

ORDER OF
THE SUPREME COURT OF INDIA

RELATING TO

THE REPORT OF THE COMMISSIONER
APPOINTED BY THE SUPREME COURT
TO REPORT ON
FORESTS AND ALLIED MATTERS
IN
THE ANDAMAN AND NICOBAR ISLANDS

7th May 2002
New Delhi

Date : 07/05/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE H.K. SEMA

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-planatation/ 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 twleve 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.

Kalyani.

(S.L. GOYAL)

COURT MASTER