\232= W.P(C)No. 202 OF 1995 .UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp $\texttt{L} \ldots \ldots \texttt{T} \ldots \texttt{T}$ COURT No. 2 ITEM Nos.301 to 334 SECTION PIL SUPREME COURT OF INDIA RECORD OF PROCEEDINGS ITEM NO.301@@ CCCCCCCCCCC RE: SPECIAL INVESTIGATION TEAM REPORT FILED IN COURT ON 12.03.2001 ND AFFIDAVIT FILED IN COURT ON 23.04.2001. ITEM NO. 302@@ CCCCCCCCCCC DIRECTION WITH REGARD TO SETTING UP OF NODAL AGENCIES IN THE STATES OF M.P. AND CHHATISGARH TO DISPOSE OF THE INTERLOCUTORY APPLICATIONS WITH REGARD TO OVERSEEING THE WORKING OF FOREST (APPLNS. RELATING TO SATATE OF ASSAM) ITEM NO. 303@@ CCCCCCCCCCCC IA NO. 295 in WP (C) 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (Interim application through Amicus Curiae for directions regarding the State of Assam PCCF Order dated 12th February, 1998) ITEM NO. 304@@ CCCCCCCCCCCC I.A. No. 664 in W.P.(C) No.202/95 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For directions) ITEM NO. 305@@ CCCCCCCCCCCC I.A. No.677 in W.P.(C) 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For directions / impleadment) ITEM NO. 306@@ CCCCCCCCCCCC I.A. No. 395 in W.P.(C) 202/1995 T.N. GODAVARMAN THIRUMALPAD

VERSUS UNION OF INDIA & ORS. Respondents (For clarification on behalf of State of Meghalaya)2/-: 2 : ITEM NO. 307@@ CCCCCCCCCCCC I.A. No.496 in W.P.(C) 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For directions on behalf of State of Meghalaya) ITEM NO. 308@@ CCCCCCCCCCCC I.A. No. 497 in WP(C) NO. 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For directions on behalf of State of Meghalaya) ITEM NO. 309@@ CCCCCCCCCCCC I.A. NO. 424 in WP(C) No. 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (Interim application on behalf of the applicant Santosh Bharti) ITEM NO. 310@@ CCCCCCCCCCCC I.A. NO. 566 in WP(C) No. 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (Suo-motu action taken by this Hon'ble Court on the statement of Mr. K.N. Raval, Ld. Additional Solicitor General on behalf of Central Government showing the position of the cases approved for diverting a forest land stipulation for compensatory afforestation under the forest conservation act and the compensatory afforestation done funds to be utilised and actually utilised) ITEM NO. 311@@

I.A. NO. 652-653 IN WP(C) NO. 202/1995 T.N. GODAVARMAN THIRUMALPAD

CCCCCCCCCCCC

UNION OF INDIA & ORS. Respondents (For directions & exemption from filing O.T.)3/-: 3 : ITEM NO. 312@@ CCCCCCCCCCCC I.A. NO. 669 in I.A. No. 659 in W.P.(C) NO. 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For directions) AND I.A. NO. 659 in W.P. (C) NO. 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For directions with regard to the forest of Matheran in the State of Maharashtra) ITEM NO. 313@@ CCCCCCCCCCCC I.A. No. 636 in WP(C) NO. 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For modification/directions on behalf of State of Tripura) ITEM NO. 314@@ CCCCCCCCCCCC I.A. No. 670 in WP(C) 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For directions to stop illegal mining, treefelling in the Kudrumukh National Park) ITEM NO. 315@@ CCCCCCCCCCCC I.A. NOs. 675-676 in IA NOs. 667-668 in WP(C) NO. 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For modification and stay)

VERSUS

ITEM NO. 316@@ CCCCCCCCCCC I.A. NO. 679 in WP (C) NO. 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For clarification of order dated 10.05.2001) ...4/-.PA : 4 : ITEM NO. 317@@ CCCCCCCCCCCC I.A. No. 680 in WP (C) NO. 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For directions) ITEM NO. 318@@ CCCCCCCCCCCC I.A. NO. 685 in WP (C) NO. 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (Communication received by Ld. Amicus Curiae from the Chairman, High Power Committee from North Eastern Region dated 5th August, 1998) ITEM NO. 319@@ CCCCCCCCCCCC I.A. NO. 686 in WP (C) 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (Letter dated 24.08.2001 received from the Empowered Comnmittee for State of Chhatisgarh treated as I.A. in pursuance of Court's order dated 07.09.2001) ITEM NO. 320@@ CCCCCCCCCCC CONTEMPT PETITION (C) NO. 193/2001 in WP (C) 202/1995 DISTRICT FOREST OFFICER, TAMIL NADU Petitioner VERSUS GOWRI SHANKAR & ANR. Respondents ITEM NO. 321@@ CCCCCCCCCCCC I.A. NO. 502 in WP (C) 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS

