

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/WRIT PETITION (PIL) NO. 56 of 2018
With
CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2020
In
R/WRIT PETITION (PIL) NO. 56 of 2018
With
R/WRIT PETITION (PIL) NO. 206 of 2016

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SUO MOTU

Versus

UNION OF INDIA & ORS.

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Appearance:

LAW OFFICER BRANCH(420) for the Applicant(s) No. 1
 MR DM DEVNANI(5880) AMICUS CURIAE for the Applicant(s) No. 1
 for the Opponent(s) No. 6,8
 MS MANISHA LUKUMAR SHAH LD. ADDL ADVOCATE GENERAL with MR
 CHINTAN DAVE ASSISTANT GOVERNMENT PLEADER for the Opponent(s) No. 3
 KSHITIJ M AMIN(7572) for the Opponent(s) No. 1
 MR RAMNANDAN SINGH(1126) for the Opponent(s) No. 2
 MR. PARTH H BHATT(6381) for the Opponent(s) No. 1
 MR. RADHESH Y VYAS(7060) for the Opponent(s) No. 7
 NOTICE NOT RECD BACK for the Opponent(s) No. 4,9
 NOTICE SERVED for the Opponent(s) No. 5

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CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL

and

HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 09/08/2024

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

1. In the order dated 12.07.2024, noticing the contents of the affidavit of compliance to the order dated 23.04.2023, filed by the Chief Conservator of Forest, Wildlife Circle, Junagadh dated 12.07.2024, we have noted that the High Level Committee has been constituted under the supervision of the Ministry of Railway, Forest Department, State of Gujarat to work out the modalities for

prescribing a Standard of Operating Procedure (SOP) to ensure that no incident of Lion death by colliding with the train plying in the area would occurred. There are various recommendations by the Committee which were brought before us and noted in the aforesaid order.

2. We have posted the matter today with the directions to bring before us the decision of the Railway Board for improvement of the headlights of locomotives to relax the speed restrictions, the periodic vegetation shredding on both the sides of the railway track, cleaning of vegetation from the underpasses by the railways, reduction of speed of trains as per the recommendation of the Committee. We have also sought response in the matter of progress made in retrofitting of the underpasses along the railway track of Pipavav to Liliya; commencement of the work of joint-feasibility survey, both by the Railways and Forest Department to notify the location for construction of the underpass and notifying the hot-spots, depending upon the seasons and anthropogenic pressures.

3. The compliance affidavit on behalf of the Railways has not been filed before us. So far as response of the Forest Department is concerned, personal affidavit of the Chief Conservator of Forests, Wildlife Circle, Junagadh has been filed before us to make various

assertions therein. However, before going to the said details, we may take note of the report of learned *Amicus Curiae* filed before us in the Court today, wherein it is reported that inspite of the assurance given to this Court, there is no proper fencing to prevent the Lion from coming on the railway track, underpasses are not available just below the dashing site. No caution order was served to the Railways for the presence of the Lion in the vicinity of railway track and that the High Level Committee found that if the speed was less, the incident could be avoided, but no preventive measures have been taken either by the Railways or by the Forest Department. Resultantly, two more incidents of death of the Lion had occurred in the interregnum. One incident was reported in the newspaper report dated 18.07.2024, wherein three carcasses were found, one of the Lioness and two of the Cubs. The newspaper report cast suspicion about the death of the three Lions. However, there is no disclosure by the Forest Officials. We may also note that in the affidavit of the Chief Conservator of Forests, Wildlife Circle, Junagadh filed before us today, there is a disclosure with regard to the another incident which took place on 24.07.2024 at Liliya Railway Track, but there is a complete silence about the incident which was reported in the newspaper report dated 18.07.2024, reporting death of one Lioness and two Cubs.

4. As noted above, there is another incident which occurred on 24/25.07.2024, wherein two Lions got seriously injured by Mahuva-Surat Passenger Train which was passing through Mile Stone 28/6, at 22:40 hours. Out of the two injured Lions, it is later informed by the learned *Amicus Curiae* that one had died. It is stated in the report that the Lion got critically wounded because of the impact of the collusion with the train. There was outrage amongst the Conservationists. However, in the affidavit of the Chief Conservator of Forests, Wildlife Circle, Junagadh, this much is only stated.

4.1. Further, in the affidavit there is a complete silence about the action taken thereafter. In paragraph '12' of the said affidavit, after disclosing the information about the train incident, there is a reference of the Standard Operating Procedure (SOP) dated 19.06.2024 and the requirement of conducting the inquiry to find out the real cause of the accident by the Circle Level Review Committee as per SOP dated 19.06.2024. It is stated that in the preliminary inquiry conducted into the incident occurred on 25.07.2024, report has been submitted to the Chief Conservator of Forests, Wildlife Circle, Junagadh on 01.08.2024. The preliminary report was also submitted to the Chief Wildlife Warden. Thereafter, joint inquiry was conducted by the Incident Level Review Committee consisting of

Assistant Operations Manager, Assistant Electrical Engineer, Assistant Engineer and Assistant Conservator of Forest. The statement of the concerned Officers have been recorded by the said Committee. Pursuant to the primary inquiry report received by the Chief Conservator of Forests, Wildlife Circle, Junagadh, it was noticed that the concerned Forester was responsible for the ill-fated incident, who has now been suspended from the services.

5. From the above noted facts, it is evident that the Railway authorities and the Forest Department, have not been able to control the situation and they have failed in their duties to ensure compliance of the directions of this Court so that death of the Lion through train collusion is avoided to the extent that there is no such incident. The two incidents occurred in a short period of one week or so, shows approach on the part of the Railway authorities as also the Officials of the Forest Department. The Chief Conservator of Forests, Wildlife Circle, Junagadh, in his affidavit has submitted response to the various directions given by us in the last order dated 12.07.2024 point-wise, but as to how he proposes to ensure compliance of the directions given by this Court that no such incident occurred on the Railway track, there is complete silence in the affidavit.

6. For the aforesaid, we call upon the Chief Conservator of

Forests, Wildlife Circle, Junagadh, to show cause as to why this Court may not consider his response as avoidance of the directions issued by the Court that the Railway authorities and Forests Department, Officials have to work out the plan to ensure that no incident of Lion death due to train collusion occurs. The response of the Chief Conservator of Forests, Wildlife Circle, Junagadh, be also noted about his silence in the incident of the three carcasses of one Lioness and two Cubs found near Gir as brought before us in the newspaper report published on 18.07.2024.

7. The aforesaid issues shall also be brought before the High Level Committee constituted in compliance of the order dated 23.04.2024 passed by us, *inasmuch* as, the responses of the Officials of the Railways and Forests Department are not to the satisfaction of the Court.

Let this matter be posted on **30.08.2024** to bring on record. the strict compliance of the directions contained in the order dated 12.07.2024, and the reply of the Chief Conservators of Forests, Wildlife Circle, Junagadh to the notice issued by us.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

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