for diversion of "deemed forest" land for settlement of encroachers and for developmental activities in the Islands as such an exemption will be in clear violation also of the Forest (Conservation) Act, 1980.

**Exemption from payment of Net Present Value (NPV) of lands**

16. The Applicant Administration has sought for exemption from payment of Net Present Value (NPV) of land and which is charged while diverting forest land for non-forest use under the Forest (Conservation), Act, 1980 as per this Hon'ble Court's order dated 30.10.2002 and reiterated in the judgment dated 26.9.2005. The underlying principle for recovery of NPV is that the plantations raised under the Compensatory Afforestation Scheme could never adequately compensate for the loss of natural forest as the plantation require more time to mature and are a poor substitute to natural forests. The question of granting general exemption from payment of NPV on diversion of forest land for non-forest use cannot also be supported considering the fact that the forests of Andaman and Nicobar Islands are exceedingly rich and unique and the NPV represents monetary value of services which the forests provide and which includes among others oxygen production, carbon sequestration, biodiversity and climate moderation. The CEC is therefore not recommending the general exemption from payment of the Net Present Value (NPV) that has been sought by the Applicant Administration as it would be against the judgment and order dated 26.5.2005.

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**Forestry operations in the unworked areas / natural (virgin) forests**

17. The Applicant Administration has sought for permission to resume felling of trees in the unworked area i.e. virgin natural forests to meet the timber and Non Timber Forest Produce (NTFP) of the local people. It has been contended that out of the total area of 1,133.85 sq.km. of worked forest area which was available for scientific forestry 367.11 sq.km. falls within the Tribal Reserve, Buffer Zone, Protected Areas (National Parks and Sanctuaries) and Catchment areas and which is therefore physically not available. As a result only 766.74 sq.km. worked area is available for scientific management of forest. According to the Forest Department, since the area available stands reduced, the total availability of timber from the five Forest Divisions of Diglipur, Mayabunder, Middle Andaman, Baratang and South Andaman has correspondingly reduced to about 15,000 to 16,000 cu.m. out of which 50% comprises of soft wood timber which is not useful for construction purposes. This quantity is much below 30,000 cu.m. per annum fixed by Prof. Shekhar Singh whose report was accepted by this Hon'ble Court. The Applicant Administration has stated that because of the reduced area available for forestry operations (766.74 sq.km. as against 1,110 sq.km.) the felling cycle has also reduced from 75 years to 30 years and this is exposing more area of forest for felling at lesser interval. At the same time

there has also been a reduction in the yield of timber from 20-22 cu.m. per ha. to 6-7 cu.m. per ha. The resulting shortfall is being met by importing timber.

18. There may be some merit in the above submissions made by the Forest Department that there has been a reduction in the felling cycle. However the National Forest Policy, 1988 in para 4.3.1 makes a special mention about totally safeguarding the Tropical rain / moist forests in certain areas of the country and which includes the Andaman and Nicobar Islands. Para 4.3.1 states as under:

"4.3.1. *Schemes and projects which interfere with forests that clothe steep slopes, catchment of rivers, lakes, and reservoirs, geologically unstable terrain and such other ecologically sensitive areas should be severely restricted. Tropical rain / moist forests, particularly in areas like Arunachal Pradesh, Kerala, Andaman & Nicobar Islands, should be totally safeguarded.*"

19. In view of the above it would be pre-posterous to recommend felling of trees from unworked pristine forests in the Islands. On the other hand in these circumstances it would be

prudent for the Applicant Administration to import timber from other countries, as is being done in mainland India, under the Open General Licence (OGL) considering that supply from forests in mainland India is grossly insufficient to meet the huge domestic demand. The Applicant Administration is free to import round timber, process the same at the Government saw mills and thereafter sell / distribute the sawn timber to the other private saw mills for reprocessing to meet the demands of the local people. No private saw mill should however be permitted to import and process round timber in the Islands as it would be extremely complex and difficult to identify and monitor the imported round timber which may get mixed with the illegally felled local timber. In view of the above the CEC is not recommending felling of trees from the biodiversity rich natural virgin forests of the Islands. Since part of the shortfall in timber is already being met by importing timber the same may be continued to meet the requirement of the people.

20. The Andaman and Nicobar Islands are an internationally recognised biodiversity hotspot which hold pristine ever green forests with unique flora and fauna. This was the main reason for intervention by this Hon'ble Court for passing a series of directions in the order dated 7.5.2002. The population of the Islands has increased threefold from about 1,15,000 in 1971 to about 4,00,000 in 2011. The continuous influx of people from

the mainland over the years and the consequent destruction and encroachments of forest land has already impacted the fragile eco-system of the Islands (Refer Annexure R-1). The original primitive tribal inhabitants of the Islands have been hugely outnumbered by the migrants with resultant serious socio-cultural effects. The maps from the Divisional Forest Offices showing worked and unworked areas highlights the large areas which have been adversely impacted and reveals an extremely disturbing picture from the perspective of ecological security of the Islands. A copy each of the maps pertaining to Forest Divisions of Diglipur, Mayabunder, Middle Andaman, Baratang, South Andaman, Little Andaman, Havelock and Nicobar showing worked and unworked area are collectively enclosed at ANNEXURE R-2 (Colly) to this Report.

21. The Applicant Administration has made substantial progress in the matter of issue of identity cards and intends to complete the same by 2017. While these cards may help in keeping a check on the persons living in the Islands but it does not by itself help in the matter of regulation of fresh migration of persons from mainland to the Islands and prevent further illegal destruction and encroachment of forests for expanding the agriculture activities and settlements.

22. An effective way to regulate entry of people to the Islands is by declaring the Islands as Inner Line Area and enforcing Inner Line Regulations in the Islands. Such Regulations exist in the States of North East India. Under these Regulations all persons intending to visit and stay in the Islands would before entering the Island need to possess an Inner Line Permit specifying the period of stay. A proposal for promulgation of the Andaman and Nicobar Islands (Restriction on Entry and Residence) Regulation, 2006 drawn up by the Applicant Administration is since 2006 pending with the Government of India in the Ministry of Home Affairs and which needs to be brought into force in a time bound manner.

23. The CEC has been informed that demarcation of revenue land and forest boundaries is yet to be done in many areas. This is an invitation for fresh encroachments. It is therefore imperative that this exercise is undertaken on priority in a time bound manner.

#### **RECOMMENDATIONS**

24. The CEC, keeping in view the observations made above and this Hon'ble Court's order dated 4.8.2014, is making the following recommendations:

- i) the Applicant Administration before seek of this Hon'ble Court's order dated 7.5.2002 to comply with all the directions therein;
- ii) the CEC is not recommending modification of this Hon'ble Court's order dated 7.5.2002 to allow the use of "deemed forest" without providing alternative equivalent non-forest land for undertaking Compensatory Afforestation which is mandatory under the provisions of the Forest (Conservation) Act, 1980;
- iii) the CEC has no objection if the Applicant Administration implements the Settlement Plan as approved in principle by the Ministry of Home Affairs provided it is consistent with and not in violation of this Hon'ble Court's order dated 7.5.2002;
- iv) the CEC is not recommending the exemption from payment of NPV sought by the Applicant Administration when forest land is diverted for non-forest use under the Forest (Conservation) Act, 1980 as the payment of NPV is being made as per this Hon'ble Court's order dated 30.10.2002 and reiterated in the Judgment dated 26.9.2005; and
- v) the CEC is not recommending permitting of felling trees in the unworked area / virgin natural forests as it is against the National Forest Policy of 1988. The demand for

additional timber can be met from imported timber as is the case elsewhere in mainland India. However only the Government owned saw mills should be allowed to import and process the round timber and thereafter the sawn timber may be sold / distributed in the Islands for further processing.

This Hon'ble Court may please consider the above recommendation and may please pass appropriate orders in the matter.

