
(1995) 10 GUJ CK 0010
In the Gujarat High Court

Ajit D. Padival

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 11-10-1995

Acts Referred:

Wild Life (Protection) Act, 1972 — Section 18(1), 26A(3), 26A(3)

Citation : (1996) 1 GLR 382

Hon'ble Judges : H.R. Shelat, J;B.C. Patel, J

Bench : Division Bench

Judgement

B.C. Patel, J.—By way of Public Interest Litigation, in these two petitions, the petitioners have challenged the action of the State Government in reducing the limit of Narayan Sarovar Sanctuary in view of the Resolution dated 24th July, 1995 delimiting the area of "Narayan Sarovar Chinkara Sanctuary" on the ground that the said action is unfair, bad in law, illegal and suffering from non-application of mind and would amount to by-passing the judgment and order rendered by this Court in Special Civil Application Nos. 13139 of 1993, 6061 of 1994 and Letters Patent Appeal No. 197 of 1994. The State Government altered the boundary of the sanctuary in accordance with the Resolution dated 24th July, 1995 passed by the Legislative Assembly u/s 26-A(3) of the Wild Life (Protection) Act, 1972. The facts giving rise to the present proceedings are briefly narrated hereinbelow:

2. In exercise of powers conferred by Section 18(1) of the Wild Life (Protection) Act, 1972, the State Government vide its Resolution dated 14th April, 1981, declared and defined limits of forest area in Lakhpat Taluka falling in the Kachchh District, as specified in the Schedule annexed thereto, as a "Wild Life Sanctuary". A Notification vide Annexure-III, annexed to Special Civil Application No. 6707 of 1995 was issued as it appeared to the Government at the relevant time that it is necessary for the purpose of protecting, propagating and developing Wild life and enviroment. By the said Notification, 76,579.53 Hectares, i.e., to say 765.79 total sq. kms. of area was declared as the Wild Life Sanctuary by the aforesaid

Notification. It appears from the record of the case that there was a proposal to de-notify the sanctuary. Director of Geology and Mining indicated that huge amount of minerals of high value are deposited and the ban on exploitation of these materials on account of the fact that area has been declared as sanctuary has an adverse impact on the economic development of Kachchh District, which is mainly a backward district in the State of Gujarat. From the record, it also appears that on 27th July, 1993, in exercise of powers conferred by Section 26-A(1)(b) of the Wild Life Protection Act, a fresh Notification was issued by the Forest and Environment Department declaring an area of 94.87 sq. kms. as the Chinkara Wild Life Sanctuary from the date of that Notification and also cancelled the earlier Notification dated 14th April, 1981. It appears that the petitioners of Special Civil Application No. 6061 of 1994 preferred a petition before this Court challenging the said Notification dated 27th July, 1993. In the Letters Patent Appeal, reference of which is given earlier, the Court has observed - "The only violation of the law in as much as the impugned notification which has been issued by the Government is in conflict with Section 26-A(3) of the Wild Life (Protection) Act, 1972 and is, therefore, ultra vires." The Court further held that - "For the aforesaid reasons, we come to the conclusion that the impugned Notification No. BVN-16 (93)-WLP /I092/2156/V2, dated 27th of July, 1993, purporting to cancel the earlier Notification dated 14th April, 1981 is illegal and is quashed. As a consequence thereof, the second Notification also dated 27th of July, 1993, whereby a new Sanctuary, of a much smaller area, was sought to be set up in the same Taluka, is also quashed. As a result of the quashing of the Notification dated 27th of July, 1993, the earlier Notification dated 14th April, 1981, establishing Narayan Sarovar Sanctuary is revived. We express no opinion with respect to the desirability or otherwise of the reduction in sanctuary area. This judgment should not be construed as expressing any opinion on this aspect one way or the other." The Court with regard to the applicability of Section 26-A, while considering the Apex Court's judgment has observed as:

The said provision of Section 26-A may be viewed from another angle. In 1993, when the impugned Notification was issued, the pre-amended Section 18 was not in existence. Section 26-A had been incorporated into the Act. What is the effect of this amendment? The rule in this behalf, as observed by Vivian Bose, J. in *Shamarao V. Parulekar Vs. The District Magistrate, Thana, Bombay and Others*, , at page 326, is as follows:

...the rule is that an unamended Act must be read as if the words of amendment had been written into the Act except where that would lead to an inconsistency...

