

FOREST CASE UPDATE

Issue 39, October 2007

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Highlights of the Central Empowered Committee (CEC) Hearing on 1st October 2007

In our flash news we had sent out the list of the matters heard before the Central Empowered Committee (CEC) on 1st October 2007. Some of these were I.A.s referred to the CEC by the Godavarman bench of the Supreme Court and others were applications filed directly before the CEC.

I.A. 1865 of 2007 deals with seeking permission for the execution of both tunnels with their ancillary works of Pula Subbaiah Veligonda Project in 107 ha of lands of Rajiv Gandhi Wild Life Sanctuary, Andhra Pradesh. This I.A. has been filed by the Secretary, Irrigation of the State Government. It was highlighted that the Chief Wild Life Warden has recommended the clearance, however the CEC would want to ask the National Board for Wild Life about this, as there is a Protected Area involved. The CEC asked the petitioners if area has been identified for dumping, and to provide details of the same. The petitioners highlighted that 27 ha area of the project is inside the sanctuary. The CEC asked for more details.

The next matter that was heard was I.A.1866-67 of 2007 from Madhya Pradesh seeking permission for Sidhi Mauganj DCSS transmission line across the Son River. This was filed by the Madhya Pradesh State Electricity Board and deals with the setting up of a 133 KV transmission line to address the voltage problem in the area. The transmission line passes through the Son Ghariyal Sanctuary which covers the entire Son River. The applicant highlighted that in order to avoid forest; the line is now 43 kilometers longer. However 800 metres is touching the river. Towers will be laid from outside the sanctuary on both sides of the River. Upon hearing the arguments the CEC stated that they would be sending their recommendations to the Supreme Court.

The State of Chhatisgarh through the Collector, South had filed an application regarding the order in W.P.No.1749 of 2006 by the Chhatisgarh High Court. This matter deals with seeking permission for felling of timber trees standing over 132.51 acres of land in Dantewada district. The CEC sought a few clarifications and also stated that this matter has come to them because the State has referred it. It was asked whether there is a dispute on the status of the land, it being forest or not? The State government representative responded that there is a lot of discrepancy in the available data, for Bastar it is presently being reconciled. It was highlighted that it needs to be verified whether the land in question is *chhote bade jhaad ka jungle*. The Board of Revenue brought to light that that felling is in the respondent's (Chamru, village Phoolpad, Dantewada) own land. There was no response from the state government for three months. The collector had refused permission on the grounds that a middle man is involved. The matter then went to the Board of Revenue and subsequently to the High Court. The state government wants verification if the land is *chhote bade jhaad ka jungle*. Based on that it will be possible to ascertain the issues raised before the High Court. The CEC stated that the state should find out about the status of the land, following which there can be a meeting to discuss the case. It was highlighted that the matter was first listed on 20th August 2007 which is when four weeks time was sought on this. Documents were filed by the Board of Revenue only on the day of the hearing. These documents need detailed examination. The state government will respond and also carry out survey.

Followed by this was Application number 814 from Andhra Pradesh, dealing with alleged assignment of Kambakkam Reserve Forest land for establishing Medium Leather Park for tanners violating orders in the Godvaraman case. The applicant was M.S.Kakodkar, Hyderabad. It was highlighted that when heard earlier, the state government had wanted to examine the matter which has been done. There is another writ petition in the High Court filed in 2004, where a decision is pending. A view has been taken by the state to wait for the decision in the High Court. The CEC enquired as to whether this was not known earlier? If it was, then were all the observations made earlier in the case were without knowing these facts and now a view is being taken to wait for the judgment in the High Court case? The central government has taken a view that the entire area is reserve forest; and the Ministry of Environment and Forests is of the opinion that the entire action is against the Forest Conservation Act, 1980. It needs to be kept in mind that unless there is a denotification order, the area remains a Reserve Forests. The CEC clearly stated that they will file a report in the Supreme Court for deliberate and willful violation of the Supreme Court orders by concerned officials and to take action against the Chief Secretary and others. In this case the CEC is left with no other option, with the State government taking the stand it has. The state government sought some more time to convey this and file a response. It was not clear to the state government that dereservation has been done or not. It was assured that land has not been allotted as yet. The CEC finally observed that one more hearing can happen in this case but they are of the opinion that contempt action should be taken. If the state government maintains its current view then the CEC has no option.