  
(P.V. Jayakrishnan)  
Chairman

Dated : 28<sup>th</sup> July, 2016

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ITEM NOS.301 TO 308,  
311,314 to 319 COURT NO.1 SECTIONS PIL,XIA,IX,X, XVIA,  
IVA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

301 : CATEGORY I MATTERS RELATING TO WOOD BASED INDUSTRIES:

I.A.No.2365 in 1406/2005 in Writ Petition(s) (Civil) No(s).  
202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS  
(for directions)

Respondent(s).....2015

Certified to be true copy

Assistant Registrar (Jud.)

SUPREME COURT OF INDIA

WITH

I.A. NO. 3630/2013 IN I.A. NOS. 1579-1580 IN W.P. (C) NO.  
202/1995

(For appropriate orders/directions)

I.A. NO. 3051-3053/2011, 3423/2012 IN W.P. (C) NO. 202/1995  
(For intervention, appropriate orders/directions and  
exemption from filing O.T. and permission to file rejoinder)

I.A. NO. 3114-3116/2011 IN W.P. (C) NO. 202/1995  
(For impleadment, directions and exemption from filing O.T.)

I.A. NO. 3239-3240/2011 IN W.P. (C) NO. 202/1995  
(For impleadment, directions and exemption from filing O.T.)

I.A. NO. 3302-3304/2011 IN W.P. (C) NO. 202/1995  
(For impleadment, directions and exemption from filing O.T.)

I.A. NO. 3326-3328/2011, 3831/2014 IN 3326-3328 IN W.P. (C)  
NO. 202/1995  
(For impleadment, directions and exemption from filing  
O.T. and permission to argue in person)

I.A. NO. 3350-3352/2012, 3374-3376/2012, 3377-3379/2012,  
3380-3382/2012, 3383-3385/2012, 3386-3388/2012,  
3416-3418/2012 with I.A. Nos. 3651-3653/2013 with I.A. Nos.  
3549-3551/2013, 3578-3579/2013 in 3550 alongwith I.A. Nos.  
3399-3401/2012 with I.A. Nos. 3403-3405/2012,  
3338-3340/2012, 3341-3343/2012, 3439-3441/2012 and I.A. Nos.  
3738/2014 in 3383-3385, 3739/2014 in 3403-3405, 3741/2014 in  
3350-3352, 3742/2014 in 3374-3376, 3743/2014 in 3399-3401,

Signature here indicated  
Digitally signed by  
Assistant Registrar (Jud.)  
Date: 2015.08.11 11:11:11  
Reason: I am the author

3744/2014 in 3439-3441, 3753/2014 in 3341-3343, 3754/2014 in  
3549-3551 IN W.P.(C) NO. 202/1995  
(For impleadment, directions and exemption from filing O.T.)

I.A.NO. 3358-3360/2012, 3442/2012, 3448-3449/2012,  
3506-3509/2012 IN W.P.(C) NO.202/1995  
(FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING  
O.T., PLACING ON RECORD ADDL. FACT AND DOCUMENT AND PLACE ON  
RECORD COMPACT DISCS)

I.A.NO. 3409-3410/2012 AND 3412-3414/2012 IN W.P.(C) NO.  
202/1995  
(FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3277-3280/2011 WITH 3373/2012 & 3749/2014 AND  
3760/2014 IN 3277-3280 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS ,EX-PARTE STAY AND EXEMPTION  
FROM FILING O.T.)

I.A.NO. 1708-1709, 2926 WITH 2912-2913 IN W.P.(C) NO.  
202/1995  
(FOR DIRECTIONS)

I.A.NO. 3435-3437/2012 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3445-3447/2012 IN  
W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3466/2012 IN W.P.(C) NO. 202/1995  
(FOR INTERVENTION/DIRECTIONS)

I.A.NO. 3493-3495/2012 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3499-3501/2012 AND 3816/2014 IN W.P.(C) NO.202/1995  
(FOR INTERVENTION, DIRECTIONS, EXEMPTION FROM FILING O.T.  
AND MODIFICATION OF ORDER DT. 30.03.2012)

I.A.NO. 3530-3531/2012 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT AND DIRECTIONS)

I.A.NO. 3534-3535/2012 IN  
W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT AND DIRECTIONS)

I.A.NO. 3548/2012 ALONGWITH 3858/2015 IN W.P.(C) NO.202/1995  
(FOR DIRECTIONS)

I.A.NO. 3558-3560/2013 IN W.P.(C) NO. 202/1995  
(FOR IMPEADMENT, DIRECTIONS/STAY AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3566-3567/2013, 3568-3569/2013, 3570-3571/2013,  
3572-3573/2013,3574-3575/2013, 3576-3577/2013 IN W.P.(C) NO.  
202/1995  
(FOR IMPEADMENT, DIRECTIONS AND PERMISSION)

I.A.NO. 3590-3591/2013 IN W.P.(C) NO. 202/1995  
(FOR IMPEADMENT & DIRECTIONS)

I.A.NO. 3602-3604/2013 IN W.P.(C) NO. 202/1995  
(FOR IMPEADMENT FURTHER DIRECTIONS & EXEMPTION FROM FILING O.T.)

I.A.NO. 3607-3609/2013 IN W.P.(C) NO. 202/1995  
(FOR IMPEADMENT, DIRECTIONS/STAY & EXEMPTION FROM FILING O.T.)

I.A.NO. 3637-3639/2013 IN W.P.(C) NO. 202/1995  
(FOR IMPEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3648-3650/2013 IN W.P.(C) NO. 202/1995  
(FOR IMPEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3654-3655/2013, 3656-3657/2013 AND 3658-3659/2013 IN  
W.P.(C) NO. 202/1995  
(FOR IMPEADMENT & DIRECTIONS )

I.A.NO. 3663-3664/2013 IN W.P.(C) NO. 202/1995  
(FOR IMPEADMENT AND MODIFICATION OF COURT'S ORDER DT.  
29.02.2008)

I.A.NO. 3668-3670/2013 IN W.P.(C) NO. 202/1995  
(FOR IMPEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3680-3681/2013 IN W.P.(C) NO. 202/1995  
(FOR IMPEADMENT AND DIRECTIONS )

I.A.NO. 3725-3727/2013, 3728-3730/2013 AND 3731-3733/2013  
IN W.P.(C) NO. 202/1995  
(FOR IMPEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3746-3748/2014 IN W.P.(C) NO. 202/1995  
(FOR IMPEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3757-3759/2014 IN W.P.(C) NO. 202/1995  
(FOR IMPEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3761-3762/2014 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT AND DIRECTIONS )

I.A.NO. 3768-3770/2014 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3771-3773/2014 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3774-3776/2014 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3777-3779/2014 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS/STAY AND EXEMPTION FROM FILING  
O.T.)

I.A.NO. 3793-3795/2014 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS AND PERMISSION)

I.A.NO. 3819-3822/2014 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3834-3836/2014 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 2870-2871/2010 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT AND DIRECTIONS )

CONMT.PET.(C) NO. 160/2012 IN W.P.(C) NO. 202/1995  
(WITH APPLN. (S) FOR DIRECTIONS)

I.A.NOS. 3850-3851 IN W.P.(C) NO. 202/1995  
(WITH APPLN. (S) FOR IMPLEADMENT AND DIRECTIONS)

I.A.NOS. 3862-3863 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT AND DIRECTIONS)

302 : CATEGORY II MATTERS RELATING TO NATIONAL  
PARKS/WILDLIFE SANCTUARIES:

I.A.NO. 1308/2005 AND I.A.NOS. 1323/2005, 1455/2005 IN  
I.A.NO. 1308/2005, 1468/2006 IN 1455/2005  
AND 1478/2006 IN I.A.NO. 1308/2005 in IN W.P.(C) NO.  
202/1995  
(FOR DIRECTIONS, INTERVENTION AND EXEMPTION FROM FILING  
O.T.)

