

r
W.P(C)No. 202 OF 1995

ITEM No. 26

Court No. 1

SECTION PIL

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

IA NO.634-635 in WP (C) NO. 202/1995@@
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T.N. GODAVARMAN THIRUMALPAD

Petitioners~

VERSUS

UNION OF INDIA

Respondents

(For impleadment and directions)

WITH
IA NOS. 697-698 in WP 202/95
(For directions and exemption from filing OT)

IA NO. 756 in WP 202/95
(For directions)

IA No. 757 in WP 202/95
(For directions)

IA No. 758 in WP 202/95
(For directions)

IA No. 295 in WP 202/95
(Interim application through Amicus Curiae for directions regarding
the State of Assam PCCF order dated 12th February, 1998)

Date : 09/05/2002 These applications were listed for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE H.K. SEMA

Amicus Curiae Mr. Harish N Salve, SG (AC)
 Mr. U U Lalit, Adv. (AC)
 Mr. Siddharth Chaudhary, Adv.

For Petitioner(s) Mr. Mahendra Vyas, Adv.
 Mr. P K Manohar, Adv.

For Ministry of Environ- Mr. A D N Rao, Adv.
ment & Forests/UoI Mr. R N Poddar, Adv.
 Mr. S Wasim A Qadri, Ms. Alka Agarwal,
 Mr. A K Raina, Mr. P Parmeswaran,
 Ms. Anil Katiyar and Mr. B V Balram
 Das, Adv.

For M/o Railways Mr. Mukul Rohtagi, ASG.
 Ms. Alka Agarwal, Adv.
 Mr. B.V. Balaram Das, Adv.

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For Applicant (s)

IAS 634-635, 697-698 Mr. Mukul Rohtagi, ASG
Ms. Tasneem Ahmadi, Mr. Bharat Sangal,
Ms. Sangeeta Panicker and Mr. R K Mecolt
Singh, Adv.

in IA 295, 756, 757 & Mr. Harish N. Salve, S.G. (A.C.)
758 Mr. Siddharth Choudhary, Adv.
Mr. U.U. Lalit, Adv. (A.C.)

in IA 759 Mr. T. Raja, Adv.

For Respondent(s)

State of Assam Ms. Krishna Sarma, Adv.
Ms. Asha G Nair and Mr. V.K. Siddharthan,
Adv. for M/s. Corporate Law Group, Adv.

Andaman & Nicobar Mr. Altaf Ahmad, ASG
Administration Ms. Sunita Sharma and Mr. Ashok Bhan, and
Mr. D.S. Mahra, Adv.

State of Andhra Pradesh Mr. T V Ratnam, Adv.
Mr. K Subba Rao, Adv.

State of Arunachal Mr. Anil Shrivastav, Adv.
Pradesh

State of Bihar Mr. B B Singh, Adv.

State of Chhatisgarh Mr. Prakash Shrivastava, Adv.

UT of Chandigarh Ms. Kamini Jaiswal, Adv.
Ms. Aishwarya Rao, Adv.

UT of Daman & Diu, Mr. Kailash Vasdev, Sr. Adv.
Dadra & Nagar Haveli Ms. Sunita Sharma, Adv.
& Lakshadweep Mr. D S Mahra, Adv.

State of Goa Ms. A Subhashini, Adv.

State of Gujarat Ms. Hemantika Wahi, Adv.
Ms. Sumita Hazarika and Ms. Aruna
Gupta, Adv.

State of Haryana Mr. Mahendra Anand, Sr. Adv.
Mr. J P Dhanda, Adv.
Ms. Raj Rani Dhanda, Mr. K P Singh
and Mr. D S Nagar, Adv.

State of Himachal Mr. Naresh K Sharma, Adv.
Pradesh

State of Jharkhand Mr. Arup Banerjee, Adv.
Mr. Ashok Mathur, Adv.

State of Karnataka Mr. Sanjay R Hegde, Adv.
Mr. Satya Mitra, Adv.

State of Kerala Mr. K R Sasiprabhu, Adv.

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State of Mizoram	Mr. Hemantika Wah, Adv. Ms. Sumita Hazarika and Ms. Aruna Gupta, Advs.
State of M.P.	Mr. Vivek Tankha, Adv. Genl. Mr. S K Agnihotri, Adv. Mr. Anil Kumar Pandey, Adv. Mr. Rohit K Singh, Adv.
State of Meghalaya	Mr. Ranjan Mukherjee, Adv.
State of Manipur	M/s Gireesh Kumar, and K.H. Nobin Singh, Advs.
State of Maharashtra	Mr. S S Shinde and Mr. S V Deshpande, Advs.
State of Nagaland	Ms. V D Khanna, Adv.
State of Orissa	Mr. Raj Kumar Mehta, Adv.
Govt. of Pondicherry	Mr. V G Pragasam, Adv.
State of Punjab	Mr. Atul Nanda, Dy. Adv. Genl. Mr. Rajeev Sharma, Adv.
State of Sikkim	Mr. A Mariarputham, Adv. Ms. Aruna Mathur, Mr. Anurag D Mathur, Advs. for Arputham Aruna & Co., Advs.
State of Tripura	Mr. Gopal Singh, and Mr. Rahul Singh, Advs.
State of Uttaranchal	Ms. Rachna Srivastava, Adv. Mr. Mahesh C. Kaushiwa, Adv. Mr. Ajay K. Agarwal, Adv. Mr. Mahesh Chandra, Adv.
State of U.P.	Mr. Ajay K Agrawal, Adv. Ms. Alka Agarwal, Adv.
State of West Bengal	Mr. Avijit Bhattacharjee, Adv. Mr. Atanu Saikia, Adv.
For UOI in IA 295	Mr. Prateek Jalan & Mr. R.N. Poddar, Advs.
For DDA	Mr. Vishnu B. Saharya, Adv. for M/s VB Saharya & Co., Advs.