The next matter was Application 1022 from Orissa filed by Adivasi Kranti Sangathan, Dhenkanal seeking directions to the Ministry of Environment and Forests (MoEF) to withdraw its approval for the working plan or quash it so far as it pertains to felling trees. The petitioners had sought to withdraw the case and file it afresh, as per the CEC's observation in the last hearing seeking details and clarity. The CEC observed that they will not allow the petitioners to withdraw the case. If required an additional case can be filed and the Amicus Curiae can be requested to assist; as the case is very serious.

Application 1017 from Rajasthan was the next application heard. It was filed seeking directions to remove illegal unauthorized pipelines, electricity poles, power house and other structures of encroachment. It was filed by R.K.Somani from Samajik Nyaya and Sahayata Samiti, Jaipur. Since the state government had not filed a response, the matter was deferred for three weeks. This was the 5th hearing in the case.

Followed by this was Application 1009 filed by Samir Garg, Koriya district, Chhatisgarh. This application also sought directions to the MoEF to withdraw its approval for the working plan or quash it so far as it pertains to felling trees. The state government had filed its reply. The advocate for the applicant and the MoEF sought time to file response. The matter was directed to be listed after three weeks.

The next matter was an application ((Application No.1054) for issuance of permission for felling of trees in respect of upgradation of Talkatora Stadium complex, New Delhi. It was filed by the New Delhi Municipal Corporation (NDMC). The project was at the cost of Rs.34 crores to construct and additional block at the stadium. It involves 1.1 hectares of forest land and it has been recommended by the Ridge Management Board; and has asked the administration to allocate land for compensatory afforestation. The CEC had a few questions related to whether the trees can be translocated and whether a decision on the compensatory afforestation land can be taken before the CEC sends its recommendations to the Supreme Court. The CEC suggested that the land could be one adjoining the stadium but the NDMC officials responded stating that it is likely that it is allotted for the Delhi Metro. The CEC said that they will recommend the approval with the conditions that include compliance of conditions laid out the Ridge Management Board; all trees to be relocated unless technically not possible; approval under the Forest Conservation Act; and also setting up of a Ridge Interpretation Centre outside the stadium.

Application 1011 from Madhya Pradesh followed. It was filed by Dinesh Kothari, Society of Nature Education and Habitats to save the wildlife of the Narmada valley. The applicant sought 2-3 days to file response. Meanwhile the state government expressed that they would like to file a para wise reply and sought one week time for it. The matter was directed to be listed after four weeks.

The last application heard was Application No.1023 seeking directions to delete the area of Sant Dnyaneshwar Udyan developed in non-forest area since 1976. This was filed by the Godavari Marathwada Irrigation Development Corporation, Aurangabad, Maharashtra. The government of Maharashtra sought one week time to file a response.

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Highlights of the Central Empowered Committee (CEC) Hearing on 3rd October 2007

The 3rd October 2007 hearing of the CEC had some very interesting cases from Uttar Pradesh, Sikkim, Haryana, Jammu and Kashmir, Bihar and so on.

Applications 1055 and 1056 sought the modifications of Supreme Court's orders of 29.4.02 and 22.12.96 respectively. Both applications were filed by Airtect Pvt Ltd. Sahibabad Institutional Area, Ghaziabad. The CEC observed that the applications have been pending for ten months. It was questioned as to what was the need to go to the Advocate on record when the Divisional Forest Officer (DFO) was unsure. What was the reason not to clarify it from the Principal Chief Conservator of Forests (PCCF)? Why was the opinion taken illegally by DFO from a person not competent? The matter has been kept pending. The CEC highlighted that the cases to amend saw mill Rules of the states should not come to the CEC. They also highlighted that it cannot be said that the CEC order is not binding on secondary wood based units. It cannot be believed that there is no hanky-panky. The CEC clearly indicated that they will take the case to a logical conclusion. It is sad the way people are harassed. How can the CEC order only apply to saw mills/ veneer mills and not to secondary units.

