

In the High Court of Judicature of Andhra Pradesh at Hyderabad

Wild Life Protection Society

v.

State of Andhra Pradesh

Writ Petition Nos.20928 & 21469 of 2000

31-01-2002 dd.

Dr. Arlakshmanan C.J. & I. Venkatanarayana

ORDER :

(Per the Hon'ble the Chief Justice Dr.AR.LAKSHMANAN)

1. Heard Sri Gopalakrishna Kalanidhi, learned counsel appearing for the petitioners and Sri Ramesh Ranganathan, Additional Advocate General appearing for the respondents.

2. The first Writ Petition, viz., W.P. No.20928 of 2000 was filed by the Wild Life Protection Society represented by its Joint Secretary impleading the State of Andhra Pradesh represented by its Principal Secretary, Forests and Environment Department, Commissioner of Police, Minister for Forests and Environment, Chief Conservator of Forests and Union of India represented by its Special Chief Secretary, Forests and Environment, New Delhi as respondents. The prayer in this Writ Petition is as follows:-

".....to issue a Writ, Order or Orders, more particularly one in the nature of Writ of mandamus, directing the 1st, 3rd and 4th respondents to constitute a special vigilance and enforcement cell to be administered under the control of Central Bureau of Investigation, New Delhi to place a detailed report about the number of wild animals that were killed and extracted the body parts like nails, skin, eyes, tail and other valuable parts etc."

3. According to the petitioner, respondents 1, 3 and 4 are constitutionally bound by the duty to protect and improve environment and safe guard the forests and wild life. It is also their duty to account for the animals in living condition to the citizens in the country. The petitioner, as a citizen of this country, felt strongly that the forest administration is not taking right action in this regard. The learned counsel for the petitioner in this case submitted that by virtue of Article 48-A of the Constitution of India

the State of Andhra Pradesh have the duty to protect and improve environment and safeguard the forests and wild life.

4. W.P. No.21469 of 2000 was filed by Visakha Society for Prevention of Cruelty to Animals represented by its President against the Government of Andhra Pradesh represented by its Secretary, Forest Department, the Chief Conservator of Forests, Chief Wild Life Warden and Curator of Nehru Zoological Park. The prayer in this Writ Petition is many-fold and reads thus:-

".....to issue a Writ or any other order or direction in the nature of Writ of Mandamus to the respondents:

(a) to effectively enforce the provisions of the Wild Life Protection Act of 1972 by providing additional measures and precautions to prevent such gory incidents in future in all the places of wild life habitat;

(b) to direct the respondents to conduct a judicial enquiry into the killing of 13 months old Tigress Sakhi in the Nehru Zoological Park, by a Judicial Officer, with a time bound schedule to draw up a comprehensive policies of maintenance of zoos and wild life sanctuaries, where it is necessary the Zoos should be closed and sanctuaries set up with complete efficiencies;

(c) to take effective stringent steps to nab the culprits who are responsible for the extinction of Wild Life and to prosecute the cases filed against the persons, with dedication and zeal, commitment as expeditiously as possible;

(d) to appoint more experienced and skilled veterinaries in all the sanctuaries, zoos and national parks to look after the health and hygiene of the animals;

(e) to include comprehensive wild life courses in the Veterinary Colleges, to appoint adequate efficient staff in various fields after giving sufficient training to take care of the animals and to protect them from the mischievous, greedy and inhuman elements; and

(f) to direct respondent No.1 to constitute a full-fledged Wild Life Advisory Board with more persons as non-officials who are interested in the protection of wild life and with all other officials for the proper and efficient administration of all the National Parks in the State of Andhra Pradesh."

5. The 4th respondent in W.P No.20928 of 2000 filed a very detailed counter-affidavit and also additional counter-affidavit informing this court the various steps taken by the 4th respondent for improving the security of the zoos with a view to see that the incidents alleged in the writ petitions shall not recur in future. We have perused the averments made in the counter-affidavit filed by the 4th respondent and in particular paragraphs 18, 20, 23, 26, 31 and 32. In the additional counter-affidavit filed by the 4th respondent it is submitted that the several measures taken by the State Government to improve the security system include employment of ex-service personnel to look after the security in

all the Zoos in the State round the clock, improving the lighting system in all the three zoological parks to facilitate free movement of security personnel, improvement of existing track in all the zoological parks and introduction of electronic gate system in Nehru Zoological Park, Hyderabad. The Government has also proposed to set up a closed circuit television at Nehru Zoological Park, Hyderabad for monitoring endangered animals. It is also stated that the entire work is proposed to be completed within a couple of months and out of the funds of Rs.2.42 Crores sanctioned by the Government, an amount of Rs.1.66 Crores has already been released in connection with the improvement of security system referred to above. It is also stated in Paragraph 5 of the additional counter-affidavit that the Hon'ble Supreme Court of India by order dated 20-11-1998 directed the States and Union Territories to respond to the suggestions for protection of tigers and in compliance therewith an affidavit was filed on behalf of the State of Andhra Pradesh with regard to the measures taken to strengthening of security system, pursuant to the killing of the tigress Sakhi on the intervening night of 4th and 5th October 2000. In view of the averments mentioned in the counter-affidavit and the additional counter-affidavit filed by the 4th respondent and in view of the averments made in the counter-affidavit filed by the Union of India, we are of the opinion that the 1st respondent-State of Andhra Pradesh has taken all precautionary measures to protect wild life animals and for enforcement of the provisions of the Wild Life Protection Act, 1972 under the scheme of development of National Parks and sanctuaries, Project Tiger, Project Elephant. The Government of India stated in its counter-affidavit that the Ministry of Environment & Forests is also concerned with the safety and security to the animals housed in the Zoos and that the enquiries and investigation into the unfortunate incident revealed that the same could have been avoided had there been more perfect security. It is also stated that the State Government had addressed the Central Government for providing necessary funds required for beefing up and improving the security arrangements in the Zoos at Hyderabad, Visakhapatnam and in Tirupathi to prevent recurrence of such incidents. Accordingly an amount of Rs.107 lakhs have been sanctioned by the Central Zoo Authority to Government of Andhra Pradesh for upgrading the security of Zoos and that an amount of Rs.87.5 lakhs has already been released. It is further stated in the counter-affidavit filed by the Union of India that the Central Government is monitoring the security arrangements with the Zoos and for their up-gradation and that the matter will be reviewed from time to time and necessary steps will be taken as and when necessity arises without any financial constraints and that the Central Government has also provided financial assistance to the State Government for effective enforcement of the provisions of the Wild Life Protection Act, 1972 under the scheme of Development of National Parks and Sanctuaries Project Tiger, Project Elephant and that the amount released so far under the 9th plan under this scheme is Rs.577.73 lakhs.

6. We have perused the counter affidavits and the additional counter-affidavit filed by the State Government and the Union of India and we are very much satisfied that since adequate steps have already been taken for the protection of wild life and in fact the Government of India has also released sufficient finance to the State Government, no further direction need be issued in this regard. As could be seen from the counter-affidavit filed by the Union of India, the Central Government is also monitoring the security arrangements. Under such circumstances no further direction as prayed for is

necessary.

7. Both the Writ Petitions are disposed of accordingly. No order as to costs.