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5. The entire island of Little Andamans has been declared a reserve forest by Notification No. 59/G/635 of 1962 issued by the Andaman and Nicobar Forest Department. Therefore no tree cutting or any non-forest activity can be done in the entire island.

Logging within the Tribal Reserve

6. Under Article 243(2) of the Constitution the President promulgated regulations which were notified on 14.5.1966 called the Andaman and Nicobar Island (Protection of Aboriginal Tribals) Regulation 1956. The preamble to the Regulations stating that they were enacted "to provide for the protection of the interest of the social and economic backward aboriginal tribes". Clause 3 authorised the Chief Commissioner, by notification, to declare an area predominantly inhabited by aboriginal tribes to be a reserved area. Clause 4 authorised the Chief Commissioner to allot land in any such reserved area to any person other than a member of the aboriginal tribe in public interest. Annexed hereto and marked Annexure-B is a true copy of the regulation dated June 30, 1956. By various notifications issued from time to time 52,029 hectares (ha) of land have been notified as a tribal reserve. Annexed hereto and marked Annexure-C hereto is a copy of the map showing Little Andamans and the tribal reserve. A perusal of the said map shows that there are logging coupes clearly within the tribal reserves.

7. Although the Forest Conservation Act was enacted in 1980 the Chief Conservator of Forests by lease dated 20.11.1987 authorised the Andaman and Nicobar Forest Plantation and Development Corporation, Port Blair to harvest 800 ha trees every year with retrospective effect from 1.4.1977 for a total period of 30 years. The Chief Conservator Officer had no authority to enter into such a lease authorising such non-forest activity. By entering into the lease he effectually condoned the cutting of trees for the period starting from 1.4.1977 by the Corporation without any authorisation. The lease permitted the cutting of trees for a 30 year period even though no working plan, as required under Section 2 of the Forest Conservation Act 1980 was prepared. Shockingly the Special Chief Conservator of Forest was made the Managing Director of the