I.A.NO. 1606/2006 IN W.P. (C) NO. 202/1995  
(FOR CLARIFICATION/DIRECTIONS)

I.A.NO. 2011/2007 IN W.P. (C) NO. 202/1995  
(FOR MODIFICATION/DIRECTIONS AND PERMISSION)

I.A.NO. 2580/2009 AND 2669 IN I.A.NO. 2580/2009 IN W.P. (C)  
NO. 202/1995  
( REPORT OF CEC IN APPLN. NO. 1041 AND DIRECTIONS)

I.A.NO. 2601/2009 IN W.P. (C) NO. 202/1995  
(FOR PERMISSION)

I.A.NO. 2066/2007 @ C.P.NO. 133/2007 IN W.P. (C) NO. 202/1995

I.A.NO. 2202-2203/2008, 2915-2917/2010, 2929-2931 IN  
2202-2203/2008, 3308-3310/2011 IN 2202-2203, 3422/2012 IN  
2929-2931 IN W.P. (C) NO. 202/1995  
(FOR DIRECTIONS, EXEMPTION FROM FILING O.T., INTERVENTION,  
MODIFICATION/CLARIFICATION  
OF RECOMMENDATION OF CEC DT. 16.09.2008, IMPLEADMENT AND  
MODIFICATION)

I.A.NO. 2638-2639/2009 IN W.P. (C) NO. 202/1995  
(FOR PERMISSION AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3067-3068/2011 IN W.P. (C) NO. 202/1995  
(FOR PERMISSION AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3364-3365/2012 IN W.P. (C) NO. 202/1995  
(FOR PERMISSION AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3565/2013 IN W.P. (C) NO. 202/1995  
(FOR DIRECTIONS)

I.A.NO. 3610/2013, 3864-3866, 3867-3869 AND 3870-3872 IN  
W.P. (C) NO. 202/1995  
(FOR DIRECTIONS, IMPLEADMENT AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3640/2013 IN W.P. (C) NO. 202/1995  
(REPORT OF CEC IN APPLN. NO. 1236)

I.A.NO. 3830/2014 IN W.P. (C) NO. 202/1995  
(REPORT OF CEC IN APPLN. NO. 1346)

I.A.NO. 3118-3120/2011 IN  
W.P. (C) NO. 202/1995  
(FOR IMPLEADMENT, PERMISSION AND EXEMPTION FROM O.T.)

I.A.NO. 1574/2006 IN W.P.(C) NO. 202/1995  
(REPORT OF CEC IN APPLN. NO.845)

I.A.NO. 3697/2013 IN W.P.(C) NO. 202/1995  
(REPORT OF CEC IN APPLN. NO.1364)

I.A.NO. 3750-3751/2014 IN W.P.(C) NO. 202/1995  
(FOR INTERVENTION AND CLARIFICATION/MODIFICATION OF ORDER  
DT. 06.02.2012)

I.A.NO. 3783/2014 IN 3675/2013 IN W.P.(C) NO. 202/1995  
(FOR CLARIFICATION OF CT'S ORDER DT. 21.10.2013)

I.A.NO. 3789/2014 IN W.P.(C) NO. 202/1995  
(FOR DIRECTIONS AND PERMISSION) 

I.A.NO. 3807-3808/2014 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS AND PERMISSION)

I.A.NO. 3817-3818/2014 IN W.P.(C) NO. 202/1995  
(FOR PERMISSION AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3824-3825/2014 IN W.P.(C) NO. 202/1995  
(FOR PERMISSION AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3837-3839/2015 IN W.P.(C) NO. 202/1995  
(FOR PERMISSION, INTERVENTION AND EXEMPTION FROM FILING  
O.T.)

I.A.NO. 3842/2015 IN W.P.(C) NO. 202/1995  
(REPORT OF CEC IN APPLN. NO.1375)

I.A.NO. 3843/2015 IN W.P.(C) NO. 202/1995  
(REPORT OF CEC IN APPLN. NO. 1385)

I.A.NO. 3844 & 3861/2015 IN W.P.(C) NO. 202/1995  
(REPORT OF CEC IN APPLN. NO.1386 AND PERMISSION)

I.A.NO. 3050/2011 IN W.P.(C) NO. 202/1995  
(FOR DIRECTIONS)

I.A.NO. 3470/2012 IN W.P.(C) NO. 202/1995  
(FOR DIRECTIONS)

I.A.NO. 3645-3647/2013 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3700-3702/2013 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS & EXEMPTION FROM FILING O.T.)

I.A.NO. 3752/2014 IN W.P.(C) NO. 202/1995  
(FOR PERMISSION)

I.A.NO. 3828-3829/2014 IN W.P.(C) NO. 202/1995  
(FOR PERMISSION AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3294/2011 IN W.P.(C) NO. 202/1995  
(FOR CLARIFICATION OF ORDER DT. 12.12.1996)

I.A.NO. 1373/2005 AND 1389/2005, 1696/2006 IN I.A.NO.  
1373/2005 IN W.P.(C) NO. 202/1995  
(FOR DIRECTIONS)

I.A.NO. 2645/2009 IN APPLICATION NO. 1101 IN W.P.(C) NO.  
202/1995  
(FOR PERMISSION)

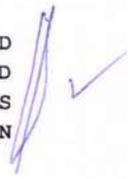
I.A.NO. 3694-3695/2013 IN W.P.(C) NO. 202/1995  
(FOR PERMISSION AND EXEMPTION FROM FILING O.T.)

I.A.NO. 1697/2006, 2595-2596/2009 WITH 2002-2004/2007 IN  
W.P.(C) NO. 202/1995  
(FOR CLARIFICATION/MODIFICATION OF ORDER DT. 14.02.2000 AND  
PERMISSION TO BRING ON RECORD ADDL. FACT AND EXEMPTION FROM  
FILING O.T.)

I.A.NO. 920/2003 IN I.A.NO. 703/2001 AND 988/2003,  
1129/2004, 1151/2004 IN 920/2003 IN W.P.(C) NO.  
202/1995

(FOR INTERVENTION, DIRECTION, MODIFICATION/CLARIFICATION OF  
ORDER DT. 25.08.2003 AND SEEKING LEAVE TO WITHDRAW AFFIDAVIT  
OF FISHERIES DEPARTMENT & FOREST DEPARTMENT)

W.P.(C) NO. 337/1995

(WITH APPLN. (S) FOR DIRECTIONS AND VACATING STAY AND  
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AND INTERVENTION AND EXEMPTION FROM FILING O.T. PERMISSION  
AND PERMISSION AND PERMISSION) 

WITH CONMT.PET.(C)NO.326/1998 IN W.P.(C)NO.337/1995

W.P.(C)NO.672/1998

(PERMISSION TO FILE ADDL.DOCUMENTS ON RECORD)

I.A.NOS.179/2015, 185/2015 & 188/2015 IN W.P.(C)NO.337/1995  
(FOR MODIFICATION OF ORDER DATED 27.01.2015 AND IMPLEADMENT)

WITH W.P.(C)No.47/1998  
(WITH APPLN.(S) FOR PERMISSION AND DIRECTIONS AND AMENDMENT  
OF PRAYER PORTION AND RESTORATION AND EXEMPTION FROM FILING  
O.T. AND OFFICE REPORT)

SLP(C) NO. 1474/1998  
(EXEMPTION FROM FILING O.T.AND OFFICE REPORT)

I.A.NO.S. 3846-3847/2015 IN W.P.(C) NO. 202/1995  
(FOR PERMISSION AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3852-3854/2015 IN W.P.(C) NO. 202/1995  
(FOR INTERVENTION, PERMISSION AND EXEMPTION FROM FILING O.T.)

I.A.NO. 3855-3857/2015 IN W.P.(C) NO. 202/1995  
(FOR INTERVENTION, PERMISSION AND EXEMPTION FROM FILING O.T.)