These observations have been reaffirmed recently by the Supreme Court in *Yadlapati Venkateswarlu Vs. The State of Andhra Pradesh* and another, at page 709. Therefore, the provisions of Sub-section (3) of Section 26-A were applicable to all the sanctuaries, which have been declared as such u/s 18 or u/s 26-A or were deemed sanctuaries by virtue of Section 66(3).

The Court further held that - "We are also of the opinion that the Government did

not have jurisdiction or power to invoke Section 21 of the General Clauses Act in the present case. The Wild Life (Protection) Act is a special Act, and whereas power is given to the State Government to notify an area as a sanctuary, the power to alter the boundary has been expressly reserved with the State Legislature under Sub-section (3) of Section 26A."

3. Minutes of the Meeting held on 7th February, 1995 regarding Narayan Sarovar Sanctuary in G.I.I.C. Committee Room, Ahmedabad is placed on record vide Annexure-I in Spl. Civil Application No. 6707 of 1995. On behalf of the petitioner, Managing Trustee Shri Manubhai Shah was present. In all 12 persons attended the meeting. The Additional Chief Secretary (Industries), Secretary, Forest and Environment, Director Geology and Mining, Deputy Conservator of Forests, President - WWF - Gujarat, Chief Conservator of Forest (WL), President of World Wild Life Foundation, Director, Centre for Environmental Education, Member-Secretary, Gujarat Ecology Commission, Member, Centre for Environmental Education, Member-Secretary, Gujarat Ecology Commission, alongwith two members from Gujarat University were present in the meeting. From the Minutes it transpires that NGO's representatives pointed out that areas reserved for Wild life constitute only 4% of the total geographical area of the country and this should be left untouched as far as possible. It was pointed out that there is no industrial zoning for the whole region at present. The NGO representatives requested the Government of Gujarat to consider adding about 71 sq. kms. to the sanctuary area. This 71 sq. kms. is at present reserve forest and is adjoining the sanctuary area. It was also part of the sanctuary as per 1981 notification. There was discussion about Kachchh Wild Life Foundation. It is also noted that "NGO representatives represented that the requirement of Sanghi Cement is unlikely to be for the entire leased area of 20 sq. kms. The requirement will be in phases, say four phases. Therefore, initially 5 sq. kms. may be released for exploitation but the third phase requirement may be released only after the present, existing flora of the first phase mining site is restored by, for example, ensuring that the topsoil is not buried beneath layers of dead soil and lost forever. There is no objection to reserving 20 sq. kms. for Sanghi Cement at this stage. But as mentioned above, it is released to the party or the actually working of the lease may be phased out. A suitable mechanism to do this may be found."

4. After decision of this Court referred to hereinabove, it seems that there was a proposal before the State Legislative Assembly, and the Resolution is passed in exercise of power conferred by Section 26A(3) of The Wild Life (Protection) Act, 1972, which is placed on record at Annexure-II of Special Civil Application No. 6707 of 1995. Before passing the resolution, following aspects have been considered by the Stae Legislative Assembly:

(1) If the area declared as Sanctuary vide notification of 1981 is delimited, it will be possible to develop it systematically and at the same time the mineral wealth can be put to use. According to the latest estimates there are around 1,200 Chinkaras and from any view-point the existing area is much more than required.

(2) The rich minerals in this area are very essential for the development of Kutch area which is a backward district and which has been by-passed by the overall development taking place in other parts of the State. The area is frequented by droughts leading to large scale migration of population, as also unemployment and poverty. Minerals are the main resources over there and it is of paramount importance that the mineral based industry should be established as key to the future development.

(3) Lignite is a critical mineral and any power deficit State like Gujarat which has to depend upon the coal from a distance of 2,000 kms. for running Thermal Power Stations the locally available lignite is cheapest for the power plant. Likewise, a number of cement plants can be established with the use of the large deposits of limestone leading to economic prosperity of the area. Besides, high grade bauxite occurring in the sanctuary area is needed for the Alumina Plants.

(4) Within 765.79 kms. the total mineral bearing area is 435.53 sq. kms. This is comprised of 216.64 sq. kms. with limestone amounting to 6,700 million tons; 96.34 sq. kms. with lignite amounting to 230 million tons; 65.58 sq. kms. with bentonite amounting to 5 million tons and 7.97 sq. kms. with bauxite amounting to 1 million tons.