(For intervention) ITEM NO. 322@@ CCCCCCCCCCCC IA NO. 236 in WP (C) 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For directions)5/-: 5 : ITEM NO. 323@@ CCCCCCCCCCCCC I.A. NOs. 634-635 in WP (C) 202/1995T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For impleadment and directions) ITEM NO. 324@@ CCCCCCCCCCC I.A. NOs. 697-698 in WP (C) 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For directions and exemption from filing O.T.) ITEM NO. 325@@ CCCCCCCCCCCC I.A. NOs. 700-701 in WP (C) 202/1995 WITH WP (C) NO. 171/1996 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For intervention and directions) ITEM NO. 326@@ CCCCCCCCCCCC I.A. NOs. 13, 19, 22, 23, 24 and 28 in WP (C) 171/1996 ENVIRONMENT AWARENESS FORUM Petitioner VERSUS STATE OF J & K & ORS. Respondents ON BEHALF OF KHAIR TREES GROWERS ASSOCIATION (For impleadment and directions) ITEM NO. 327@@ CCCCCCCCCCCC WP (C) NO. 95/1997

ENVIRONMENT SOCIETY OF INDIA & ANR.

VERSUS U.O.I. & ORS. Respondents (With appln. for stay and impleading party and office report) ITEM NO. 328@@ CCCCCCCCCCCCC SLP(C) NO. 1573/1999 K.V. SUBBANNA & ORS. Petitioner VERSUS STATE OF KARNATAKA & ORS. Respondents : 6 : ITEM NO. 329@@ CCCCCCCCCCCC W.P. (C) 603/2000 SOCIETY PROTECTION OF HUMAN RIGHTS & ORS. Petitioner VERSUS UNION OF INDIA & ORS. Respondents (With appln. for stay and office report) ITEM NO. 330@@ CCCCCCCCCCCC I.A. NO. 605 in IA 477 & 480 in IA NO. 424 in WP (C) 202/1995 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For directions) ITEM NO. 331@@ CCCCCCCCCCCC IA NO. 29 in WP (C) 171/1996 ENVIRONMENT AWARENESS FORUM Petitioner VERSUS STATE OF J&K & ORS. Respondents ON BEHALF OF KHAIR TREES GROWERS ASSOCIATION (For directions) ITEM NO. 332@@ CCCCCCCCCCCC IA Nos. 620 and 621 in WP (C) 202/1995 With WP (C) 171/1996 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For directions and exemption from filing official translation) ITEM NO. 333@@

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IA No. 645 in IA 620 in WP (C) No. 202/1995

Petitioner

VERSUS UNION OF INDIA & ORS. Respondents (For directions) ITEM NO. 334@@ CCCCCCCCCCCCC I.A. No. 695 and 696 in WP (C) No. 202/1995 WITH WP (C) NO. 171/1996 T.N. GODAVARMAN THIRUMALPAD Petitioner VERSUS UNION OF INDIA & ORS. Respondents (For directions and exemtpion from official translation)7/-: 7 : Date : 23/11/2001 These Petitions were called on for hearing today. CORAM : HON'BLE MR. JUSTICE B.N. KIRPAL HON'BLE MR. JUSTICE K.G. BALAKRISHNAN HON'BLE MR. JUSTICE ARIJIT PASAYAT For appearing parties : Mr. Harish N Salve, SG (AC) Mr. Siddharth Choudhary, Adv. Mr. U U Lalit, Adv. (AC) Mr. Mahendra Vyas, Adv. Mr. P K Manohar, Advs. For Ministry of Environment & Forests/UoI Mr. A D N Rao, Adv. Mr. C.V. Subba Rao, Adv. Mr. Krishan Mahajan, Adv. Ms. Alka Agarwal, Adv. Mr. C. Radhakrishna, Adv. Mr. B.V. Balaram Das, Adv. Mr. P. Parmeswaran, Adv. Min. of Railways Mr. Mukul Rohtagi, ASG. Mr. S. Wasim A. Qadri, Adv. Ms. Anil Katiyar, Adv. UOI in WP 95/97 Mr. N.N. Goswami, Sr. Adv. Ms. Smita Inna, Adv. Mr. B.V. Balaram Das, Adv. IAs 669 & 659 Mr. U U Lalit, Adv. IA 395, 496 & 497 State of Meghalaya Mr. Ranjan Mukherjee, Adv. IA 295

