

**SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS**

**I.A. NO.941, IN I.A.NO.754-755, WITH I.A.NO.777, 1131-1133, 1138-1146, 1148, 1184, 1272,
1361, 1579-1580 in W.P.(C) NO.202/1995**

T.N.GODAVARMAN THIRUMALPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For directions)

WITH

W.P.(C) No.356/2007

(With appln. For stay)

AND

I.A.Nos.1362-1363 IN 966 & 1012 in W.P.(C) NO.202/1995

(For modification & direction & interim stay)

AND

I.A.Nos.1868, 2091, 2225-2227, 2380 & 2568 in W.P.(C) No.202/1995

(For direction & intervention on B/O Lafonge Union Mining P.Ltd. and vacation of interim order,
Dt:23.11.2007 and seeking permission to bring addl. Facts and documents on record)

AND

I.A.NOS.2616-2617 IN 1620 in W.P.(C) NO.202/1995

(For directions & stay)

AND

I.A.No.2618 in

I.A.NOS. 2245-2246 in W.P.(C) No.202/1995

(For restoration of I.A. 2245-2246)

AND

I.A.No.2550 in W.P.(C) NO.202/1995

(For permission) AND

I.A.No.2569 in W.P.(C) NO.202/1995

(For permission)

AND

I.A.No.2579 in W.P.(C) NO.202/1995

(For recommendation of CEC in appln. No.858)

AND

I.A.No.2580 in W.P.(C) NO.202/1995

(For recommendation of CEC in appln. No.1041)

AND

I.A.NO.36 IN W.P.(C) NO.171/1996

(For directions

AND

I.A.No.2644 in I.A.NO.2386 in W.P.(C) NO.202/1995

(For early hearing)

I.A.No.2143 in W.P. (C) NO.202/1995

(Report of CEC regarding the non utilization of funds)

Date: 10.07.2009 were called on for hearing today.

These applns. / Petitions

CORAM:

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.H.KAPADIA
HON'BLE MR. JUSTICE AFTAB ALAM
Mr. Harish N.Salve, Sr. Adv. (AC)
Mr.Uday U. Lalit, Sr. Adv. (AC) (NP)
Mr. Siddhartha Chowwdary, Adv. (AC)
Mr. A.A.N. RAO, Adv. (AC)

For Petitioner(s)

/ Application (s) /

Respondent (s):

Mr.P.K.Manohar,
Adv.

Mr. G.E.

Vahanwati, AG

Mr.Haris

Beeran, Adv.

Mr.Raj Kumar

Mehta, Adv

Mr.J.R.Das,

Adv.

Mr.Vijay

Panjwani, Adv.

WP 356/07, IA No.1579080

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Jitendra Mahapatra, Adv.
Ms.Sweta Verma, Adv.
For Mr.Ajay Sharma, Adv.
Mr.Naresh Kr. Sharma, Adv.

IA 941 Mr. V.S.Raju, Adv

Mr. T.N.Rao, Adv.

IA 754 – 55 Mr. Janaranjan Das,
Adv.
Mr. Shwetaketu Mishra,
Adv.

Mr.P.P.Nayak, Adv.

Respondent-in-person
Mr.Jana Kalyan DAs,
Adv.

IA 1362-63 Mr.Altaf Ahmed, Sr.
Adv.
Mr. Manish Goswami,
Adv.

Mr.Anil Srivastav, Adv.
For M/s. Map & Co.,
Adv.

IA 1362 in IA Mr. Altaf Admad, Sr.
966 Adv.
Mr. Anil Shrivastav,
Adv.

Mr. V.K.Verama, Adv.

IA 1362 Mr. G.E.Vahanavati,
AG
Mr. Ajit Pudussery,
Adv.

Mr. K.Vijayan, Adv.
Mr. Somiran Sharma,
Adv.

IA 1868 Dr. A.M.Singhvi, Sr. Adv.
Mr.Mukul Rohatgi, Sr. Adv.
Mr.SAnjeev K.Kapoor, Adv.
Mr.Vishal Gupta, Adv.
Mr. Avinash Menon, Adv.
For M/s/ Khaitan & Co., Adv.

IA 1868 Mr. Ranjan Mukherjee, Adv.
Mr. S.C.Ghosh, Adv.
Mr. Santanu Bhowmick, Adv.
Mr. Jitendra Kumar, Adv.

IA 2550 Mr.Ramji Srinivasan, Sr. Adv.
Mr.Mukesh Kumar, Adv.
For M/s M.V.Kiwi & Associates, Adv.