The application that followed by 1035 from Sikkim filed by the Affected Citizen's of Teesta. The matter dealt with the Panan Hydro Electric project wherein the Catchment Area Treatment (CAT) is happening with the Kanchendzonga National Park, without approval. The issue was explained by the advocate for the applicant. The CEC enquired whether the environment clearance letter has the details of the CAT Plan. It was responded that the details are there in the Environment Management Plan (EMP), wherein there is no mention of the National Park. However the actually CAT plan involves 2442 ha of core are of the National Park and has identified certain watersheds therein. Manure and fertilizers have also been used, afforestation work (trenches) and bench terracing has been carried out. None of this is within the EMP. The advocate mentioned that 14.2.2000 order of the Supreme Court in the Godavarman under which the current activities are not allowed, and are being in done in direct violation. Labour is within the area. Further, the plantations will change these high altitude alpine grasslands to trees. The allegations were denied by the respondent, who mentioned that a lot of details in the application are apprehensions and they would like to file a detailed response. None of these apprehensions are correct. The CEC mentioned that while filing a response, it would be good to keep in mind the 14.2.2000 order. CEC also asked for the following details: was this part of the approved management plan? What are the checks and balances are in place? The respondents highlighted that the material used is being taken from government authorized quarries from outside the National Park. The matter was listed to be heard after 14th October 2007.

Another interesting case that was heard was from Haryana related to the unauthorized construction of the Hansi Butana Canal inside the Saraswati Wild Life sanctuary, Haryana. This application no. 1046 was filed by the Wildlife Trust of India (WTI). The sanctuary notified in 1988 is located within Kurukshetra district and is a very important habitat for the Hog Deer. The advocate of the applicant also referred to a report prepared by WTI on the issue. The application contained photographs of labourers within the sanctuary; and also that, indicating digging upto 20 ft. No permission has been taken for these activities under the Wild Life Protection Act; and it also amounts to a violation of the 14.2.2000 order of the Supreme Court. The CEC enquired whether the area in question is Reserve Forest. They observed that this is a serious violation of the Supreme Court order and questioned whether the canal has been constructed. The respondents mentioned that the work in a small portion of the sanctuary had started in July 2005. The CEC asked for the work to stop immediately. The respondents made a strong observation that they would point out to the CEC that the application is a sponsored litigation by the neighbouring state, and questioned as to why it was listed on the 3rd of October. The advocate apprised the CEC that there was a case in the Chandigarh High Court in 2001 which was dismissed and was on the same grounds as the current application. The proposal has also been cleared by the National Board for Wild Life (NBWL). The CEC objected to the comment that there was any particular reason why the application was listed on the day it was; a stated that they would be okay if it were listed for the next day; and clearly stated that this is not a sponsored litigation. The respondents withdrew the statement. The state government asked for some reasonable time to respond. It was also explained by the respondents that as far back as 2001, it has been observed that the sanctuary in question has low biodiversity and therefore should not remain a sanctuary, and therefore it would be better if it is denotified and instead Morni Hills be declared a sanctuary. The matter has also been heard before the Supreme Court, which referred it to the NBWL, and the NBWL has agreed to the notification. Therefore technically the sanctuary does not exist anymore, as per a decision taken two days before this hearing. The canal is being constructed to divert water to an area where there is no water to drink. The CEC mentioned that they have a very limited jurisdiction, and cannot deal with other issues of the case. They sought a response as to whether there is a permission to carry out the activity, as the legal position on it is clear. Also if the work being carried out is in the knowledge of the state government.

