

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 50/2008

WILDLIFE TRUST OF INDIA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

T.C. (C) No. 3/2016 (XVI-A)

T.C. (C) No. 39/2015 (XVI-A)

W.P. (C) No. 109/2008 (X)

T.C. (C) No. 41/2015 (XVI-A)

T.C. (C) No. 59/2015 (XVI-A)

T.C. (C) No. 103/2015 (XVI-A)

W.P. (C) No. 514/2006 (X)

T.C. (C) No. 132/2015 (XVI-A)

T.C. (C) No. 85/2011 (XVI-A)

T.C. (C) No. 87/2011 (XVI-A)

Date : 07-03-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE KURIAN JOSEPH

HON'BLE MR. JUSTICE DEEPAK GUPTA

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UPON hearing the counsel the Court made the following

O R D E R

W.P. (C) No. 109/2008

This writ petition will be taken as a lead case for final hearing.

Our attention has been drawn to the order dated 29.01.2016 wherein certain information was required to be furnished by the State Governments.

We have been informed that most State Governments have filed affidavits in compliance with the order of 29.01.2016 but some of them have not filed any affidavit of compliance. Be that as it may, whatever information has been supplied pursuant to our order dated 29.01.2016 is about two years old. This outdated information may not assist us in disposal of the present batch of writ

petitions and transferred cases.

Under the circumstances, we issue a fresh direction to all the State Governments to file a tabular statement in the form of an affidavit indicating the following:-

(i) The number of claims for the grant of land under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;

(ii) The claims should be divided into claims made by the Scheduled Tribes and separately by other traditional forest dwellers;

(iii) The number of claims rejected by the State Government in respect of each category;

(iv) The extent of land over which such claims were made and rejected in respect of each of the two categories;

(v) Action taken against those claimants whose claims have been rejected;

(vi) The status of eviction of those claimants whose claims have been rejected and the total extent of area from which they have been evicted;

(vii) The extent of the area in respect of which eviction has not yet taken place in respect of rejected claims.

The cut-off date for providing this information is 31.12.2017.

The information, as required above, shall be furnished within a period of four weeks. To follow up on the progress of the case, list the matter for further directions on 18th April, 2018.

We may indicate that learned counsel for the petitioner has challenged the constitutional validity of the Act as well as legislative competence of Parliament to enact the Act. He submits

that discriminatory grant of *pattas* is objectionable and steps must be taken to evict those persons whose claims have been rejected those persons being encroachers.

It is submitted by learned counsel for the petitioners that at a later stage, he might request for a performance audit being conducted by the Comptroller and Auditor General of India or by any other appropriate authority. His concern, as expressed, is to preserve the forest and wild life of the country which according to him is in a critical state.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER