

Centre for Environment Law, Wwf-I

Vs

Union of India and Others

Writ Petition (C) No. 337 of 1995 with Contempt Petition (C) No. 241 of 1998

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

17.07.1998

ORDER

Karnataka

1. By our order dated 20-3-1998, 10 weeks' time was granted to the State of Karnataka to issue the necessary proclamation. Nobody appears for the said State to indicate as to what steps have been taken nor has any affidavit been filed. In the circumstances, notice for initiating contempt proceedings be issued to the Chief Secretary to the State of Karnataka. Personal presence is dispensed with at this stage.

Manipur

2. An affidavit of G. K. Prasad, Principal Chief Conservator of Forests has been filed today in court wherein it is stated that Civil Rule No. 209 of 1991 which was pending before the Gauhati High Court has now been withdrawn and proclamation under Section 21 of the Wild Life (Protection) Act, 1972 (for short "the Act") has been issued in respect of Siroy National Park.

Nagaland

3. On behalf of the State of Nagaland, an affidavit has been filed wherein it is stated that the requisite three proclamations have been issued 13-5-1998/14-5-1998 in respect of one national park and two sanctuaries.

Tamil Nadu

4. Shri Mariarputham, the learned counsel appearing for the State of Tamil Nadu states that out of five sanctuaries for which proclamation was required to be issued, proclamation has been issued in respect of two sanctuaries namely, (i) Vettangudi Birds Sanctuary and (ii) Vellode Birds Sanctuary and that proclamations have yet to be issued in respect of the remaining three sanctuaries, namely (i) Karikili Birds Sanctuary, (ii) Pulicat Birds Sanctuary, and (iii) Udayamarthandapuram Birds Sanctuary. The learned counsel prays for four weeks' time to issue the proclamations in respect of the remaining three sanctuaries. Four weeks' time is granted for that purpose.

Compliance with the provisions of Sections 33-A and 34 of the Wild Life (Protection) Act, 1972

5. In addition to the 17 States on whose behalf affidavits have been filed, as indicated in the office report dated 15-7-1998, affidavits have been filed on behalf of the States of Kerala, Manipur and Tamil Nadu. As regards the Union Territory of Pondicherry, it is stated that since there is no

national park/sanctuary in the said Territory, no steps were required to be taken under Sections 33-A and 34 of the Act and, therefore, no affidavit has been filed. Affidavits have not been filed on behalf of the States of Assam, Bihar, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Rajasthan and the Union Territories of Lakshadweep and Dadra and Nagar Haveli. Six weeks' further time as a last opportunity is granted to all these States/Union Territories Administration to file the necessary affidavits in accordance with the directions contained in the order dated 20-3-1998 failing which contempt proceedings will have to be initiated against the person/persons responsible.

6. We have perused the affidavits that have been filed by the various State Governments/Union Territories Administration. As regards compliance with the requirement of Section 33-A regarding the immunisation of livestock, we find that no concrete steps have been taken in most of the States/Union Territories. What is required is that in the immediate vicinity of each national park/sanctuary, there should be a veterinary centre of the Animal Husbandry Department which should undertake the immunisation of livestock that are being taken into the national park/sanctuary for the purpose of grazing etc. The States/Union Territories are, therefore, directed to take concrete steps for the establishment of such centres in the immediate vicinity of the national park/sanctuary within their territory within a period of two months so that the requirement of immunisation in accordance with the requirements of Section 33-A can be fulfilled.

7. As regards registration of persons in possession of arms as required under Section 34 of the Act, it appears that no concrete steps have been taken regarding registration of persons possessing arms. Except the State of Madhya Pradesh, the rules are still to be framed. The affidavits filed on behalf of the other States/Union Territories do not indicate that rules as contemplated by Section 34 have been framed. In order to complete the process of registration as required under Section 34, it is necessary that the rules are framed by the respective State Governments/Union Territories Administration. It is, therefore, directed that all the State Governments/Union Territories Administration shall frame the necessary rules for the purpose of registration of persons in possession of arms within a period of two months and the process of registration should be completed within four months thereafter.

8. All the State Governments'/Union Territories' Administration should file their affidavits indicating compliance with the aforesaid directions about the setting of veterinary centres and framing of rules. The said affidavits should be filed within ten weeks.

9. In our order dated 22-8-1997, it was directed that the State Governments/Union Territories Administration concerned would complete the process of determination of rights and acquisition of rights as contemplated by the Act within a period of one year. In the affidavits that are to be filed in pursuance of the above-mentioned direction of this Court, the respective State Governments/Union Territories Administration shall also indicate the present position with regard to the compliance with the aforesaid direction given by this Court.

10. By order dated 22-8-1997, it was directed that in order to effectively control the growing menace of poaching in the sanctuaries/national parks, the Central Government as well as the State Governments/Union Territories Administration should ensure that the forest guards in sanctuaries/national parks are provided modern arms, communication facilities, viz., wireless sets and other necessary equipment in that regard within six months. The Central Government as well as the State Governments/Union Territories Administration are directed to file affidavits indicating the steps taken by them in compliance with the aforesaid direction. The said affidavit shall be filed within four weeks.

11. List after ten weeks.

Suo motu Contempt Petition No. 241 of 1998

12. The Chief Secretary to the Government of Nagaland is present in Court. We have perused the affidavit filed by the Chief Secretary to the Government of Nagaland in pursuance of the contempt notice which was issued under the order dated 20-3-1998. In view of the explanation offered in the said affidavit, the contempt notice is discharged and the contempt proceedings are dropped.

Court Masters