

THE GREAT NICOBAR PROJECT: INDIGENOUS RIGHTS VIOLATIONS AND ENVIRONMENTAL DEGRADATION- A LEGAL ANALYSIS

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ABSTRACT

The Great Nicobar Project is a large-scale development initiative planned for Great Nicobar Island, the southernmost island of India. This mega-project includes the construction of a major international trans-shipment port, a greenfield airport for both civil and military use, a township, and power plants. The Shompen, a particularly vulnerable tribal group (PVTG) with a population of only around 300, have inhabited this island for centuries, maintaining a degree of isolation. This project poses a significant hazard to their existence due to potential displacement, destruction of their forest-based livelihood, increased exposure to diseases, and cultural disruption, raising serious concerns about their survival as a distinct community.

This paper article examines the proposed Great Nicobar Project and its multifaceted legal ramifications for the indigenous Shompen community, a Particularly Vulnerable Tribal Group (PVTG), and the fragile ecosystem of the Great Nicobar Islands. The central legal issues analyzed encompass potential violations of environmental statutes concerning deforestation and biodiversity loss, infringements upon the fundamental rights of the Shompens including rights to equality, information, and life, and non-compliance with international legal instruments such as ILO Convention 169, particularly regarding the principle of Free, Prior and Informed Consent. Furthermore, the article scrutinizes the application of domestic legislation, notably the Forest Rights Act, 2006, and relevant judicial pronouncements. Ultimately, this legal analysis argues for a critical re-evaluation of the Great Nicobar Project

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to ensure strict adherence to legal frameworks, the safeguarding of indigenous rights, and the imperative of environmental protection within the context of sustainable development.

Keywords: Adivasis (Tribes), Shompens, Indigenous tribes, PVTG (Particularly Vulnerable Tribes), Environmental Degradation, Great Nicobar Project.

1. Introduction

The Homo Sapiens, during their evolving phase used to exist in an isolation that is separated from the whole reality of the world and we evolved and overcame many obstacles and right now we are what we are, most of these species are not isolated anymore and they are part of the so called 'Global Village'. But we must not forget the reality, there are people who still don't even know there is a big world out there which is full of opportunities and are more 'developed' than theirs. These people are often known as 'indigenous' people and coming to India, they are called 'adivasis'. This is a significant demographic reality: according to the 2011 Census, Scheduled Tribes constitute close to 8.6 per cent of the country's population, amounting to over ten crore people, which makes the protection of their land and cultural rights a matter of considerable constitutional and social importance. Yet, as the discussion below demonstrates, this numerical significance has not translated into commensurate legal protection for the smallest and most isolated of these communities.³ This article deals with an independent indigenous community, the Shompens who are not just an indigenous tribal community but also a 'PVTG (Particularly Vulnerable Tribal Group)' who are the inhabitants of Great Nicobar Islands. They are classified as PVTG because of the government's realisation that these people are more vulnerable tribes compared to the other tribal groups. But, still it is unfortunate that these Shompens are facing a threat of extinction by the developmental projects that are being implemented by the same government who are liable to protect them. According to the Indigenous people's planning framework, 'The Tribal people in India are also known as

³ National Commission for Scheduled Tribes, 'Scheduled Tribes in India as Revealed in Census 2011'

(Government of India) <<https://ncst.nic.in/page/scheduled-tribes-in-india-as-revealed-in-census-2011>> accessed 20 September 2026.

‘Adivasis’ which literally means ‘Indigenous people’ or ‘Original Inhabitants of a given region’⁴.



