

Centre For Environmental Law, WWF-1

Vs

Union of India and Others

I. A. No. 2 In W. P. (C) No. 337 of 1995

(S. C. Agarwal, S. Saghir Ahmed JJ)

20.03.1998

ORDER

1. The affidavits that have been filed in pursuance of the directions given under the order dated 16-1-1998 (Centre for Environmental Law, WWF-I v. Union of India, (1998) 9 SCC 625) indicate that compliance with regard to the said direction in respect of issuance of proclamation under Section 21 of the Wildlife (Protection) Act, 1972 has been made by the States/Union Territories of Andhra Pradesh, Arunachal Pradesh, Gujarat, Haryana, Rajasthan, Tripura, Uttar Pradesh, West Bengal, Andaman and Nicobar, Chandigarh, Delhi and Daman & Diu.

Karnataka

2. As regards the State of Karnataka, an affidavit has been filed which shows that the Forest Settlement Officers have been appointed and 10 weeks' time is sought for issuing the proclamation. Time prayed for is allowed.

Manipur

3. Proclamation has been issued in respect of 3 sanctuaries and out of the 2 national parks proclamation has been issued in respect of one national park and as regards the Siroy National Park it has been stated that the matter could not be taken up due to a court case pending with the Hon'ble Gauhati High Court in Civil Rule 209 of 1991. From the affidavit it is not clear as to whether any interim order has been passed by the High Court prohibiting the State from issuing the said proclamation. A better affidavit should be filed indicating the correct position in this regard within eight weeks.

Nagaland

4. No affidavit has been filed on behalf of the State of Nagaland in pursuance of the direction given by this Court under the order dated 16-1-1998. In the circumstances, it is directed that notices be issued to the Chief Secretary to the Government of Nagaland to show cause as to why contempt proceedings should not be initiated against him for non-compliance of the direction given by this Court. His personal presence is not required.

Tamil Nadu

5. In the State of Tamil Nadu out of 5 national parks 4 are in the reserved forest area for which no proclamation is required and proclamation has been issued in respect of one national park. There are

17 sanctuaries out of which 6 are in reserved forest area, proclamation has been issued in respect of 6 sanctuaries. The learned counsel prays for eight weeks' time to issue proclamation in respect of the remaining sanctuaries. Time prayed for is allowed.

6. As regards appointment of Honorary Wildlife Wardens, it is stated that the appointments have been made in Delhi as well as in the State of U.P.

7. Contempt notices issued in pursuance of the directions contained in the order dated 22-8-1997 to the respective Chief Secretaries of the States/Union Territories concerned are discharged.

8. Under Section 33-A of the Wildlife Protection Act there is a mandatory requirement that all wildlife in and around the national park/sanctuary should be immunised and Section 34 of the said Act makes it mandatory that all firearms within the national park/sanctuary and within 10 km from the boundary of the sanctuary should be registered. The said provision also prohibits issue of any fresh arms licences within a radius of 10 km of a sanctuary without the prior concurrence of the Chief Wildlife Warden. The State Government/Union Territory Administration are directed to file affidavits indicating that steps have been taken with regard to the compliance with the aforesaid provisions contained in the Wildlife (Protection) Act. Such affidavits should be filed within eight weeks. In the said affidavit the State Government/Union Territory Administration should also indicate the steps that have been taken to prohibit the activities in a national park/sanctuary which are prohibited under the provisions of the Wildlife (Protection) Act.

9. List after summer vacation.

# Court Masters##