303 : CATEGORY - III :MATTERS RELATING TO EXEMPTIONS FROM  
THE PAYMENT OF THE NPV:

I.A.NO. 2388/2008 IN W.P.(C) NO. 202/1995  
(FOR EXEMPTION FROM PAYMENT OF NPV)

I.A.NO. 2506/2009 ALONGWITH I.A.NO.2666/2009 WITH I.A.NO.  
2673/2009 WITH I.A.NO. 2737/2009 IN W.P.(C) NO. 202/1995  
(FOR EXEMPTION FROM PAYMENT OF NPV)

I.A.NO. 2686/2009 IN W.P.(C) NO. 202/1995  
(FOR MODIFICATION)

I.A.NO. 2707/2009 IN W.P.(C) NO. 202/1995  
(FOR PERMISSION)

I.A.NO. 2717/2009 IN I.A.NO. 1135-1136/2004 IN W.P.(C) NO.  
202/1995  
(FOR DIRECTIONS)

I.A.NO. 3212/2011 IN W.P.(C) NO. 202/1995  
(For exemption from payment of NPV)

I.A.NO. 3594-3596/2013 IN W.P.(C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS AND STAY)

I.A.NO. 3626/2013 IN I.A.NO. 2908-2909 IN W.P.(C) NO.  
202/1995  
(FOR DIRECTIONS)

I.A.NO. 3788/2014 IN W.P. (C) NO. 202/1995  
(FOR DIRECTIONS/PERMISSION)

I.A.NO. 3826/2014 IN W.P. (C) NO. 202/1995  
(FOR EXEMPTION FROM PAYMENT OF NPV)

I.A.NO. 2781/2010 IN W.P. (C) NO. 202/1995  
(FOR DIRECTIONS)

I.A.NO. 2247/2008 IN W.P. (C) NO. 202/1995  
(FOR DIRECTIONS)

304: CATEGORY IV : MATTERS RELATING TO COMPLIANCE OF THE  
SUPREME COURT ORDERS:

I.A.NO. 3063/2011 IN I.A.NO. 1868/2007 IN W.P. (C) NO.  
202/1995  
(REPORT OF CEC REGARDING LIME STONE MINING & EXPORT TO  
BANGLADESH )

I.A.NO. 993/2003 IN 836/2002 AND 895/2003 IN W.P. (C) NO.  
202/1995  
(RECOMMENDATION OF CEC IN I.A.NO. 836 & 895)

I.A.NO. 2722-2725/2009 IN W.P. (C) NO. 202/1995  
(FOR INTERVENTION, DIRECTION, EX-PARTE AD-INTERIM STAY AND  
EXEMPTION FROM FILING O.T.)

I.A.NO. 976/203 IN I.A.NO. 727/2001 IN W.P. (C) NO. 202/1995  
(RECOMMENDATION OF CEC IN I.A.NO.727)

I.A.NO. 1157/2004 AND I.A.NO. 2085/2007, 3305/2011 IN  
I.A.NO. 1157 WITH I.A.NO. 2743-2745/2009 IN W.P. (C) NO.  
202/1995  
(REPORT OF C.E.C. FOR APPROPRIATE DIRECTIONS AND  
INTERVENTION AND IMPLEADMENT, STAY AND EXEMPTION FROM FILING  
O.T.)

I.A.NO. 2212/2008, 2272/2008 IN 2212/2008 ALONGWITH I.A.NO.  
2362-2363/2008, I.A.NO. 3062/2011 IN I.A.NO. 2212 IN W.P. (C)  
NO. 202/1995  
(FOR IMPLEADMENT AND DIRECTIONS)

W.P. (C) NO. 688/2013

305: CATEGORY V : MATTERS FOR FORMAL DISPOSAL:

I.A.NOS. 826/2002 AND 955/2003. 958/2003 IN 566/2000,  
985/2003 IN 826/2002, 1001-1001A/2003, 1013-1014/2003,  
1016-1018./2003, 1046/2004, 1047/2004, 1137/2004,  
1180-1181/2004, 1182-1183/2004  
IN 566/2000, - 1196/2004 IN 1046/2004, 1208-1209/2004,  
1301-1302/2005, 1303-1304/2005, 1318/2005, 1319/2005, 1325,  
1365-1366/2005, 1384/2005, 1441/2005, 1475-1476/2006,  
1513/2005 IN 566/2000, 1573/2006, 1597/2006 IN 826/2002,  
1634/2006 IN 1441/2005, 1676/2006 IN 566/2000, 1721/2007 IN  
1597/2006, 1785-1786/2007 IN 1441/2005, 1993/2007,  
2013/2007, 2074-2076/2007 IN 566/2000, 2230-2231/2008 IN  
566/2000, 2240-2241/2008 IN 1164/2004, 2820-2821/2010 IN  
1634/2006 IN W.P. (C) NO. 202/1995

(FOR RECOMMENDATION OF C.E.C., MODIFICATION OF CT'S ORDER  
DT. 29/30-10-2002, DIRECTIONS/MODIFICATION, CLARIFICATION,  
IMPLEADMENT, EXEMPTION FROM FILING O.T., EXEMPTION FROM  
DEPOSITING N.P.V., INTERVENTION, REPORT OF C.E.C. IN I.A.NO.  
1137 & ELEXATION IN N.P.V.)

I.A.NO. 1179/2004 IN 675-676/2001 AND 957/2003 IN  
675-676/2001 IN W.P. (C) NO. 202/1995  
(RECOMMENDATION OF CEC)

I.A.NO. 1757-1758/2007, 1858-1859/2007 IN 1757-1758/2007 IN  
W.P. (C) NO. 202/1995  
(FOR IMPLEADMENT, DIRECTIONS, EXEMPTION FROM FILING O.T. AND  
INJUNCTION)

I.A.NO. 2264-2267/2008 AND 2268-2271/2008 IN W.P. (C) NO.  
202/1995  
(FOR IMPLEADMENT, DIRECTIONS, INTERIM RELIEF AND EXEMPTION  
FROM FILING O.T.)

I.A.NO. 2616-2617/2009 IN 1620/2006 IN W.P. (C) NO. 202/1995  
(FOR DIRECTIONS AND STAY)

I.A.NO. 2618/2009 IN 2245-2246/2008 IN W.P. (C) NO. 202/1995  
(FOR RESTORATION OF I.A.NOS. 2245-2246)

I.A.NO. 2775/2009 IN W.P. (C) NO. 202/1995  
(FOR DIRECTIONS)

306: (MINING (291 A')):

I.A.NO. 2216/2008 IN 2168/2007 IN 1413/2005 AND 2291-2292/2008 IN 2168/2007, 2336/2008 IN 2291-2292/2008, 2378/2008 IN 2164/2008, 2379/2008 IN 2167/2007, 2392/2008 IN 2168/2007, 2428-2429/2008 IN 2167/2007, 2430-2431/2008 IN 2168/2007. 2479/2009 IN 2392/2008, 2480/2009 IN 2379/2008, 2511/2009 IN 2439/2008, 2534/2009 IN 2439/2008, 2541/2009 IN 2167/2007 IN W.P. (C) NO. 202/1995

(FOR IMPLEADMENT, DIRECTIONS, PERMISSION TO FILE ADDL. AFFIDAVIT, INTERVENTION AND MODIFICATION)

I.A.NO. 1493/2006 @ C.P.NO. 280/2003 IN W.P. (C) NO. 202/1995

I.A.NO. 1768/2007 ALONGWITH 1426/2005 IN W.P. (C) NO. 202/1995

(FOR DIRECTIONS)

I.A.NO. 3802-3803/2014 IN W.P. (C) NO. 202/1995

(FOR IMPLEADMENT AND DIRECTIONS)

I.A.NO. 1595-1596/2006 IN W.P. (C) NO. 202/1995

(FOR IMPLEADMENT AND DIRECTIONS)

I.A.NO. 2348-2349/2008 IN W.P. (C) NO. 202/1995

(FOR IMPLEADMENT AND DIRECTIONS)

I.A.NO. 3497-3498/2012 IN W.P. (C) NO. 202/1995

(FOR IMPLEADMENT AND DIRECTIONS)

CATEGORY - VI: MATTERS PROPOSED FOR TRANSFER TO NGT

307: VI(1) :FOREST LANDS INVOLVED IN THE MINING LEASES TRANSFER TO JP CEMENT LTD.

