

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, AMICUS CURIAE (5880) for the Applicant(s) No. 1
for the Opponent(s) No. 6,8

MS. MANISHA LAVKUMAR SHAH, AAG WITH MR. CHINTAN DAVE AND
MR. DHAWAN JAYSWAL, ASSISTANT GOVERNMENT PLEADERS 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 : 12/07/2024

ORAL ORDER

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

The affidavit of compliance to the order dated 23.04.2024 filed by the Chief Conservator of Forest, Wildlife Circle, Junagadh dated 12th July, 2024 has been placed before us to submit that a High Level Committee has been constituted under the supervision of the Ministry of

Railway and the Forest Department, State of Gujarat to work out the modalities for prescribing a Standard Operating Procedure (SOP). Vide Government Resolution dated 30.05.2024, the constitution of High Level Committee has been placed on record to demonstrate that it constitutes all senior most officers of the Forest and Environment Department as well as of the Railways. It is stated that the High Level Committee will work under the supervision of the Safety, Ministry of Railways, Union of India, and the Principal Secretary, Forest and Environment Department, Government of Gujarat to work out the modalities for prescribing the SOP to protect the Asiatic Lions of Gir in a way that Lion movement is unhindered in and around the areas of Gir Protected Areas and no incident occurs on the railway track in future. The Committee will also make an inquiry to know the real cause of such recurrences and to fix the responsibility and submit a report to this Court.

2. As regards the inquiry into the real cause of death of Lions in three incidents that have taken place on 03.01.2024, 12.01.2024 and 21.01.2024, it is stated that the Ministry of Railway has constituted three separate inquiry committees for inquiring into the said incidents. The inquiry committee of the Forest Department is comprised of the Chief Conservator of Forests, Wildlife Circle, Junagadh as a Member Secretary,

the Conservator of Forests, Wildlife , Crime, State of Gujarat as a Member and the Additional Principal Chief Conservator of Forests and in-charge Chief Conservator of Forests, Wildlife as its Chairman. Both the Committees have submitted their respective reports to the High Level Committee for further consideration.

3. The High Level Committee has so far convened four meetings and a brief report by the High Level Committee has been submitted before us to demonstrate the measures recommended by it, such as frequency, imposing speed restrictions in specific time and place, issuing caution orders in emergency situations, construction of under-passes, IT interventions, guidance and training of railway staff and periodical review of various provisions etc..

4. As regards the incidents-in-question, as per the opinion of the High Level Committee, for the incident occurred on 03.01.2023, no negligence of Forest/Railway staff was found. With regard to the second incident dated 12.01.2024, the Committee though recorded opinion that as per the inquiry report, no negligence of staff was found, but has found that no caution order was, in fact, at the time of incident that particular stretch of railway track. Since the train speed was high, illumination on the engine

was not sufficient and the Lion appeared suddenly on the track, therefore, the incident occurred. However, it was found that the tracker and the beat guard were keeping watch on the track and no negligence of forest staff was found. For the third incident occurred on 21.01.2024, the High Level Committee found that the speed-data information of the train indicated that the train was moving at a speed of 81 kmph hour and on application of the break, the train stopped after 19 second covering distance of 164 meter. However, at the time of incident, there was no safety restriction or caution order for the said track. It is opined that the incident could have been prevented if the speed of the train was less and noted the action taken by the Deputy Conservator of Forest against the Forest Tracker (contractual staff) and the Bit Guard, Round Forester and the Range Forest Officer.

5. The High Level Committee after vising the spot has noted that there was proper fencing to prevent the Lions to coming on the railway track, there is an underpass available just below the dashing site. It was brought before it that sole Lioness came on the track; no caution order was served to the railways for presence of Lion in the vicinity of railway track; the train was within permissible limit. But the Committee found that had the speed been less, the incident could have been avoided. The

High Level Committee notified the preventive measures to stop such instances, such as permanent reduction of speed of the trains during night time at hotspots in summers and winters, speed restrictions on the track in the section Rajula Jn-Mahuva where third accident had occurred during maximum movement time of Lioness during night in summer and winter. It was noted by the Committee that as the railway track passes through certain important and established lion corridors, the hotspots may vary depending on seasons and anthropogenic pressures. Such hotspots, therefore, have to be constantly monitored with the help of the data generated by direct and indirect evidence of lion presence in that area and regularly informed to the Railways, so as to control the speed of the trains in that portion of track; Standard Twin Beam headlight as per RDSO's specification has been provided in all the Broad-Gauge locomotives; endeavor is to be made to further improve the headlights of the locomotives to relax the speed restrictions; for further improvement in illumination of the locomotive headlight, matter will be referred to the Railway Board; illumination on the said railway track at the hotspots to be done in cooperation with the Railways and the State Government by the Forest Department; periodic vegetation shredding on both the sides of the railway track must be regularly done; regular clearing of vegetation from the underpasses by the Railways. It is further noted that most of the

underpasses along the said railway track from Pipavav to Liliya need to be retrofitted so as to facilitate wildlife crossing as per the joint feasibility survey to be carried by both, the Railways and Forest Department, to make it effective. The Committee has recommended that the work of retrofitting has to be executed by the Railways and Forest Department on sanction of the competent authority after detailed feasibility study to identify the locations for construction of the underpasses in a phased manner.

6. After going through the report submitted by the High Level Committee, we post the matter on **09.08.2024** to place before us for compliance of the recommendations of the Committee in the first phase such as 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.

7. The 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 hotpots, depending upon the seasons and anthropogenic pressures, is to be placed before the Court on the next date fixed.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI, J)

C.M. JOSHI