

ITEM NO.1501

COURT NO.5

SECTION PIL-W

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

[ ONLY FOR PRONOUNCEMENT OF JUDGMENT IN I.A.NO. 1000/2003  
(RECOMMENDATION OF CEC DATED 20.11.2003)  
WITH I.A.NOS. 982-984/2003, I.A.NOs. 1026-1028/2004, I.A.NOs. 1123-  
1124/2004, I.A.NOs. 1197-1199/2004, I.A.NOs. 1210-1211/2004, ,  
I.A.NOs. 1250-1251/2004, I.A.NO. 1412/2005, I.A.NO. 1512/2006,  
I.A.NO. 1992/2007, I.A.NO. 3880/2015, I.A.NO. 96949/2019, I.A.NO.  
117831/2019 AND I.A.NO. 65571/2021 IN W.P.(C)NO. 202/1995.] )

Date : 03-06-2022 This matter was called on for pronouncement of  
judgment today.

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Hon'ble Mr. Justice Aniruddha Bose pronounced the

**Reportable Judgment of the Bench comprising Hon'ble Mr. Justice L. Nageswara Rao, Hon'ble Mr. Justice B.R. Gavai and His Lordship.**

**The judgment inter alia reads as under :**

**“44.** We accordingly direct:-

- (a) Each protected forest, that is national park or wildlife sanctuary must have an ESZ of minimum one kilometre measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the Guidelines of 9<sup>th</sup> February 2011 shall be strictly adhered to. For Jamua Ramgarh wildlife sanctuary, it shall be 500 metres so far as subsisting activities are concerned.
- (b) In the event, however, the ESZ is already prescribed as per law that goes beyond one kilometre buffer zone, the wider margin as ESZ shall prevail. If such wider buffer zone beyond one kilometre is proposed under any statutory instrument for a particular national park or wildlife sanctuary awaiting final decision in that regard, then till such final decision is taken, the ESZ covering the area beyond one kilometre as proposed

shall be maintained.

- (c) The Principal Chief Conservator of Forests as also the Home Secretary of each State and Union Territory shall remain responsible for proper compliance of the said Guidelines as regards nature of use within the ESZ of all national parks and sanctuaries within a particular State or Union Territory. The Principal Chief Conservator of Forests for each State and Union Territory shall also arrange to make a list of subsisting structures and other relevant details within the respective ESZs forthwith and a report shall be furnished before this Court by the Principal Chief Conservator of Forests of each State and Union Territory within a period of three months. For this purpose, such authority shall be entitled to take assistance of any governmental agency for satellite imaging or photography using drones.
- (d) Mining within the national parks and wildlife sanctuaries shall not be permitted.
- (e) In the event any activity is already being undertaken within the one kilometre or extended buffer zone (ESZ),

as the case may be, of any wildlife sanctuary or national park which does not come within the ambit of prohibited activities as per the 9<sup>th</sup> February 2011 Guidelines, such activities may continue with permission of the Principal Chief Conservator of Forests of each State or Union Territory and the person responsible for such activities in such a situation shall obtain necessary permission within a period of six months. Such permission shall be given once the Principal Chief Conservator of Forests is satisfied that the activities concerned do not come within the prohibited list and were continuing prior to passing of this order in a legitimate manner. No new permanent structure shall be permitted to come up for whatsoever purpose within the ESZ.

- (f) The minimum width of the ESZ may be diluted in overwhelming public interest but for that purpose the State or Union Territory concerned shall approach the CEC and MoEF&CC and both these bodies shall give their respective opinions/recommendations before this Court. On that basis, this Court shall pass appropriate

order.