I.A.NO. 2782/2010, 2939-2940/2010 IN 2782, 3023-3024/2011 WITH 2469/2009, 3030/2011 & 3032/2011 IN I.A.NO. 2939-2340, 3877 IN 2469 IN W.P. (C) NO. 202/1995

(FOR PERMISSION, INTERVENTION, DIRECTIONS, EXEMPTION FROM FILING O.T. AND PERMISSION TO BRINGING ADDL. DOCUMENTS ON RECORD, INTERIM DIRECTIONS AND PERMISSION TO FILE ADDL. AFFIDAVIT)

W.P. (C) NO. 130/2011

(OFFICE REPORT)

308: VI(2) REPORT OF THE CEC REG. WESTERN GHATS:

I.A.NO. 3620/2013 IN W.P. (C) NO. 202/1995  
(REPORT OF CEC IN APPLN. NO.1209)

VI(3) CONSTRUCTION OF HOTEL AT MCLEODGANG ON FOREST LAND IN VIOLATION OF FC ACT:

I.A.NO. 1991/2007, 3117/2011 IN W.P. (C) NO. 202/1995  
(FOR DIRECTIONS AND SETTING ASIDE REPOPT OF C.E.C. DT. 18-09-2008)

VI(4) ILLEGAL FELLING OF TREES AND ROAD CONSTRUCTION IN WILDLIFE SANCTUARIES IN KARNATAKA:

I.A.NO. 2530-2531/2009 IN W.P. (C) NO. 202/1995  
(FOR IMPLEADMENT AND DIRECTIONS)

311:

I.A.NOS.3799-3801/2014 IN W.P. (C)NO.202/1995

(FOR INTERVENTION AND DIRECTIONS AND EXEMPTION FROM FILING O.T.)

314:

I.A.NOS.3875-3876 IN W.P. (C)NO.202/1995  
(FOR IMPLEADMENT AND DIRECTIONS)

315:

I.A.NOS.3889-3890 IN W.P. (C)NO.202/1995  
(FOR IMPLEADMENT AND DIRECTIONS)

316:

I.A.NOS.3912-3913 IN W.P. (C)NO.202/1995  
(FOR IMPLEADMENT AND DIRECTIONS)

317:

I.A.NOS.3914-3915 IN W.P. (C)NO.202/1995  
(FOR IMPLEADMENT AND DIRECTIONS/PERMISSION)

318:

I.A.Nos.3859-3860 in W.P. (C)No.202/1995  
(For impleadment and directions)

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Date : 05/10/2015 These applns. were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

UPON hearing the counsel the Court made the following

O R D E R

On our request, Shri Harish Salve, the learned *amicus curaie* has given us a brief note on the matters pending before the Green Bench in different categories. He has also made certain suggestions for early disposal of those matters. He has exchanged the aforesaid note with Shri Ranjit Kumar, the learned Solicitor General of India, who represents the Union of India, Shri K.K. Venugopal, learned senior counsel, who appears for some of the parties.

The learned *amicus* has classified the matters pending before the Green Bench under different heads such as : i) matters relating to wood based industries, ii) matters relating to National Parks/Wildlife sanctuaries, iii) matters relating to exemptions from the payment of the NPV etc.etc.

We intend to take up the First Category, viz. Matters relating to Wood based industries.

CATEGORY I - MATTERS RELATING TO WOOD BASED INDUSTRIES:

We have heard Shri Harish Salve, learned *amicus curiae*, Shri Ranjit Kumar, learned Solicitor General of India, Shri K.K. Venugopal, learned senior counsel and other learned senior counsel/counselors. Accordingly, we pass the following orders :

(i) The State Level Committees for Wood-Based Industries ("SLCs") are, subject to the compliance of the prescribed guidelines and procedure, authorized to take decisions regarding the grant of license/permission to the wood-based industries;

(ii) In each State/UT for which the SLC has so far not been constituted, the SLC under the Chairmanship of the Principal Chief Conservator of Forests with a representative of the Ministry of Environment and Forest and Climate Change ("MoEFCC") and an officer of the State Forest Department/Industries Department not below the rank

of the Chief Conservator of Forests/ equivalent rank will immediately be constituted;

(iii) The MoEF is authorized to issue appropriate guidelines in conformation with the orders and directions issued by this Court and also the existing guidelines to the SLCs relating to assessment of timber availability for wood-based industries and grant of license/permission to the wood-based industries including addition of new machineries and also utilization of amounts recovered from the wood-based industries and connected matters;

(iv) Any person aggrieved by the decision taken by the SLC may file an appeal before the MoEFCC seeking appropriate relief within 60 days' time. If, for any reason, any person is aggrieved by the orders so passed in the appeal, he may prefer an appropriate petition/application/appeal before the appropriate forum/Court for grant of appropriate relief(s).

We also permit the MoEFCC to condone the delay, if any, in filing an appeal, if sufficient cause is made out by the applicant(s)/appellant(s).

The amounts lying with the respective State Forest Departments (recovered from wood based industries) will be utilized for the purpose of afforestation only.

The respective State Forest Departments will intimate the amount(s) spent by them for afforestation purpose to MoEFCC at the earliest.

With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure-I to the note supplied by Shri Harish Salve, learned *amicus curiae*.

II. MATTERS RELATING TO NATIONAL PARKS AND WILDLIFE SANCTUARIES:

Now we come to matters relating to National Parks and Wildlife Sanctuaries.

At the time of hearing on the aforesaid subject, certain suggestions are made by the learned *amicus curiae* and other senior counsels. By incorporating them, we pass the following order(s):

All matters for grant of permissions for implementation of projects in areas falling in National parks/sanctuaries, including rationalization of boundaries etc. will be considered by the Standing Committee of the National Board for Wildlife ("NBWL") on its own merits and in conformity with the orders and directions passed by this Court from time to time, i.e. on 14.02.2000, 16.12.2002, 13.11.2000, 9.5.2002, 25.11.2005 and 14.09.2007 and other subsequent clarificatory orders/judgment(s) passed by this Court including the Goa Foundation Judgment, i.e. Goa Foundation Vs. Union of India & Ors., reported in (2014) 6 SCC 590.

We request the NBWL to furnish a copy of the orders passed by it within 30 days' time to the C.E.C. The C.E.C. is at liberty, if, for any reason, they are aggrieved by the decision of the Standing Committee of NBWL to approach this Court by filing an appropriate petition/application.

In all those matters where there is already decision of the Standing Committee of the NBWL shall abide the parties with all the conditions imposed therein.

If any party is aggrieved by the decision of the Standing Committee of the NBWL, they are at liberty to approach an appropriate forum for appropriate relief(s).

De-link I.A.Nos.2202-2203/2008, 2915-2917/2010, 2929-2931 in 2202-2203/2008, 3308-3310/2011 in 2202-2203, 3422/2012 in 2929-2931 in W.P.(C)No.202/1995 and list separately.

With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure-II to the note supplied by Shri Harish Salve, learned *amicus curiae*.

De-link I.A.NO. 3819-3822/2014 In W.P.(C) NO. 202/1995 and list separately.

CATEGORY-III : MATTERS RELATING TO EXEMPTIONS FROM THE PAYMENT OF THE NPV:

Various applications have been filed by different applicants to exempt them from payment of Net Present Value ('NPV'). Now all those applications will be transferred to MoEFCC by the

Registry within 45 days' time from today. The MoEFCC will consider those applications in accordance with law as expeditiously as possible.

If, for any reason, any person is aggrieved by the said decision, he shall be free to file an appropriate application/ petition before the National Green Tribunal ('NGT') within 60 days' time from the date of the order passed by the MoEFCC.

Liberty is reserved to NGT to condone the delay, if any, in approaching it within the time granted by us if a satisfactory explanation is offered by the applicant/petitioner.

With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure-III to the note supplied by Shri Harish Salve, learned *amicus curiae*.

I.A.Nos.3910, 3911 of 2015 in I.A.No.3806/2014 in I.A.No.3610/2013 in W.P. (C)No.202/1995:

Taken on board.