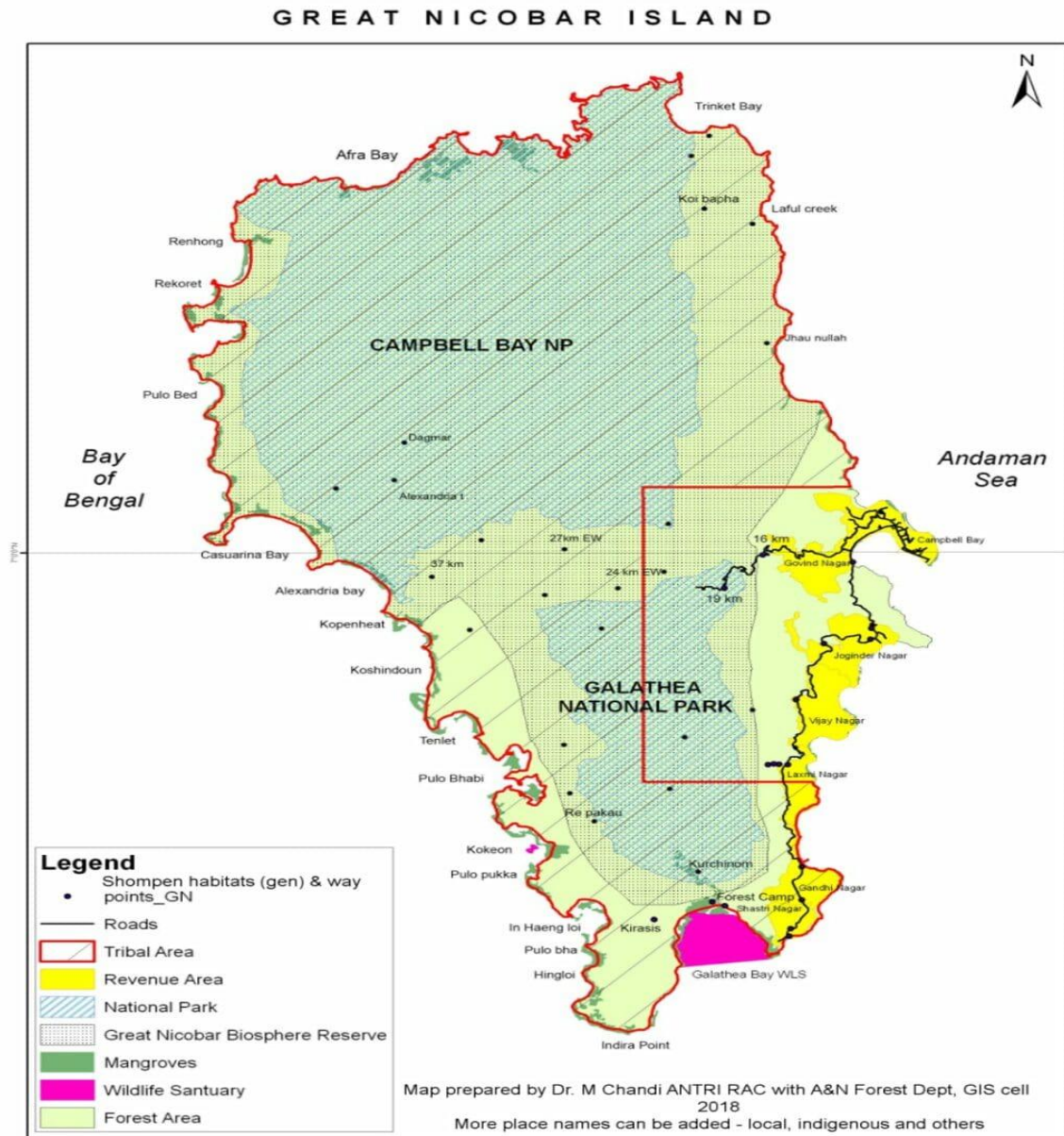
Source: Wikipedia⁵



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⁴ Indigenous People’s Planning Framework (IPPF), Government of Andhra Pradesh Roads and Building Department (DRAFT IPPF-GNHCP, 2025) 1.5pt, 3

⁵ ‘Shompen people’ (Wikipedia), <https://en.wikipedia.org/wiki/Shompen_people> accessed 19th May 2025.



Source: Maktoob media⁶

Legal and Social Issues

2. What's Happening

The Great Nicobar Project, is a mega infrastructural project that was proposed by the Union shipping ministry. 'This project cost around ₹75,000 crore which was conceived by NITI Aayog and is being developed by the Andaman and Nicobar Islands Integrated Development

⁶ Manish Chandi, Map prepared with the Andaman and Nicobar Forest Department GIS cell (2018).

Corporation(ANIIDC)' ⁷ includes multi model international trans-shipment container port, township, a dual military and civil use airport and gas-based power plant. The project, spread over approximately 166 square kilometres, involves the diversion of around 130.75 square kilometres of forest land, and official estimates place the number of trees likely to be felled at close to 9.64 lakh. The Ministry of Environment, Forest and Climate Change granted in-principle Stage-1 forest clearance in October 2022, followed by final environmental clearance in November of the same year, clearances that form the legal foundation for the entire project.⁸

The shompen tribes are the inhabitants of the Great Nicobar Island for centuries. They are isolated from the main land India and the other tribals of the great Nicobar such as the Nicobarese. These people totals only to less than 300 and their community is said to be having a low reproduction rate. According to the 2011 Census, the Shompen numbered only 229 individuals, and subsequent independent reporting places their population at a little over 200, alongside roughly 1,000 Nicobarese, together comprising a small fraction of the island's total population. The isolation of the community also means that even this figure is treated by researchers as an approximation rather than a verified count.⁹ Shompens are now at the brink of extinction and the upcoming Great Nicobar project will totally wipe these people out and their land would be transformed into "Hong Kong of India"¹⁰.

