

(2012) 04 SC CK 0041
In the Supreme Court Of India
Case No : SLP (C) No. 21339 of 2011

Ajay Dubey

APPELLANT

Vs

National Tiger Conservation Auth. and Others

RESPONDENT

Date of Decision : 03-04-2012

Acts Referred:

Wild Life (Protection) Act, 1972 — Section 38

Citation : (2012) 6 SCALE 615

Hon'ble Judges : Dipak Misra, J; Dalveer Bhandari, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. We have heard the Learned Counsel for the parties.

2. Mr. Panjwani, Learned Senior Counsel and amicus curiae has drawn our attention to Section 38(b) and Explanation 1 & 2 of the Wildlife (Protection) Act, 1972. Mr. Panjwani has also drawn our attention to the list of Core and Buffer areas of Tiger Reserves in India notified under the Wildlife (Protection) Act, 1972, as amended in 2006. According to the Chart which has been submitted, following States have not yet notified the area of Buffer/Peripheral with regard to tiger reserve falling in their respective States till date:

1. Jharkhand
2. Rajasthan
3. Andhra Pradesh
4. Arunachal Pradesh
5. Uttar Pradesh
6. Tamil Nadu
7. Bihar

8. Tamil Nadu

9. Karnataka

10. Maharashtra

3. We direct all the concerned States to notify the Buffer/Peripheral area as required under the Wildlife (Protection) Act, with regard to tiger reserve falling in the States as expeditiously as possible, in any event, within three months from today.

4. Mr. Qadri, Learned Counsel appearing on behalf of the National Tiger Conservation Authority ("NTCA") has drawn our attention to the Office Memorandum dated 17th November, 2011 by which a Committee has been constituted for finalizing the guidelines relating to the eco-tourism in and around Protected Areas, besides declaration of new Tiger Reserves. The Committee has been directed by NTCA to submit its report within six months.

5. Mr. Qadri, Learned Counsel appearing on behalf of the NTCA, on instructions, submits that a report would be submitted on or before 17th May, 2012. We direct the Learned Counsel for NTCA to place a copy of the report, after it is submitted, on record and the Registry is directed to make copies of the report available to all the Learned Counsel for the parties in this matter.

6. Notice be issued to the States of Jharkhand, Rajasthan, Andhra Pradesh, Arunachal Pradesh, Uttar Pradesh, Tamil Nadu, Bihar, Karnataka and Maharashtra. Notice be additionally issued by the Registry to the standing Counsel for these States without the process fee to be filed by the concerned Counsel.

7. List this matter for further direction on 10th July, 2012.

8. We place on record our appreciation for the very able assistance rendered by the Learned Senior Counsel and amicus curiae Mr. Panjwani.