

W.M.P.(MD)No.1962 of 2022

and

W.P(MD)No.19771 of 2018

N.SATHISH KUMAR, J.,

and

D.BHARATHA CHAKRAVARTHY, J.,

Order Dated : 08.08.2023

**[Order of the Court was made by
D.BHARATHA CHAKRAVARTHY, J.]**

A. The Previous Orders & The Question :

By earlier orders of this Court dated 16.09.2023 and 11.10.2022, in the above matters, this Court specifically ordered relocation of Thengumarahada Village in the Mudumalai Tiger Reserve and in the Order dated 08.06.2023, this Court had specially considered the objections raised by the Additional Solicitor General and overruled the same. From then on the matter was pending for provision of funds by the National Tiger Conservation Authority and after repeated hearings, it was pleaded that there is no funds with them and it was suggested to implead the National and State CAMPA Authorities and after impleading and them, all the authorities made their submissions and it is finally submitted by the Learned Additional Solicitor General that in view of the

paucity of funds with the NTCA and the National CAMPA authority is not directly liable to fund the project, this Court should reconsider its earlier positive directions to relocate the village and instead leave it to the respondents to relocate the village depending on the availability of funds as per their priority.

1.1 Under these circumstances, the question that arises for our consideration in these proceedings is that whether or not paucity of funds can be validly pressed into service for non-compliance of the earlier directions of this Court and whether or not positive directions can be issued to utilise the National CAMPA fund for the purpose ?

B. MUDUMALAI & SATYAMANGALAM TIGER RESERVE :

2. Mudumalai Tiger Reserve and Sathyamangalam Tiger Reserve form part of Bharmagiri, Nilgiri and Eastern Ghat ranges and Nilgiri Biosphere in the Western Ghats and connect to the Eastern Ghats, is a forest link between Western and Eastern Ghats and is also surrounded across the border by Billigiriranga Swamy Temple Wildlife Sanctuary, Bandipur National Park, Cauvery Wildlife Sanctuary etc. of Karnataka

and Kerala states.

2.1. Located in the junction of the three States of Kerala, Karnataka and Tamil Nadu, not only these Tigers Reserve are known not only for their Tiger population, but are home for Fauna such as as bonnet macaque (*Macaca radiate*), common or Hanuman langur (*Semnopithecus entellus*), slender loris (*Loris tardigradus*), tiger (*Panthera tigris*), leopard (*Panthera pardus*), leopard cat (*Felisbengalensis*), fishing cat (*Felis viverrina*), jungle cat (*Felis chaus*), small Indian civet (*Viverriculaindia*), common palm civet or toddy cat (*Paradoxurus hermaphroditus*), common mongoose (*Herpestesedwardsi*), stripe necked mongoose (*Herpestesvitticollis*), smooth coated otter (*Lutraperspicillata*), striped hyena (*Hyaena hyaena*), jackal (*Canis aureus*), wilddog or dhole (*Cuon alpinusdukhunensis*), sloth bear (*Melursus ursinus*), Malabar giant squirrel (*Ratufa indica*), three striped palm squirrel (*Funambulus palmarum*), field mouse (*Mus boduga*), Indian bush rat (*Golundaelliotti*), common house rat (*Rattus rattus*), bandicoot rat (*Bandicota indica*), house mouse (*Mus musculus*), Indian porcupine (*Hysteris indica*), black naped hare (*Lepus nigricollisnigricollis*), Asianelephant (*Elephus*

maximus), gaur (*Bos gaurus*), four horned antelope orchowsingha (*Tetracerus quadricornis*), blackbuck (*Antilope cervicapra*), sambar (*Cervus unicolor*), chital or spotted deer (*Axis axis*), muntjak or barking deer (*Muntiacus muntjak*), Indian chevrotain or mouse-deer (*Tragulus meminna*), wild boar (*Sus scrofa*), Indian pangolin (*Manis crassicaudata*), etc.