75 tribal communities are recognized by the central government as PVTGs based on the recommendations of the Dhebar commission (1960-61)¹¹. 'They were initially referred to as

⁷ 'Great Nicobar Island Development Project' (Wikipedia, last updated March 2025) https://en.wikipedia.org/wiki/Great_Nicobar_Island_Development_Project accessed in 19 March 2025

⁸ Press Information Bureau, Government of India, 'Environmental Impact of the Great Nicobar Project' (25 July 2024) <<https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2036729>> accessed 20 September 2026.

⁹ Pankaj Sekhsaria, "Planned Destruction of Adivasi Culture and Lives": Experts Raise Alarm over Great Nicobar Project' (Scroll.in, 25 November 2022) <<https://scroll.in/article/1038263/planned-destruction-of-adivasi-culture-and-lives-experts-raise-alarm-over-great-nicobar-project>> accessed 20 September 2026.

¹⁰ Quoted by Anstice Justin

Hannah Ellis-Peterson, 'Fears loom over India's "Hong Kong" plan on remote Island' The Guardian (7 May 2024)

¹¹ Scheduled Areas and scheduled tribes Commission, 1960-61 (chairman :U N Dhebar) (Government Of India 1961) <https://tribal.nic.in>.

Primitive tribal group, which later came to be identified as “Particularly Vulnerable Tribal Groups (PVTGs)”. The identification of such groups was based on one or more of the following characteristics: 1.Preservation of pre-Agricultural practices,2. Hunting and gathering practices, 3.Decreasing or stagnant population growth, and 4.relatively low levels of literacy in contrast to other tribal groups’¹². The PVTGs are given a specific recognition under section 3(1)(e) of the Forest Rights Act,2006.

It is notable that the Union Government has, in parallel, launched welfare measures aimed specifically at PVTGs, such as the Pradhan Mantri Janjati Adivasi Nyaya Maha Abhiyan, a scheme with an outlay of over ₹24,000 crore intended to improve housing, health and connectivity for these seventy-five communities. The juxtaposition of this stated commitment to PVTG welfare with the scale of ecological and cultural disruption threatened by the Great Nicobar Project raises a genuine question about the coherence of governmental policy towards particularly vulnerable tribal groups.¹³