We permit the applicant-Sagar Powertex Pvt.Ltd. to deposit the NPV with the Chief Conservator of Forests and Field Director, Sahyadri Tiger Reserve, Kolhapur within a week's time from today. If such deposit is made within the time granted by this Court, the authorities will not take any objection for such deposit and will accept the same.

With the aforesaid observations and directions, the I.A.s are disposed of.

CATEGORY IV : MATTERS RELATING TO COMPLIANCE OF ORDERS OF THIS HON'BLE COURT:

There are also several matters pending before this Court relating to compliance of the orders passed by this Court. The action that is taken by all the authorities relatable to the Forest (Conservation) Act, 1989 are appealable under Section 16(e) before the National Green Tribunal Act, 2010.

Registry is directed to transfer all those matters to the NGT for appropriate orders being passed by it, within 45 days' time from today. Once these matters are received by it, the Chairman of

the NGT will take an appropriate decision to assign these matters to an appropriate Bench/Benches constituted all over the country.

With the aforesaid observations and directions, we dispose of the Interlocutory Applications/matters specified in Annexure-IV to the note supplied by Shri Harish Salve, learned *amicus curiae*.

V. MATTERS FOR FORMAL DISPOSAL:

Adjourned.

VI. FOUR MATTERS TO BE TRANSFERRED TO N.G.T.:

Insofar as these matters are concerned, the Interlocutory Application(s) related to these four matters will be decided by the Principal Bench of the N.G.T. alone.

Registry is directed to transfer the I.A.s in the following four matters, namely : (1) Forest land involved in the mining leases transfer to J.P.Cement Ltd.; (2) Report of the CEC regarding

Western Ghats; (3) Construction of Hotel at Mcleodganj on forest land in violation of the Forest (Conservation) Act, 1980; and (4) Illegal felling of trees and road construction in Wildlife sanctuaries in Karnataka.

We request the learned Chairman of the Principal Bench of the N.G.T. to hear the aforesaid matters in a Bench presided over by him.

All the contentions of all the parties are kept open to be agitated before the said forum.

The I.A.s relating to these four matters are detailed in the Annexure VI viz.VI(1),VI(2), VI(3) and VI(4) to the note supplied by Shri Harish Salve, learned *amicus curiae* and are disposed of accordingly.

Mr.A.D.N.Rao, learned counsel, is requested to furnish the appropriate revised annexures as early as possible.

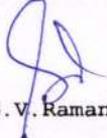
The remaining matters, i.e. Categories VII, VII(1) TO VII(11), which are mentioned in para 15 of the

note supplied by Shri Harish Salve, *amicus curiae*, shall be heard by the Green Bench at an appropriate date.

NEWLY ADDED MATTERS (WHICH ARE SHOWN SEPARATELY BY WAY OF NOTICE):

Taken on board.

The aforesaid matters are also disposed of, in the aforesaid terms/observations/directions.

  
(G.V. Ramana)

AR-cum-PS

  
(Vinod Kulvi)

Asstt. Registrar

(LIST OF ANNEXURES ALONG WITH NEWLY ADDED MATTERS (WHICH ARE SEPARATELY SHOWN BY WAY OF NOTICE) ARE ANNEXED)

PHONE: 03192 233233  
FAX: 03192 230113

No. F.1(Legal)/60/Vol-II/247  
ANDAMAN AND NICOBAR ADMINISTRATION  
DEPARTMENT OF ENVIRONMENT AND FORESTS

\*\*\*\*\*

Port Blair dated the 11<sup>th</sup> October  
September, 2022

To,

The Secretary to Govt. of India,  
Ministry of Environment, Forest & Climate Change,  
6<sup>th</sup> Floor, Prithvi Wing,  
Indira Paryavaran Bhawan,  
Jor Bagh Road, Aligunj,  
New Delhi - 110003.

Sub: In the matter of I.A. No. 2686 filed by the A & N Administration seeking permission for the use of 432 Ha. of forest land for settlement of 386 Pre-1978 forest encroachers - reg.

Madam,

I am directed to invite your kind attention to the subject matter cited above and to submit the following:

- i. The Island Development Authority, in its first meeting held on 27.12.1986 under the Chairmanship of the Hon'ble Prime Minister, took a decision to regularize all encroachments in forest areas upto 31.12.1978, with the stipulation that encroachment up to 1 (one) hectare per family will be regularized by ensuring that this would not result in honeycombing of the forests and that diversion of forest land would be permitted subject to the condition that equal area of revenue land would be allocated to Forest Department
- ii. Accordingly 1367 Ha of forest land was de-reserved in 19 Blocks for the settlement of Pre-1978 forest encroachers. Pursuant to the Hon'ble Supreme Court order dated 07.05.2002, the Revenue Department initiated the process of regularization of Pre-1978 encroachers by issuing licenses. Out of 1367 Pre-1978 forest encroachers only 1149 persons (522 *insitu* + 627 *exsitu*) were available at the time of issuance of license by Revenue authorities. The Revenue Department issued 522 licenses to *in-situ* Pre-1978 forest encroachers after surrendering the excess land. However, the Revenue Department found 386 ha. in 8 de-reserved blocks unsuitable for settlement of Pre-1978 forest encroachers due to thick forest cover, steep slope, proximity to creek, etc.

ok

- iii. Thus, I.A. No. 2686 of 2009 (**Annexure-A**) was filed by the A & N Administration on 04.08.2009 before the Hon'ble Supreme Court for rehabilitating 386 Pre-78 forest encroachers through exchange of unsuitable land identified within the de-reserved forest blocks for the settlement with encroached pockets of forest land cleared of trees.
- iv. The I.A. was referred to Central Empowered Committee (CEC) by the Hon'ble Supreme Court and the CEC submitted its report dated 22.06.2011 (**Annexure-B**) to the Hon'ble Supreme Court.
- v. The Hon'ble Supreme Court while hearing various IAs filed in Writ Petition (C) No. 202 of 1995 passed order dated 05.10.2015 (**Annexure-C**) transferring the IA to Ministry of Environment, Forest & Climate Change with the direction to MoEF&CC to consider the applications in accordance with law as expeditiously as possible, as intimated by the Advocate on Record (**Annexure-D**).

Therefore, I am to request you to kindly consider the applications and issue necessary orders in accordance with law.

Yours faithfully,



**(Pankaj Kumar)**

Secretary (E&F)

A & N Administration

Encl: As above

## CENTRAL EMPOWERED COMMITTEE

REPORT REGARDING THE APPLICATIONS FILED BEFORE THE CEC PURSUANT TO THE DIRECTIONS GIVEN BY THE HON'BLE CALCUTTA HIGH COURT, PORT BLAIR BENCH IN VARIOUS WRIT PETITIONS FILED BEFORE IT REGARDING THE REGULARIZATION OF THE ALLOTMENTS / ENCROACHMENTS ON THE FOREST LAND IN ANDAMAN & NICOBAR ISLANDS

A number of Writ Petitions were filed before the Hon'ble Calcutta High Court, Port Blair Bench regarding the regularization of the allotments / encroachments on the forest land in Andaman & Nicobar Islands. These Writ Petitions were disposed of by the Hon'ble High Court with the directions that the Andaman & Nicobar Administration shall file their cases with the CEC on behalf of the petitioners. Pursuant to the above direction of the Hon'ble High Court, a number of Applications have been filed by the Andaman & Nicobar Islands Administration alongwith copies of the Writ Petitions. Some of the Applications have also been filed directly by the petitioners before the CEC against the eviction notices served by the Forest Department in pursuance to the Hon'ble Supreme Court's

2 24

order dated 7.5.2002. This report is being filed after examining these Applications during the hearings held by the CEC on 14.1.04 and 15.1.04 at Port Blair and on 25.09.2002, 05.10.2002, 25.11.2002, 19.2.04, 31.3.04, 1.7.04, 24.11.04 and 19.9.06 at Delhi.

