

SUPREME COURT OF INDIA

T.N. Godavarman Thirumulpad

Vs.

Union of India (Uoi)

(J Verma, B Kirpal and V Khare JJ.)

16.12.1997

ORDER

1A No. 225 of 1997

1. Heard Shri Anil Dewan, learned counsel for the applicant M/s. Wimco Limited, Attorney General and Mr Harish Salve, amicus curiae. The applicant-Company is permitted to close its operation in Dhubri factory in Assam in accordance with law applicable in this behalf. IA stands disposed of accordingly.

IA No. 108 of 1997

2. No further order on this IA is necessary. It, therefore, stands disposed of. IA No. 260 of 1997

3. Heard Shri Raju Ramachandran, learned counsel for the State of Arunachal Pradesh, the learned Attorney General for the Union of India and Mr Harish Salve, learned amicus curiae. There are several reliefs claimed in this IA. One of them relates to illegally felled timber which is lying in the

depots of the State and elsewhere

within the forest area. The other reliefs relate to the legally felled timber, saw timber and veneer. We are of the view that at this stage an appropriate order should be made only in respect of the illegally felled timber lying anywhere within the forest area including the depots. The questions relating to the so-called legally felled timber, etc., shall be considered later after the exercise with regard to utilisation/disposal of the illegally felled timber has been completed. This order is, therefore, confined only to the utilisation/disposal of the illegally felled timber.

4. It is clear that the ownership of all illegally felled timber within the forest area including that in the depots is of the State of Arunachal Pradesh and, therefore, the proceeds thereof must go to the State. In order to fetch a proper price for the same, it is necessary to make suitable directions for the disposal/utilisation of all such timber in a manner so that the proceeds thereof are available to the State Government. We, therefore, direct that all the illegally felled timber within the forest area including the depots would be sold by public auction at Delhi under the supervision of the High-Powered Committee (HPC) after permitting inspection of the same at the site to the intending bidders. The modalities for the performance of this exercise would be laid down by the HPC and the entire exercise of permitting inspection of the timber and its auction, after due advertising, would be under the supervision of the HPC. We also direct that the State of Arunachal Pradesh and Union of India would render full assistance to the HPC in the performance of this exercise including the facilities for the removal of the purchased timber by the buyers thereof. The prohibition against movement of timber outside the North-East region, enforced by the earlier orders, would stand modified only to this extent. The total sale proceeds of the said timber would go to the State of Arunachal Pradesh which will utilise one-half of that amount for raising plantation by local tribal population within the State so that this part of the amount would be utilised only for the purpose of forestry and assistance to the local tribal population. The remaining one-half of the total sale proceeds, after deduction of the expenses therefrom, would go to the State coffers for other development activities in the State. On getting a report from HPC of the completion of this exercise the IA shall be taken up for further orders.

5. The other North-Eastern States which want any order to be passed in respect of the timber in their States, may respond to the comments of the HPC made in relation to it and also approach the HPC with their request to enable HPC to give its comments thereon. The request so made by the concerned North-Eastern States together with the comments of the HPC would then be considered for issuing the appropriate directions, if any. The State, desirous of seeking any directions in this behalf, should approach the HPC within a week. The HPC is requested to give its comments till 5-1-1998. List on 6-1-1998. IAs Nos. 77, 79, 104, 105, 107, 113, 121, 166, 261 of 1997

6. The interim report of the Lokayukta of Madhya Pradesh clearly holds that 849 trees in "Bare Jhar ka Jangal have been permitted to be felled for the benefit of one person, namely, Shri Viren Netam, younger brother of Shri Arvind Netam, former Minister of the State Government and Shri Shiv Netam, Forest Minister, Government of M.P. Particulars of the benefit derived by the Netam family have also been indicated. The report suggests that this happened because of the misuse of authority

by these persons. We consider it expedient to know from the State of M.P, the action, if any, taken by it against these persons and the others named in the report including Shri Narayan Singh, former Commissioner of Bastar and some other government officials who facilitated the illegal felling of trees in the Bastar forest. We, therefore, direct the Chief Secretary of the State to state on affidavit the steps, if any, taken by the State Government in this behalf. The affidavit be filed within two weeks. A copy of the report be furnished by the Registry to the standing counsel for the State of M.P, Copies thereof be also furnished to the learned Attorney General and amicus curiae.

7. List on 6-1-1998. IA No. 13 of 1997

8. Taken on Board. Issue notice.