IA 36 Mr. Anis Suhrawardy, Adv.
Mr. Syed Mehdi Imam, Adv.
Ms.Sushma Suri, Adv.
Ms.Purnima Bhat Kak, Adv.

IA 2579 Mr.S.Wasim A.Qadri, Adv.
For Mr.S.N.Terdal, Adv.
Mr.B.K.Prasad, Adv.
Mrs. Hemantika Wahi, Adv.
Ms.Jesal Wahi, Adv
Mr.Anil Kr. Jha, Adv.

IA 2617 in 1620 Mr. Bhavanishankar V. Gadnis, Adv.
Ranchi Assn. & IA For Mrs. B.Sunia Rao, Adv.
of Environment
State of Bihar Mr. Manish Kumar, Adv.
For Mr.Gopal Singh, Adv.
Mr. Kuldip Singh, Adv.
Mr. D.S.Mahra, Adv.

State of Goa Ms.A.Subhashini, Adv
State of Nagaland Mr.Edward Belho, Adv.
Mr.Rituraj Biswas, Adv.
Mr. P.Athuimei R. Naga, Adv.

**Upon hearing counsel the Court made the following
ORDER**

I.A. No. 2143 in W.P. (C) No. 202/1995

1. Pursuant to a series of Orders passed by this Court for Afforestation purpose, various agencies had deposited amounts by way of Net Present Value (NPV) when the forest area were utilized for non-forest purposes. This amount is lying with the ad-hoc CAMPA. The MoEF, the amicus curiae and the CEC have discussed the matter and they have come up with a scheme as to how to utilize the deposited amount for the purpose of Afforestation. The CEC has filed a Report framing a scheme and the same has been placed before this Court for consideration. We have examined the scheme and accepted the following recommendations:
 - A) The guidelines and the structure of the State CAMPA as prepared by the MoEF may be notified / implemented. All previous orders passed by this Court regarding this would stand modified to the extent necessary for implementation of the present proposal.
 - B) Substantial amount of funds have been received by the Ad-hoc CAMPA and sudden release and utilization of this large sum all at one time may not be appropriate and may lead to its improper use without any effective control on expenditure. This Court considers it appropriate to permit the Ad-hoc CAMPA to release, for the time being, the sum of about Rs.1000 crore per year, for the next 5 years, in proportion of 10% of the principal amount pertaining to the respective State/UT as per the conditions given below:
 - (i) the details of the bank account opened by the State Executive Committee (in Nationalized Bank) are intimated to the Ad-hoc CAMPA;
 - (ii) the amount towards the NPV and the protected area may be released after the schemes have been reviewed by the State Level Executive committee and the Annual Plan of Operation is approved by the Steering Committee;
 - (iii) the amount towards the CA, Additional CA, PCA and the Catchment Area Treatment Plan may be released in the respective bank accounts of the States/UTs immediately for taking up site specific works already approved by the MoEF while granting prior approval under the Forest (Conservation) Act, 1980.
 - (C) An amount upto 5% of the amount released to the State CAMPA may also be released and utilized by the National CAMPA Advisory Council, for monitoring and evaluation and for the implementation of the various schemes as given in para 19 of the Guidelines on the State CAMPA. It is left to the discretion of the National CAMPA Advisory Council whether it wants to spend money directly or through the Ad hoc CAMPA.
 - (D) The recommendations for the release of the additional funds, if any, will be made in due course from time to time after seeing the progress made by the State Level CAMPA and the effectiveness of the accounting, monitoring and evaluation systems.
 - (E) The State Accountant General shall carry out the audit of the expenditure done out of State CAMPA funds every year on annual basis.
 - (F) The State Level Executive Committee shall evolve an appropriate and effective accounting

process for maintenance of accounts, returns and for audit.

- (G) The interest received by the State CAMPA on the amounts placed at their disposal by the Ad hoc CAMPA may be used by it for administrative expenditure.
- (H) Till an alternative system is put in place (after obtaining permission from this Court) the money towards CA, NPV and Protected Areas (National Parks, Wildlife Sanctuaries) shall continue to be deposited in the Ad hoc CAMPA and its release will continue to be made as per the existing orders of this Court.

While carrying out the work of utilizing these funds the broad guidelines adopted by the NREGA may be followed and as

far as possible work may be allotted mostly to rural unemployed people, maintaining the minimum wages level.

The CEC may file status reports as regards implementation of the scheme every six months.