

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
Writ Petition (C) No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

I.A.No.3735 in I.A. NO.502 in W.P.(C)No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

I.A.No(s).3875-3876 in W.P.(C)No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

I.A.No(s).3878-3879 & 3888 in W.P.(C)No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

I.A.No(s).3931-3933 in I.A. NO.1167 I.A. No(s).695-696 in  
W.P.(C)No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

I.A.No.3797 in I.A. NO.502 in W.P.(C)No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

W.P.(C)No.512 of 2014

NAARAYAN SINGH CHAUHAN Petitioner(s)

Signature Not Verified

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Mahesh Singh  
Date: 2016.04.21  
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Reason: I am the author

VERSUS

STAE OF CHHATTISGARH &amp; ANR.

Respondent (s)

I.A.No.3934 in I.A. NO.3788 In W.P.(C)No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS

Respondent(s)

O R D E RW.P.(C)No.202 of 1995 :

Central Empowered Committee (CEC) was constituted by this Court by an order dated 9<sup>th</sup> May, 2002. Mr. M.K. Jiwrajka then working as Inspector General of Forests in the Ministry of Environment and Forests was nominated as the Member-Secretary of the Committee with Mr. P.V. Jayakrishnan, former Secretary to Government of India, Ministry of Environment and Forests, as the Chairman of the Committee and three other members making a total of five, comprising the Committee. A notification, dated 17<sup>th</sup> September, 2016, to that effect was issued by the Government of India, Ministry of Environment and Forests. Mr. Jiwrajka has ever since continued as Member Secretary not only in the Central Empowered Committee but even as Member Secretary of High Powered Committee (HPC) for the North-Eastern Regions and as Member of the Special Investigation Team/Committee. Mr. Jiwrajka has now expressed his inability to continue with the assignments given to him. He has in terms of a communication dated 5<sup>th</sup> February, 2016 prayed for being relieved from all

assignments not only as Member Secretary of the Central Empowered Committee but also from his other assignments, mentioned above.

Mr. Harish N. Salve, learned amicus, submits that Mr. Jiwrajka has rendered commendable service during the time he worked as Member Secretary of the Central Empowered Committee and even though he has expressed his desire to be relieved on earlier occasions also he was persuaded to continue because of the importance of the work which the Central Empowered Committee was doing and the commitment with which Mr. Jiwrajka was undertaking that work. Now that Mr. Jiwrajka has once again made a written request for being relieved he could be relieved provided a substitute/appointment is made by the Government of India. He submits that an appropriate direction to that effect could be issued by this Court so that the Central Empowered Committee is reconstituted with a nominee of the Government of India taking over the assignment as Member Secretary of the Committee in place of Mr. Jiwrajka.

In the circumstances, therefore, we direct that from the date the Government of India, Ministry of Environment and Forests, nominates an officer not below the rank of a Joint Secretary in the Government of India in consultation with Attorney General for India and Mr. P.V. Jayakrishnan, Chairman of the Committee, Mr. M.K. Jiwrajka shall stand relieved of all assignments, not only as Member Secretary of the Central



assignments not only as Member Secretary of the Central Empowered Committee but also from his other assignments, mentioned above.

Mr. Harish N. Salve, learned amicus, submits that Mr. Jiwrajka has rendered commendable service during the time he worked as Member Secretary of the Central Empowered Committee and even though he has expressed his desire to be relieved on earlier occasions also he was persuaded to continue because of the importance of the work which the Central Empowered Committee was doing and the commitment with which Mr. Jiwrajka was undertaking that work. Now that Mr. Jiwrajka has once again made a written request for being relieved he could be relieved provided a substitute/appointment is made by the Government of India. He submits that an appropriate direction to that effect could be issued by this Court so that the Central Empowered Committee is reconstituted with a nominee of the Government of India taking over the assignment as Member Secretary of the Committee in place of Mr. Jiwrajka.