- (g) In the event the CEC, MoEF&CC, the Standing Committee of National Board of Wildlife or any other body of persons or individual having special interest in environmental issues consider it necessary for maintaining a wider or larger ESZ in respect of any national park or wildlife sanctuary, such body or individual shall approach the CEC. In such a situation the CEC shall be at liberty to examine the need of a wider ESZ in respect of any national park or wildlife sanctuary in consultation with all the stakeholders including the State or Union Territory concerned, MoEF&CC as also the Standing Committee of National Board of Wildlife and then approach this Court with its recommendations.
- (h) In respect of sanctuaries or national parks for which the proposal of a State or Union Territory has not been given, the 10 kilometres buffer zone as ESZ, as indicated in the order passed by this Court on 4<sup>th</sup> December 2006 in the case of **Goa Foundation** (supra) and also contained in the Guidelines of 9<sup>th</sup> February

2011 shall be implemented. Within that area, the entire set of restrictions concerning an ESZ shall operate till a final decision in that regard is arrived at.

- (i) I.A. No. 1412 of 2005 and I.A.No.117831 of 2019 do not relate to the issues involved in I.A. No.1000 of 2003. These applications may be placed before the appropriate Bench to be heard independently.
- (j) For the same reason, I.A. No.1992 of 2007 shall also be dealt with independently by the appropriate Bench and no order is being passed concerning this application at this stage.
- (k) The application of the State of Rajasthan registered as I.A. No.3880 of 2015 relates to clarification of an order passed in the case of **Goa Foundation** (W.P.(C) No.460 of 2004). Let this application be placed before the Bench taking up the case of **Goa Foundation**.
- (l) I.A.No.96949 of 2019 and I.A.No.65571 of 2021 are disposed of with directions that the MoEF&CC as also CEC shall proceed to take a decision in regard to the draft proposal for ESZ made by the State of Maharashtra to the extent of 0-3.89 kilometres and

the MoEF&CC shall take final decision on that basis within a period of three months, if said decision has not already been taken.

- (m) Prayers for impleadment of the applicants in I.A. Nos. 984 of 2003, 1026 of 2004, 1123 of 2004, 1197 of 2004 and 1251 of 2004 are allowed. Necessary amendments may be carried out in these regards.
- (n) For the reasons already given, however, prayers of the applicants in I.A. Nos.982 of 2003, 1027 of 2004, 1124 of 2004, 1198 of 2004, 1210 of 2004, 1250 of 2004 and 1512 of 2006 are rejected.
- (o) The CEC shall quantify the compensation to be recovered from each miner indulging in mining activities within the Jamua Ramgarh sanctuary in violation of any statutory provision or order of this Court. Specific recommendations for compensatory afforestation, reclamation, clearing overburden dumping as also compensation in monetary units for degradation of forest resources shall also be made. A further set of recommendations concerning confiscation of earth moving equipments and other

machineries lying within or in the periphery of the said sanctuary shall be made by the CEC. Recommendations shall be made within a period of four months before this Court in the form of an application. This Court shall consider passing appropriate order upon going through such application. The exercise concerning such reparation, including quantifying compensation shall be undertaken upon giving the mining operator, State and MoEF&CC opportunity of hearing.

- (p) In the event there is any subsisting order of any High Court or any Court subordinate to such High Court covering any of the issues dealt with by this Court in this order, this order shall prevail over any such order which may be contrary to these directions.
- (q) We have already observed that there are certain overlapping issues involved in this writ petition and the cases of **Goa Foundation** (Writ Petition (C) No.460 of 2004) and (Writ Petition (C) No.435 of 2012). We request the Hon'ble the Chief Justice of India to consider having the present writ petition i.e. **In Re:**



**T.N. Godavarman Thirumulpad v. Union of India & Ors.**, W.P.(C) No.460 of 2004 (**Goa Foundation v. Union of India**) as also W.P. (C) No.435 of 2012 (**Goa Foundation v. Union of India & Ors.**) be heard together before the same Bench. The registry may place this order before the Hon'ble the Chief Justice of India.

**45.** This order disposes of I.A. No.1000 of 2003 in the above terms.

**46.** Pending application(s), if any, shall stand disposed of.”

(Geeta Ahuja)  
Assistant Registrar-cum-PS

(Ranjana Shailey)  
Court Master

(Signed Reportable Judgment is placed on the file)