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03.09.2020

Through Video Conference

W.P.A. No. 6904 of 2020

THE HON'BLE COURT IN ITS OWN MOTION

In Re: Unnatural death of Elephants, Bisons and other wild animals, birds, reptiles, amphibians etc. in North Bengal during the recent past.

Mr. Y.J. Dastoor, A.S.G.
.....for the Union of India

Mr. Kishore Dutta, A.G.
....for the State

Mr. Siddhartha Banerjee
.....for the High Court

- 1) Different news reports in the print media, also through online editions, have brought to light that unnatural deaths of elephants are repeatedly happening in different parts of North Bengal. Bisons are also becoming open to unnatural deaths. While there could be reasons attributable to behaviour of animals in the jungles, the possibility of electrocution and killing for gain or game cannot be ruled out. The killing of bison and the consequential action taken by the departments concerned is also reported. Inputs are available to us as of now from the Hindu, the Indian Express, the Times of India and the Telegraph.

2) We think that it is time for the judiciary to have a look at matters touching the safety of the jungle habitat and the forests, having particular regard to the interest of the wildlife in the form of animals, birds, reptiles, amphibians, fishes, etc. as well as the flora and fauna including the preservation of forest wealth. We are therefore inclined to look into, for the time being, initially, as regards the wildlife management situation in the Buxa Tiger Reserve and Jaldapara National Park in Alipurduar district, Gorumara National Park, Binnaguri in Jalpaiguri District. We have noticed that the critically important areas are primarily Jalpaiguri and Alipurduar districts where more than 60 per cent of the deaths of elephants is apparently attributable to electrocution. We are also of the view that alongside we need to consider the risk to animal life in the forests when they come in conflict with the movement of trains. The railway administration's modality of protective intrusion into the forest area also deserves to be considered.

- 3) We, therefore, hereby call upon the Chief Wildlife Warden, West Bengal to place a short report on the situation as of now in the aforementioned areas as well as other areas which according to him are critically important and facing serious challenges in wildlife management. Let such report and any further views of the Chief Wildlife Warden be placed on record within a period of two weeks.
- 4) For the present, the following shall be among the respondents in this matter which is registered as a suo moto writ petition: (1) The Union of India represented through Animal Welfare Division of Ministry of Environment and Forest (MoEF), (2) Government of West Bengal represented by the Chief Secretary (3) Principal Secretary, Department of Forests, Government of West Bengal, (4) Principal Chief Conservator of Forests, Government of West Bengal, (5) Chief Electrical Inspector, Department of Power & Non-conventional Energy Sources, Government of West Bengal, (6) Chief Wildlife Warden, West Bengal, (7) West Bengal State Electricity Distribution Company Ltd., (8)

North East Frontier Railway represented by the General Manager, (9) The District Magistrate, Jalpaiguri, (10) District Magistrate, Alipurduar, (11) The Superintendent of Police, Jalpaiguri, (12) The Superintendent of Police, Alipurduar.

5) To aid and assist, the Registrar General, High Court at Calcutta and West Bengal State Legal Services Authority represented by its Member Secretary shall also stand impleaded among the respondents.

6) Let the cause-title be recast in the light of the sequencing of parties as indicated in paragraphs 4 and 5 above. The cause-title is hereby ordered to be corrected by the department accordingly.

(Thottathil B. Radhakrishnan, C.J.)

(Subhasis Dasgupta, J.)