2. These applications may be broadly divided into the following categories: -

- (i) the applicants are identified Pre-1978 encroachers. A Three-Tier High Power Committee was constituted in 1982 which after a detailed survey prepared a list of 1367 persons Pre-78 eligible encroachers. These encroachments have been decided to be regularised by the Administration. The approval under the FC Act for the regularization of these encroachments has been accorded by the MoEF vide letter No.8-274/87-FC dated 19.08.1988. The said list was disputed by a large number of people claiming to have been left out. In 1988, the Administration constituted a

Second Three-Tier Committee under the Chairmanship of Shri A.P. Abdulla Kutty, the then Forest Counselor to examine the claims and identify the genuine cases left out in the earlier survey. 2866 people filed their claims as Pre-78 encroachers before the said Committee. After examination of these claims the said Committee identified 89 cases as left out Pre-78 eligible encroachers. The details of these identified 89 cases are enclosed at ANNEXURE – A. The CEC is of the view that these 89 Pre-78 left out encroachments may be treated at par with the earlier identified 1367 cases and the Andaman & Nicobar Administration may be permitted to consider their cases for the regularization of encroachments in-situ / ex-situ taking care that such regularization does not lead to the honeycombing of forest. For this purpose it may file the requisite proposal with the MoEF for seeking the approval under the

FC Act and which may be decided on merit by the MoEF;

(ii) the encroachments recognised and regularised as Pre-78 encroachment on the revenue land and subsequently found to have actually taken place on the forest land. After confirming that these were actually Pre-78 encroachments, these may be treated at par with the other eligible Pre-78 encroachments that have taken place on the forest land and may be dealt with accordingly;

(iii) the land were allotted to the applicants by the competent authority as revenue land; however later on during the survey and demarcation of the forest it was found that such land actually falls within the boundary of the forest. In some of the cases the land was notified as 'forest' after the allotment. The CEC is of the view that since the allotment was done by the competent

authority after following the due process of law, such cases may not be treated as encroachment and may be permitted to be regularised in-situ / ex-situ on the condition that equivalent non-forest/revenue land will be provided to the Forest Department for notifying as forest;

- (iv) encroached / allotted land acquired by the competent authority for the various projects. In such cases if the original allotment falls in any of the above category, such cases may be dealt with accordingly;
- (v) the applicants were allotted the land for agriculture and also land for the house sites at the rate of 400/340 square metre per family. The land allotted for the homestead site was later on found to be forest land. There are two such cases, one at Jirkatang for 16 families and the other at Sivpuram for 26 families. These allotments

may be allowed to be regularised in-situ /  
ex-situ;

(vi) the forest land deforested for the regularization of the encroachment has subsequently been encroached by the applicants. In such cases, the encroachers are not eligible for the regularization at all and are liable to be evicted as per the Hon'ble Court's order dated 7.5.2002; and

(vii) the applicant's claim that the encroachment falls in the Pre-1978 category has been examined and rejected by the Three-Tier Committee. These cases may be treated as falling in the category of ineligible encroachments and are liable to be evicted as per the Hon'ble Court's order dated 7.5.2002.

3. In all the cases held eligible for the regularization of allotment / encroachment on the forest land, the administration necessarily will have to seek approval under

the FC Act for the non-forestry use of the forest land. In each of such cases, the equivalent non-forest/revenue land should be transferred to the Forest Department for notifying as forest. The proposal for seeking the approval under the FC Act should be decided on merit by the MoEF. The allotment / encroachment should be regularised in-situ / ex-situ depending upon its location vis-à-vis the boundary of the forest, the number of trees in the area, the forest protection aspect, the distance from the road and other relevant information. It should be ensured that such diversion does not lead to the honeycombing of the forests.

4. The details of the Applications filed before the CEC and the specific recommendation in each of them are given in the enclosed statement at ANNEXURE-B.

The Hon'ble Court may please consider the above report and may please pass appropriate order in the matter.

-Sd-  
(M.K. Jiwrjka)  
Member Secretary

Dated: 9<sup>th</sup> October, 2006

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The forest encroachment data of ANI has been tabulated in the format prescribed by Hon'ble NGT in its order dated 19.04.2024 as follows:

Details of encroachment (in Hectors)

S. No	Name of the district	Total forest cover	Details of encroachment					Total encroachment upto March, 2024 District wise	Action Taken for removal of encroachment year wise District wise	Percentage loss of forest as on Mar-2024 District wise
			Protected Forest (PF)	Reserve Forest (RF)	Decided Forest	Sanctuaries and Protected area	Any other type of Forests			
1	North & Middle Andaman	307100	Nil	3162.19	-	Nil	-	3162.19	**	1.02%
2	South Andaman	226549	264.154	315.73	-	Nil	-	579.89		0.26%
3	Nicobar	140753	Nil	Nil	-	Nil	-	Nil		0%

\*\* The Hon'ble Supreme Court in its order dated 07.05.2002 in IA No 502 of 1999 in WP(C) 202 of 1995 (T.N. Godavarman Thirumalpad -Vs- Union of India & Ors) has inter alia directed that the Chief Secretary, A & N Islands shall file every month an affidavit about the progress of eviction of encroachment. The compliance affidavit indicating the status of action taken in the matter of eviction of Post-78 encroachers and settlement of pre-78 encroachers till 31.05.2024 filed in the Hon'ble Supreme Court is placed as "flag A". Upto 31.05.2024- 112 cases ( 178.050 in ha) out of 627 cases (1101.90 ha) of pre 1978 unauthorized occupants have been shifted to the allotted site in dereserved blocks and 848 cases ( in 745.22 ha) out of 4211 cases (3536.44 ha) of post 1978 unauthorized occupants have been evicted. The A&N Administration has formulated a settlement plan for settlement of the post 1978 unauthorized forest occupants (with cut off date of 07.05.2002) in Revenue Land which is sub-judice before the Hon'ble Supreme Court.

Strict vigil and effective patrolling to check/prevent forest encroachment is carried out to avert forest encroachment by Andaman & Nicobar Forest Department.

1

IN THE SUPREME COURT OF INDIA  
(CIVIL ORIGINAL JURISDICTION)

I.A.NO. 703 OF 2001

IN

I.A. NO. 502 OF 1999

IN

WRIT PETITION (CIVIL) NO. 202 OF 1995

IN THE MATTER OF:

T.N.GODAVARMAN THIRUMALPAD ...PETITIONER

VERSUS

UNION OF INDIA &amp; OTHERS ... RESPONDENTS

AND

IN THE MATTER OF:

SOCIETY FOR ANDAMAN AND NICOBAR ECOLOGY,  
BOMBAY NATURAL HISTORY SOCIETY AND

KALPAVRIKSH ... PETITIONERS

VERSUS

UNION OF INDIA &amp; OTHERS ... RESPONDENTS

COMPLIANCE AFFIDAVIT ON BEHALF OF THE UNION  
TERRITORY OF ANDAMAN & NICOBAR ISLANDS

I, Keshav Chandra, S/o Shri Bindeshwari Roy, aged 53 years,  
by profession service, holding the post of Chief Secretary,



Andaman & Nicobar Administration do hereby solemnly affirm and state as follows:

1. I affirm and state that I am holding the charge of Chief Secretary, Andaman & Nicobar Administration and I have been briefed in regard to the above said case and as directed by this Hon'ble Court, I file this affidavit.
2. That this Hon'ble Court had issued several directions vide its Order dated 07.05.2002 in Interlocutory Application No. 502 of 1999 in Writ Petition (Civil) No. 202 of 1995 titled T.N. Godavarman Thirumalpad -Vs- Union of India & Others with reference to encroachments in forest areas of Union Territory of Andaman and Nicobar Islands. A true copy of the Order dated 07.05.2002 passed by this Hon'ble Court in Interlocutory Application No. 502 of 1999 in Writ Petition (Civil) No. 202 of 1995 titled T.N. Godavarman Thirumalpad -Vs- Union of India & Others is annexed and marked hereto as Annexure-A1 (Pg Nos. 10 to 23).
3. I affirm and state that the status with regard to details of action taken from time to time has been reported to this Hon'ble Court. The status of action taken in the matter of eviction of Post-1978 encroachers and settlement of Pre-1978 encroachers over forest land till 31.05.2024 is being placed before this Hon'ble Court vide this Affidavit.