2.2 They are also home for Flora such as Australian wattle (*Acacia auriculiformis*), velvelam (*Acacia leucophloea*), vagai (*Albizia lebeck*), mundiri (*Anacardium occidentale*), palieechi (*Antidesma menasu*), palaa (jack fruit) (*Artocarpus heterophyllus*), malaiathi (*Bauhinia malabarica*), kumancham (*Boswellia serrata*), vettilai-pattai (*Callicarpa tomentosa*), kondarai (*Cassia fistula*), savukku (*Casuarina equisetifolia*), pancumulkiluvai (*Commiphora berryi*), railpoondu (*Croton oblongifolius*), mayirkonrai (*Delonix regia*), tumbika (*Diospyros malabarica*), karippalai (*Drypetes roxburghii*), mulumurukku (*Erythrina suberosa*), kalli (*Euphorbia nivulia*), kallal (*Ficus drupacea*), savukkumaram (*Grevillea robusta*), parpatagam (*Hedyotis corymbosa*),

vendai (*Kydiacalycina*), cembavu (*Meliosmasimplicifolia*), nuna (*Morindacoreia*), arali (*Nerium indicum*), kolarmavu (*Perseamacrantha*), kallimandarai (*Plumeria rubra*), vaengai, (*Pterocarpus marsupium*), nirnochi (*Salix tetrasperma*), puvam (*Schleicheraoleosa*), sombupattai (*Soymidafebrifuga*), ambu (*Stereospermumcolais*),sonnapatti (*Tecoma stans*), kadukkai (*Terminalia chebula*), amparuthi,mena. (*Trema oreientalis*), nirnocchi (*Vitex leucoxyton*), etc.

2.3. They are home for Avifauna such as little grebe (*Tachybatus ruficollis*), purpleheron (*Ardea purpurea*), glossy ibis (*Plegadisfalcinellus*), black kite (*Milvus migrans*), lesser kestrel (*Falco naumanni*), yellow legged buttonquail (*Turnixtanki*), marsh sandpiper (*Tringastagnatilis*), spotted dove (*Spilopelia chinensis*), rose ringed parakeet (*Psittaculakrameri*), small greenbilled malkoha (*Phaenicophaeus tristis*), blue bearded bee-eater (*Nyctyornisathertoni*), white checked barbet (*Psilopogonviridis*), heart spotted woodpecker (*Hemicircuscanente*), forest wagtail (*Dendronanthus indicus*), scarlet minivet (*Pericrocotus speciosus*), Eurasian blackbird (*Turdusmerula*),

jungle babbler (*Turdoides striata*), bootedwarbler (*Iduna caligata*), verditer blue flycatcher (*Eumyias thalassinus*), velvet fronted nuthatch (*Sitta frontalis*), little spider hunter (*Arachnothera longirostra*), brahminy starling (*Sturnia pagodarum*), white bellied drongo (*Dicrurus caerulescens*), etc; while butterfly, insects, reptiles recorded from the Tiger Reserve are tawny coster (*Acraea violae*), glassy blue tiger (*Parantica aglea*), rustic (*Cuphaerymanthis*), common sailer (*Neptis hylas*), common lascar (*Pantoporia hordonia*), grey pansy (*Junonia atlites*), common five-ring (*Ypthima baldus*), lime blue (*Chilades lajus*), common silverline (*Spindasis vlucanus*), monkey puzzle (*Rathinda amor*), blue mormon (*Papilio polymnestor*), common gull (*Cepora nerissa*), white orange tip (*Ixias marianne*), crimson tip (*Colotis danae*), great orange tip (*Hebomia glaucippe*), paintbrush swift (*Baoris farri*), Indian skipper (*Spialia galba*), rice swift (*Borbochinnara*), etc. They are also home for plethora of rare, endangered and threatened species such as striped hyena (*Hyaena hyaena*), jackal (*Canis aures*), white backed vulture (*Gyps africanus*), gyps (*Gyps indicus*), tiger (*Panthera tigris*), leopard (*Panthera pardus*), elephant (*Elephas maximus*), Indian gaur (*Bos gaurus*), black