The next was Application 1048 from Jammu and Kashmir, seeking permission to replace the already laid water pipelines from Sitlee to Manda, from Sitlee to Lohar to High Court complex affecting 1.1925 ha of wildlife area in Ramnagar Wildlife Sanctuary, filed by Economic Reconstruction Agency

(ERA). The CEC enquired from the applicants as to whether the issue in the Prayer of the application would still be valid with the recent Supreme Court order which permits laying of water pipelines within National Parks and Sanctuaries. The applicants also explained that the matter only refers to replacing an old pipeline which involves 1.5 kilometers of the sanctuary. It has also been recommended by the National Board for Wild Life and the terms laid out there are agreeable.

Followed by this was Application No.991, seeking judicial approval in respect of disposal of forest produce of Valmiki Wild Life Sanctuary, Bihar. The application has been filed by Bharat Jyoti, Conservator of Forests cum Field Director Valmiki Tiger Reserve. The CEC highlighted that the Ministry of Environment and Forests (MoEF) has recommended against this case. The applicants highlighted that the concern is what happens to this produce? It should not go waste. The gains should be ploughed back into the forest. It is not a commercial activity. The CEC observed that the situation is very tricky and risky. They referred to a similar situation in Baroda, where trees were felled in the light of the cyclone, and it is difficult to verify which were felled and which were impacted earlier. Further the CEC cannot override MoEF here. They requested the applicant to take up the matter with the MoEF and that there are no half measures to this. The matter will be listed only if the applicant mentions it to be done.

Application number 1050 from Bihar. It relates to the issue of modifying the number of saw mill, veneer mill and plywood mills in the state of Bihar, and has been filed by the State of Bihar. The CEC observed that it is a very serious matter, which amounts to defying the Supreme Court's orders. In Bihar a seniority list was prepared for wood based units which went to the Supreme Court, where the court had asked to include a secondary list which was never prepared. Meanwhile some units have been granted licenses. The CEC questioned if there is a disagreement with the Supreme Court order then it needs to be stated. The counsel for the State government referred to 16.4.2003 report of the CEC where it has been mentioned that the CEC is of the view that there is a need to regulate the number of units, actual production figures need to be considered etc. It is with backdrop that a second committee was set up in the state to renew the findings of the first committee. The CEC enquired on the date of the expert committee report and its recommendations? It is a report dated 25.8.2004. It was further questioned on what is the timber availability from government forests? The answer was confirmed to be Nil. The CEC sought some technical details, and state sought four weeks time to respond. It was highlighted that the issue of timber availability has to be decided upon by the state.

The final matter to be heard before the CEC was Application 938 from Bihar, related to the Kaimur Wild Life Sanctuary and the Durgawati Irrigation Project. An affidavit has been filed by the MoEF on 14.6.2007 but the other respondents and applicant have not received a copy. The CEC raised the point that it is important to see whether there a violation of the Supreme Court order has taken place or not. This needs to be examined. The affidavit of Respondent no. 5 in the case, who is the Principal Chief Conservator of Forests (PCCF) is contrary to that of Respondent No.4 the then Secretary, Water Resources Department, when certain decisions related to the project were taken. The CEC observed that they will need to go into details of this. They also mentioned that if documents can be procured through Right to Information then why they are being applied for here. They also stated that if a statement is being made that the records have been manipulated by the Government of Bihar, then that needs to be said on affidavit as it is a serious allegation, and action can be taken against the concerned officer. The CEC has no authority to know whether the records have been manipulated or not. Till this is filed, the CEC will not ask for anything from the state. The Advocate General for the state highlighted that site inspection has been carried out. The matter was listed after 8 weeks, within which time the necessary documents needed to be filed (Also See Forest Case Update, Issue 30, November 2006).

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Mining in Niyamgiri Hills, Orissa by Vedanta Alumina: An Update

Orissa's Niyamgiri tribals await apex court verdict

"Heard both sides. Arguments concluded. Judgment reserved. Parties are permitted to file their written submissions, if any, within a week."