(5) Merely by notifying area as a sanctuary the purpose of protecting the Wild life, and environment is not going to be achieved. The goal will be achieved only if that area is adequately protected and works for preservation and development of flora and fauna are undertaken. If it is a compact area, such efforts can be made systematically. Therefore, looking to the flora and fauna to be protected the area could be reduced and there is better scope for preserving, protecting and improving the sanctuary.

(6) It is a fact that though the sanctuary was notified in 1981, no substantial financial resources are provided to develop the sanctuary. Under the circumstances, if only the required area is earmarked for the sanctuary, its development can be better attained.

After considering these aspects, a decision was taken to reduce the sanctuary limit to 444.23 sq. kms. The Legislature was quite aware about the Wild life and as it appears from the Resolution, that without in any way diluting the commitment to protect Wild life and to improve the habitat, positive steps are taken so neither Wild life is affected nor the improvement is affected. Attempts have been made to retain some important water ponds within the sanctuary to facilitate the Wild life protection. In re-drawing the boundaries, the rich mineral areas outside the limit of the sanctuary to facilitate the establishment of industries in the areas having mines and minerals have been considered. Such consideration is necessary to remove bottlenecks in some critical projects of the State. There is a Panandhro Power Project. There is a proposal to have Project named Akrimotu in the lignite mining area within the sanctuary limits and it is absolutely necessary to change the boundaries or reduce the area so that neither

Wild life is affected nor the development is affected. Even after reducing the sanctuary limits to 444.23 sq. kms., mineral deposits worth 127 MT of limestone, 15 MT of lignite and 2.0 MT of bentonite will still remain in the sanctuary. But with a view to protect Wild life and to preserve environment that area is kept as "protected area", by declaring it as a "Sanctuary" under the Wild Life (Protection) Act. It is very clear that natural resources are made available in the area so that there should be substantial development. Kachchh is a backward area and on account of nature's inhospitality, it is affected a lot. The Legislative Assembly has also considered the geological explorations which have revealed good deposits of certain minerals which can be the foundation for the development of Kachchh. In the Kachchh District, the problem of unemployment and migration, besides famine can be prevented. Considering all these aspects and other aspects which are indicated, the Wild Life Sanctuary in the Taluka of Lakhpat is delimited from 765.79 sq. kms. to 444.23 sq. kms. the details of which are indicated in the Annexure II appended with Special Civil Application No. 6707 of 1995. In the said Annexure, comparison of area declared under the Notification of 1981 and the present area sought to be deleted is given.

5. In view of the resolution passed by the Legislative Assembly in exercise of powers conferred by the said Section 26A(3) of Wild Life (Protection) Act, 1972, the Government of Gujarat issued a Notification which is produced on the record by Respondent No. 6 alongwith the affidavit. It is this Notification which is the subject-matter of this petition. The learned Advocate for the petitioner submitted that in the Notification of 1981, the word "FOREST" is used and in Annexure II, the word used is "FOREST AREA", therefore, according to him this being a Forest, the soil of forest cannot be used in contravention of the provisions contained in the Forest (Conservation) Act, 1980. Sub-section (ii) of Section 2 of the Forest (Conservation) Act, 1980 reads as under:

Restriction on the reservation of forests or use of forest land for non-forest purpose, -

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing -

(i) "xxx xxx xxx xxx

(ii) that any forest land or any portion thereof may be used for any non-forest purpose.

(iii) xxx xxx xxx xxx

(iv) xxx xxx xxx xxx.

Reading the section, it is very clear that except without the prior approval of the Central Government, no State Government or authority shall make any order directing that any forest land or any portion thereof be used for any non-forest purpose.

6. It is further contended that if it is a Forest land then without prior approval of the Central Government, no order can be made for any non-forest purpose. The word "Forest land" is not defined in the Indian Forest Act, 1927 or the Forest (Conservation) Act, 1980 or even in the Wild Life (Protection) Act, 1972. Eventhough there is an indication of "reserved forest", "village forest" and "protected forest" the words "Forest land" and "Waste land" are not defined. Mr. Nanavati on behalf of Respondent No. 6 drew our attention to the Judicial Dictionary giving the meaning of word "Forest" given therein. The same reads as under:

"Forest and Forestry" - "Forest" is "a large uncultivated tract of land covered with trees and underwood" [Chamber's Twentieth Century Dictionary]. "A large tract of land covered with trees; a tract of woodland and open uncultivated ground" [Webster's New World Dictionary]. "A large tract of land covered with trees and underbush; extensive wooded area" [Random House Dictionary]. "A circuit of wooded ground and pastures known in its bounds and privileged for the abiding of wild beasts and fowls of forest, chase and carrion to be under the King's protection for his princely delight". [The World of the Knowledge Encforyclopaedia, Vol. 10, p. 2201]. It is seen from these definitions that what is understood by the term "Forest" is a large tract of uncultivated land covered with trees and underwood.

