

Annexure IX (9), (Vide Article - 9.01 (xi))

**SUPREME COURT OF INDIA
RECORDS OF PROCEEDINGS**

I.A. Nos. 1430-1432 in W.P.(C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(for directions, ad-interim and exemption from filing 0-T.)

Date: 25/11/2005 These Petitions were called on for hearing today.

CORAM

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

ORDER

I.A. No. 1220 (interim resort of CEC in I.A. No. 5481 and I.A. 994

Some of the State Governments/Union Territories have filed their responses to the recommendations of the CEC. Such of the States/Union Territories which have not filed the same, are granted further four weeks' time.

None of the States has filed any objection to the recommendations of the CEC made in paras 14 and 15 in relation to clarification about allowing conservation and protection related activities for better management of the protected areas. The recommendations contained therein are, accordingly, accepted and the order dated 14th February, 2000 is clarified according. Accepting the said recommendations, we direct & under :

(A) Various activities such as removal of weeds, clearing and burning of vegetation for fire lines, maintenance of fair weather reads, habitat improvement, digging, temporary water holes, construction of anti-poaching camps, chowkies, check posts, entry barriers, water towers, small civil works, research and monitoring activities, etc. are undertaken for protection and conservation of the protected areas and therefore permissible under the provisions of Section 29 of the Wildlife (Protection) Act, 1972. These activities are necessary for day to day management of the protected areas besides it does not involve any type of commercial exploitation.

The activities above-mentioned are permissible under the various provisions of other environmental laws as well.

(B) The order dated 14th February, 2000 will not be applicable to the following activities provided that they (i) are undertaken as per the Management Plan approved by the competent authority; (ii) are consistent with the provisions of the Wildlife (Protection) Act, 1972; (iii) are undertaken consistent with the National Wildlife

Action Plan; (iv) are in conformity with the guidelines issued for the management of the protected areas from time to time; and (v) the construction and related activities are designed to merge with the natural surroundings and as far as possible use forest friendly material.

(a) Habitat improvement activities :

Weed eradication, maintenance and development of meadows/grass land required for wild herbivores which are prey base for the carnivores, digging and maintenance of small water holes and small anicuts, earthen tanks, impoundment of rain water/ relocation of villages outside the protected areas and habitat improvement of areas so vacated.

(b) Fire protection measures:

Clearance and maintenance of fire lines as prescribed in the Management Plan by undertaking controlled cool or early burning and construction of watch towers.

(c) Management of wet grassland habitats :

Early or cool controlled winter burning of grasslands habitats such as in Kaziranga and Manas National Parks in Assam, to facilitate growth of fresh grass.

(d) Communication and protection measures :

Construction of wireless towers, improvement and maintenance of fair weather non-tarred forest roads not exceeding three meters in width, small bridges, culverts, fences etc.

(e) Anti poaching initiatives :

Construction, maintenance and improvement of small anti-poaching camps/chowkies, patrolling camps, check posts, barriers, boundary walls, construction of small staff quarters for the front line staff, etc.

(D.P. WALIA)
COURT MASTER

(V.P. TYAGI)
COURT MASTER