

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

301. IA No. 100 in WRIT PETITION (CIVIL) NO(s). 337 OF 1995

CENTRE FOR ENVIR. LAW, WWF-I

Petitioner(s)

VERSUS

UNION OF INDIA & ORS
(FOR INTERVENTION)

Respondent(s)

WITH

I.A.NO._____ in W.P. (CIVIL) NO(s). 202 OF 1995

302. I.A.NOs. 3450-3451 IN I.A.NOs. 3297-3299 IN W.P.(C) 202/1995
(FOR DIRECTIONS AND EXEMPTION FROM FILING O.T.)

303. I.A.NOs. IN S.L.P.(C) Nos. 19628-19629/2009
(FOR DIRECTIONS ON BEHALF OF STATE OF U.P. AND OFFICE REPORT)

Date: 08/05/2012 These I.As. were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For the parties :

Mr. P.S. Narasimha, Sr. Adv.

Mr. Gaurav Agrawal, Adv.

Mr. K. Parameshwar, Adv.

Mr. Haris Beeran, Adv.

Mr. P.K. Manohar, Adv.

301. Mr. P.P. Malhotra, ASG

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Mr. T.S. Deobia, Sr. Adv.

Ms. Kiran Bhardwaj, Adv.

Mr. B.K. Prasad, Adv.

Ms. Madhurima Mridul, Adv.

Mrs. Sukhbeer Kaur Bajwa, Adv.

Mr. R.K. Tanwar, Adv.

Mr. R.K. Rathor, Adv.

Mr. S.N. Terdal, Adv.

Ms. Asha G. Nair, Adv.

Mr. Shailender Saini, Adv.

Mr. M. Khairati, Adv.

Mr. D.S. Mahra, Adv.

Mr. Shyam Diwan, Sr. Adv.
Ms. Hemantika Wahi, Adv.
Mr. S. Panda, Adv.

Mr. Raj Panjwani, Sr. Adv.
Mr. Ritwick Dutta, Adv.
Mr. Rahul Choudhary, Adv.
Mr. Aditya Shamlal, Adv.
Mr. Vijay Panjwani, Adv.

302. Mr. Anip Sachthey, Adv.
Mr. Mohit Paul, Adv.
Ms. Shagun Matta, Adv.

303. Mr. Mohan Jain, ASG
Mr. D.K. Thakur, Adv.
Mr. B.K. Prasad, Adv.

Mr. P.N. Misra, Sr. Adv.
Mr. T.N. Singh, Adv.
Mr. Rajeev Dubey, Adv.
Mr. Kamlendra Mishra, Adv.

Mr. Manjit Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.

Mr. Jitendra Mohan Sharma, Adv.
Mr. Sandeep Singh, Adv.
Mr. Sameer Singh, Adv.
Mr. Niten Singh, Adv.
Mr. Vibhav Vardhan, Adv.

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

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301. PART-HEARD
IA No. 100 in WRIT PETITION (CIVIL) NO(s). 337 OF 1995

Arguments remained inconclusive.

List on 2nd July, 2012.

I.A.NO. ___ in W.P. (C) NO(s). 202 OF 1995

Taken on Board.

Perused the application for directions filed by
learned Amicus Curiae and also gone through the
Annexures A-1 to A-4 and other scientific materials
placed before us.

We have heard learned amicus curiae as well as
learned Additional Solicitor General appearing for the
M.O.E.F.

Learned amicus curiae has drawn our attention to

para 3 of the application which reads as follows:

"It is reliably learnt that the decision to introduce African Cheetahs from Namibia into the same proposed habitat chosen for re-introduction of lions from Gir has not been either placed before the Standing Committee of the National Board for Wildlife, nor has been a considered decision taken in this regard. Only feasibility studies have been undertaken, no deliberations conducted and no decision taken by the Board or its standing Committee is available on the public domain".

We have put a specific question to Mr. P.P. Malhotra, learned Additional Solicitor General in
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presence of the Officer of the M.O.E.F. as to whether any decision has been taken by the National Board for Wildlife on the question of introduction of African Cheetahs from Namibia to Palpur Kuno Sanctuary in the State of Madhya Pradesh. The Joint Director of the M.O.E.F. who is present in the Court submitted that no decision has been taken by the N.B.W.L. on the issue of introduction of Cheetahs to Palpur Kuno Sanctuary so far, though placed before it.

Learned amicus has drawn our attention to Section 5(c) of the Wildlife (Protection) Act, 1972, according to which, for introduction of Cheetahs from Namibia into India, opinion of the National Board for Wildlife is a legal requirement. No such decision has been taken so far, nor placed before the Court. Scientific study reveals that introduction of an alien species be considered only if no native specie is considered suitable for the purpose for which the introduction is being made. Kuno sanctuary is not a natural habitat for African cheetah. Experts say, no species be considered for introduction to a new habitat until the factors which limit its distribution and abundance in the native range have been studied and understood by

competent ecologists. Further, we have also to examine whether there will be man-animal conflict in Kuno on cheetah introduction? Again question may arise, whether

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there is sufficient prey base for all the species to survive? Whether both lions and cheetahs can co-exist is a matter which requires detailed scientific study. Priority has to be given for preservation of our own species.

We are, therefore, constrained to stay the decision of M.O.E.F. to import Cheetahs from Namibia into India for introducing them to Palpur Kuno Sanctuary till we take a final decision on the question of reintroduction of lions in Kuno Sanctuary, a project which has been held for the last two decades.

We direct the M.O.E.F. to produce before the Court relevant materials and decisions, if any, relating to studies undertaken and deliberations made by the National Board for Wildlife on this matter.

We suo motu implead the State of Gujarat as well as State of Madhya Pradesh as parties to this application.

The applicant is directed to serve a copy of the application on the counsels representing State of Gujarat and State of Madhya Pradesh.

List after vacation.

302. I.A.NOs. 3450-3451 IN I.A.NOs. 3297-3299 IN W.P.(C) 202/1995

Learned counsel appearing for the M.O.E.F. wants

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to seek instructions.

Post on 2nd July, 2012.

303. I.A.NOs. IN S.L.P.(C) Nos. 19628-19629/2009

The application is disposed of leaving the State

to take action in accordance with law.

(G. SUDHAKARA RAO)
COURT MASTER

(SUKHBIR PAUL KAUR)
COURT MASTER