

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.32068 of 2013

Fisherman Care,
Regd. Association,
Rep. By its President,
L.T.A.Peter Rayan. ... Petitioner

-vs-

- 1.Union of India,
Rep. By the Secretary
Ministry of Environment and Forests,
New Delhi.
- 2.Union of India,
Rep. By the Secretary,
Govt. of India, Dept. of Animal
Husbandary Dairy and Fisheries,
New Delhi. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to follow and implement the recommendation made by Prof MS Swaminathan on 16.07.2009 by taking immediate steps in accordance with law for securing traditional fisher families rights to safeguard the fundamental rights of fisher folk.

For Petitioner : Mr.L.P.Maurya

For Respondents : Mr.V.Balasubramanian
Spl.P.C.

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

A report of the Ministry of Environment and Forests relied upon by the petitioner contains Clause 7.2.3. in respect of

recommendations made by Prof.M.S.Swaminathan, to the Parliamentary Committee reviewing the aspect of the traditional rights of the fishermen community. The recommendation is for enacting a separate legislation on the lines of the Traditional Forest Dwellers Act, 2006.

2.It is the submission of the petitioner that the decision was taken in principle by the then Government and the only issue was as to which Ministry should propose the draft legislation. In this behalf, our attention is invited to the letter dated 22.08.2009 of the then Ministry of State for Environment and Forests addressed to the Ministry of Agriculture seeking action since fisheries sector was listed under the Ministry of Agriculture as per allocation of business rules. The petitioner submits that nothing has happened since then.

3.It is trite to say that there can be no mandamus issued to enact a legislation. There is a new Government in power. However, it would be within the domain of the Government to go into the recommendations of the report referred to aforesaid and take a decision on the same, i.e. whether to enact or not a legislation as proposed.

4.The matter may, thus, receive the attention of the concerned Ministry being the Ministry of Agriculture.

5.Writ petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sra

To

- 1.The Secretary,
Union of India,
Ministry of Environment and Forests,
New Delhi.
- 2.The Secretary,
Union of India, Dept. of Animal
Husbandary Dairy and Fisheries,
New Delhi.

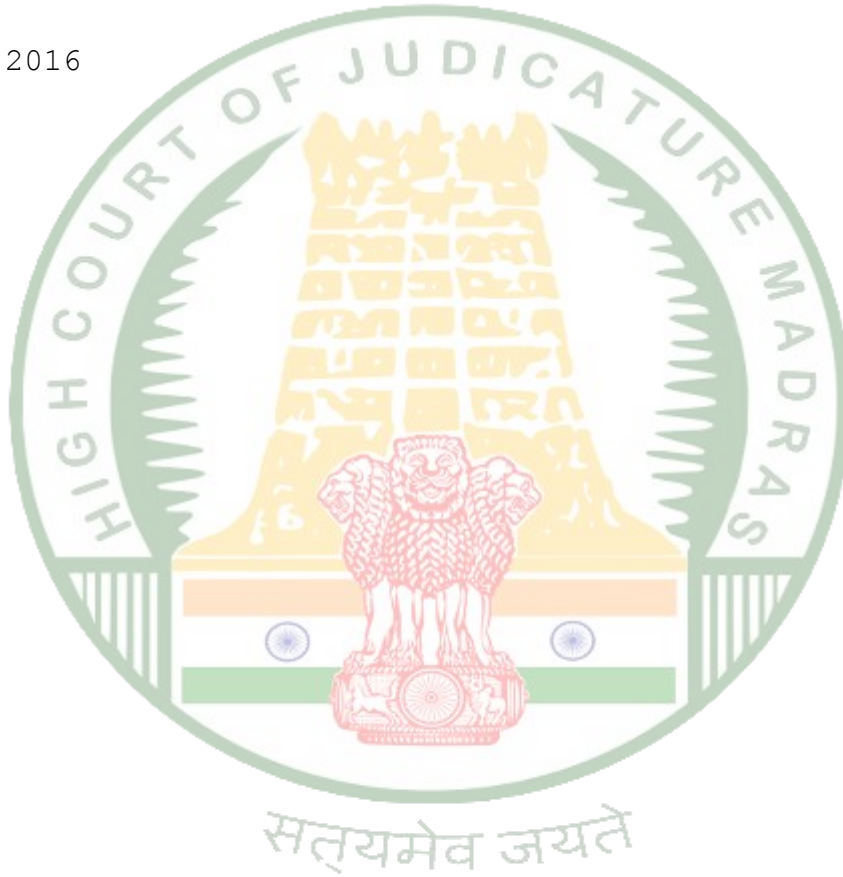
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3.The Secretary to Govt. of India,
Ministry of Agriculture and Farmers
Welfare, Dept. of Agriculture and
Cooperation , Krishi Bhawan,
Rajendra Prasad Road,
New Delhi 110 001.

2 ccs to Mr.V.Balasubramanian, Advocate, sr.37849
1 cc to M/s.L.P.Maurya, Advocate, sr.37794

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SV CO
kra 23.07.2016



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