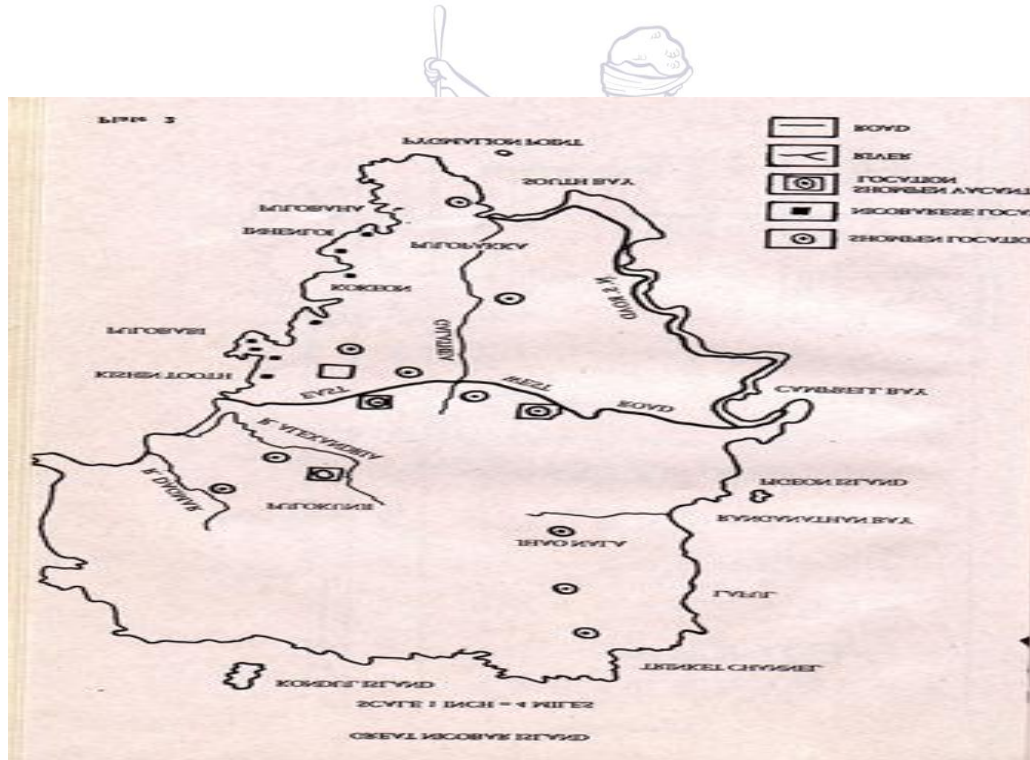
3. Issues involved and legal analysis

The major concern related to this project includes,the large scale destruction of natural vegetation ,especially the evergreen forest cover, which would lead to a significant loss of biodiversity in the region.The Government authorities stated that these trees that had been cut down will be burned to generation of power.The authorities also claimed that the trees cut down for this project would be compensated by planting new ones in Haryana and Madhya Pradesh.However,if we think logically,their claims seem quite unreasonable, Is it logical to say that cutting down of trees in the fragile Great Nicobar rainforest is compensated with tree planting in the arid Aravalli region of Haryana? It’s essential to recognize that the Great Nicobar region is highly fragile,with a coastline famous for its unique coral reefs- features that are exclusive to this island and cannot be replaced.Moreover,506.33 acres of Aravalli forest land in Rajawas village, Mahendragarh district, Haryana, were notified as protected for compensatory afforestation on 20 June 2023, and the Haryana Mining Department auctioned

¹² Tribal and scheduled caste development department,government of Chhattisgarh, *Process of recognizing the habitat rights of Particularly Vulnerable Tribal groups (PVTGs) under the Forest Rights Act,2006* (UNDP , Nava Raipur, Atal Nagar, Chhattisgarh) 2.

¹³ 'Pradhan Mantri Janjati Adivasi Nyaya Maha Abhiyan (PM-JANMAN)' (Vikaspedia, Government of India) <<https://vikaspedia.in/schemesall/schemes-for-unemployed-and-poor/pradhan-mantri-janjati-adivasi-nyaya-maha-abhiyan>> accessed 20 September 2026.

one-fourth of this land, approximately 126 acres, for stone quarrying on the very same day the protective notification was issued. This is reinforced by the fact that Haryana itself has one of the lowest levels of forest cover in the country, at approximately 3.5 per cent of its geographical area, which makes the ecological equivalence of the proposed afforestation highly questionable.¹⁴



Source: Don Macnaughtan's Bibliographies¹⁵.

‘There are also serious legal issues that emanate from 2002 report of the supreme court-appointed ‘Shekhar Singh commission’¹⁶ and the court’s orders based on it. While the project proponent says in multiple places that the tree felling will be done in accordance with the

¹⁴ 'Great Nicobar Swap: Haryana's Mining Plans in Protected Forests Raise Concerns' (The Tribune, Chandigarh) <<https://www.tribuneindia.com/news/haryana/great-nicobar-swap-haryanas-mining-plans-in-protected-forests-raise-concerns>> accessed 20 September 2026.

¹⁵ Don Macnaughtan, The Shompen People of Great Nicobar Island, Indian Ocean: A Bibliography (Ethnographic Bibliographies No 7, 2023) <https://share.google/JIBCfZ2A4MnUU7WVr> accessed 13 July 2025.

¹⁶ Expert committee on the Andaman and Nicobar Islands, Report of the expert committee on the status of the Jarawa tribes of the Andaman Islands (chairman: Shekhar Singh) (Ministry of environment and Forests, Government of India 2002)

Supreme court orders and the Shekhar Singh report, it fails to note at least two points of the Supreme Court order:

- a) “all felling of the trees...in national park, sanctuaries,the tribal reserves and all other areas shall stand suspended”
- b) “...there should first be compulsory afforestation/regeneration [and] te felling permissions would be based upon the extent of regeneration of forest undertaken and not the other way round”.¹⁷

Various conventions and treaties hold the countries accountable for safeguarding indigenous people .The Earth summit of 1992 in Brazil, is considered as a pivotal moment in reshaping how nations treat indigenous people,giving them a platform to raise up their voices.Other legal instruments that protect them includes Agenda 21,Rio declaration,convention on biodiversity,etc...the indigenous communities share have a profound connection with their mother land and that should not be disrupted by a project which itself is ultimately doomed to fail.It is essential to recognize and respect the traditional knowledge,ensuring the preservation of their beliefs and culture so they do not fade into extinction.Moreover, we must not forget about the environmental damages that this project cause these are not restricted to Shompen tribes and their livelihood alone ,but a diverse living organisms have inhabited this island for over centuries,the coastline of Great Nicobar island falls under the CRZ1a(Coastal Regulation Zone) the proposed development along eastern coast for ship repairs and port activities will severely harm organisms inhabiting on these reefs.The other organisms that have a negative impact due to this project includes the Nicobar Megapodes,Nicobar macaques,Salt water crocodiles and the Leatherback sea turtle. Galathea Bay, in particular, is recognised as a significant nesting site for leatherback turtles in the eastern Indian Ocean, and the proposed transshipment terminal is being constructed directly upon this nesting beach. The precise extent to which the wider project area falls within CRZ1A also remains contested: a government-commissioned ground-truthing exercise conducted in 2023 concluded that no part of the project area fell within this most protected coastal category, a finding accepted by the National Green Tribunal but disputed by several independent environmentalists and researchers.¹⁸ It is