buck (*Antelope cervicapra*), four horned antelope (*Tetracerus quadricornis*), hyena (*Hyaena hyaena*), sloth bear (*Melursus ursinus*), mugger crocodile (*Crocodylus palustris*), white backed vulture (*Gype africanus*), rusty-spotted cat (*Prionailurus rubiginosus*). While rare, endangered and threatened (RET) species of plants available in the Sathyamangalam Tiger Reserve are kadukkai (*Terminalia chebula*), kungiliyam (*Boswellia Serrata*), enthapanai (*Cycas circinalis*), perumalli (*Isonandra villosa*), porasu (*Chloroxylon swietenia*), cryptocarya (*Cryptocarya beddomei*), cryptocarya (*Cryptocarya stocksii*), enthaipanai (*Cycas circinalis*), eetti (*Dalbergia latifolia*).

2.4. Sathyamangalam apart from being Tiger Reserve is also declared as a ecologically sensitive area by the Government of India under the Environment Protection Act 1985.

C. THENGUMARAHADA VILLAGE & THE NEED TO RELOCATE:

3. Thengumarahada settlement is located within the eastern

boundary of the Mudumalai Tiger Reserve and the approach to it is through the Sujalkuttai-Thengumarahada road that runs right in the Core zone of Sathyamangalam Tiger Reserve for about 25kms along the Moyar Valley in the Bhavanisagar range. It is located at the confluence of the rich biodiversity regions of the Eastern Ghats and the Western Ghats and the location places and important role of the connecting corridor for most of the long ranging wild animals in the area which is crucial in ensuring gene flow between populations.

3.1. Thengumarahada area and the adjoining landscape is one of the rare place in India where healthy breeding population of tiger, elephant, leopard, sloth bear, wild dog, hyena, black buck, four horned antelope, barking deer, mouse deer, sambar and chettal are found together. The place is also home to many reptiles like the Star tortoise, rock python, russell's viper, saw scaled viper, cobra, common krait to name a few. This stretch of Moyar River also harbours the highly endemic fish. Hump backed Mahasheer touted as the tiger of the river ecosystem, besides harbouring crocodile, otter and other species. In the

last tiger census around 33 tigers were reported in the landscape surrounding Thengumarahada. With respect to Hyena, a State reveals that around 30 individuals and 20 dens are located in Thengumarahada and Sathyamangalam landscape. It can be seen that the village lies in the valley and its heavily fenced farmlands spreads over 500 acres in the mist of pristine forest. It blocks the crucial migratory routes of elephants in the Mudumalai-Sathyamangalam landscape.

3.2. As a matter of fact, the village was formed through State Action originally by G.O.Ms.No.4096, dated 05.08.1948 whereby, 100 acres of land from the Nilgiris Eastern Slope RF was leased to Thengumarahada Vivasaya Corporation (Thengumarahada Co-operative Society) to do collective farming in the said land. Initially the lease was granted for five years with provision for renewal and allotment of initial lands. Subsequently, vide G.O.Ms.No.3846, dated 24.08.1951, the Government ordered an extent of 500 acres of forest land to be leased to the Thengumarahada Vivasaya Corporation and the lease period was also extended to another five years. Vide G.O.Ms.No.53, dated 05.01.1961 it was ordered that the 500 acres of land already leased to the society be

assigned to it on condition that it will be open for the Government to resume the land in case of failure to use the land effectively.

3.3. On 25.08.2011 itself, the Conservator of Forests, Coimbatore had proposed to the Principal Chief Conservator of Forests, Chennai for taking back the land allotted to the Thengumarahada Co-operative Society in consideration with the Government. From then on, considering the huge man- animal conflict, which is now endangering a number of species and plaguing the bioscope of an extremely pristine forest with great biodiversity, there can be no two opinion that the village has to be relocated in total.