4. I affirm and state that settlement of 1149 Pre-78 forest encroachers is ongoing.
- (a) 522 in-situ Pre-78 encroachers have been issued licenses and settled within the de-reserved pockets.
  - (b) Out of 627 ex-situ Pre-78 encroachers who have to be relocated from forest areas into de-reserved blocks, 112 encroachers have vacated the forest land and occupied the plots allotted to them in de-reserved blocks.
  - (c) Out of the remaining 515 Pre-78 encroachers, 386 Pre-78 encroachers could not be settled within the de-reserved plot as the area identified for their settlement was subsequently found to be unsuitable due to thick forest cover, undulating terrain, steep slope, mangrove creeks/nallah etc. The Administration had submitted a proposal to the Hon'ble Central Empowered Committee (CEC) on 3<sup>rd</sup> November, 2008 for rehabilitating 386 Pre-78 forest encroachers through exchange of un-suitable de-reserved land identified for their settlement with encroached pockets of forest land cleared of tree growth as was recommended by the Hon'ble Central Empowered Committee during their visit to the Islands during June, 2003. The Hon'ble Central



*[Handwritten signature]*

Empowered Committee in its reply dated 01.01.2009 advised to file an Interlocutory Application before this Hon'ble Court and also move a proposal for seeking approval under the Forest (Conservation) Act, 1980. Accordingly, on 04.08.2009, the Administration filed Interlocutory Application No. 2686 of 2009 before this Hon'ble Court for its consideration with the following prayers:

- (i) Suitably modify the order dated 07.05.2002 and permit the applicant administration for use of forest land of 432 ha for settlement of 386 pre-78 forest encroachers.
- (ii) exempt the applicant administration from payment of Net Present Value as required vide orders dated 28.03.2008 and 09.05.2008 in I.A. No. 566 in WP (C) No. 202 of 1995.

The I.A. No. 2686/2009 was referred to the CEC by the Hon'ble Supreme Court vide order dated 22.01.2010 and the CEC has submitted its report to the Hon'ble Supreme Court on 22.06.2011. The Administration has filed an affidavit with observations on the report submitted by the Central Empowered Committee before the Hon'ble Supreme Court during March, 2015. The matter was heard by the Hon'ble Court on 05.10.2015 and referred to MOEF&CC for consideration in accordance with law.



- (d) The Ministry of Environment, Forests and Climate Change has been requested to take necessary actions in the matter.
- (e) The relocation of the remaining 129 Pre-78 encroachers is in progress.
5. Out of the total of 4311 Post-78 encroachments covering an area of 3563.44 Ha., complete eviction has been carried out in respect of 848 cases covering an area of 745.22 Ha. till 31.05.2024. Further, eviction of Post-78 forest encroachers is in progress.
6. The Administration prepared a special package to rehabilitate the Post-78 forest encroachers and was duly approved by the Ministry of Home Affairs. This could be implemented on being challenged by the Local Borns Association by filing Special Leave Petition (Civil) No. 18030 of 2003 before this Hon'ble Court on 16.09.2003 and the same is pending adjudication.
7. A comprehensive land settlement plan for allotment of land to all categories of landless persons, including Post-78 forest encroachers was submitted to the Ministry of Home Affairs during June, 2007. The settlement plan envisages allotment of land in revenue encroached pockets outside the forest/ deemed forest land. The Ministry of Home Affairs approved the Settlement Plan



in principle with certain conditions vide letter F.No. U-13030/1/2007-ANL dated 26.06.2009.

8. The Administration filed an Interlocutory Application No. 2784 of 2010 before this Hon'ble Court on 21.01.2010 for utilization of deemed forest land in which the implementation of the above Settlement Plan was also mentioned, with the following prayers:

1. Modify the order dated 12.12.1996 in W.P. No. 202 of 1995 and Order dated 07.05.2002 in I.A. No. 502 of 1999 and allow utilization of deemed forest land for development purpose and also allow felling of naturally grown trees; and
2. Allow the Administration to use deemed forest land for development purpose without providing any alternative land for Compensatory Afforestation due to non-availability of any alternative land in these islands; and
3. Allow the Administration to implement the Settlement Plan approved by the Government of India for regularization of Post-78 revenue and forest encroachers and allotment of land to post -78 forest encroachers with cutoff date of 07 May 2002; and
4. Exempt the Administration from payment of Net Present Value as required by orders dated 28.03.2008 and 09.05.2008 in I.A. No. 566 in W.P. (C) No. 202 of 1995.



This I.A. No. 2784 of 2010 was listed before the Hon'ble Supreme Court on 16.09.2013. The Hon'ble Supreme Court referred the matter to the Central Empowered Committee (CEC) for further hearing. CEC submitted its report to the Hon'ble Supreme Court on 29.07.2016. Central Empowered Committee in its report has recommended that it has no objection if the Applicant Administration implements the Settlement Plan as approved in principle by the Ministry of Home Affairs provided it is consistent with and not in violation of this Hon'ble Court's Order dated 07.05.2002. The A & N Administration has filed its affidavit on the report of CEC before the Hon'ble Supreme Court in March, 2017. The last hearing of this I.A. was held on 22.11.2019.

9. The Hon'ble Court is also humbly informed that the Ministry of Home Affairs, Govt. of India, had constituted a Committee to examine and make recommendations on certain land matters of the A & N Islands vide order No. U-13018/1/2010/ANL dated 08.06.2017 under the chairmanship of Shri Vivek Rae, Ex Chief Secretary, A & N Administration. The terms of reference of the Committee included the following terms qua the removal of the post -1978 forest encroachments:



- a) Examine the demand for regularization of encroachment of revenue land by post 1978 settlers and make recommendations;
- b) Examine the demand for allotment of revenue land to post-1978 encroachers of forest land who have to be removed therefrom on orders of the Hon'ble Supreme Court and make recommendations.

The Committee has submitted its recommendations to the Ministry of Home Affairs in December, 2017 and the recommendations are before the Ministry of Home Affairs for further directions.

10. It is humbly stated that in the Report of Ld. Amicus Curiae in the IAs No.: 2784 of 2010, 2343 of 2008, 1659 of 2008 and 3735 of 2014 in the I.A. No. 502 of 1999 in W.P. (C) No. 202/1996, submitted in the Hon'ble Supreme Court it is stated that the UT Administration may be directed to clearly demarcate all forest areas in the island with human inhabitation in a time bound manner to further prevent encroachments. The UT Administration is agreeable to the suggestion of the Ld. Amicus Curiae and has filed an affidavit in this regard on 04.04.2019 before the Hon'ble Supreme Court.
11. The IAs were last listed on 22.11.2019.



- 12. It is affirmed that based on the reports of Divisional Forest Officers of Diglipur, Mayabunder, Middle Andaman, Baratang, South Andaman, Swaraj Dweep, Little Andaman and Nicobar Forest Divisions submitted for the month of May, 2024, no new encroachment has taken place in forest areas during May, 2024.
- 13. In view of the position elaborated in para 1 to 12 above, it is humbly submitted that further extension of time for settlement of Pre-78 forest encroachers and eviction of Post- 78 forest encroachers may kindly be granted by this Hon'ble Court in the interest of justice.



*[Handwritten Signature]*

**DEPONENT**

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

**VERIFICATION**

I, the above named deponent do hereby verify that the contents of para 1 to 13 of the above affidavit are true and correct to the best of my knowledge and based on the available records shown to me and nothing material has been concealed there from.

Verified at Port Blair on this 01<sup>st</sup> day of July 2024.

*[Handwritten Signature]*

**DEPONENT**

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

अभिज्ञान दस्तावेज को देखने के पश्चात् मैंने यह सचिवावली को सही और संपूर्ण माना है।

*[Handwritten Signature]*  
 Siva Balan  
 Advocate  
 NOTARY PUBLIC  
 A&N Administration  
 Port Blair

S No 98  
 01.07.2024