In Black's Law Dictionary (Fifth Edition), the meaning of the word "Forest" reads as under:

"Forest" - A tract of land covered with trees and one usually of considerable extent.

In old English law, a certain territory of wooded ground and fruitful pastures, privileged for wild beasts and fowls of forest, chase, and warren to rest and abide in the safe protection of the prince for his princely delight and pleasure, having a peculiar Court and officers. A royal hunting-ground which lost its peculiar character with the extinction of its Courts, or when the franchise passed into the hands of a subject. The word is also used to signify a franchise or right, being the right to keeping, for the purpose of hunting, the wild beasts and fowls of forest, chase, park and warren, in a territory or precinct of woody ground or pasture set apart for the purpose.

7. Mr. Mehta the Learned Counsel appearing for the Union of India submitted that if it is a Forest land then permission as contemplated under the Act is necessary. Suffice it to say that at this stage, petitioner has not produced anything on the record indicating that the land is "the forest land" but we make it clear that if it is the forest land permission is necessary as contemplated under the Act. We also refer to the affidavit filed on behalf of the State. Shri K.L. Vankar, Under Secretary, Forest and Environment Department, Sachivalaya, Gandhinagar, in para-4 of the said affidavit, states as under:

As regards the points about lease of area of 20 sq. kms. which had been the part

of the said sanctuary for mining by Messrs. Sanghi Cement proposed to be made in 4 phases, it may be mentioned that so far as no lease of such land has been granted to Sanghi Cement. However, Government has agreed in principle to grant lease of 2,000 hectares, i.e., 20 sq. kms. and for the same Government of India has given its approval under their letter dated 30-12-1993. Further, procedure hereafter will necessitate the mining to be approved by the Indian Bureau of Mines, Udaipur and environmental clearance certificate to be obtained from the Impact Assessment Agency (IAA) as required under the Notification dated 27-1-1994. Thus, if the proper certificate from IAA is obtained before commencement of the mining operations, there should be no objection to grant of the lease for 20 sq. kms. at a time.

Said Shri K.L. Vankar has filed yet another affidavit enclosing therewith a Map and other details wherein it is explained:

Six villages, namely, Baranda, Jadva, Harudi, Laxmirani, Roadsar and Nareda have been referred. The area of approximately 911.76 hectares of land of village Baranda is declared as a "reserved forest". Village Jadva having an area of 3,049.28 hectares is no more in the Wild life Sanctuary area in view of the notification dated 9th August, 1995. It is categorically stated that no area of said village Jadva was or is either a forest land and/or a reserved forest. It is stated that none of the area of the said village is a forest land and therefore, neither the Forest Act nor the Forest Conservation Act applies to the said area. The averments made in this affidavit are not denied. In the affidavit, the deponent has referred other villages but as we are not concerned with all villages we are not dealing with the same. The map indicating boundary of the sanctuary area with red colour admeasures approximately 765.79 sq. kms., and that is as per Notification dated 14-4-1981. The new boundary area of the sanctuary as proposed to be delimited is 444.23 sq. kms. and that is as per the meeting dated 15-5-1995. However, in the affidavit, it is stated that it is as per the Notification. Fixed area declared as "reserved forest" and "unclassified forest" having total area of 144.08 sq. kms. and 33.44 sq. kms. respectively is accordingly indicated in the map. Area having Bentonite, Lignite and Limestone totalling 99.84 sq. kms. is also indicated in the map. The lignite project is also indicated in the map. From the map, it is very clear that the reserved forest and unclassified forest are untouched and as per the affidavit of the deponent no site of village Jadva is the Forest land and hence the averments made by the petitioner cannot be accepted in view of this position.