This was the order of the Supreme Court's green bench for the final hearing in the case of the bauxite mining in the Niyamgiri Hills in Orissa. It sounds like a routine order, but its twenty words do not reflect the volatility of the deliberations that went in the preceding hearing. The final judgment is yet to be issued.

This issue of mining and refinery of the [Sterlite Industries Ltd.](#) (a flagship company of the [Vedanta Resources Plc](#) a British company), is complex and symbolic of the growth-driven realities of India. It is a case where law has been molded, impacts underestimated, facts twisted, and life undermined.

From the standpoint of those at the receiving end, the struggle has been on in the apex court, through public pressure, ground protests and through the media. The final hearing of the case took place on 26 October 2007. Earlier, the Supreme Court had separately heard an independent writ petition against in Niyamgiri hills. The petition highlighted the impacts of mining on the Dongria Kondh tribals as well as their rights.

Sidhartha Nayak, a social activist and advocate from Bhawanipatna, Kalahandi in Orissa, filed the petition through advocate Anitha Shenoy. The petition highlighted and the proposed mining will strip open the forest and destroy the Niyamgiri hilltop. It also delved on the significance of hilltops and specially Niyamgiri for the Dongria Kondh community -- the hilltops and plateau are seen as "playground" of gods and goddess i.e. Dasak or Patra.

The petition also referred to provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in the context of the rights of the adivasi community. It quoted the definitions of Community Forest Resource as defined in Act, linked it to the current context and also highlighted that the legislation clearly states that no member of a forest dwelling Scheduled Tribe or other traditional forest dweller shall be evicted from the forest land under his occupation till the recognition and verification procedure is complete. It is the gram sabha which is the authority to initiate the process for determining the nature and extent of individual or community forest rights.

Following the 5 October hearing, Nayak's petition was merged with the hearings in the ongoing T N Godavarman case. The Ministry of Environment and Forests filed its report with the apex court, to which the court then asked petitioner was asked to file objections.

At the 26 October hearing the petitioner submitted his response and sought that it to be argued. However, the court said that the submissions will be examined at the level of the Amicus Curiae (friend of the court), and that there would be no further argument in this regard.

When senior counsel appearing for the petitioner Sanjay Parikh highlighted the facts of the application and its impact on the Dongria Kondh tribals, he was asked instead to give the number of

tribals he was representing. Further, the court did not set a date when an Amicus Curiae would hear the petitioner's rebuttal.

The case was discussed in the light of the profits and dealings of Sterlite Industries, and the apex court said that Sterlite was the company in question and not Vedanta, since Sterlite was operating in India. In line with this, the court asked Sterlite to pay 5 per cent of the profits from the mining segment of all their undertakings in India for tribal development, and also deposit Rs.50 crores to the Government of Orissa. It ordered Sterlite to file an affidavit in this regard.

The Supreme Court's own body, the Central Empowered Committee (CEC) set up as part of the ongoing T N Godavarman case had already given its recommendations against the grant of clearance for the project. My earlier articles in India Together have highlighted these facts.

International scrutiny of Vedanta

However the conflict over the Niyamgiri hills, amongst other similar developments, has recently put Vedanta under scrutiny internationally. The social and environmental violations in the current case and other instances like Sterlite's operations in Tuticorin, Tamilnadu has led to a very significant set of recommendations by the Norwegian Council of Ethics. In October 2006, following a request from the Norwegian Government Pension Fund-Global, the Council decided to assess whether the investments in Vedanta implied a risk of the Fund contributing to unethical acts.

The Council on Ethics is an independent advisory body charged with submitting recommendations to the Ministry of Finance. Their mandate, according to them, was to assess whether companies should be excluded from the Norwegian Government Pension Fund-Global because of acts or omissions that are in conflict with the criteria of already laid-out ethical guidelines.

