

Indian Council And Enviro-Legal Action vs Union Of India And Others on 9 March, 1995

Equivalent citations: AIR1995SC2252, JT1997(10)SC444, (1995)3SCC77, 1995(1)UJ732(SC), AIR 1995 SUPREME COURT 2252, 1996 (5) SCC 281, 1995 AIR SCW 1797, 1995 AIR SCW 1793, (1995) 1 LANDLR 505, (1995) 2 LANDLR 171, (1995) 2 CIVLJ 873, (1995) 2 IJR 960 (SC), (1995) 1 CURCC 561, 1995 (3) SCC 250, (1994) 3 BANKLJ 9, (1995) 1 GUJ LH 1024, (1995) 2 JT 576 (SC), 1996 (4) JT 263, (1995) 2 SCR 251 (SC), 1995 (2) SCR 251, (1995) 1 MAD LJ 110

Bench: Kuldip Singh, S. Saghir Ahmad

ORDER

1. We have heard Mr. Shanti Bhushan, Mr. Kapil Sibal, Mr. Ashok Desai, Mr. D.V. Sehgal and other learned Counsel appearing in this case. We modify our order dated December 12, 1994 and direct that all the restrictions, prohibitions regarding construction and setting up of industries or for any other purpose contained in the notification dated February 19, 1991 issued by Ministry of Environment and Forest, Government of India under Clause (d) of Sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 shall be meticulously followed by all the concerned States. The activities which have been declared as prohibited within the Coastal Regulation Zone shall not be undertaken by any of the respondent-States. The regulations of permissible activities shall also be meticulously followed. The restrictions imposed by the Coastal Areas Classification and Development Regulations contained in Annexure 1 to the above said notification shall also be strictly followed by the respondent-States. '

2. Mr. M.C. Mehta, learned Counsel for the petitioner has contended that this Court should constitute a central authority and also in addition an authority in each of the coastal States/union territories in terms of Section 3(3) of the Environment (Protection) Act, 1986. He has given a list of eminent persons in environmental field who can be asked to be members of the said authority. This matter needs further consideration and final decision in this respect shall be taken after hearing Mr. Mehta and other learned Counsel for the parties.

3. Mr. Mehta has also placed on record the interim site visit report dated October 18, 1994 of the committee constituted by the Ministry of Environment and Forest, Government of India for inspection of violations of norms and guidelines prescribed for developmental activities for beach/resorts/ hotels etc. in the Coastal Regulation Zone of the State of Goa. We have examined the report and we find that the committee has done a useful work. We issue notice to the Ministry of Environment and Forest, Government of India through its Secretary and also to the State of Goa to file affidavits indicating the action taken in respect of the report of the committee. The Government of India shall furnish copy of the report to the State of Goa if it has not already been done. The

affidavits shall be filed by the Government of India and the State of Goa within two weeks of the receipt of this order.