¹⁷ Pankaj sekhsaria, ‘Island on Edge’,2025,[volume 42](3), FRONTLINE,8

¹⁸ 'NGT Dismisses Fresh Pleas on Great Nicobar Project, Reiterates Environmental Clearance; Orders Strict Compliance' (Nicobar Times) <<https://nicobartimes.com/?p=25458>> accessed 20 September 2026.

important to note that the Government in order to destroy the biodiversity and the balance of the ecosystem denotified the Galathea bay wildlife sanctuary and Megapode wildlife sanctuary in 2021 and then to cover up this the Government notified three sanctuaries that includes Coral sanctuary, Megapode sanctuary and Leatherback sea turtle sanctuary in Moroe islands, Menchal islands and Little Nicobar islands respectively. This move by the government is said to be foul play by the critics.

4. An encroachment to the Fundamental Rights

Another concern relating this project is that the data about its implementation or project plan are not made public and is exempted from the purview of the RTI(Right To Information) filings. This is because the multi trans-shipment port and the airport that is proposed can be used for both civilian purpose and military purpose and hence this not made public since the National security concerns are involved. The military is included here in order to counter the Chinese string of pearls policy. But it is important to note that the blend of civilian-military which in itself is paradoxical. Right to Information is a fundamental right which have roots in Article 19(a) and 21. This right was cemented after the enactment of the Right To Information Act, 2005¹⁹. The primary objective of this right is to provide all the citizens the right to know about the government proceedings, increasing transparency and the accountability of the government and thereby makes the government answerable and safeguards the democratic principles. It is concerning that we are restricted from knowing what is happening in this island and its biodiversity because of security concerns. The Government have not yet come up with a logical explanations to address the concern of transparency about the other projects that are planned along with the Military ports.

‘When in such cases removal of these populations is necessary as an exceptional measure, they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. In cases where chances of alternative employment exist and where the populations concerned prefer to have compensation in money or in kind, they shall be so compensated under appropriate guarantees, Persons thus removed shall be fully compensated for any resulting loss or injury’²⁰.

¹⁹ Right To Information Act 2005(India), No. 22 of 2005

²⁰ International Labour organization, Indigenous and Tribal Populations convention, 1957 (no 107) (adopted 26 June 1957, entered into force 2 June 1959) ILO C107.

This project violates the fundamental rights guaranteed under the Article 14,15,19(5),21.As far as the violation of equality is concerned the tribes in Nicobar are not treated equal to those on the mainland, they are not heard and their difficulties are not considered the ecological cost they pay or the habitat loss they suffer, they are sacrificed for the so called “Development”.This includes discrimination, freedom to movement and ultimately violation of their right to life.

In 7th February 2024 Genocide scholars from 13 countries wrote to the President of India regarding the impact on the Shompen community and urging them to scrap this project²¹ The letter, coordinated by the organisation Survival International and signed by thirty-nine scholars from thirteen countries, warned in explicit terms that proceeding with the project, even in a limited form, would amount to a death sentence for the Shompen and would be tantamount to the international crime of genocide. Such an intervention by specialists in genocide studies, rather than by environmental or human rights groups alone, underscores the gravity with which the international academic community views the potential consequences of the project.²²One of the prominent International law that secure the land and rights of the indigenous people is ILO convention 169. it sets a minimum UN standard regarding the land acquisition and transfer of land ownership from the tribal who are the true owner of the land.even-though the document came into being in 1989,the main challenge for its implementation is that it is ratified only in twenty-three countries.under Article 6(1)(a) the convention clearly states that ‘*Consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly*’²³.

Under the Article 29 of the United Nations Declaration on the rights of the Indigenous People, ‘Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and

²¹ Pankaj shekhsaria, ‘Island on Edge’,2025,[volume 42](3),FRONTLINE,8

²² Survival International, 'Genocide Experts Call on India's Government to Scrap the Great Nicobar Mega-Project' (7 February 2024) <<https://www.survivalinternational.org/articles/genocide-experts-shompen>> accessed 20 September 2026.