After its assessment, the Council concluded that Vedanta as well as its Indian subsidiaries Sterlite and the Madras Aluminium Company (MALCO) be excluded from the investment universe of the Norwegian Government Pension Fund. They recommended this in a report to the Ministry of Finance of Norway and on 15 May 2007. According to the *International Herald Tribune* earlier this month, the Norwegian Government Global Pension Fund accepted the recommendations and dropped Vedanta from its investments. (See: [The IHT report.](#))

The 41-page report cites the environmental and human rights violations during the operations of the company in India as the basis for its recommendation. With specific reference to the Niyamgiri case, the report amongst other things observes, "the Council finds that the planned mining project in the Niyamgiri Hills may entail considerable negative and irreversible effects on the whole ecosystem of the area. In addition to this area's seemingly unique natural heritage values, the Council attaches importance to the serious consequences the mining operation may have on the water resources in the area."

Their conclusion is emphatic. While talking about Vedanta's operations in India the reports states that, "this indicates a pattern of behaviour where such violations are accepted and have become an integral part of corporate practice. This pattern represents an unacceptable risk that the company's unethical practice will continue in the future."

Thousands of miles away from India, a different country's investment fund appears to have recognized what has gone wrong. The contradictions between the lack of substantive argument in the Supreme Court of India and the recognition of serious concerns on the same matter in the Norwegian Council of Ethics report are stark and ironic.

This may be a symbolic victory. In the meantime, it is a 'wait and watch' to see what the final judgment of the Supreme Court has to say about the future of the pristine Niyamgiri hills and the tribal communities dependant on it. Activists fear that the ruling may be in favour of the project proponent, given the manner in which the proceedings on 26 October went on.

By Kanchi kohli

This article appeared in India Together (www.indiatogether.org) in November 2007. It can be viewed at <http://www.indiatogether.org/2007/nov/soc-niyamgiri.htm>

The opinions/views expressed in this article are of the author, and not of the editors of the Forest Case Update.

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Some Orders in the Godavarman Hearings in October 2007

Orders Dated 12.10.2007

- I.A.Nos.826 In 566 with 955 in 566, 958,985, 1001-1001A, 1013-1014, 1016-1018, 1019, 1046, 1047, 1135-1136, 1137, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233 in 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 in 1137, 1325, 1364, 1365-1366, 1370-1370A, 1371, 1384, 1385-1386, 1387, 1434, 1435-1437, 1438, 1441, 1475-1476, 1513, 1573,1634, 1639 In 1135-1136 in IA 566, 1664, 1665, 1671, 1676 in IA 566, 1707, 1721 in 1597 in 566, 1779 In 1164 in 566, 1785-1786 In I.A.No.1441, 2013 and 2074-2076 in 566: (NPV Matter)

Adjourned to 25th October, 2007 for mentioning.

- IA 2077-78 IN IA 1441

It is submitted by the counsel that they have already deposited NPV as directed by this Court and there are no arrears to be paid and it is submitted that despite this fact the forest authorities are not permitting to carry on mining operations and proceedings have been initiated. CEC will verify whether the due NPV in terms of this Court's orders have been paid and if so, the petitioner would be at liberty to carry on mining operations and no coercive steps shall be taken by Forest department. Notice in the IA to the respondents. Petitioner may serve notice on the standing Counsel.

- I.A.NO.208-209,241-242,245,268-269,1704-1706 & I.A. NO. 1710-1712,2024-2026, 2027-2029, 2030-2032, 2033-20235, 2036-2038, 2039-2041, 2042-2044, 2045-2047, 2048-2050, 2051-2053, 2055-2056, 1692, 1950-51, 1989-90 (Regarding Saw Mills in Uttarakhand):

CEC has filed report regarding the sawmills in the State of Uttarakhand. There are 134 sawmills which as per the report could be opened for functioning and no case is pending against the owners

of the sawmills under the Forest Act. The permission is granted to restart these 134 sawmills.

As regards the 52 plywood and vineer units (31 sawmills and 21 plywood and vineer) the State would file its response. The CEC may examine the objection of the State and would file fresh report. List after three weeks.