3.4. The Sub-Collector, Conoor, Nilgiris District in his report has stated that there are 497 families (including 20 tribal families) residing in Thengumarahada Village. As per the directions of this Court, a stake holder's meeting was conducted with the villagers of Thengumarahada on 06/03/2022. The meeting was attended by the Field Directors of Sathyamangalam and Mudumalai Tiger Reserve, Masinagudi Dvision

and District Forest Officer, Coimbatore. After detailed discussions the people have agreed to relocate provided adequate compensation is paid to them. Therefore a proposal was drawn up with a budgetary outlay of Rs. 74,55,00,000/- for relocation of the 497 families (@Rs. 15.00 lakhs per family as per NTCA norms).

3.5. Accordingly a proposal was forwarded by the State of Tamilnadu to the NTCA vide letter No. 1494/FR.14/2022 Dated 07.10.2022.

3.6 In this regard, it can be seen that in exercise of the powers under Section 38V of the Wildlife Protection Act, 1972 both the Mudumalai-Sathyamangalam were declared as Tigers Reserve. As per the National Tiger Conservation Authority/103rd respondent herein which is the statutory authority constituted under the Act has framed guidelines for preparation of Tiger Conservation Plan.

4.1. 3.1.6 of the guidelines reads as follows:-

“...6.Delineating inviolate spaces for wildlife and relocation of villagers from crucial habitats in Tiger

Reserves within a timeframe (five years) and settlement of rights.”

4.2. Paragraph 10 of the said guidelines reads as follows:-

“10. Relocation of Human Settlements from Core

It is essential to have a minimum inviolate area (forming the core of the Tiger Reserve) capable of supporting 20 breeding tigresses. On an average, a tigress requires 40-60 km² of territory for successful breeding. Pressure of human habitation is detrimental in sustaining high density breeding tiger populations. Settlements, therefore, need to be re-habilitated from the core area of a tiger reserve. The translocations/ rehabilitation package should be such that people should readily be willing to relocate. The relocation site should be so chosen so as not to compromise the conservation value of the Tiger Reserve i.e. it should be as far away from the core as possible and not located in connecting habitat corridors. Networking with local institutions and NGO's should be established so that post relocation assistance is provided to the relocated population for some time atleast. Effort should be made to wean the resettled population away from their dependence on forest resources. This would be possible by providing assistance (both technically and financially) in developing alternative livelihood options.”

3.7. It is in this context that when the issue arose before this Court, by an order dated 10.06.2022, this Court ordered voluntarily relocation of the Thengumarahada Village. Thereafter NTCA have filed Status Report indicating that the funds for the same will be provided by the National Tiger Conservation Authority. It is estimated that at the rate of Rs.15 lakhs per family, a total sum of Rs.74,55,00,000/- was necessary for relocation of the entire village which is captured in the Order dated 11.10.2022. Thereafter, once again an objection was raised by the Additional Solicitor General and once again the matter was considered in detail and by order dated 16.03.2023, this Court ordered the relocation to be funded by the National Tiger Conservation Authority. Whileso when the matter was under consideration and was being adjourned for the purpose of providing the necessary funds for relocation, ultimately, it was represented on behalf of the learned counsel appearing on behalf of the National Tiger Conservation Authority that there are no funds and therefore, the direction was not peacefully of compliance. However, it was represented by the learned Additional Solicitor General that funds could be only available from CAMPA ,that is, the National

Compensatory Afforestation Management Fund and Planning Authority and therefore, the National and the State CAMPA Authorities were impleaded as respondents No.104 and 105 as per the orders of the this Court on 08.06.2023. Thereafter, when the matter was heard in detail. The learned Additional Solicitor General would submit that the National Tiger Conservation Authority has got no funds whatsoever for the present purpose. Therefore, it should be left to the authorities to consider the issue of removing the villagers, as and when the funds are made available. He would further submit that as far as the Compensatory Afforestation Fund is concerned, there are National Fund and State fund. As per the plan prepared under the Act, the relocation of villagers comes within the purview of State fund and therefore, the National CAMPA fund cannot be ordered to be utilised for the said purpose. This Court can only direct the authorities to consider the matter and at best it can only be placed in the meeting of the governing body and thereafter, in their discretion, they can decide the issue.

