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W.P.No.1960 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2024

CORAM :

THE HON'BLE MR. K.R. SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE SENTHIL KUMAR RAMAMOORTHY

W.P.No.1960 of 2019

Jesu Rethinam

... Petitioner

-VS-

The Union of India,
Rep. by its Secretary to Government,
Ministry of Environment and Forests,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to forthwith publish Form-I (Application submitted by the proponent) the Environment Impact Assessment Report and the clearance issued under the Environment Impact Assessment Notification 2006 and the Coastal Regulation Zone Notification 2011 in the vernacular language of the region in which the project is to be situated apart from publishing these documents in English for all projects that are under consideration before the respondent or its delegates for issuance of Environmental clearance under EIA Notification,



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2006 and/or CRZ clearance and fresh applications received under the EIA Notification, 2006 and CRZ Notification, 2011, make them available to the public in the manner specified in the EIA Notification, 2006.

For Petitioner : Mr.A.Yogeshwaran
For Respondent : Mr.V.Chandrasekaran
Spl. Panel Counsel

* * * * *

ORDER

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

The prayer in the petition reads as under:

"To issue writ of mandamus directing the respondent to forthwith publish Form-I (Application submitted by the proponent) the Environment Impact Assessment Report and the clearance issued under the Environment Impact Assessment Notification 2006 and the Coastal Regulation Zone Notification 2011 in the vernacular language of the region in which the project is to be situated apart from publishing these documents in English for all projects that are under consideration before the respondent or its delegates for issuance of Environmental clearance under EIA Notification, 2006 and/or CRZ clearance and fresh applications received under the EIA Notification, 2006 and CRZ Notification, 2011, make them available to the public in the manner specified in the EIA Notification, 2006."



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2. In this public interest litigation, petitioner wants to enforce the right of persons to participate in the environment decision making, which includes the right to make an informed decision about the projects and activities coming up in their vicinity, which will impact their environment, life and livelihood. Therefore, petitioner wants a direction to be issued to the Ministry of Environment of Forests and Climate Change to publish the Form-I application submitted by the proponent, the Environment Impact Assessment Report and the clearances issued to project proponents under the Environmental Impact Assessment Notification, 2006 and the Coastal Regulation Zone Notification, 2011, in the local language of the State/ vernacular language of the region in which the project is to be situated, apart from publishing the documents in English.

3. We do appreciate petitioner's concern that the persons are entitled to participate in environmental decision making and also take an informed decision about the projects and for that, they need to understand the documents/clearances given.



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4. Counter-affidavit dated 15.07.2024 is filed through one Dr.Saranya. In our view, paragraphs 4, 5, 9, 12, 13 and 14, address petitioner's concerns. For ease of reference, these paragraphs are reproduced hereunder:

4. I respectfully submit that the relief sought by the petitioner is already addressed within the existing framework of the Environment Impact Assessment (EIA) Notification, 2006 under Appendix IV, Paragraph 2 and 6. Paragraph 2.2 mandates that, Applicant must enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment report in English and in the official language of the state/local language, prepared strictly in accordance with the Terms of Reference communicated after Scoping (Stage-2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report along with the Summary EIA to the authorities or offices, within whose jurisdiction the project will be located.

5. I respectfully submit that further, paragraph 6.3, 6.4 and 6.5 of the EIA Notification, 2006, provide comprehensive guidelines for the conduct of public hearings. These guidelines mandate that:

- i. A representative of the applicant must present the project and the Summary EIA report at the hearing.*
- ii. Person present in the hearing are given the opportunity to seek information and clarifications about the project.*
- iii. The proceedings, reflecting all views and concerns*



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expressed by the public, must be recorded by the representative of the State Pollution Control Board (SPCB) or Union Territory Pollution Control Committee (UTPCC) and read over to the audience at the end of the proceedings explaining the contents in the local/ vernacular language.

- iv. The statement of the issues, including the issues raised by public and the applicant's responses, must be prepared in the local language or the official state language and in English.*

These provisions ensure that the summary of the EIA report and the proceedings of public hearings are conducted and documented in both English and the local/vernacular language of the region. A copy of Appendix IV of the EIA Notification, 2006, is attached as Annexure "A".

...

9. I respectfully submit that, implementing the petitioner's request to publish Form-I (Application of Proponent), the full EIA report, and the clearance documents in local languages for all projects would impose significant administrative and practical hurdle for the Government. The existing requirement to present and explain the Summary EIA report and public hearing proceedings in the local language already ensures that essential information is disseminated to local community. Appendix IV ensures that concerns of local community are adequately addressed in the language they understand.

...

12. I respectfully submit that it is pertinent to note here that Part XVII of the Constitution of India specifies the official language of communication by the Union of India in its correspondence with different stakeholders including the respective states. Further, Article 343 specifies that the English language shall continue to be used for all the official purposes of the Union. Provided, President may authorise the use of the Hindi language in addition to the English language for any of



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the official purposes. A copy of Article 343 of Constitution of India is attached as Anneure “C”.

13. I respectfully submit that, Section 3 of the Tamil Nadu Official Language Act, 1956 (Act 39 of 1956) states that English language shall continue to be used for all the official purposes throughout the State of Tamil Nadu, thereby maintaining a uniform standard for official communication. The said provision of law is reproduced here in below for ready reference:

“3. Notwithstanding anything in section 2 and without prejudice to the provisions of Articles 346 and 347 of the Constitution, the English language shall continue to be used for all the official purposes of the State for which it was being used before the commencement of this Act until the State Government, by Notification under section 4, otherwise direct in respect of any official purpose specified in such notification.”

A copy of the Tamil Nadu Official Language Act, 1956 (Act 39 of 1956) is attached hereto as Annexure “D”.

14. I respectfully submit that, in accordance with Section 3 of the Tamil Nadu Languages Act, 1956, which mandates that Tamil shall be the official language of the State, but also permits English to be used for all official purposes, Division bench of this Hon'ble Court in the judgment of M.Venkatachalapathy vs. Union of India (W.P.No.1086 of 1998) dated 10.08.2009, has inter-alia reaffirmed that English shall continue to be used for all official purposes as provided under the Act. A copy of the judgment dated 10.08.2009 is attached hereto as Annexure “E”.

5. In addition, certainly any party who wants to get a document translated may get the translation done independently. In the



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circumstances, in our view, the concerns raised in the petition stand addressed.

Writ petition is disposed of. There shall be no order as to costs.

(K.R.SHRIRAM., CJ.)

(SENTHILKUMARRAMAMOORTHY, J.)

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Index : Yes/No
NC : Yes/No

sra

To:

The Secretary to Government
Union of India,
Ministry of Environment and Forests,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi.



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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

(sra)

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