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News: Over nine lakh trees likely to be axed for Great Nicobar Project

- The Centre's ambitious ₹72,000 crore Great Nicobar Project may see 9.64 lakh, and not 8.5 lakh, trees felled to enable the construction of a transshipment port, an international airport, a township, and a 450 MVA gas and solar based power plant on the Great Nicobar island, according to a response by Minister of State (Environment) Ashwini Kumar Choubey in the Rajya Sabha on Thursday.
- This move to cut trees is supposed to be criticized by the National Green Tribunal (NGT) widely.

Sustainable Development of Little Andaman Island -

Vision Document

- The 'Sustainable Development of Little Andaman Island - Vision Document', is the NITI Aayog's proposal to leverage the strategic location and natural features of the island.
- This, the vision says, will be done by building a new Greenfield coastal city there that will be developed as a free trade zone and will compete with Singapore and Hong Kong.

The proposal is pivoted along three development anchors and zones.

- Zone 1 — spread over 102 km² along the east coast of Little Andaman — will be the financial district and medi city and will include an aerocity, and a tourism and hospital district.
- Spread over 85 km² of pristine forest, Zone 2, the leisure zone, will have a film city, a residential district and tourism SEZ.
- Zone 3 — on 52 km² of pristine forest — will be a nature zone, further categorised into three districts: an exclusive forest resort, a nature healing district and a nature retreat, all on the western coast.
- There will be ‘underwater’ resorts, casinos, golf courses, convention centres, plug-and-play office complexes, and a drone port with fully automated drone delivery system, nature cure institutes and more.
- An international airport capable of handling all types of aircraft will be central to this development vision because “all successful case studies and references” studied by the visioning team indicate that an international airport is key for development.
- It has a map of Little Andaman overlaid on Singapore’s, along with the following statistics: “The population density of the Andaman and Nicobar is 47 people per km² while it’s (sic) 7,615 persons per km² in Singapore. Its per capita income is \$1,789 compared to Singapore's \$55,182.”

Limitations or Drawbacks

Several factors are preventing Little Andaman from the new Singapore.

- These include **lack of good connectivity with Indian mainland** and global cities, a **fragile biodiversity** and **natural ecosystems** and **certain Supreme Court notifications** that pose an impediment to development.
- Another key factor is the “**presence of indigenous tribes** and concerns for their welfare”.
- There are other concrete obstacles that the vision takes note of: **95% of Little Andaman is covered in forest**, a large part of it the pristine evergreen type.
- Some 640 km² of the island is Reserve Forest under the Indian Forest Act, and nearly 450 km² is protected as the **Onge Tribal Reserve**, creating a unique and rare socio - ecological -historical complex of high importance.

Types of Forests

Reserve Forests

- Reserve forests are the **most restricted forests** and are **constituted by the State Government on any forest land or wasteland which is the property of the Government**.
- In reserved forests, **local people are prohibited, unless specifically allowed by a Forest Officer** in the course of the settlement.

Protected Forests

- The State Government is empowered to constitute any land other than reserved forests as protected forests over which the Government has proprietary rights and the power to issue rules regarding the use of such forests.
- This power has been used to establish State control over trees, whose timber, fruit or other non-wood products have revenue-raising potential.

Village forest

- Village forests are the one in which the State Government may assign to ‘any village community the rights of Government to or over any land which has been constituted a reserved forest’.

Degree of protection

- Reserved forests > Protected forests > Village forests
- The vision needs 240 km² (35%) of this land and the solutions suggested are simple and straightforward — dereserve 32% of the reserved forest and de-notify 138 km² or 31% of the tribal reserve.
- And if the tribals become an impediment, the vision suggests that they “can be relocated to other parts of the island”.