8. The learned Advocate for the petitioner submitted that Resolution passed by the Assembly is not the Legislative Act and before passing the Resolution, it was the duty of the concerned Department to inform the Legislature with the necessary details pertaining the environment. Learned Counsel for petitioner is not opposing the welfare of the people at large or is not objecting the development of the area but his contention is that if it is likely to affect the environment, the same should be protected. It is the duty of the Government

when any permission is granted to see that licensee acts in accordance with law and is not committing breach of any provisions of law. It is required to be noted that the State Government as well as the Central Government through several agencies are there to look after interest of public at large. It is pointed out that till this date, there is no lease in favour of Respondent No. 6 but Government has agreed in principle for the same. It is also clear from the letter issued by the Ministry of Environment and Forests, New Delhi, dated 16th June, 1995 that the exemption granted earlier is subject to the compliance of the following conditions: (i) No mining activity should be undertaken within 25 kms. distance from the boundary of the sanctuary; (ii) As the proposed site is in close proximity (5 to 6 kms.) to the sanctuary, Respondent No. 6 is requested to submit a detailed environmental management plan report to the Ministry for review and approval before commissioning of the plant; (iii) State of the Art Technology should be adopted so as to keep the emissions of the particulates below 50 mg/m³. Interlocking of ESPs and Bag filters should be done with the main process equipment so that in case pollution control equipments are not functioning, the main plant is tripped automatically; and (iv) Liquid effluent should be treated as per the stipulated standards by Gujarat Pollution Control Board. Thus, the activities to be notified is subject to strict compliance and from the letter, it appears that the authorities are aware about its duty. Mr. Nanavati submitted that, restriction of 25 kms. is not acceptable as village Jadvā is about 5 kms. away from the sanctuary limits. Respondent No. 6 vide its letter dated 5th September, 1995 has made a proposal to the Central Government in this behalf. The said letter is available at Annexure "B" to the Affidavit dated 10th October, 1995. In the last para, it is specifically requested as under:

Keeping in view that the entire local populace, successive State Governments, Scientific Research Reports, all indicate the project has positive impacts and looking into above facts we request you to kindly amend your letter dated 16th June, 1995 to revoke the conditions of mining of limestone 25 kms. away from the sanctuary and give us a consolidated letter exempting our cement project and captive limestone mine from taking environmental clearance from Ministry of Environment and Forests, Government of India.

It is for the appropriate authority to decide in accordance with law and this being not the subject-matter this Court would not express any opinion at this stage.

9. On behalf of the petitioner it is submitted in view of the Notification dated 27th January, 1994 vide Annexure -IV which is issued in exercise of powers conferred by Sub-section (5) read with Clause -D of Sub-Rule (3) of Rule 5 of Environment (Protection) Rules, 1986, that no work preliminary or otherwise, relating to setting up of the project, can be undertaken till the environmental site clearance is obtained. By a letter dated 1st December, 1994, Joint Director, Ministry of Environment and Forests, New Delhi informed Respondent No. 6 about the need to take clearance from various State or Central Agencies including Ministry of Environment and Forests. It is also made clear that on

examining the information furnished, it was noted that necessary approvals from the State Government; including No Objection Certificate (NOC) from Gujarat Pollution Control Board, have been obtained prior to the Gazette Notification dated 27-1-1994 and as such approval from this Ministry will not be required for the proposed cement plant. It appears from the letter on record that this letter was revoked by the Ministry vide its another letter dated 16th June, 1995. As it reveals from the record vide Annexure IV-B that Respondent No. 6 is informed as under:

Your request for reinstating the exemption granted earlier has been examined and the points considered were as under:

- (i) Limestone will be obtained from alternate site at Kharda at distance of 100 kms. from the sanctuary.
- (ii) The cost of the Captive Jetty facilities is of the order of 12-15 crores.
- (iii) The Cement plant is located at a distance of 5 to 6 kilometres from the sanctuary.
- (iv) All State Government clearances have been obtained before 27th January, 1994.