Mr. P.K. Manohar, Adv.

IA 664	Ms. Sudha Pal, Adv. Ms. Rani Chhabra, Adv.
IA 677	Mr. M.L. Lahoty, Adv. Mr. Paban K. Sharma, Adv. Mr. Himanshu Shekhar, Adv.
IA 424	Mr. Prashant Bhushan, Adv.
	Mr. S.K. Agnihotri, Adv.
IA 566	Mr. K.N. Rawal, ASG(NP) 8/-
	: 8 :
IA 636	Mr. Kailash Vasdev, Sr. Adv. Mr. Rahul Singh, Adv. Ms. Vimla Sinha, Adv. Mr. Gopal Singh, Adv.
IA 670	Mr. A.D.N. Rao, Adv. Mr. B.V. Balaram Das, Adv.
IA 675-678	Mr. Vivek Tankha, Adv. Genl for State of M.P. Mr. Rohit K. Singh, Adv. Mr. S.K. Agnihotri, Adv.
IA 652-653	Mr. U.U. Lalit, Adv.
IA 679(Bihar State Forest Devlpt. Corpn.)	Mr. M.P. Jha, Adv. Mr. Ram Ekbal Roy, Adv. Mr. Anil Kumar Chopra, Adv.
IA 680	Ms. Anil Katiyar, Adv.
IA 685, 686 & 236,	Mr. Harish N. Salve, SG (A.C.) Mr. U.U. Lalit, Adv.
IA 502	Mr. Colin Gonsalvez, Adv. Ms. Tashi D. Bhutia, Adv. Ms. Aparna Bhat, Adv.
IA 634-635, 697-698	Mr. Mukul Rohtagi, ASG. Ms. Tasneem Ahmadi, Adv. Ms. Sangeeta Panicker, Adv. Mr. Mecolt Singh, Adv. Mr. Bharat Sangal, Adv.
IAs 700 & 701 State of Maharashtra	Mr. S.K. Dholakia, Sr. Adv. Mr. S.S. Shinde, Adv. Mr. S.V. Deshpande, Adv.
IAs 13,19,22,23,24 & 28 in WP 171/1996	Mr. Harish N. Salve, SG. (A.C.) Mr. Siddharth Choudhary, Adv.
IA 29 in WP 171	Mr. B.V. Balaram Das, Adv.
IA 605	Ms. Vibha Dutta Makhija, Adv. Mr. Uma Nath Singh, Adv.