D. THE PROCEEDINGS OF THIS COURT:

4. As a matter of fact, the Officers/Representatives from the Ministry of Environment and Forest, National Tiger Conservation Authority, National CAMPA, State CAMPA were present before this Court in virtual mode and repeatedly participated in the deliberations and submissions made before this Court. During the deliberations and written responses were also filed by the authorities. It could be seen that except for its recurring expenses and the salaries etc., of the members, the National Tiger Conservation Authority has absolutely no funds whatsoever. As far as the State CAMPA is concerned, since the State of Tamil Nadu is very conservative and safeguards the forest lands and no forest lands are converted to other uses, its share in the compensatory afforestation fund is extremely low and that they do not have the funds to relocate the villagers. As far as the National Compensatory Afforestation Funds Management and Planning Authority, the respondent No.104 is concerned, it is submitted by that a sum of Rs.8,154.84/- Crore is available. However, the said fund can be utilised only on specific schemes approved by the governing body of the National Authority.

E. ON THE POINT:

5. We have given our anxious considerations to the submissions made on behalf of the National Conservation Authority, the National CAMPA, State CAMPA, the learned counsel for the State of Tamil Nadu and the Government of India.

5.1. Firstly, it can be seen all the authorities agree that relocation of the village is very crucial and has to be done.

5.2. In furtherance of the proposal submitted on behalf the State of Tamiladu, Further the National Tiger conservation Authority had sought additional particulars via letter F. No. 1-10/2008-PT dated 02.02.2023, and the same was replied via Deputy Director Ref. No. 4792/2007/D dated 06.04.2023. As per the earlier proposal, 497 families in total were included for relocation. The District Collector, Nilgiris informed that 495 eligible families have been identified by the Revenue Division officer, Conoor based on the field inspection and ration cards issued and 31-03-2022 was taken as cutoff date to arrive at eligible beneficiaries in

Thengumarahada.

5.3. Article 48A of the Constitution of India reads as follows:

“48A. The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.”

5.4. Towards achieving the said goal, the Wild Life Protection Act, 1972 was amended and the Chapter IV- B relating to National Tiger Reserves was inserted. Tiger Reserves are to be declared by the state and an authority, namely National Tiger Conservation Authority was established. It is essential to extract Section 38Q of the Wild Life Protection Act 1972, which reads as hereunder:

“38Q. Grants and loans to Tiger Conservation Authority and Constitution of Fund.—

(1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Tiger Conservation Authority grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a Fund to be called the Tiger Conservation Authority Fund and there shall be credited

thereto—

(i) any grants and loans made to the Tiger Conservation Authority by the Central Government;

(ii) all fees and charges received by the Tiger Conservation Authority under this Act; and

(iii) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Tiger Conservation Authority and the expenses of the Tiger Conservation Authority incurred in the discharge of its functions under this Chapter.”

(emphasis supplied)

5.5. Thus it can be seen that the expenses of the Tiger Conservation Authority incurred in discharge of its functions under the chapter has to be made from the Tiger Conservation Authority Fund and it is for the Central Government to allocate such fund to the National Tiger Conservation Authority. It is in this context, the National Tiger Conservation Authority pleads that no fund whatsoever has been

allocated to it and it is dependent only on the National and State CAMPA funds.

5.6. Firstly, it can be seen that in the Guidelines for preparation of the Tiger Conservation Plan itself mandates relocation of human settlements affecting the core area of Tiger Reserves. The Hon'ble Supreme Court of India, in *Ajay Dubey -Vs- National Tiger Conservation Authority (2012 13 SCC 782)* has been passing orders mandating the implementation of the guidelines issued by the National Tiger Conservation Authority.

