

ITEM NO.56

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
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). 230/2001

M.K. BALAKRISHNAN & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(WITH APPLN. (S) FOR directions and intervention and application for including the applicant in the committee of experts and to sanction an amount of Rs. 10 crores for national wetlands yatra and Office Report)

Date : 03/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Gopal Sankaranarayanan, Adv.
Mr. Zeeshan Diwan, Adv.
Dr. Jogendra Samal, Adv.
Mr. Naresh Kumar, AOR

For Respondent(s)/
applicant(s)

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M/s Corporate Law Group (NP)

Ms. Kamini Jaiswal, AOR

Ms. Sumita Hazarika, AOR

Ms. A. Subhashini, Adv.

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

Pursuant to our last order dated 8th February, 2017, it has been brought to our notice by learned counsel appearing for Union of India that Central Wetland Regulatory Authority (CWRA) has since been constituted on 14th February, 2017. The Ministry of Tourism and the Ministry of Social Justice and Empowerment have not nominated an officer not below the rank of Joint Secretary to the Authority. We expect these two Ministries to make the nominations at the earliest so that the Central Wetland Regulatory Authority can comprehensively carry on its mandate under the law.

We have also been shown a statement of expenditure that has been filed by the Union of India along with an affidavit dated 28th March, 2017. While huge amounts

appear to have been spent to the extent of Rs.945.95 crores, it appears from a reading of the affidavit that not much improvement seems to have been made at least on the ground. That apart, the activities or the steps undertaken and the expenditure incurred in respect of those activities are extremely general in nature. We are also not sure whether the accounts have been audited or not.

Learned counsel for the Union of India says that he will ascertain whether the accounts of the amounts that have been disbursed to the State Governments have been audited and file an affidavit in this regard.

We have put it to learned counsel for the petitioner that insofar as the Ramsar Convention sites are concerned, since they are matters of international heritage, it might be more appropriate if the concerned High Courts monitor the management of these sites at least till there is some visible improvement. Learned counsel for the petitioner says that he has no objection to this.

Under the circumstances, we direct the Registry of this Court to make photocopies of the affidavit filed by the Union of India by Dr. A. Duraisamy, Scientist 'F' and Member Secretary, Central Wetland Regulatory Authority and send it to the following High Courts:

High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh, Gauhati High Court,

Gujarat High Court, Himachal Pradesh High Court, J&K High Court, Kerala High Court, Madhya Pradesh High Court, Manipur High Court, Orissa High Court, Punjab and Haryana High Court, Rajasthan High Court, Madras High Court, Tripura High Court, Allahabad High Court and High Court at Calcutta.

The affidavit be sent to the Registrar General of all the aforementioned High Courts within two weeks from today. A copy of all the orders passed by this Court from 10th September, 2014 till today shall also be sent to the concerned High Courts along with the affidavit.

We request Hon'ble the Chief Justice of the concerned High Court to treat the affidavit as a *suo motu* public interest petition and, if necessary, appoint an *amicus* to assist the court so as to ensure that the Ramsar Convention sites within their jurisdiction are properly maintained.

The affidavit by the Union of India should be filed within six weeks. List the matter on 12th July, 2017.

(SANJAY KUMAR-I)
AR-CUM-PS

(SHARDA KAPOOR)
COURT MASTER