Mr. Harish N. Salve, SG.(AC) Cont. Petn. 193/01 Mr. V. Balaji, Adv. Mr. P.N. Ramalingam, Adv. Mr. P.K. Goswami, Sr. Adv. For Jantia & Khasi Hills(in IA 497) Mr. B.B. Narzari, Adv. Mr. Rajiv Mehta, Adv. Meghalaya Land & Forest M/s Vijay Hansaria & H.S. Thangkhieni, Advs. Owners Association for M/s Jain Hansaria & Co., Advs. (in IA 497)9/-: 9 : for respondent No. 3 Mr. K K Venugopal, Sr. Adv. Kudremukh Iron Ore Co. Mr. Shiva Subramanian, Mr. S Sukumaran, Ltd. (in IA 670) Ms. Divya Nair, Mr. Ramesh Babu M R and Mr. M Raghu, Advs. State of Manipur Mr. Sapan Biswajit, Adv. Mr. K H Nobin Singh, Adv. State of Chhatisgarh Mr. Ravindra Srivastava, Adv. Genl. Mr. Prakash Shrivastava, Adv. State of Goa Ms. A. Subhashini, Adv. State of Karnataka Mr. Satya Mitra, Adv. Mr. Sanjay R. Hegde, Adv. Petr. in WP 171/96 Ms. Shabnam Lone, Adv. Mr. M.N. Shroff, Adv. State of Arunachal Pradesh Mr. Anil Shrivastav, Adv. State of Sikkim Mr. A Mariarputham, Adv. for M/s. Arputham Aruna & Co., Advs. Contemnor No. 1 Mr. M.L. Verma, Sr. Adv. in COnt Petn.193/01 Mr. Joseph Pookkatt, Adv. Mr. Prasenjit Keswani, Adv. Mr. Prashant Kumar, Adv. RR No. 2 Mr. Gourab K. Banerjee, Adv. in Cont. Petn. 193/01 Mr. Vishwajit Singh, Adv. RR in WP 171/96 Mr. Amit Dhingra, Adv. Ms. Musharaf Chaudhary, Adv. Mr. P.H. Parekh, Adv. Mr. Neeraj Kumar Jain, Adv. State of Haryana Mr. J.P. Dhanda, Adv. RR in SLP 1573 Mr. Mukul Rohtagi, ASG. Mr. Aftab Ali Khan, Adv. Mr. C. Radhakrishna, Adv. Mr. B.V. Balaram Das, Adv. State of Andhra Pradesh Mr. T.V. Ratnam, Adv. State of J & K Ms. Shamama Anis, Adv. Mr. Anis Suhrawardy, Adv. RR in WP 603/00 Mr. Dinesh Dwivedi, Sr. Adv.

Ms. Anamila Agarwal, Adv. Ms. Chetan Siddharth, Adv. Mr. Ajay K. Agrawal, Adv. Mr. Altaf Ahmed, ASG. Andaman Admn. Mr. A.S. Rawat, Adv. Mr. D.S. Mahra, Adv. Chief Conservator of Forest, Andaman Admn (Present in Court) ...10/-: 10 : Contemnor-respondents Nos. 1 & 2 in Cont. Petn. 193/2001 personally present in Court. State of Gujarat Ms. Hemantika Wahi, Adv. N.M.D.C. Mr. Mukul Rohtagi, ASG. UPON hearing counsel the Court made the following ORDER .SP2 .SP1 RE: SPECIAL INVESTIGATION TEAM REPORT FILED IN COURT ON@@ 12.03.2001 AND AFFIDAVIT FILED IN COURT ON 12.03.2001 AND@@ AFFIDAVIT FILED IN COURT ON 23.04.2001@@ EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE .SP2 List this matter for hearing after the Final Report of the Special Investigation Team is filed. .SP1 DIRECTION WITH REGARD TO SETTING UP OF NODAL AGENCIES IN@@ THE STATE OF M.P. AND CHHATISGARH TO DISPOSE OF THE@@ INTERLOCUTORY APPLICATIONS WITH REGARD TO OVERSEEING THE@@ WORKING OF FOREST@@ EEEEEEEEEEEEEEEE .SP2 Report filed by the Empowered Committee is taken on record and accepted. List I.A. 589 alongwith the report on the next date of hearing. .SP1 I.A. No.295 (Interim application through Amicus Curiae@@ for directions regarding the State of Assam PCCF order@@ dated 12th February, 1998)@@ EEEEEEEEEEEEEEEEEEEEEEEE .SP2 List after six weeks.

I.A. No. 664 (For directions)@@

Reply be filed within two weeks. Rejoinder be filed within two weeks thereafter. List after four weeks.

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Reply be filed within two weeks. Rejoinder be filed within two weeks thereafter. List after four weeks.

.SP1

.SP2

Replies be filed within four weeks. List on a non-miscellaneous day thereafter.

.SP1

.SP2

States of Bihar, Karnataka, Maharashtra, NCT of Delhi, Uttar Pradesh, Punjab, West Bengal and Andhra Pradesh have not filed their affidavits as per the office report dated 21st November, 2001. The Chief Secretaries of these States are directed to ensure the filing of their affidavits within four weeks from today. Affidavit of the Union of India should be filed within seven weeks from today. List thereafter.

