

Great Nicobar Project Faces Forest Rights Challenge Over Tribal Consent

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Great Nicobar Project Latest News

- The Calcutta High Court's Port Blair circuit bench has agreed to hear a PIL challenging the **Great Nicobar infrastructure project**, which alleges violations of the Forest Rights Act, 2006, particularly regarding tribal consent.
- The Union Government and the Andaman and Nicobar administration objected to the PIL's maintainability and related issues, including the reduction of buffer zones around Galathea and Campbell Bay National Parks, but the court rejected these objections.
- The ₹81,000 crore Great Nicobar project includes an integrated township, transshipment port, solar and gas-based power plant, and a dual-use military-civilian airport.

The Legal Challenge Before the Calcutta High Court

- In a 2024 PIL, Meena Gupta has challenged the procedures followed under the Forest Rights Act (FRA), 2006, alleging that they were unlawful in the approval process for the Great Nicobar infrastructure project.
- The petition specifically questions:
 - The constitution of the Sub-Divisional Level Committee (SDLC) for Campbell Bay tehsil
 - The Gram Sabha meetings held on August 12, 2022 in Campbell Bay, Laxmi Nagar, and Govind Nagar
 - The resolutions passed in these meetings consenting to forest land diversion
 - The Recognition of Forest Rights (RoFR) certificate issued on August 18, 2022, declaring that all forest rights had been settled
- The plea argues that the Andaman and Nicobar administration relied on illegal Gram Sabha resolutions, the RoFR certificate, and SDLC consent to obtain forest clearance from the environment ministry for the Great Nicobar project.

Why the Petition Challenges Consent Under the Forest Rights Act

- The petition argues that the process used to obtain tribal consent for the Great Nicobar project was **procedurally flawed and illegal**, as it did not comply with the Forest Rights Act (FRA), 2006.
- Under the FRA, forest land can be diverted for a project only after forest rights claims are identified and settled.
- The plea alleges that not a single forest rights claim has been settled on Great Nicobar Island, making the clearance process legally questionable.

Issues with the Sub-Divisional Level Committee (SDLC)

- The petition claims the SDLC was improperly constituted:
 - FRA rules require at least two Scheduled Tribe members, including one woman
 - The committee reportedly had only one Nicobarese member, violating the prescribed norms

Questionable Gram Sabha Consent

- The Gram Sabhas that approved land diversion were allegedly settler panchayats meant for non-tribal residents, not legitimate Gram Sabhas of Scheduled Tribes or forest dwellers under the FRA.
- These bodies approved diversion of 166.10 sq km of land, including protected and deemed forest, but the plea argues they had no legal authority to grant such consent.

Absence of Forest Rights Committee Process

- The petition states there is no record of a Forest Rights Committee, which is supposed to initiate claims under the FRA before a Gram Sabha is convened.

Dispute Over Tribal Consent

- **Nicobarese Community** – The petition challenges the claim that the tribal council chairperson's consent represented the entire Nicobarese community, noting that the council later withdrew its consent in November 2022.

- **Shompen Tribe** – The plea argues that the consent of the Shompen tribe, a largely uncontacted indigenous group, was obtained through a government organisation (AAJVS) rather than directly from the tribe, raising serious legal and ethical concerns.

Concerns Over the Rights of the Shompen Tribe

- The petition argues that the Great Nicobar project would severely disrupt the habitat of the Shompen tribe, particularly three settlements located within the proposed development zone.
- It claims that forests used for foraging, hunting, horticulture, worship, and access to clean drinking water would be destroyed, threatening their rights to food, water, shelter, and cultural survival.
- The plea points to the **1972 settlement of ex-servicemen on Great Nicobar's east coast**, arguing that this earlier development disturbed Shompen habitation and pushed the tribe deeper into forest interiors.
- The petition raises concerns over whether the Forest Rights Act (FRA) adequately protects communities like the Shompen, who are semi-nomadic hunter-gatherers with distinct ways of life.
- The plea argues that the Shompen have a **right to self-determination** and to live according to their traditional lifestyle, and therefore their habitat cannot be taken away through state-led development.
- The petition contends that the Shompen cannot provide informed consent because they **do not read or understand the languages used by the administration**, and the legal concepts of rights settlement or consent to forest diversion are alien to their way of life.

Source: **IE**

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