- **IA 1201 (Regarding manhandling by Forest Department and Police Department in Damoh, Madhya Pradesh)**

On the intervening night of 15/16th August, 1999 at Damoh in Madhya Pradesh some untoward incident happened. One Santosh Bharti was allegedly man-handled by officials of the forest department and also the police department. The said Santosh Bharti claimed to be doing his duty as responsible public citizen in reporting about some of the illegalities committed by the officials incharge of the forest. It is alleged that he was attacked as a retaliation of his conduct in bringing matters to notice of this Court. CBI had conducted investigation pursuant to the order passed by this Court. In the CBI report it had indicted some of the officials of the forest department and police department and case also is registered and the same is pending before the Spl. Judicial Magistrate, CBI at Jabalpur. However, in the departmental proceedings initiated, some minor punishments to some of the officials was awarded and majority of them were let off in the departmental proceedings. Having regard to the CBI report, we are not satisfied with the results of departmental proceedings taken at the instance of the State. The counsel representing the State is directed to produce the order passed in departmental proceedings before this Court, to be examined further as to whether any further directions need to be given in this regard.

Post after five weeks.

- **IA 1202 & 1206 (Regarding complaint against CEC by Deputy Conservator of Forests Kudremukh Wildlife Division. Karnataka)**

Heard counsel appearing for the State of Karnataka at some length. The members of the CEC had visited the forest area in connection with the Kudremukh mining operations and entertaining a complaint filed against public servants. The Deputy Conservator of Forests Kudremukh Wildlife Division initiated proceedings against the members of the CEC and a FIR was registered in FOC No.2/2004-05 on 31/8/2004 and the FIR was submitted to the Judicial Magistrate of Karkala in Karnataka State.

We do not think that the complainants would be justified in proceeding with these proceedings and the FIR filed by the complainant Dy. Conservator of Forests Kudremukh Wildlife Division is quashed and the copy of this order be communicated to the Judicial Magistrate, Principal Civil Judge, Karkala in Karnataka.

IAs stand disposed of.

- **IA No. 780 with 818 & 1290,2015 in IA 780 (Regarding Defacing of Rocks in Himachal Pradesh)**

In the State of Himachal Pradesh there was wide spread defacing of rocks by way of advertisements of various multi-national companies and business concerns. This Court strongly deprecated that practice and directed them to pay compensation for the said illegalities committed. All the notices have paid the amounts as directed by this Court and the CEC has submitted a report as to how the money collected is to be spent. A report has been submitted to this Court on 15/5/2007. We accept that report and direct that the Himachal Pradesh Forest department may constitute and form

society within area of operation in the entire Kullu district and utilise this money in accordance with the suggestions made by CEC. A copy of the report of the CEC may also form part of this order. Dr.O.P. Agarwal, Director General, ICCI-INTACH has carried out an excellent work of removing the paintings on the rocks and beautification work. We appreciate the work done by him. Notices issued in this regard are discharged.

The IAs are disposed of.

- IA No.908 in 724,922,1869,2012 & IA 1023 in IA 908 & 922 (Regarding Saw Mills in Andaman and Nicobar Islands)

The Small Scale Industries Association representing small scale industries running in the Andaman & Nicobar are permitted to file fresh application and the State of Andaman & Nikobar may also file application relating to opening of any sawmills. Association will file application within 8 weeks as stated. The IAs are disposed of.

Orders Dated 26.10.2007

- IA NOS.1324 & 1474 &: I.A.No.2081-2082 @ W.P.(C)NO.549/2007 (Regarding mining in Niyamgiri Hills, Orissa by Vedanta Alumina plc)

Heard both sides.

Arguments concluded. Judgment reserved.

Parties are permitted to file their written submissions ,if any, within a week.

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Visit the Forest Case Update Website for past issues and accessing the orders of the Supreme Court and Central Empowered Committee: www.forestcaseindia.org

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