

THE NEWS PEG · 6 OCTOBER 2026

CULTURE, CONSTITUTION AND DEVELOPMENT

The Great Nicobar project before the Supreme Court

THE HINDU · COURT REPORT

“SC refuses to stay proceedings against Nicobar project”

Constitutional protection for tribal culture meets a strategic infrastructure proposal.

WHAT THE COURT DID

The Bench asked the High Court to hear the challenge expeditiously; hearings were listed for 25–26 November 2026. The substantive rights and approval questions remain before the High Court.

The Supreme Court allowed the Calcutta High Court proceedings to continue. It did not decide the project’s legality or stay the project.

01 Approvals
Project cleared

02 Challenge
Rights questioned

03 Next forum
Calcutta HC

GS II · CONSTITUTION, RIGHTS & JUDICIAL REVIEW

Why the case matters

CULTURE AS A CONSTITUTIONAL INTEREST

Article 29(1)

Any section of citizens with a distinct language, script or culture has the right to conserve it. The Bench’s observation places tribal cultural continuity within constitutional protection.

FOREST RIGHTS ACT, 2006

The FRA recognises PVTG habitat and community forest rights. The petition challenges whether these rights were properly addressed before project approvals.

Key distinction: rights require a lawful process; their status in this case remains for the High Court to decide.

PIL AS ACCESS TO JUSTICE

PIL can widen access when vulnerable communities cannot readily approach courts. Bona fides and the petitioner’s connection still matter.

SUPREME COURT ANCHORS

People’s Union for Democratic Rights (1982)

Bona fide standing can protect groups unable to reach courts because of social or economic disadvantage.

Balwant Singh Chauhal (2010)

Preserve genuine PIL access while filtering abuse.

Orissa Mining Corporation (2013)

In Niyamgiri, the Gram Sabha examined community cultural and religious claims under the FRA.

THE DEVELOPMENT QUESTION

A PROJECT OF NATIONAL AMBITION — AND HIGH STAKES

Strategic infrastructure, fragile ecology and indigenous rights converge on one vulnerable island.

THE PROPOSED INTEGRATED PROJECT

01

CONTAINER TERMINAL

Planned 14.2 million TEU transshipment capacity

02

GREENFIELD AIRPORT

Designed for 4,000 peak-hour passengers

03

POWER COMPLEX

450 MVA gas- and solar-based generation

04

TOWNSHIP

Urban and area development on the island

GS III · ECONOMY, ENVIRONMENT & DISASTER RESILIENCE

Assess both the promise and the cost

STRATEGIC & ECONOMIC CASE

- A deep-water transshipment hub near major Indian Ocean shipping routes could improve port capacity and maritime connectivity.
- The airport, power and township are presented as linked infrastructure for a remote island and India's maritime presence.
- Connectivity and strategic value are legitimate public purposes; each component still requires lawful approval and evidence of public benefit.

ECOLOGICAL & SOCIAL RISK

- The proposal involves diversion of about 130.75 sq km of forest land in a globally significant island ecosystem.
- The project area is close to protected forests, turtle-nesting beaches, coral and mangrove habitats; island ecosystems are sensitive to fragmentation.
- The Shompen are a PVTG. Habitat, customary use and cultural continuity cannot be reduced to compensation or relocation alone.

Safeguards, tested: Government states that 65.99 sq km is reserved without tree felling, with afforestation and mitigation planned. Their ecological adequacy and effect on community rights remain key tests.

GS IV · ETHICAL TEST

Procedural fairness in consultation · **Justice** in sharing gains and burdens · **Stewardship** of cultural and ecological heritage
MAINS CONNECT

Align strategic need with lawful process, community voice and ecological safeguards.