UPON hearing counsel, the Court made the following
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IA NO. 756@@
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We direct the Bhure Lal Committee to examine the
possibility of development of forest and large tracts of
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land which have been acquired by the Delhi Administration
and the Delhi Development Authority and which are still
lying undeveloped. Liberty will be given to the Delhi
Development Authority and the Delhi Administration to place
before the Bhure Lal Committee the status with regard to

the utilisation of the said land. Bhure Lal Committee may give its report within twelve weeks from today. Within two weeks from today the Delhi Development Authority and the Delhi Administration will file affidavits with Bhure Lal Committee indicating the land details or the land acquired and which have not been constructed upon or utilised till today.

IA NO. 757@@
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Counsel for the Union of India states that this application will be placed before the Expert Committee for its consideration. In the meantime, no further building plans or construction shall be sanctioned by any authority. List in August, 2002.

IA NO. 758@@
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List in August, 2002.

IA NOS. 634-635@@
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Place before the Standing Committee of I.B.W.A. which will submit its report within twelve weeks. List thereafter.

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I.A. NO. 759/2002@@
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Taken on board.

Issue notice. In the meantime no trees on the Gurudwara road should be cut.

I.A. No. 295@@
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Disposed of in terms of the signed order.

Rest of the IAs@@
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List in August 2002.

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Kalyani. (S.L. GOYAL)@@
AA
COURT MASTER @@
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(Signed Order is placed on the file.)

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 202 OF 1995@@
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T.N. GODAVARMAN THIRUMALPAD APPELLANTS

Versus

UNION OF INDIA & ORS. RESPONDENTS

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WITH
I.A. NO. 295 IN W.P. (C) NO. 202 OF 1995@@
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AND
WRIT PETITION (C) NO. 171 OF 1996@@
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O R D E R@@
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After hearing the learned Amicus Curiae, counsel for the parties and taking into consideration the suggestions placed before us by the learned Attorney General, we pass the following order:-

(1) It is submitted that till the Central Government constitutes a statutory agency as contemplated by Section 3 of the Environment (Protection) Act, 1986, it is necessary and expedient that an authority be constituted at the national level to be called Central Empowered Committee [hereinafter the Empowered Committee] for monitoring of implementation of Hon'ble Court's orders and to place the non-compliance cases before it, including in respect of encroachment removals,
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implementations of working plans, compensatory afforestation, plantations and other conservation issues.

(2) The Empowered Committee shall comprise of a Chairman to be nominated by Ministry of Environment and Forest [MoEF] in consultation with the Amicus Curiae. It will have one nominee of the MoEF, and two NGOs (also to be nominated in consultation with the Amicus Curiae). Shri M.K. Jiwrajka will be its Member-Secretary. The persons so appointed (other than the nominee of the Ministry) shall not be removed without leave of the Court.

(3) Pending interlocutory applications in these two writ petitions as well as the reports and affidavits filed by the States in response to the orders made by the Court shall be examined by the Committee, and their recommendations will be placed before Hon'ble Court for orders.

(4) Any individual having any grievance against any steps taken by the Government or any other authority in purported compliance with the orders passed by this
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Hon'ble Court will be at liberty to move the Committee for seeking suitable relief. The Committee may dispose of such applications in conformity with the orders passed by Hon'ble Court. Any application which cannot be appropriately disposed of by the Committee may be referred by it to this Hon'ble Court.

(5) The Committee shall have the power to:

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(a) Call for any documents from any person or the Government of the Union or the State or any other official;

(b) Summon any person and receive evidence from such person on oath either on affidavit or otherwise.

(c) Seek assistance/presence of any person(s)/official(s) required by it in relation to its work.

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(6) The Committee may decide its own procedure for
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dealing with applications and other issues. Union of India shall provide suitable and adequate office accommodation for the Committee. The expenditure incurred on the working of the Committee including salary/remuneration (to the extent not payable by the Government) to the members and supporting staff, may be met out of income accruing to the Special Investigating Team [SIT]. Necessary procedure for this may be formulated by the Committee in consultation with the SIT.

(7) The Committee is empowered to co-opt one or more persons as its members or as special invitees for dealing with specific issues. While dealing with issues pertaining to a particular State, wherever feasible, the Chief Secretary and Principal Chief Conservator of Forests of the State shall be co-opted as special invitees.

(8) The Committee shall submit quarterly reports to the Hon'ble Court. It will be at liberty to seek clarifications/modifications needed by it from Hon'ble Court.

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I.A. No. 295 is disposed of in the aforesaid terms.

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(ARIJIT PASAYAT)

New Delhi,
May 09, 2002.

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(H.K. SEMA)