²³ International Labour Organization,Indigenous and Tribal people Convention(adopted 27 June 1989,entered into force 5 September 1991)C169

implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination’²⁴

At the same time in India the constitution of India under Article 19(5) the constitution allows the state to impose reasonable restriction on the use of property for the protection of the interest of the scheduled tribes. But, here the Fundamental right that is guaranteed is not protected and tribes are exploited by the State itself.

The Scheduled Tribes and other traditional Forest dwellers (Recognition of forest rights) Act, 2006 that is commonly known as Forest Rights Act, 2006 provides recognition for the community and individual forest rights which includes the right that should be protected for the interest of the Shompen, that is the protection of the forest land that is traditionally used or occupied by the indigenous communities for food, shelter, livelihood, cultivation, grazing etc..

This is clearly stated in the Chapter II of the FRA, 2006. It states that

‘For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands’²⁵.

This follows by listing several rights guaranteed by this statute to the indigenous people this includes right to live, community rights, right of ownership, rights for the access of traditional resources etc.. under this the clause (i) and (m) are both important in the context of the Shompen, the clause (i) of the chapter II talks about co serving and protecting the natural resources that are conserved by them and the clause (m) talks about the rehabilitation of these tribes but talking of the rehabilitation the government have not yet confirmed what they are going to do with the tribes that are about to lose their ecosystem because of the Great Nicobar project and we should not forget about the 2004 incident, back 2004 the world had witnessed a mass tsunami and it mostly affected the Nicobarese tribes the Government rehabilitated them in the inner parts of the Island away from their native place that is the coastal areas and now after all these years the government has not yet consented for their return and this is problematic and

²⁴ United Nations Declaration on the rights of the indigenous peoples (adopted on 2007, UNGA res 61/295), art 29

²⁵ The Scheduled tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Act 2006 (India), (n[4]), ch 3.

this trend of rehabilitation is discouraged by most of the Governments across the world. Coming back to the environmental concerns this statute comprehensively talks about the forest in the Chapter III this includes restoration, rehabilitation and compensatory afforestation. These are irreversible damages and these must be properly planned before Implementation.

‘Crucially, Free, Prior and Informed Consent (FPIC) has emerged as an essential requirement for projects that may lead to displacement. FPIC refers to the internationally recognized right of Indigenous peoples to receive complete information, before the commencement of any project, about the possible negative consequences as well as the potential benefits of interventions affecting their lands, livelihoods, and social and natural environment. It also ensures their freedom to either grant or refuse consent to such activities without any form of coercion, manipulation, or pressure. In essence, FPIC guarantees that Indigenous communities are fully informed and voluntarily participate in decision-making processes regarding projects that could potentially result in their displacement.’²⁶. ‘The concerned populations should not be displaced from their customary territories without their voluntary consent, unless such removal is carried out in accordance with national laws and regulations. Such relocation may only occur for reasons of national security, for the purpose of national economic development, or in order to safeguard the health and welfare of the populations involved.’²⁷

Most notable case regarding the indigenous rights protection where the Supreme Court took a stand for the Indigenous tribes is the case of *Samatha Vs. State of Andhra Pradesh*²⁸, here the Government of Andhra Pradesh transferred a large tract of forest land that was inhabited by a particular tribal group for generations to a Private company for Mining purposes. These tribes are of same characteristics as of Shompens, their primary source of food was agriculture, hunting and gathering. The petitioner argued that the forest land was illegally given to the Miners, the court heard the case and ultimately justice K. Ramaswamy held that, ‘Agriculture is the only source of livelihood for scheduled tribes apart from collection and sale of minor forest produce to supplement their income. Land is their most important natural and valuable asset and imperishable endowment from which the tribals derive their

²⁶ Renee V Hagen & Tessa Minter, *Displacement in the name of development: How Indigenous rights legislation fails to protect Philippine under gatherers*, (2019), 33(1), Taylor & Francis Online: Peer reviewed journals

²⁷ Indigenous and tribal populations Convention (1959), ILO No: 107, part 2, Land, art 12 13 14.

²⁸ *Samatha Vs. State of Andhra Pradesh* [1997] 8 SCC 191.

sustenance, social status, economic and social equity, permanent place of abode, work and living. It is a security and a source of economic empowerment. Therefore, tribes too have an emotional attachment to their lands. The land on which they till and live, assures them equality of status and dignity of person and means of economic and social justice and is a potent weapon of economic empowerment in a social democracy'.²⁹ Quoting these words the apex court set aside the previous High court judgement and the government was told to stop all the mining works and said that it is to be decided along with the central government. Furthermore, the court held that the government must reserve a share of 20% of its net profit to the tribal population and all the private ownership was declared as null and void. This is the paradigm the Apex court must repeat.