Therefore, in view of this letter, it is submitted by Mr. Nanavati that as the exemption is granted, there is no need to comply with the Notification dated 27-1-1984 (Annexure-V). The learned Advocate for the petitioner submitted that the Ministry considered the request for reinstating the exemption on the basis that limestone will be obtained from the alternate site from Kharda at the distance of 100 kms. from the sanctuary and not village Jadva. According to his submissions, letter dated 16th June, 1995 is to be considered as a whole and conditions mentioned therein would apply provided the limestone is to be obtained from the alternate site at Kharda at a distance of 100 kms. away from the sanctuary. It appears from the record that application was made for obtaining limestone at village Jadva. After considering the points mentioned in the letter without reference to the site or place for obtaining limestone, Ministry of Environment and Forests laid down a condition that no mining activities should be undertaken within 25 kms. distance from the boundaries of the sanctuary. Thus, it is clear that without naming the site, the mining activities are not to be undertaken within 25 kms. distance from the boundary of the sanctuary. We have noted the submissions made by Mr. Nanavati with regard to request for further reduction as referred in letter Annexure "B". Suffice it to say that at this stage that there is an exemption certificate and person seeking benefit has to act according to conditions laid down in the certificate or the conditions that may be laid down from time to time. In view of the aforesaid discussion, the contention raised by the petitioner is not sustainable. The learned Advocate submitted that had the Act of the Legislative Assembly a speaking Order, perusal of the same would indicate that certain factors were not placed before the Legislative Assembly. However, he fairly stated that it is for the Expert Committee to give an

opinion. Suffice it to say that the department concerned consists of expert in the branch which is clear from the minutes placed on record of a meeting held on 7th February, 1995 (vide Annexure-I, Spl. Civil Application No. 6707 of 1995). Learned Advocate further submitted that for protection of Wild life and to protect the lands under the Environment Protection Act, material should have been placed before the House. The requirement of the law is scrupulously followed which is very clear from Annexure-II and for other aspects, the Joint Director in his letter dated 16th June, 1995 has made it clear as to what steps are required to be taken before the commencement of the plant, namely, detailed environmental management plan report for the approval, to keep the emissions of the particulates below particular limits, requirement of interlocking of ESPs and Bag filters to the extent that if the pollution control equipments are not functioning, the main plant be tripped automatically and the liquid effluent be treated as per the stipulated standards prescribed by Gujarat Pollution Control Board. Thus, from the letter, it is very clear that for preventing pollution and for the environment aspect, the Ministry of Environment and Forests has taken care. We feel that these steps would safeguard the interest of people at large residing in the vicinity and will also protect environment/animals.

10. It was further submitted that economic welfare of the area is not and cannot be the sole base of alteration of the boundaries of the sanctuary. It was submitted that the likely emission or discharge of environment pollutants from the industry, process or operation are required to be checked, and no permission should be granted in the proximity of the area to a sanctuary, National Park, etc., under the Wild Life (Protection) Act, 1972. It was submitted that the biological diversity of the area, topographic or climate feature of the area ought to have been considered. So far as likely emission or discharge of environment pollutants from the industry, process or operation is concerned, the letter of Ministry of Environment and Forests makes it clear that the standards prescribed should be strictly complied with. So far as area is concerned, whether it should be in the proximity or not, the letter also makes it clear while indicating the distance from the sanctuary. According to the latest information, there are about 1,200 Chinkaras and the area provided is 444.23 sq. kms. Now, considering the relevant facts, it was thought fit that existing area, i.e., 765.79 sq. kms. for 1,200 Chinkaras is much more than required and therefore, area is reduced and by reduction of the area there would not be adverse impact on the life of the Chinkaras as sufficient care is taken by providing strict conditions.

On behalf of Respondent No. 6, Suresh C. Maloo, Senior Vice-President has filed affidavit indicating that the project of the Company will provide employment to about 10,000 persons directly or indirectly, who are presently unemployed or partially employed. It is also stated in the said affidavit that the Company shall give preference in employment of permanent, casual or daily wage labour to the local people residing in the District of Kutch. There is also a reference in the affidavit with regard to supply of water and desalination plant which would provide water not only for running plant but to the neighbouring villages also by

way of tankers, etc. The Company has indicated about Greenbelt, health/medical amenities, education, mining activities. Thus, on reading the affidavit, it is clear that the people of Kutch District will be benefited at large. It is stated by Respondent No. 6 that the Company will adhere to the contents of the affidavit.

11. The learned Advocates appearing for the respective petitioners have made it clear that they have no personal interest in the matter but the petitions are preferred before this Court only with a view to see that environment provisions contained in the respective law are taken due care of by all the concerned authorities, and the Central and State Governments may look after the provisions contained in the law and may enforce provisions with more rigour.

12. In view of what is stated above, we do not find any substance in this petition, therefore, we reject these petitions.