

To,

Date: 01.12.2020

The Hon'ble Chief Justice

High Court of Uttarakhand At Nainital

Uttarakhand.

SUB: Regarding denotification of Shivalik Elephant Reserve and request to take suo moto cognizance of the matter in interest of natural environment and wildlife conservation and restore the protection granted to the habitat and corridors of the wild Indian Elephants in the state of Uttarakhand.

Hon'ble Sir,

We, the undersigned, are lawyers practicing before various High Courts across India. We are deeply disturbed and concerned about the reckless decision of the Uttarakhand State Wildlife Board to denotify the Shivalik Elephant Reserve for the purpose of developmental activities and expansion of Jolly Grant Airport, as taken at the 16th meeting of the board chaired by Chief Minister Trivendra Singh Rawat on Nov 24, 2020. The source of the information is various newspaper reports and online media reports published in this regard.

The decision *prima facie* appears to be hasty and short sighted and taken without due consideration for the natural environment and wildlife conservation, despite the ongoing reality of Climate Change and rapidly rising pollution.

We wish to highlight the uniqueness and importance of the Shivalik Elephant Reserve:

Shivalik Elephant Reserve:

Spread over 5,000 sq km in 14 state forest divisions, it was notified in the year 2002 under the 'Project Elephant', which was launched by the Government of India in the year 1992 as a Centrally Sponsored Scheme with following objectives:

- To protect elephants, their habitat & corridors.
- To address issues of man-animal conflict.
- Welfare of captive elephants.

The Shivalik Elephant Reserve is the only elephant reserve in the State of Uttarakhand. The Kansora-Barkot Elephant Corridor is located near the Shivalik Elephant Reserve. It is considered to have one of the highest densities of elephants found in India. **The Indian Elephant (*Elephas Maximus*) is included in Schedule I of the Indian Wildlife (Protection) Act, 1972 and in Appendix I of the Convention on International Trade in Endangered Species of Flora and Fauna (CITES). It is 'Endangered' as per the IUCN Red List.**

Concerns:

The area proposed for the expansion, is a part of the Shivalik Elephant Reserve and it falls within a 10-km radius of Rajaji National Park. The proposed expansion will threaten hundreds of species of fauna in Thano (near Rajaji National Park) and the elephant corridor nearby at the same time increase the man-animal conflict. The proposed expansion and developmental activities require felling of at least 10,000 trees and countless other varieties of flora. Further, the adverse impact of this denotification shall not remain limited to only elephants but many other wild species of flora and fauna dwelling in the region. It is pertinent to mention that the State also falls in seismic Zone IV and V, as per the Earthquake Zoning Map, and uprooting Thano will lead to soil erosion, a factor that exacerbated the 2013 Kedarnath floods, endangering countless lives. It is clear that the State administration, while moving ahead with this proposal has completely lost sight of its duties and obligations under Article 48(a) of the Constitution of India, which mandates that *"the state shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country"* and under various global agreements on climate change and conservation of wildlife.

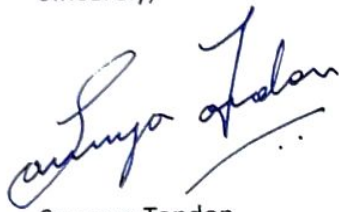
A division bench of Hon'ble Uttarakhand High Court, in *Narayan Dutt Bhat V. Union of India and Ors.* Writ Petition (PIL) No. 43/2014 pronounced on 04.07.2018, accorded the status of "legal person or entity" to animals in the State, saying "they have a distinct persona with corresponding rights, duties and liabilities of a living person." The court also declared all Uttarakhand natives the guardians of animals and endowed them with the duty to ensure their welfare and protection.

Recently, on 14.10.2020 the Hon'ble Supreme Court of India in *Hospitality Association of Mudumalai V. In Defence of Environment and Animals & Ors.* Civil Appelas Nos. 3438-3439 of 2020 arising out of S.L.P. (C) Nos. 17313- 17314/ 2011 upheld the 2011 order of the Madras

High Court on the Nilgiris Elephant Corridor, affirming the right of passage of the animals and the closure of resorts in the area.

In view of the above, we sincerely request you to take *suo moto* cognizance of the entire situation in interest of the natural environment and conservation of wildlife and further quash the thoughtless decision of the Uttarakhand State Wildlife Board dated 24.11.2020 of denotifying the Shivalik Elephant Reserve and restore the protection granted to the habitat and corridors of the wild Indian Elephants in the state of Uttarakhand.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Saumya Tandon', with a horizontal line underneath.

Saumya Tandon

(Advocate)

Enrl. No.D-1418/2008