In the circumstances, therefore, we direct that from the date the Government of India, Ministry of Environment and Forests, nominates an officer not below the rank of a Joint Secretary in the Government of India in consultation with Attorney General for India and Mr. P.V. Jayakrishnan, Chairman of the Committee, Mr. M.K. Jiwrajka shall stand relieved of all assignments, not only as Member Secretary of the Central

Empowered Committee but also his capacity as Member Secretary of High Powered Committee of North-Eastern Region and Member of the S.I.T. We place on record our appreciation for the work done by Mr. Jiwrajka during his tenure as Member/Member Secretary of different committees/teams and request him to continue till his substitute is nominated by the Government of India in the manner indicated above. Mr. Jiwrajka shall needless to say stand relived also from all assignments given to him under the orders of this Court in different matters. We however make it clear that the Court dealing with the mining matters in which Mr. Jiwrajka was nominated as member of the Committee shall be free to make a substitute appointment in his place.

Mr. Salve further submits that with the passage of time, the need for a high powered committee for the North-Western Region (HPC), appointed in terms of our Order dated 4<sup>th</sup> March, 1997 has disappeared. Similarly there is no need for the continuance of Special Investigation Team appointed by this Court by order dated 13<sup>th</sup> January, 2000. That position is not disputed by Mr. Ranjit Kumar, learned Solicitor General, and other counsel. We accordingly dissolve the High Powered Committee (HPC) and the Special Investigation Team (SIT).

Mr. Salve points out that this Court has at one stage completely forbidden movement of timber from the North-Eastern States to any other part of the country. That restraint was

partially lifted when this Court allowed movement of surplus timber from North-Eastern Region to the rest of the country under the authority of the SIT. Now that SIT has been disbanded this Court shall have to necessarily provide for a mechanism that would regulate such movement of surplus timber for commercial purpose. He submits that while the Government of India is competent to frame appropriate rules regulating the movement of timber, pending framing of such rules this Court could direct that the movement of timber shall be regulated by the Ministry of Environment and Forests itself.

Mr. Ranjit Kumar submits that movement of surplus timber from North-Eastern Region can be permitted only in accordance with the statutory provisions and in case no rules have been framed so far, regulating such movement, the Government of India could take steps to frame such rules. He further states that pending framing of rules the movement of surplus timber would be regulated by the Ministry of Environment and Forests in place of SIT.

In the circumstances, therefore, we direct that the Government of India shall suitably examine the matter, identify the legal framework under which movement of timber is permissible and take steps to ensure that the movement of surplus timber from North-Eastern Region is carried out only in accordance with the regulatory control so prescribed. We further direct that in case a suitable statutory regulation has



not so far been prescribed, the Government of India may take steps to do the needful. Pending framing of appropriate rules on the subject, the movement of surplus timber from North-Eastern Region to the rest of the country, shall in place of the SIT earlier established by this Court, be permissible only under the orders of the Ministry of Environment and Forests. The MoEF is free to nominate an appropriate officer for exercise of the powers earlier exercised by the SIT.

I.A.No.3735 in I.A.No.502 in W.P.(C) No.202/1995:

Mr. R. Balasubramanian, Advocate, has filed an additional affidavit in support this interlocutory application. Mr. A.D.N.Rao, learned counsel appearing for the CEC, prays for and is granted two weeks' time to have the matter examined by the CEC and submit a report to this Court.

Post in the first week of May 2016.

I.A.No(s).3875-3876 in W.P.(C) No.202/1995:

Learned counsel for the applicant seeks leave to withdraw these interlocutory applications with liberty to approach the National Green Tribunal for appropriate orders for felling of 81 trees for construction of road.

The interlocutory applications are accordingly dismissed as withdrawn with the liberty prayed for. We make it clear that in case the Tribunal is approached by the applicant for permission, it shall be free to examine the matter independent of the Order of this Court dated 12<sup>th</sup> December, 1996 and pass

appropriate orders in accordance with law.

I.A.No(s).3878-3879 & 3888 in W.P.(C) No.202/1995:

Mr. Kavin Gulati, learned senior counsel appearing for the applicant, seeks leave to withdraw these applications with liberty to approach the National Board for Wild Life for appropriate redress.

The interlocutory applications is dismissed as withdrawn with the liberty prayed for.

I.A.No(s).3931-3933 in I.A.No.1167 in I.A.Nos.695-696 in W.P.(C) No.202/1995:

Mr. Raju Ramachandran, learned senior counsel appearing for the applicant, prays for and is granted two weeks time to file an additional affidavit and additional document.