In the case of 'Orissa mining corporation vs. Ministry of environment & Forest & others',³⁰ the supreme court reestablished the role of Panchayats in the protection of indigenous people's right. Under FRA, 2006 the role of Panchayats are clearly mentioned they have a significant role in rehabilitation, reestablishing settlements and most importantly they are responsible for consenting before implementing any development activities. This case introduced the concept of FPIC in India. This case also recognized the importance of the State's duty to recognize and support the identity and culture of the Indigenous tribes pointing to various conventions like ILO Convention on Indigenous and tribal populations, 1957 (No. 107), Convention on biological diversity, Panchayats (extension to Scheduled areas) act, 1996 etc. The section 5 of Chapter III under FRA states that:

'The holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act are empowered to-

(a) protect the wild life, forest and biodiversity;'³¹

'(b) ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;

²⁹ Samatha Vs. State of Andra Pradesh [1997] 8 SCC 191.

³⁰ Orissa Mining Corporation Ltd v Ministry of Environment and forest and other [2013] 6 SCC 476

³¹ The Scheduled tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Act 2006 (India), (n[6]), ch 3.

(c) ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;

(d) ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.’³²

A petition was filed in the Calcutta High Court by an environment activist Meena Gupta who was a former secretary of tribal affairs and environment and forests. This petition also highlighted multiple FRA violations, this includes violation of section 5(c) of FRA, 2006 that mandates the subdivisional level committee should have at least two members of a scheduled tribe, but on the other side the committee for Great Nicobar project only have one member, second issue was mega environmental cost it endures. The petition, admitted by a bench of the Chief Justice of the Calcutta High Court in December, specifically challenges the validity of the forest rights recognition certificate that forms the primary legal basis for diverting forest land to the project, arguing that if this certificate is void, the underlying diversion itself cannot stand. The matter remained pending at the time of writing, with successive hearings reflecting the depth of the legal uncertainty that continues to surround the project's compliance with the Forest Rights Act.³³

The National Green Tribunal temporarily stayed the project in 2023 and a high powered committee was formed by National Green Tribunal that includes representatives from various government departments, including a chief secretary of Andaman and Nicobar, a nominee of vice chairman of NITI Aayog, a nominee of the secretary of Ministry of Shipping and the director of the Wildlife Institute of India and it is headed by secretary, MoEF&CC. But, there is no one in this committee who represents the voice of the tribes inhabiting the Nicobar island. This same committee had submitted its report and NGT allowed to proceed the project because the committee found the project to be compliant.

³² The Scheduled tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Act 2006 (India), (n[6]), ch 3

³³ 'Great Nicobar Island Project Violates Several Laws, Rights of Shompen: Petition in Calcutta HC' (Scroll.in) <<https://scroll.in/article/1078901/great-nicobar-island-project-violates-several-laws-rights-of-shompen-petition-in-calcutta-hc>> accessed 20 September 2026.

This litigation has since reached a further stage. In February 2026, the National Green Tribunal declined to interfere with the environmental clearance a second time, holding that adequate safeguards had been incorporated and citing the project's strategic importance, even as related litigation before the Calcutta High Court on the tribal rights questions discussed above continued. This outcome illustrates the limited capacity of environmental tribunals, operating within a framework that treats national strategic interest as a weighty countervailing factor, to provide indigenous communities with an effective remedy once large infrastructure projects have received governmental backing.³⁴

5. Conclusion and Way Forward

The 21st century gives more and more challenges to these indigenous people and their ecosystem and we must not allow the state to exploit them and it is high time to act on this and we should be the voice of the Great Nicobar and its people who are isolated, the above cited risks and problems must be resolved and help these communities to live peacefully. The Government must take consent from the concerned Gram panchayat for the implementation of the project and there are several reports that indicate that the signing of the 'no objection certificate' and 'surrender certificate' was a result of coercion by the district administration. This concern is not merely speculative: as recently as January 2026, tribal leaders from the Nicobarese community publicly stated that they were being pressured to surrender their ancestral land in support of the project, and that their entitlements under the Forest Rights Act had still not been settled. Such reports, emerging even after years of assurances from the project proponents, suggest that the consent process envisaged under domestic and international law has not been meaningfully honoured in practice.³⁵ The environmental concerns about this project must not be forgotten. We should protect the ecological balance by protecting the valuable forest cover of this island and should not leave them to destruction, currently the world is witnessing climate change and related effects. Instead of attending some Summits and conferences it is a high time for India to act on it and the only solution in front of us is to

³⁴ 'Green Tribunal Rules in Favour of Great Nicobar Island Project, Citing Adequate Safeguards' (Mongabay India, February 2026) <<https://india.mongabay.com/2026/02/green-tribunal-rules-in-favour-of-great-nicobar-island-project-citing-adequate-safeguards/>> accessed 20 September 2026.