5.7. The Hon'ble Supreme Court of India, in Animal Welfare Board of India -Vs- A. Nagaraja (2014 7 SCC 547) had in paragraph 64 recognised the following rights of animals :

“64. Chapter 7.1.2 of the Guidelines of OIE, recognises five internationally recognised freedoms for animals, such as:

(i) freedom from hunger, thirst and malnutrition;

- (ii) freedom from fear and distress;*
- (iii) freedom from physical and thermal discomfort;*
- (iv) freedom from pain, injury and disease; and*
- (v) freedom to express normal patterns of behaviour.*

Food and Agricultural Organisation (FAO) in its “Legislative and Regulatory Options for Animal Welfare” indicated that these five freedoms found their place in Farm Welfare Council 2009 UK and is also called “Brambell's Five Freedoms”. These five freedoms, as already indicated, are considered to be the fundamental principles of animal welfare and we can say that these freedoms find a place in Sections 3 and 11 of the PCA Act and they are for animals like the rights guaranteed to the citizens of this country under Part III of the Constitution of India.”

5.8. In paragraph 72, the Hon'ble Supreme Court of India had held that Right to Life guaranteed under Article 21 of the Constitution of India is to be applied to mean the right to life of every species :

“72. Every species has a right to life and security, subject to the law of the land, which includes depriving its life, out of human necessity. Article 21 of the Constitution, while safeguarding the rights of

humans, protects life and the word “life” has been given an expanded definition and any disturbance from the basic environment which includes all forms of life, including animal life, which are necessary for human life, fall within the meaning of Article 21 of the Constitution...”

5.9. As regards funds, the Hon'ble Supreme Court of India in ***Municipal Council, Ratlam Vs. Shri Vardichan and Others [(1980) 4 SCC 162]*** held as follows:-

“...15....A responsible municipal council constituted for the precise purpose of preserving public health and providing better finance cannot run away from its principal duty by pleading financial inability....”

16.1. Again in paragraph No.24, it is held as follows:-

“...24.....Where directive principles have found statutory expression in Do's and Dont's the court will not sit idly by and allow municipal government to become a statutory mockery. The law will relentlessly be enforced and the plea of poor finance will be poor alibi when people in misery cry for justice. The dynamics of the judicial process has a new “enforcement” dimension not merely through some of the provisions of the criminal procedure code (as here), but also through activated tort consciousness. The

officers-in-charge and even the elected representatives will have to face the penalty of the law if what the Constitution and follow up legislation direct them to do are defied or denied wrongfully.”

(emphasis supplied)

5.10. In ***State of Maharashtra Vs. Manubhai Pragaji Vashi and Others [(1995) 5 SCC 730]***, in paragraph No.,17, the Hon'ble Supreme Court of India held as follows:-

“....17.....The aforesaid duty cast on the State cannot be whittled down in any manner, either by pleading paucity of funds or otherwise. We make this position clear.”

5.11. In ***DR.B.L.Wadehra Vs. Union of India and Others [(1996) 2 SCC 594]***, the Hon'ble Supreme Court of India held in paragraph No.22 as follows:-

“22.....Non-availability of funds, inadequacy or inefficiency of the staff, insufficiency of machinery etc. cannot be pleaded as grounds for non-performance of their statutory obligations.”

5.12. Recently, in ***M.C.Mehta Vs. Union of India and Others [(2020) 7 SCC 581]***, the Hon'ble Supreme Court of India held in paragraph No.9 as follows:-

“...9.As projected by the Chief Secretary that the Government is not able to provide financial support to these small and marginal farmers, cannot be accepted. Agriculture is the backbone of the economy of this country. Its interest cannot be overlooked and self-created bankruptcy cannot rescue it when the State has the obligation towards the agriculture. The Central Government is providing the money. The State Government has contributed to it. They cannot ignore the interest of the small and marginal farmers. It is the bounden duty of the Central as well as the State Government to ensure that the interest of these class of farmers is catered to and they have the facilities of farming and harvesting by modern machines. It should not be prerogative of the chosen few, those who have the money, means and power to afford these luxuries. It is absolutely necessary that poor farmers are equally provided with the modern facilities which are necessary to prevent such incidents of stubble burning and the State Governments' self-created bankruptcy or paucity of funds cannot be a guise, not to discharge its obligation, as laid by this Court in Municipal Council, Ratlam v. Vardichan [Municipal Council, Ratlam v.Vardichan, (1980) 4 SCC 162 : 1980 SCC (Cri) 933] . We have issued the directions to the various States in accordance with the spirit of the aforesaid decisions.”