Post in the first week of May 2016.

I.A.No(s).3797 in I.A.No.502 in W.P.(C) No.202/1995 & W.P.(C)No.512 of 2014:

Post in the first week of May 2016.

Additional document/response, if any, be filed in the meantime.

I.A.No(s).3934 in I.A.No.3788 in W.P.(C) No.202/1995:

Mr. A.D.N.Rao, learned counsel appearing for the CEC, prays for and is granted two weeks' time to have the matter examined by the CEC and submit a report to this Court.

Post in the first week of May 2016.

I.A. NO.3843 in W.P.(C)No.202 of 1995:

Taken on Board.



appropriate orders in accordance with law.

I.A.No(s).3878-3879 & 3888 in W.P.(C) No.202/1995:

Mr. Kavin Gulati, learned senior counsel appearing for the applicant, seeks leave to withdraw these applications with liberty to approach the National Board for Wild Life for appropriate redress.

The interlocutory applications is dismissed as withdrawn with the liberty prayed for.

I.A.No(s).3931-3933 in I.A.No.1167 in I.A.Nos.695-696 in W.P.(C) No.202/1995:

Mr. Raju Ramachandran, learned senior counsel appearing for the applicant, prays for and is granted two weeks time to file an additional affidavit and additional document.

Post in the first week of May 2016.

I.A.No(s).3797 in I.A.No.502 in W.P.(C) No.202/1995 & W.P.(C)No.512 of 2014:

Post in the first week of May 2016.

Additional document/response, if any, be filed in the meantime.

I.A.No(s).3934 in I.A.No.3788 in W.P.(C) No.202/1995:

Mr. A.D.N.Rao, learned counsel appearing for the CEC, prays for and is granted two weeks' time to have the matter examined by the CEC and submit a report to this Court.

Post in the first week of May 2016.

I.A. NO.3843 in W.P.(C)No.202 of 1995:

Taken on Board.

Post in the first week of May 2016.

.....CJI.  
(T.S. THAKUR)

.....J.  
(A.K. SIKRI)

.....J.  
(R. BANUMATHI)

NEW DELHI

DATED 12<sup>th</sup> April, 2016.

ITEM NO.301-306, 309

COURT NO.1

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

ITEM No.301Writ Petition No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS

Respondent(s)

(Office Report for Direction along with Letters dated 05.02.2016 and 28.10.2014 received from Mr. M.K. Jiwraja, Member Secretary, Central Empowered Committee)

Item No.302I.A.No.3735 in I.A. NO.502 in W.P.(C)No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS

Respondent(s)

(For modification of Court's order dated 07.05.2002/Directions and office report)

Item No.303I.A.No(s).3875-3876 in W.P.(C)No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS

Respondent(s)

(For impleadment and Directions and office report)

Item No.304I.A.No(s).3878-3879 & 3888 in W.P.(C)No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS

Respondent(s)

(For modification of dated 15.7.2011 and exemption from filing O.T.)



Item No.305

I.A.No(s).3931-3933 in I.A. NO.1167 I.A. No(s).695-696 in  
W.P.(C)No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For intervention, clarification/Direction of order dated 19.11.2004 and exemption from filing O.T. and office report)

Item No.306

I.A.No.3797 in I.A. NO.502 in W.P.(C)No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For permission on behalf of MoEF and office report)

AND

W.P.(C)No.512 of 2014

NAARAYAN SINGH CHAUHAN

Petitioner(s)

VERSUS

STAE OF CHHATTISGARH & ANR.

Respondent(s)

Item No.309

I.A.No.3934 in I.A. NO.3788 In W.P.(C)No.202 of 1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For Modification of Court's order dated 5.10.2015 and office report)

Date : 12/04/2016 These matters were called on for hearing today.

## CORAM :

HON'BLE THE CHIEF JUSTICE  
 HON'BLE MR. JUSTICE A.K. SIKRI  
 HON'BLE MRS. JUSTICE R. BANUMATHI

Mr. Harish N. Salve, Sr. Adv. (A.C.)  
 Mr. Siddhartha Chowdhury, Adv. (A.C.)  
 Mr. A.D. N. Rao, Adv. (A.C.)  
 Ms. Aparajita Singh, Adv. (A.C.)