³⁵ 'Green Tribunal Rules in Favour of Great Nicobar Island Project, Citing Adequate Safeguards' (Mongabay India, February 2026) <<https://india.mongabay.com/2026/02/green-tribunal-rules-in-favour-of-great-nicobar-island-project-citing-adequate-safeguards/>> accessed 20 September 2026.

preserve these forest and invest more on the regeneration of the forest. Let the first step towards this be from the Great Nicobar. The Shompen tribes who are being affected by this project the most should be protected and the project must be properly reviewed by the departments concerned and should be made public excluding the ports. As said in the Indigenous and tribal population convention of 1957 (no:107) 'The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognized'³⁶. Last but not the least, all the implementation must strictly adhere with the legal frameworks of India and must protect the best interest of the people rehabilitating the island whether it is a PVTG or a normal Scheduled Tribe. Let us hope for the best interest of the tribes and the environment.

References

1. The Scheduled tribes and other Traditional Forest dwellers (Recognition of Forest Rights) Act 2006 (India)
2. Indigenous and tribal populations Convention (1959), ILO No:107, part 2, Land, art 11 12 13 14
3. Right To Information Act 2005 (India), No.22 of 2005
4. Pankaj shekhsaria, 'Island on Edge', 2025, [volume 42](3), FRONTLINE, 8
5. International Labour Organization, Indigenous and Tribal people Convention (adopted 27 June 1989, entered into force 5 September 1991) C169
6. United Nations Declaration on the rights of the indigenous peoples (adopted on 2007, UNGA res 61/295), art 29
7. Great Nicobar Island Development Project' (Wikipedia, last updated March 2025) https://en.wikipedia.org/wiki/Great_Nicobar_Island_Development_Project accessed in 19 March 2025
8. Tribal and scheduled caste development department, government of Chhattisgarh, *Process of recognizing the habitat rights of Particularly Vulnerable Tribal groups (PVTGs) under the Forest Rights Act, 2006* (UNDP, Nava Raipur, Atal Nagar, Chhattisgarh) 2.
9. Samatha Vs. State of Andhra Pradesh [1997] 8 SCC 191.

³⁶ Indigenous and tribal populations Convention (1959), ILO No:107, part 2, Land, art 11.

10. Orissa Mining Corporation Ltd v Ministry of Environment and forest and other [2013] 6 SCC 476.

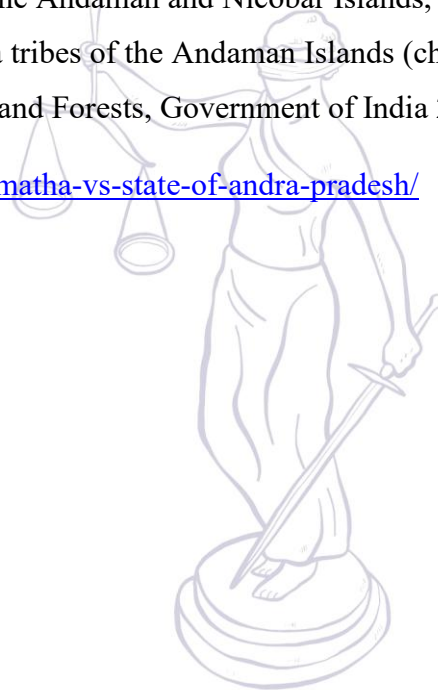
11. Renee V Hagen & Tessa Minter, *Displacement in the name of development: How Indigenous rights legislation fails to protect Philippine under gatherers*, (2019), 33(1), Taylor & Francis Online: Peer reviewed journals.

12. Don Macnaughtan, *The Shompen People of Great Nicobar Island ,Indian Ocean: A Bibliography* (Ethnographic Bibliographies No 7, 2023).

<https://share.google/JIBCfZ2A4MnUU7WVr> accessed 13 July 2025.

13. Expert committee on the Andaman and Nicobar Islands, Report of the expert committee on the status of the Jarawa tribes of the Andaman Islands (chairman: Shekhar Singh) (Ministry of environment and Forests, Government of India 2002).

14. <https://lawplanet.in/samatha-vs-state-of-andra-pradesh/>



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