

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 27/2023
In
Original Application No. 748/2022

News item published in the Newspaper The Hindu dated 03.10.2022 titled
Over 6000 trees illegally cut for tiger safari project in Corbett Reserve
Says FSI report

Date of hearing: 11.03.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Atul Sharma, Adv. for the State of Uttarakhand
Ms. Sonam & Mr. Ajay Kumar Pandey, Advs. for MoEF & CC (Through
VC)

ORDER

1. This Original Application was registered *suo-moto* on the basis of the news item disclosing that 600 trees were illegally cut in Corbett Tiger Reserve in Kalagarh Tiger Reserve Division in Uttarakhand. The Tribunal had disposed of the OA by order dated 21.10.2022 by constituting a three Member Committee and directing the Committee to identify the violator and take steps for restoration of environment and submit the report before the Registrar General with further direction to place the matter before Bench, if required.

2. On the basis of the report so submitted in terms of the order of the Tribunal dated 21.10.2022, the present M.A. has been registered. The M.A. was earlier adjourned keeping in view of the fact that one matter was pending before the Hon'ble Supreme Court.

3. Counsel for the parties have pointed out that I.A. No. 20650/2023 in W.P. (Civil) No. 202/1995, in Re: T.N. Godavarman, Thirumulpad vs. Union of India & Ors. in Re: Gaurav Kumar Bansal involving the same issue along with the other issues, *inter-alia* relating to illegal felling of trees, has been considered by the Hon'ble Supreme Court in the order dated 06.03.2024 wherein Hon'ble Supreme Court has directed the MoEF&CC to constitute a Committee and has issued the following direction:

“161. We therefore find that the following directions need to be issued in the interests of justice:

- A. *The Safaris which are already existing and the one under construction at Pakhrau will not be disturbed. However, insofar as the Safari at 'Pakhrau' is concerned, we direct the State of Uttarakhand to relocate or establish a rescue centre in the vicinity of the 'Tiger Safari'. The directions which would be issued by this Court with regard to establishment and maintenance of the 'Tiger Safaris' upon receipt of the recommendations of the Committee which we are directing to be appointed would also be applicable to the existing Safaris including the Safari to be established at Pakhrau.*
- B. *The MoEF&CC shall appoint a Committee consisting of the following:*
 - (i) *a representative of the NTCA;*
 - (ii) *a representative of the Wildlife Institute of India (WII);*
 - (iii) *a representative of the CEC; and*
 - (iv) *an officer of the MoEF&CC not below the rank of Joint Secretary as its Member Secretary.*

We however clarify that the Committee would be entitled to co-opt any other authority including a representative of CZA and also take the services of the experts in the field, if found necessary.

- C. *The said Committee will:*
 - (i) *recommend the measures for restoration of the damages, in the local in situ environment to its original state before the damage was caused;*
 - (ii) *assess the environmental damage caused in the Corbett Tiger Reserve (CTR) and quantify the costs for restoration;*
 - (iii) *identify the persons/officials responsible for such a damage. Needless to state that the State shall recover the cost so quantified from the persons/delinquent officers found responsible for the same. The cost so*

- recovered shall be exclusively used for the purpose of restoration of the damage caused to the environment.*
- (iv) *specify how the funds so collected be utilized for active restoration of ecological damage.*

D. *The aforesaid Committee, inter alia, shall consider and recommend:*

- (i) *The question as to whether Tiger Safaris shall be permitted in the buffer area or fringe area.*
- (ii) *If such Safaris can be permitted, then what should be the guidelines for establishing such Safaris?*
- (iii) *While considering the aforesaid aspect, the Committee shall take into consideration the following factors:*
- a) *the approach must be of ecocentrism and not of anthropocentrism;*
- b) *the precautionary principle must be applied to ensure that the least amount of environmental damage is caused;*
- c) *the animals sourced shall not be from outside the Tiger Reserve. Only injured, conflicted, or orphaned tigers may be exhibited as per the 2016 Guidelines. To that extent the contrary provisions in the 2019 Guidelines stand quashed.*
- d) *That such Safaris should be proximate to the Rescue Centres.*

Needles to state that the aforesaid factors are only some of the factors to be taken into consideration and the Committee would always be at liberty to take such other factors into consideration as it deems fit.

- (iv) *The type of activities that should be permitted and prohibited in the buffer zone and fringe areas of the Tiger Reserve. While doing so, if tourism is to be promoted, it has to be eco-tourism. The type of construction that should be permissible in such resorts would be in tune with the natural environment.*
- (v) *The number and type of resorts that should be permitted within the close proximity of the protected areas. What restriction to be imposed on such resorts so that they are managed in tune with the object of protecting and maintaining the ecosystem rather than causing obstruction in the same.*
- (vi) *As to within how much areas from the boundary of the protected forest there should be restriction on noise level and what should be those permissible noise levels.*
- (vii) *The measures that are required to be taken for effective management and protection of Tiger Reserves which shall be applicable on a Pan India basis.*
- (viii) *The steps to be taken for scrupulously implementing such recommendations.*

E. *The CBI is directed to effectively investigate the matter as directed by the High Court of Uttarakhand at Nainital in its*

judgment and order dated 6th September 2023, passed in Writ Petition No.178 of 2021.

- F. The present proceedings shall be kept pending so that this Court can monitor the steps taken by the Authorities as well as the investigation conducted by the CBI.*
- G. We will consider issuing appropriate directions after the recommendations are received by this Court from the aforesaid Committee. We request the Committee to give its preliminary report within a period of three months from today.*
- H. The CBI shall submit a report to this Court within a period of three months from today. We request the learned ASG to communicate this order to the Director, CBI.*
- I. The State of Uttarakhand is directed to complete the disciplinary proceedings against the delinquent officers as expeditiously as possible and in any case, within a period of six months from today. The status report in this regard shall be submitted to this Court within a period of three months from today.”*

4. It is undisputed before the Tribunal that the issue of illegal felling of trees which is involved in this OA has been kept open and will be gone into by the Hon’ble Supreme Court on the basis of the report which will be submitted by the Committee. Since, the Hon’ble Supreme Court is seized of the matter, therefore, it would not be proper to continue the present proceedings.

5. Hence, we dispose of the MA permitting the parties including Shri Gaurav Bansal, Advocate to file an appropriate application for revival of the M.A., if anything remains in the matter after the disposal of the issue by the Hon’ble Supreme Court.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. SenthilVel, EM

March 11, 2024
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