- The plan has **no financial details**, no budgeting, or inventorisation of forests an ecological wealth and no details of any impact assessment.
- The vision document has maps **with no legends or explanations and uses inappropriate photographs plagiarized from the Internet**.
- The nature resort complex proposed at West Bay on the western coast is to have theme resorts, floating/underwater resorts, beach hotels, and high end residential villas. It is today a secluded and difficult to reach part, **one of the most important nesting sites of the globally endangered Giant Leather back sea turtle** which is being studied by the Dakshin Foundation, the Andaman and Nicobar Environment Team and the island administration's Forest Department.
- Divisional Forest Officer, Little Andaman, raised serious concerns about this vision on grounds of **ecological fragility, indigenous rights and vulnerability to earthquakes and tsunamis**. He that said such large diversion of forest land would cause obvious **environmental loss leading to irreversible damage** (more than 2 million trees stand in the forest land sought for these projects), that habitats of various wild animals including endangered sea turtles would be affected, and that the impact could not even be assessed because there was no environment impact assessment report and neither were there any detailed site layout plans for the proposed diversion.

National Green Tribunal (NGT)

- NGT was constituted in 2010 as per the provisions of **National Green Tribunal Act, 2010**.
- India became **the third country in the world after Australia and New Zealand, for setting up a specialized environmental tribunal** and also the **first developing country** to do so.
- NGT consists of a **Chairperson and a minimum of 10 to maximum of 20 Judicial and Expert members**. Chairperson is a **retired judge in SC** and other judicial members are retired judges in HC. Experts must have a professional qualification and a minimum of 15 years of experience in forest conservation / environment protection.
- NGT follows the principles of **sustainable development, precautionary principle** and the **polluter pay** principle.
- The Chairperson of NGT is **constituted by Central Government in consultation with Chief Justice of India**.
- Term of the members **of NGT is 5 years** and they are **ineligible for reappointment**.

- National Green Tribunal Act, 2010 provides for the **application of the principle of no-fault while determining the liability of the responsible person** to provide relief or compensation to the affected persons.

No Fault Liability Principle

- **Generally, a person is liable for his own wrongful acts and one does not incur any liability for the acts done by others.**
- If an individual commits a fault, he is liable for it.
- However, **there is a principle that claims an individual liable without his being at fault.** This is the 'no-fault liability principle'.
- **Section 3 of the Public Liability Insurance Act, 1991** provides for 'no-fault liability principle'.

It reads as

- **Where death or injury to any person (other than a workman) or damage to any property has resulted from an accident, the owner shall be liable to give such relief as is specified in the Schedule for such death, injury or damage.**
- This act has the **major aim of providing immediate relief to the persons affected by accident occurring while handling any hazardous substances** for matters

connected with the incident. It has the goal of providing public liability insurance.

- This act says **that every owner who works with hazardous substances and hires employees to control those dangerous things, shall have policies and insurances where he will be insured against liability** to give relief in case of death or injury to a person or damage to property arising from the accident caused while carrying on the hazardous activities.

Powers

- Tribunal has jurisdiction over all **civil cases involving substantial question relating to environment.**
- The tribunal is **not bound by the procedures under Code of Civil Procedure, 1908.**
- Apart from original jurisdiction side of filing an application, **NGT acts as an appellate jurisdiction.**
- The order/decision/award of Tribunal shall be executable as a **decree of a civil court.**
- NGT can provide for a penalty of **Imprisonment upto 3 years, or fine upto 10 crore or both.**

- NGT is mandated to make **disposal of applications finally within 6 months of filing the same**. An appeal against order of NGT lies to the SC within 90 days of communications.
- NGT has 5 places of sitting; New Delhi being the principal place of sitting and Bhopal, Pune, Kolkata and Chennai being the other four.
- The **Madras High Court has recently disapproved a 2017 Central notification which terms the north zone Bench in Delhi as the principal Bench**, and reiterated that **all five zonal Benches of the National Green Tribunal (NGT) are equally powerful and that their orders would be applicable pan India**.
- NGT Act of 2010 does not speak about any principal Bench, the court said.

The NGT deals with 7 laws related to the environment

- Water (Prevention and Control of Pollution) Act, 1974
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- Forest Conservation Act, 1980
- Air (Prevention and Control of Pollution Act), 1981
- Environment (Protection) Act, 1986
- Public Liability Insurance Act, 1991
- Biological Diversity Act, 2002

- However, NGT avoids Indian Forest Act, 1927, Wildlife Protection Act, 1972; and The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (simply Forest Rights Act).