

10/03/21
Saikat Banerjee

Advocate, High Court at Calcutta
5, Shyamananda Road, Kolkata - 700 025.
Dial: 98301 66896

BY SPECIAL MESSENGER

08/03/2021

Conservator of Forests
Wildlife Headquarters, West Bengal
Office of PCCF Wildlife & Chief Wildlife Warden, West Bengal
Bikash Bhawan, Third Floor, North Block
Bidhannagar, Kolkata - 700 091.
Sir,

Re: WPA 10138/2020

The Court on its own motion.

In re: Smuggling and illegal trading of endangered species of birds

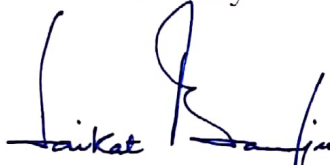
Web copy of the order dated 05/03/2021, passed in the captioned suo motu PIL, by the Hon'ble the Chief Justice and the Hon'ble Justice Arijit Banerjee, is enclosed with this letter.

The order is self explanatory.

The petition will be listed for further consideration on **Friday 26/03/2021.**

Enclo: as stated

Yours faithfully



Advocate for the High Court Administration

05.03.2021
Item no. 2 to 6
Dd/aloke

(Through Video Conference)

WPA 10138 of 2020

with

IA No. CAN 1 of 2020, CAN 2 of 2020, CAN 3 of 2021

The Court on its own Motion

**In re : Smuggling and illegal trading
of endangered species of birds.**

WPA 7387 of 2020

with

IA No. CAN 1 of 2020

Manika Barman

Vs.

The State of West Bengal & Ors.

+

WPA 6904 of 2020

In re : Court on its Own Motion

with

WPA 14640 of 2019

Sangita Iyer

Vs.

The Union of India & Ors.

with

WPA(P) 22 of 2020

**People United For Better Living
in Calcutta (PUBLIC) & Anr.**

Mr. Debanik Banerjee, adv.

Mr. Kaustav Chatterjee, adv.

...For the petitioner

in WPA 14640 of 2019

Mr. Siddhartha Mitra, sr. adv.

Ms. Rituparna Chatterjee, adv.

... For the petitioner

in WPA(P) 22 of 2020

Mr. Saikat Banerjee, adv.

Mr. Uttam Kr. Ray, adv.

Mr. Vivekananda Tripathi, adv.

... For the High Court Administration

in WPA 7387 of 2020

Mr. Siddhartha Banerjee, adv.

... For the High Court Administration

in WPA 6904 of 2020 and

WPA 14640 of 2019

Mr. Rana Mukherjee, APP

... Intervenor (in person)

in IA CAN 2 of 2020

Mr. Indrajeet Dey, adv.
Mr. Joveria Sobbah, adv.
Ms. Ankoni Biswas, adv.
... For the Intervenor
in CAN 1 of 2020

Mr. Arif Ali
Mr. Bikash Kumar Roy
... Intervenor in IA CAN 3 of 2021

Mr. Debasish Ghosh, adv.
Mr. Sayan Sinha, adv.
...For the State in
WPA 7387 of 2020,
WPA 6904 of 2020 and
WPA(P) 22 of 2020

Mr. Gausul Alam, adv.
Mr. Ranjit Rajak, adv.
... in WPA 6904 of 2020

Mr. Y. J. Dastoor, ASG
Mr. Phiroze Edulji, adv.
Mr. Arijit Mazumdar, adv.
...For the UOI
Mr. Jayanta Banerjee, adv.
Mr. Naba Kumar Das, adv.
... For the respondent-NF Railways
in WPA 7387 of 2020 and
WPA 6904 of 2020
Mr. S. Basu, sr. adv.
Mr. Sujit Sankar Koley, adv.
... For WBSEDCL in WPA 14640 of 2019
and WPA(P) 22 of 2020

Mr. S. Basu, adv.
Mr. R.M. Chattopadhyay, adv.
... For WBSEDCL in WPA 7387 of 2020
and WPA 6904 of 2020

The High Court Administration has placed on record a report which, inter alia, discloses the pendency of cases under different animal laws and forest laws. The wide spectrum of environment management, ecological management, forest management and management of animal wealth which include different categories which fall within the

definition of 'animals' in the relevant laws, indicate that the judiciary should be prompt to ensure that all allegations of intrusion into the domain of the animals which result in allegations as to commission of offences gain prompt attention, requisite and timely adjudication. We are shown that as on the date of the report of the Registrar General of this Court, there are 1140 cases pending under the forest laws before the courts below.

We, therefore, direct that all the subordinate courts where such matters are pending, shall forthwith proceed on warfooting in all such matters since the victims in all those cases are not "State" as is understood in the Constitution and the laws but primarily the animals who are voice-less creatures who cannot be represented before any adjudicating authority except by the duly authorised representative of the State Government.

We direct that the Registrar General will ensure that a circular following this order is issued within a week from now requiring all courts below to proceed with action in the direction indicated herein. We alert the courts below that it is the required norms in terms of the Constitution and the law that except in exceptional situations, such cases shall not be adjourned and also to take requisite coercive steps for non-attendance.

We have before us Mr. Shailesh Satyakamal Anand, Conservator of Forests, Wildlife Headquarters and Chief Wildlife Warden, West Bengal. He has briefed us in the presence of the learned advocates appearing for the State Government on different aspects including by answering certain queries made by the Court regarding the management of orphaned infants of animals in the forest. The said report in the

form of affidavit, among other things, points out that though there is a legal cell in the department, they have shortage of ground staff which is a great drawback in proper management of adequate policing in the forest through the forest guards. It is also pointed out that there are clear cases of illicit activities and even illicit trade in animals including birds, reptiles, amphibians, fishes etc. Similarly, the flora wealth and protected birds including the migrant birds will come within the guardianship cover of the wildlife warden. We are of the view that the very use of the word 'warden' in the nomenclature of the office of the wildlife warden and the chief wildlife warden clearly indicates the role of those officers as that of guardians of the animal wealth. The conservator of forests and the guardianship role over the animal wealth will run hand in hand in the hands of able officers. We are told that there are 126 officers in the State of West Bengal from the Indian Forest Service cadre.

With the aforesaid, we adjourn this matter to **March 26, 2021** within which time a further affidavit will be filed by the conservator of forests disclosing the volume of illegal activities in trade or otherwise affecting the animal wealth and further streamlining what could be suggested by the department. It will also be open to the officers of the wildlife sector and the forest sector to place such suggestions which, according to them, will improve the forest management and the wildlife management in the State of West Bengal.

(Thottathil B. Radhakrishnan, C.J.)

(Arijit Banerjee, J.)