.SP1

.SP2

Most of the affidavits have been filed from a statement which has been placed on record by the learned Amicus Curiae. It is clear that large sums of money have12/-

been realised by various States from the user-agencies to whom permissions were granted for using forest land for non-forest purposes. Monies were paid by them to the State Governments for compensatory afforestation but the utilisation of the money for re-forestation represents only about 63 per cent of the funds actually realised by the State Governments. The shortfall is of nearly Rs.200 crores.

While on the next date of hearing the Court will consider as to how this shortfall is to be made good, the Ministry of Environment & Forests should formulate a Scheme whereby whenever any permission is granted for change of user of forest land for non-forest purposes and one of the conditions of the permission is that there should be compensatory afforestation then the responsibility of the same should be that of the user-agency and should be required to set apart a sum of money for doing the needful. In such a case the State Governments concerned will have to provide or make available land on which reforestation can take place and this land may have to be made available either at the expense of the user-agency or of the State Governments, as the State Governments may decide. The scheme which is framed by the Ministry of Environment &Forests should be such as to ensure that afforestation takes place as per the permissions which are granted and there should be no shortfall in respect thereto. Counsel

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for the Union of India states that appropriate scheme will be formulated on the basis of which permissions will be granted in future and the same placed before this Court within eight weeks. List thereafter.

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.SP2

Issue notice returnable after four weeks. Dasti service in addition is permitted.

Adjourned. List after four weeks.

.SP1

.SP2

Our attention is being drawn to the letter dated 27th April, 2001, of the Ministry of Environment & Forests to the Chief Secretary, Government of Tripura, Agartala with regard to the running of the wood-based units in Tripura. As per this letter, the State Government's attention was ing drawn to the Court's order dated 15th January, 1998, and it has been stated in this letter that the State Government has allowed saw-mills to function in a manner which was not permitted by this Court's order. It is not on record as to whether the direction contained in this letter was complied with. However, as it prima facie

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appears that this Court's order of 15th January, 1998 has been permitted to be violated. We issue notice to the Chief Secretary, Government of Tripura, Agartala to show cause why appropriate action should not be taken in respect thereto.

Mr. Kailash Vasdev, ld. senior counsel states that in response to the letter dated 27th April, 2001 there was a communication from the State of Tripura to the Ministry of Environment & Forests asking for clarifications. Be that as it may, our concern is as to why the State should have allowed the order of this Court dated 15th January, 1998, to be contravened. Affidavit of the Chief Secretary be filed within four weeks. In the first instance, it is not necessary for the Chief Secretary to be personally present.

List I.A. No. 636 after six weeks alongwith the letter above filed.

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Adjourned to 15th January, 2001.

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This is an application filed by the State of Madhya

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Pradesh for quashing the order dated 18th June, 2001 passed by the Empowered Committee whereby the State of Madhya Pradesh has been directed to pay a sum of Rs. 15 crores to the State of Chhatisgarh for compensatory afforestation because permission had been granted to the National Mineral Development Corporation to carry out non-forest activity of mining and N.M.D.C. and it had deposited the money with the State of M.P. for carrying out the compensatory afforestation. As afforestation has to be done in Chhatisgarh therefore, State of M.P. which had received the amount from N.M.D.C. should pay this amount.

We are informed that pursuant to the said order, a sum of Rs. 15 crores has been deposited. Mr. Ravindra Srivastava, ld. Advocate General for the State of Chhatisgarh states that this amount will be taken out of the general revenue of the State and gives an undertaking that this will be spent for afforestation of 3600 hectares which was an obligation cast on the N.M.D.C. The compensatory afforesation will be carried out by the State of Chhatisgarh in accordance with the Scheme. As we see it by virtue of the re-organisation there has been division of assets by applying a particular formula. The division has taken place on the basis of the respective population of the States and not on the basis of where the projects were to be undertaken. In a sense, therefore, the State of Chhatisgarh must be regarded as they have received the

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amount of Rs. 40.30 crores. This flows from the fact that the assets and liabilities have been divided in the proportion of 73.3790 : 26.6203 persons between the State of Madhya Pradesh and the State of Chhatisgarh. Reliance has been placed by Mr. Vivek Tankha, ld. Advocate General for the State of M.P. on Annexures P3 and P4 which are letters of the Reserve Bank of India and the Accountant General according to which the division of assets and the liabilities have taken place in the aforesaid manner. If this be so, then Rs. 15 crores which has been paid under the orders of the Empowered Committee by the State of M.P. may be regarded as being in addition to Rs. 40 crores deemed to have been received by the State of Chhatisgarh.

