

(2012) 10 SC CK 0044

In the Supreme Court Of India

Case No : SLP (C) No. 21339 of 2011, W.P. (C) No. 387 of 2012 and W.P. (C) No. 438 of 2012

Ajay Dubey

APPELLANT

Vs

National Tiger Conservation Auth. and Others

RESPONDENT

Date of Decision : 16-10-2012

Acts Referred:

Wild Life (Protection) Act, 1972 — Section 38(3), 38(O)(1)

Citation : (2012) 10 SCALE 577

Hon'ble Judges : Swatanter Kumar, J;A.K. Patnaik, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Heard learned Counsel for the parties. On 24th July, 2012, this Court passed an order that till the final directions are issued by this Court with reference to the Guidelines submitted by the National Tiger Conservation Authority of India, core zone or the core areas in the Tiger Reserved Areas will not be used for tourism.

2. The National Tiger Conservation Authority [for short 'the Authority'] has by Notification dated 15th October, 2012 notified the Comprehensive Guidelines for Tiger Conservation and Tourism. Part B of these Guidelines are titled: "Guidelines for Tourism in and around Tiger Reserves". The Guidelines for Tourism in and around the Tiger Reserves have been framed by virtue of the powers of the Authority u/s 38(O)(1)(c) of the Wild Life Protection Act, 1972 [for short 'the Act'] which empowers the Authority to lay down normative standards for tourism activities in buffer and core area of Tiger Reserves.

3. Now that the Guidelines for Tourism in and around the Tiger Reserves have been notified by the Authority, we modify the aforesaid interim order dated 24th July, 2012 and direct that henceforth tourism activities will be strictly in accordance with the Guidelines for Tourism in and around Tiger Reserves notified in Part B of the aforesaid Notification dated 15th October, 2012. All the concerned authorities will ensure that the requirements in the aforesaid

Guidelines for Tourism in and around the Tiger Reserves are complied with before tourism activities recommence.

4. We make it clear that we have not declared the Notification dated 15th October, 2012 either intra vires or ultra vires and if any party is aggrieved by the Notification dated 15th October, 2012 of the Authority it will be open to the aggrieved party to challenge the same before the appropriate forum.

5. It has been brought to our notice by the learned Additional Solicitor General that under Sub-section (3) of Section 38(v) of the Act. the State Government is required to prepare a Tiger Conservation Plan. We direct that the respective State Governments will prepare the Tiger Conservation Plan within six months from today and submit the same to the National Tiger Conservation Authority for approval in accordance with Section 38(O)(1)(a) of the Act.

6. While passing this order modifying the earlier interim order, we have taken note of the submission of the learned Additional Solicitor General that tourism activities may recommence strictly in accordance with the Guidelines for 'Tourism in Part B as indicated above. All the applications for vacating or modification of interim order dated 24th July, 2012 stand disposed of.

7. The matters are released from part-heard. List the SLP along with other pending interlocutory applications and Writ Petition (C) Nos. 387 of 2012 and 438 of 2012 on 27th November, 2012.