5.13. Thus it can be seen that when a primordial statutory duty is cast upon the respondents especially when the same is pursuant to the Directive Principles of State Policy, non availability of funds cannot be an excuse. The Compensatory Afforestation Fund itself was constituted by an Act of Parliament, pursuant to the Judgment of the Hon'ble Supreme Court of India, dated 30.10.2022 in ***T.N.Godavarman Thirumulpad Vs. Union of India and Others***, wherein it has been categorically held that “to protect and improve the environment is a constitutional mandate, it is a commitment for a country wedded to the ideas of a welfare State”. Therefore, the Compensatory Afforestation Fund Act, 2016 under which, the National and States are constituted lieu no manner of doubt that the funds available in the National CAMPA Authority can be used for this purpose. Section 5 of the Compensatory Afforestation Fund Act, 2016 reads as follows:-

5. Save as otherwise provided in this Act, the monies available in the National Fund shall be disbursed and utilised in the following manner, namely:—

(a) ninety per cent. of the all monies collected by a State, which has been placed under the ad hoc Authority and the interest accrued thereon, shall be transferred to the

State Fund established in such state under sub-section (1) of section 4;

(b) the balance ten per cent. of all monies collected by the States and Union territory Administrations, which has been placed under the ad hoc Authority and the interest accrued thereon, and all fresh accrual to the National Fund, as provided in sub-section (4) of section 3, and the interest accrued thereon, shall be utilised for meeting—

(i) the non-recurring and recurring expenditure for the management of the National Authority including the salary and allowances payable to its officers and other employees;

(ii) the expenditure incurred on monitoring and evaluation of works executed by the National Authority and each State Authority;

(iii) the expenditure incurred on specific schemes approved by governing body of the National Authority.

Explanation.—For the purposes of this section, “scheme” includes any institute, society, centre of excellence in the field of forest and wildlife, pilot schemes, standardisation of codes and guidelines and such other related activities for the forestry and wildlife sector.

Section 8(2) of the Act, 2016 reads as follows:

“.....(2) The National Authority shall manage and

utilise the National Fund for the purposes of this Act.”

5.14. As a matter of fact on a reading of Rule 5(2)(h) of the Compensatory Afforestation Rules, 2008 it can be seen that the relocation of villagers/human settlement is expressly mentioned as the purpose for which, the State CAMPA Fund can be utilised. That by itself would adumbrate that the purpose would very much come within the purview of the CAMPA. Merely because the Thengumarahada Village is located in Tamil Nadu and merely because the State of Tamil Nadu receives only negligible or minimum share in the CAMPA fund on account of its laudable policies of not parting with any of the forest lands, the avowed and noble purpose of relocating the Thengumarahada village cannot suffer. When funds to the tune of Rs.8154.84 Crore is available with the National CAMPA, which can be utilised for the present purposes and when the Union of India has the statutory duty, which statutory duty is pursuant to the manifestation of the Directive Principles of State Policies, considering the extreme urgency and critical nature of the issue, we hold that a direction is liable to be issued the respondents No.104 and 105 to forthwith provide funds by releasing the

same to the National Tiger Conservation Authority/103rd respondent, who in turn will release it to the fifth respondent/Principal Chief Conservator of Forests, State of Tamil Nadu so that the same can be immediately disbursed to the villagers and the relocation be carried out.

F. The Result:

6. In the result,

(i) the respondents No.104 and 105 to forthwith provide funds by releasing the same to the National Tiger Conservation Authority/103rd respondent, who in turn will release it to the fifth respondent/Principal Chief Conservator of Forests, State of Tamil Nadu, within a period of two months from the date of receipt of the copy of the Order;

(ii) the sum thereof shall be disbursed and the relocation carried out within a period of one month thereafter.

(iii) Call this matter on 10.10.2023 for reporting compliance.

[N. S. K., J.] [D. B. C., J.]

08.08.2023

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N.SATHISH KUMAR, J.,
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D.BHARATHA CHAKRAVARTHY, J.,

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