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W.P.(MD) No.19652 of 2020 and WMP (MD) Nos.7941 of 2021 and 5404 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.07.2022**

CORAM :

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR
and
THE HON'BLE MR. JUSTICE D. BHARATHA CHAKRAVARTHY

W.P. (MD) No. 19652 of 2020
and
WMP.(MD) Nos.7941 of 2021 & 5404 of 2022

Balu Rajasekaran

... Petitioner

Versus

1. Union of India,
Represented by the Secretary
Ministry of Environment and Forests
New Delhi 110015.
2. The Director of Project Elephant,
The Government of India,
Ministry of Environment and Forests Department,
Paryawaran Bhavan, CGO Complex,
Lodi Road, New Delhi 110003.
3. The Government of Tamil Nadu
Represented by the Secretary
Department of Environment and Forests,
Secretariat, Chennai
4. The Principal Chief Conservator of Forest / Wildlife Warden
Represented by
Office of the Principal Chief Conservator of Forests / Wildlife Warden
Chennai.



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Southern Region Wild Life Crime Control Bureau,
Rajaji Bhavan, Besant Nagar,
Chennai.

6. The District Collector
Office of the District Collector,
Tirunelveli District.
7. Chairman Cum Managing Director,
Tamilnadu Generation and Distribution
Corporation Limited,(TANGEDCO)
No.144, Anna Salai,
Chennai 600002.
8. The District Forest Officer,
Office of the District Forest Officer,
Tirunelveli District.
9. The Wildlife Warden,
Kalakad Mundunthurai Tiger Reserve,
Tirunelveli.
10. The Superintending Engineer,
Tirunelveli Electricity Distribution Circle,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus or direction to the Respondents to take effective measures for prevention of unnatural death of elephants from extinction by means of electrocution and other human-animal conflicts and consequently issue directions for improving the wild animal habitat works in Tamil Nadu .

For Petitioner : Mr. Venkatesan.R

For Respondents : Mr.V. Chandrasekaran
Senior Panel Counsel
[for R1 and R2]



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Mr.J. Ravindran
Additional Advocate General
Assisted by
Dr.T. Srinivasan
Spl.Govt. Pleader (Forest)
[for R3 to R6, R8 and R9]

Mr. L. Jai Venkatesh [for R7 & R10]

ORDER

This Writ Petition has been filed to direct the Respondents to take effective measures for prevention of unnatural death of elephants from extinction by means of electrocution and other human-animal conflicts and consequently issue directions for improving the wild animal habitat works in Tamil Nadu.

2. Mr. V. Chandrasekaran, learned Senior Panel Counsel takes notice for the Central Government.

3. Already the Honourable Apex Court had issued directions to be followed to prevent the unnatural death of elephants and other animals by means of electrocution and other human animal conflicts in para 6 of the Judgment reported in *M.C.Mehta vs. Union of India and Others [(1992)1*

SCC 358], it is held as follows:

<https://www.mhc.tn.gov.in/judis>



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“6. We dispose of this writ petition with the following directions:

(1) Respondents 1, 2, & 3 shall issue appropriate directions to the State Governments and Union Territories to invariably enforce as a condition of license of all cinema halls, touring cinemas and video parlours to exhibit free of cost atleast two slides/messages on environment in each show undertaken by them. The Ministry of Environmental should within two months from now come out with appropriate slide material which would be brief out efficiently carry the message home on various aspects of environment and pollution. This material should be circulated directly to the Collectors who are the licensing authorities for the cinema exhibition halls under the respective slate laws for compliance without any further direction and helping the cinema halls and video parlours to comply with the requirements of our order. Failure to comply with our order should be treated as a ground for cancellation of the licence by the appropriate authorities. The material for the slides should be such that it would at once be impressive, striking and leave as impact on every one who sees the slide.



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(2) *The Ministry of Information and Broadcasting of the Government of India should without delay start producing information films of short duration as is being done now on various aspects of environment and pollution bringing out the benefits for society on the environment being protected and the hazards involved in the environment being polluted. Mind catching aspects should be made the central theme of such short films. One such film should be shown, as far as practicable. in one show every day by the cinema halls and the Central Government and the State Government are directed to ensure compliance of this condition from February 1, 1992.*

(3) *Realising the importance of the matter of environment and the necessity of protecting it in an unpolluted for as we had suggested to learned Attorney General to have a dialogue with the Ministry of Information and Broadcasting as to the manner the All India Radio and Doordarshan can assist this process of education. We are happy to indicate that, learned Attorney General has told us that five to seven minutes can be devoted every day and there could be, once a week, a longer programme. We do not want to project an impression that we are authorities on the*



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subject, but we would suggest to the programme controlling authorities of the Doordarshan and the All India Radio to take proper steps to make interesting programmes and broadcast the same on the radio and exhibit the same on the television. The national network as also the State Doordarshan Centres should immediately take steps to implement this direction so that from February 1, 1992, regular compliance can be made.

(4) We accept on principle that through the medium of education awareness of the environment and its problems related to pollution should be taught as a compulsory subject. Learned Attorney General pointed out to us that the Central Government is associated with education at the higher levels and the University Grants Commission can monitor only the under graduate and post graduate studies. The rest of it, according to him, is a State subject. He has agreed that the University Grants Commission will take appropriate steps immediately to give effect to what we have said, i.e., requiring the Universities to prescribe a course on environment. They would consider the feasibility of making this a compulsory subject at every level in college education. So far as education up to the college level is concerned, we would require every



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State Government and every Education Board connected with education up to the matriculation or stage even intermediate colleges to immediately take steps to enforce compulsory education on environment in a graded way. this should be so done that in the next academic year there would be compliance of this requirement.”

4. Though the above judgment came to be passed in relation to issues arising out of environment and pollution, it also covered the Fundamentals of mankind. In the above order in para 2 the Honourable Apex Court has held that Clause (g) of Article 51-A with the heading "Fundamental Duties" requires every citizen to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures. Therefore the contention of the learned counsel for the Respondent that the above judgment only covers the environment and pollution cannot be countenanced.

5. In such a view of the matter Respondent No.1 is directed to issue necessary directions to all the State Governments and Union Territories to follow the above directions of the Honourable Supreme Court scrupulously, including the wildlife, protection of forest including removal of invasive lying



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in the forests.

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6. With the above direction the writ petition is disposed of. No costs.

Consequently connected M.Ps. are closed.

(N.S.K.,J.) (D.B.C.,J.)
25.07.2022

Index : Yes/No
Internet : Yes / No
Speaking/Non-speaking Order
ggs

copy to :

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Ministry of Environment and Forests,
New Delhi 110015.
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3. The Secretary
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Secretariat, Chennai-9
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