The ld. Advocate General for the State of Chhatisgarh does not accept as correct, the proposition that the State has received Rs. 40 Crores which was deposited by N.M.D.C. for afforestation and he wishes to file an affidavit in that behalf. Whether this Rs. 40, crores deposited by N.M.D.C. has as a result of division of assets and liabilities been received by the State of Chhatisgarh or not is therefore a point in dispute and in our opinion, this should be decided by the Reserve Bank of India which has bifurcated the assets. In the meantime, the State of Chhatisgarh will be permitted to utilise Rs.15 Crores which has been paid to it for afforestation. Rs. 15 crores should be kept in a separate bank account and a scheme prepared and furnished to this Court by the next $\dots 17/-$

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date of hearing indicating the manner in which this amount will be used.

To come up for further orders, after six weeks.

Dismissed as withdrawn.

I.A. No. 680 (For directions)@@ EEEEEEEEEEEEEEEEEEEEEEEE

Adjourned. List after six weeks. Affidavit be filed in the meantime.

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Adjourned. List after six weeks.

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petition is adjourned by six weeks in order to enable him to file an affidavit. List thereafter. A suggestion has been mooted by Mr. Harish N. Salve, ld. Amicus Curiae in which there is some merit that for every illegal felling of tree in any plantation one hectare of land must be taken away from the plantation owners for the purpose fo compulsory afforestation. This aspect will be considered.

I.A. No. 502 (For intervention)@@ EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE

An application has been filed by the ld. Amicus Curiae in Court against the illegal encroachment of forest land in various States and Union Territories is taken on board. Let the same be registered and numbered. Issue notice to the respondents returnable after six weeks. There will be an interim order in terms of prayer (a).

Affdiavits in reply to the application may be filed. It is suggested by the ld. Amicus Curiae that it will be helpful to the Court if an independent survey of Andaman & Nicobar Ecology is undertaken especially inregard to the forest cover of that area. He suggests that Professor Shekhar Singh of the Indian Institute of Public Administration, New Delhi, who is an expert in this area and has worked in Andaman, be requested to give a Report to the Court with regard to the state of the forest and to what extent cutting of trees, if any, can be protected and

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what is required to be done to improve the ecology and the forest cover of the area. The Ministry of Environment & Forests is directed to appoint Prof. Shekhar Singh as a Commissioner to give a Report on the state of the forest and other allied matters of Andaman & Nicobar Islands. The expenses incurred thereto will be borne by the Min. of Env. & forests and Prof. Shekhar Singh may give a Report preferably within a period of six weeks. He will be at liberty to take assistance of such persons as he may deem proper. Apart from the out-of-pocket expenses which will be borne by the expenses by Ministry of Env. & Forests he will be entitled to such fee as will be determined by the Court on the next date of hearing after receipt of his report.

Till further orders the Administrator, Andaman & Nicobar Islands is directed to ensure compliance of this court's order dated 10.01.2001, namely, no naturally grown tree will be cut by any one and no saw-mill, veneer or plywood factory shall utilise any naturally grown trees without further orders from this Court.

List of such factories, saw-mills and veneer will be filed by the Andaman & Nicobar Administration within two weeks. They will also file an inventory of the material lying in the Government Saw-mills.

List after six weeks.

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Issue notice returnable after six weeks. Dasti service in addition is permitted.

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Issue notice to Ministry of Environment & Forests which will file its reply within three weeks. It will also file Environmental Impact of Assessment Report on the basis of the permission granted by the Ministry.

Issue notice returnable after six weeks.

IA No. 605(for directions)@@ EEEEEEEEEEEEEEEEEEEEEE

The order directing the six Police Officers to be placed under suspension is hereby withdrawn. The disciplinary proceedings which are stated to have been initiated against them shall be completed within six months from today and report file in the Court. List thereafter.

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Copies of the same be given to the ld. Amicus Curiae and to the counsel for the parties who may give their comments on the next date of hearing. List after six weeks.

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IA Nos. 645 & 695 (For directions)@@ EEEEEEEEEEEEEEEEEEEEEEEEEEEE

Issue notice returnable after six weeks. Replies be filed in the meantime.

Rest of the matters@@ EEEEEEEEEEEEEE

Adjourned.

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