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.  
 (W.P. (C) No. Mr. M. Raj, Adv.  
 512/2014) Ms. Jyoti Mendiratta, Adv

For Respondent(s)  
 (State of Mr. V. Giri, Sr. Adv.  
 Tamil Nadu) Mr. Subramaniam Prasad, Sr. Adv.  
 Mr. K. Venkataramani, Sr. AAG.  
 Mr. Muthuvel Palani, Adv.  
 Mr. B. Balaji, Adv.

W.P. (C) No. Mr. Raju Ramachandran, Sr. Adv.  
 202/1995 Mr. Abhishek Kishore, Adv.  
 Mr. Bimlesh Kishore, Adv.

W.P. (C) No. Mr. Kavin Gulati, Sr Adv.  
 202/1995 Mr. Alok Pathak, Adv.  
 Mr. Sanjeeb Panigrahi, Adv.

W.P. (C) No. Mr. Mukul Rohtagi, AG.  
 512/2014 Mr. Ranjit Kumar, SG.  
 Mr. S.S. Roy, Adv.  
 Ms. Movita, Adv.  
 Ms. Akhila J., Adv.  
 Mr. S.N. Terdal, Adv.

W.P. (C) No. Mr. Ranjit Kumar, SG.  
 202/1995 Mr. Ayush Agarwal, Adv.  
 Ms. Vartika Sahay, Adv.  
 Mr. Shah, Adv.  
 M/s. Corporate Law Group

Mr. Haris Beeran, Adv.

Mr. P.K. Manohar, Adv.

State of Mr. Balasubramaniam, Adv.  
 Andaman & Mr. K.V. Jagdishvaran, Adv.  
 Nicobar Mrs. G. Indira, Adv.

State of Nagaland	Mrs. K. Enatoli Sema, Adv. Mr. Edward Belho, Adv. Mr. Amit Kumar Singh, Adv.
State of Maharastra	Mr. Nishant Katneshwarkar, Adv. Mr. Arpit Rai, Adv.
W.P. (C) No. 202/1995	Mr. V.S. Lakshmi, Adv. Dr. Prafulla, Adv.
W.P. (C) No. 202/1995	Mr. Tripurari Ray, Adv.  Mr. A. Subhashini, Adv.  Mr. C.D. Singh, Adv.  Mr. Bimlesh Kumar Singh, Adv.  Mr. Misra Saurabh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

In terms of the signed order, Mr. M.K. Jiwrajka is relieved of all assignments:

"In the circumstances, therefore, we direct that from the date the Government of India, Ministry of Environment and Forests, nominates an officer not below the rank of a Joint Secretary in the Government of India in consultation with Attorney General for India and Mr. P.V. Jayakrishnan, Chairman of the Committee, Mr. M.K. Jiwrajka shall stand relieved of all assignments, not only as Member Secretary of the Central Empowered Committee but also his capacity as Member Secretary of High Powered Committee of North-Eastern Region and Member of the S.I.T.

... Pending framing of appropriate rules on the subject, the movement of surplus timber from North-Eastern Region to the rest of the country, shall in place of the SIT earlier established by this Court, be permissible only under the orders of the Ministry of Environment and Forests. The MoEF is free to nominate an appropriate officer for exercise of the powers earlier exercised by the SIT."

I.A.No.3735 in I.A.No.502 in W.P.(C) No.202/1995,



I.A.No(s).3931-3933 in I.A.No.1167 in I.A.Nos.695-696 in W.P.  
(C) No.202/1995,  
I.A.No(s).3797 in I.A.No.502 in W.P.(C) No.202/1995 & W.P.  
(C)No.512 of 2014,  
I.A.No(s).3934 in I.A.No.3788 in W.P.(C) No.202/1995 &  
I.A. NO.3843 in W.P.(C)No.202 of 1995:

Post in the first week of May 2016.

I.A.No(s).3875-3876 in W.P.(C) No.202/1995:  
I.A.No(s).3878-3879 & 3888 in W.P.(C) No.202/1995:

The interlocutory applications are dismissed as withdrawn  
with the liberty prayed for.

(MAHABIR SINGH)  
COURT MASTER

(VEENA KHERA)  
COURT MASTER

(Signed order is placed on the file)