

ITEM NO.2

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).337/1995

CENTRE FOR ENVIRONMENT LAW WWF 1

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(ONLY I.A Nos. 192/2017, 26080 & 26088/2018, 173956 & 173962/2018 ARE TO BE TAKEN UP FOLLOWING ADVOCATE NAME TO BE SHOWN "MR. T.V.S. RAGHVENDRA SREYAS, ADV., MR. A.D.N. RAO, ADV., MR. SIDDHARTHA CHOWDHURY, ADV., MR. HARISH N. SALVE, SR. ADV., MS. APARAJITA SINGH, ADV. (A.C.), MR. G.S. MAKKER, ADV., MR. L. R. SINGH, ADV., MR. V.N. RAGHUPATHY, ADV., MR. V.D. KHANNA, ADV, MR. M.K. MARORIA, ADV., Mr. LAKSHMI RAMAN SINGH, ADV. MR. NISHANT R. KATNESHWARKAR,ADV, SRISHTI AGNIHOTRI,ADV, URMILA SIRUR, ADV, VISHWA PAL SINGH, ADV"

[NTU 14.1.20]

(With

I.A. No.192/2017 - FOR DIRECTIONS

I.A. No.26080/2018 - DIRECTIONS AND I.A. No. 26088/2018 - FOR IMPLEADMENT

I.A. No.173962/2018 - FOR DIRECTIONS AND I.A. No.173956/2018 - FOR INTERVENTION

I.A. No.117425/2019 - FOR INTERVENTION AND I.A. No.117429/2019 - FOR DIRECTIONS

WITH

W.P.(C) No. 1032/2013 (PIL-W)

(With IA No. 158416/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 28-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE SURYA KANT

Counsel for the parties

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Mr. Saeed Qadri, Adv.

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Mr. Ashiwan Mishra, Adv.

Mr. Anurag Tiwari, Adv.

Mr. Vishwa Pal Singh, Adv.

Mr. N. Ganapathy, Sr. Adv.

Mr. Aniruddha Deshmukh, AOR

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

I.A. No.192/2017 - FOR DIRECTIONS

This is an application filed by the applicant viz., National Tiger Conservation Authority (for short, the 'NTCA') for permission to re-introduce Cheetahs from Africa to suitable sites in India.

We have heard Mr. Prashanto Chandra Sen, learned Senior Counsel for the applicant, Mr. ANS Nadkarni, learned Additional Solicitor General for the respondent-Union of India, Mr. A.D.N. Rao, learned Amicus Curiae and Dr. M.K. Ranjit Singh (IAS Retd.)-in-person, Former Director of Wildlife Preservation, India.

At the outset, we find that the word 're-introduce' has been erroneously applied since it is an admitted fact that the African Cheetahs never inhabited in India. Therefore, if an attempt is made to relocate the African Cheetah within the territory of India, it will amount to an 'introduction' of the African Cheetah and not a 're-introduction'.

Be that as it may. We find that in the case of *Centre for Environment Law, World Wide Fund - India vs. Union of India & Ors.* - (2013) 8 SCC 234, this Court struck down an order of the Ministry of Environment, Forest & Climate Change (MoEF&CC) to introduce the African Cheetahs in Kuno in Madhya Pradesh on the ground that MoEF&CC had not conducted any detailed study before passing the order of introducing 'foreign species' to the territory of India.

The instant application presumably seeks to remedy the defect that was noticed earlier. In that, it is submitted that African

Cheetahs would be introduced on an experimental basis in a carefully chosen habitat and nurtured and watched to see whether it can adapt to the Indian conditions. In case there are some difficulties noticed about the location in which it is introduced, we are informed that the location would be changed to another forest which is more habitable for the animals. It is not desirable that this action of introducing the African Cheetahs into India be left to the sole discretion of the NTCA but we consider it appropriate that NTCA be guided and directed by the Committee of Experts in the field who would carry out the survey for the best location for introducing the African Cheetahs in India and take a careful decision about the viability of introducing this animal on a larger scale. The expert committee shall also supervise the entire process and NTCA shall be guided to act in co-ordination with the expert committee. The expert committee shall comprise the following members :

- (1) Dr. M.K. Ranjit Singh (IAS Retd.),
Former Director of Wildlife Preservation, India.
Cell : 9868888456
- (2) Dr. Dhananjai Mohan, Chief Conservator
of Forests, Wildlife Admn. Protection & Intelligence,
Nainital, Uttarakhand.
- (3) DIG (Wildlife)
Ministry of Environment, Forest & Climate Change,
Government of India,
New Delhi.

The said expert committee shall submit a report to this Court every four months.

List the matter after four months with the report of the expert committee.

I.A. No.26080/2018 - DIRECTIONS AND I.A. No. 26088/2018 - FOR IMPLEADMENT

List the instant applications on 04.02.2020 (a non-miscellaneous day).

In the meantime, the applicant is directed to serve a copy of these applications upon Mr. ANS Nadkarni, learned Additional Solicitor General for the respondent - Union of India to enable him to file reply, if any.

I.A. No.173962/2018 - FOR DIRECTIONS AND I.A. No.173956/2018 - FOR INTERVENTION

Heard.

As prayed for, the following persons are impleaded as party respondents in the instant application for directions :

- (1) Dr. Dhananjai Mohan, Chief Conservator of Forests, Wildlife Admn. Protection & Intelligence, Nainital, Uttarakhand.
- (2) Wildlife Conservation Trust
Rajkot.

Issue notice to the respondents as also to the newly added party respondents returnable four weeks.

Waive service on the respondent-Union of India since Mr. G.S. Makker, learned counsel, is appearing on behalf of the Union of India.

In the meantime, as prayed for, Mr. ANS Nadkarni, learned Additional Solicitor General for the respondent - Union of India, is allowed to file reply affidavit.

I.A. No.117425/2019 - FOR INTERVENTION AND I.A. No.117429/2019 - FOR DIRECTIONS

Issue notice returnable four weeks.

Waive service on the respondent-Union of India since Mr. G.S. Makker, learned counsel, is appearing on behalf of the Union of India.

In the meantime, as prayed for, Mr. ANS Nadkarni, learned Additional Solicitor General for the respondent - Union of India, is allowed to file reply affidavit.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR