

ITEM NO.7 Court No.1 (Video Conferencing) 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 & ORS.

Respondent(s)

("ONLY"[1]INTERLOCUTORY APPLICATION NOS. 94310, 94313 AND 94317/2020 [APPLICATIONS FOR IMPLEADMENT, EXEMPTION FROM FILING O.T. AND DIRECTIONS] IN RE : NATURAL CONSERVATION SOCIETY, AMRAVATI, MAHARASHTRA AND AND I.A. NO.941/2021 (APPLICATION FOR AMENDMENT OF I.A. NO.94317/2020) [2] INTERLOCUTORY APPLICATION NO. 166382/2019 [APPLICATION FOR PERMISSION] IN RE : [CEC REPORT NO. 28 OF 2019 - REPORT OF CEC IN APPLN. NO. 1438 FILED BEFORE IT BY INDIAN INSTITUTE OF MASS COMMUNICATION] IN RE : INDIAN INSTITUTE OF MASS COMMUNICATION (IIMC) IN WRIT PETITION (CIVIL) NO. 202/1995"ONLY" ARE LISTED IN W.P.(C) No. 202/1995 "ONLY" ON 08.01.2021 AND THE NAMES OF "ONLY" THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN AGAINST THESE I.As. MR. HARISH N. SALVE, SR. ADV. [A.C.], MR. A.D.N. RAO, ADVOCATE [A.C.], MR. SIDDHARTHA CHOWDHURY, ADVOCATE [A.C.] MS. APARAJITA SINGH, SR. ADVOCATE [A.C.], MR. G.S. MAKKER FOR S.NO. [1] MR. P. K. MANOHAR FOR S.NO. [2] MR./MS. UDITA SINGH)

Date : 08-01-2021 The application(s) was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

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UPON hearing the counsel the Court made the following
O R D E R

I.A. NO.941/2021 (APPLICATION FOR AMENDMENT OF I.A. NO.94317/2020)
AND INTERLOCUTORY APPLICATION NOS. 94310, 94313 AND 94317/2020
[APPLICATIONS FOR IMPLEADMENT, EXEMPTION FROM FILING O.T. AND
DIRECTIONS] IN RE : NATURAL CONSERVATION SOCIETY, AMRAVATI,
MAHARASHTRA

Application for impleadment is allowed.

We have heard learned counsel appearing for the parties and perused the instant applications.

For the reasons stated, I.A. NO.941/2021 for amendment of I.A. No.94317/2020 is allowed. Let amendment be carried out within a period of two weeks.

Mr. Shyam Divan, learned Senior Counsel appearing for the applicant, has pointed out the danger and helplessness to which the forest officers and staff are subjected in the course of protecting flora and fauna in the forests. He has cited several instances occurred in the States of Maharashtra, Rajasthan and Madhya Pradesh which have been brought on record. In particular, Mr. Divan, learned Senior Counsel, points out that the action which is taken by the forest officers is met with the counter blast in the form of an FIR prosecuting them in return for some or the other act. It is not appropriate at this stage to go into the truth of the allegations and to ascertain what actually transpired in the instances brought to our notice.

We are of the view that the situation is serious and we find it difficult to comprehend how these forest officers and staff would be in a position to protect the environment and the forests which are normally vast tracks of uninhabited land and of which poachers take undue advantage for carrying out their nefarious activities.

It is difficult to imagine how any law can be enforced by the forest officers and staff who are poorly unarmed against poachers who are likely to be heavily armed. We must take note of the fact that there are States notably the State of Assam and according to Mr. Rahul Chitnis, learned counsel appearing for the State of Maharashtra, the authorities in the State of Maharashtra have armed some forest officers above certain ranks. We do not know what steps are being taken by other States/Union Territories where this poaching is rampant, for protection of the forests and the lives of

the forest officers and staff.

Mr. Tushar Mehta, learned Solicitor General, Mr. A.D.N. Rao, learned Amicus Curiae, Mr. Divan, learned Senior Counsel, Mr. Saurabh Mishra, learned Additional Advocate General, Mr. Chitnis, learned counsel and other counsel present before us today state that they will make a joint submission about the measures which can be adopted for protection of forests as well as the lives of forest officers and staff.

We accordingly adjourn the matter by a period of four weeks for the above purpose. In the meantime, we consider it appropriate to grant ad interim relief in terms of prayer clause (ii) of the instant application for directions which reads as under :

“(ii) To stay all the proceedings initiated against the forest officers and staff pursuant to FIR No.41 dated 23.5.2020 filed in Mt. Abu Police Station, Sirohi District, Rajasthan under the Scheduled Tribes and Scheduled Cast (Prevention of Atrocities) Act, 1989.”

In addition, we issue directions in accordance with the prayer clauses (iii), (iv), (v), (vi) (as permitted to be amended today), and (vii). The reports as required under these prayer clauses may be submitted to this Court within a period of four weeks. The reports may be submitted by the Home Secretary of the respective States/Union Territories instead of Director General of Police.

INTERLOCUTORY APPLICATION NO.166382/2019 [APPLICATION FOR PERMISSION] IN RE : [CEC REPORT NO. 28 OF 2019 - REPORT OF CEC IN APPLN. NO. 1438 FILED BEFORE IT BY INDIAN INSTITUTE OF MASS COMMUNICATION] IN RE : INDIAN INSTITUTE OF MASS COMMUNICATION (IIMC) IN WRIT PETITION (CIVIL) NO. 202/1995 "ONLY" IN W.P.(C) No.202/1995

Put up on 13.01.2021.

In the meantime, as prayed for, Mr. S. Wasim A. Qadri, learned senior counsel appearing for the applicant(s), is allowed to file affidavit in the matter.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR