

JAMMU & KASHMIR STATE JUDICIAL ACADEMY [HIGH COURT OF JAMMU & KASHMIR]

Jammu, 3rd September, 2016

Judiciary of J&K can play a vital role in Nature Conservation: Justice Kotwal



Under the guidance and patronage of Chief Patron of State Judicial Academy, Hon'ble Mr. Justice N. Paul Vasanthakumar, Chief Justice, High Court of Jammu and Kashmir and Committee of Hon'ble Judges, State Judicial Academy (Hon'ble Mr. Justice Muzaffar Hussain Attar, Chairman, and Hon'ble Mr. Justice Janak Raj Kotwal, Member), Jammu and Kashmir State Judicial Academy organized two days Orientation Programme commencing from 3rd of September, 2016 in 'Forest and Wildlife Conservation for the Judiciary' in collaboration with WWF-India and Legal Initiative for Forest and Environment (LIFE) at Jammu.

The programme was inaugurated by Hon'ble Mr. Justice Janak Raj Kotwal, Judge, High Court of Jammu and Kashmir. Other dignitaries who also graced the inaugural function were Ms. Moulika Arabhi, Advisor, Centre for Environmental Law, WWF-India, Mr. Suresh Chugh, IFS, Chief Wildlife Warden, J&K and Mr. Vibodh Gupta, Advocate and Member, J&K Legislative Council.

In his inaugural address, Hon'ble Mr. Justice Janak Raj Kotwal emphasized that the District Courts can address to environmental issues while enforcing individual rights and duties. The environmental matters are often mixed up in deciding the individual or collective rights. In the suit for injunction, representative suits under Code of Civil Procedure to protect local environment, the trial courts can insist upon maintenance of balance in environmental issues. Before granting injunction in property matter, the courts can insist on the development plan of the house or locality. In the matter of drainage the courts can ensure that the ultimate course of effluent is connected to proper drainage. His Lordship referred to Constitutional provisions which imposes a duty upon all of us to protect and preserve the environment.

Justice Kotwal also felt that while the Hon'ble Supreme Court, High Courts and the National Green Tribunal are very proactive on environmental issues, the judiciary in Jammu and Kashmir needs to be enlightened on the aspects of environment. He urged the Judicial officers to play a catalytic role in forest and wildlife conservation.

Speaking on the occasion, Mr. Vibodh Gupta, Advocate, Hon'ble Member of Legislative Council emphasised on the need to conserve small water bodies within our cities and villages.

Mr. Abdul Rashid Malik, Director, J&K State Judicial Academy in his address while introducing the subject referred to Bhopal Gas Tragedy case as the worst industrial disaster in human history. He highlighted the role of then District Judge, Bhopal who while invoking Section 151 of Code of Civil Procedure ordered an interim compensation of Rs 3500 million at the time, when the legal frame work relating to environmental issues was at developing stage but the Bhopal Gas tragedy made us aware about the importance of environmental jurisprudence. He referred the Public Interest Litigation pending in the High Court of Jammu and Kashmir for protection and preservation of Dal Lake, Gulmarg, Pahalgam and said that all the important tourist resorts and forests are in the *custodia legis* and Hon'ble High Court is monitoring the construction works with a view to ensure balance in ecology and environment as right to live in a healthy environment is the constitutional right and all of us have a corresponding duty to preserve and protect the same. He also referred to flash floods of 2014 and quoted the report of environment experts by saying that the flood fury was the result of unregulated and unabated construction on lakes, rivers and water bodies.

The proceedings of the programme were conducted by Dr. Pankaj Chandan, Team Leader, Western Himalayas, WWF-India.

The main purpose of the workshop was to sensitize the participants about issues related to forest and wildlife conservation laws. Since the Judiciary plays a significant role in championing the cause of forest and biodiversity conservation, it is necessary to update the knowledge of Judicial Officers on the status of Forest and Wildlife legislations, International Conventions and related issues and enforcement of wildlife laws in the State.

Ms. Moulika Arabhi, Advisor, Centre for Environmental Law, WWF - India in her welcome address present objective and structure of the programme. She emphasized on the importance of forest and wildlife legislations and stressed on the need to raise awareness of Judges on various Environmental Legislations for effective working knowledge in solving environmental cases.

Mr. Suresh Chugh, IFS, Chief Wildlife Warden, J&K in his key note address said that he wants to work in co-ordination with the judiciary to protect the rich wildlife of the State. Programmes like this will enable us to share concerns related to forest and wildlife in the State of Jammu and Kashmir.

The various sessions during the two days Orientation programme will be addressed by Senior Forest officers, Environmental Lawyers and Scientists who will speak about legal and technical issues on forest and wildlife conservation. The experience sharing, deliberations, discussions and in house debates during the working sessions amongst the participants and Resource Persons will be of utmost importance for the Judicial Officers, Forest Officer including Wildlife Department. The cases relating to Forest and Wildlife are expected to be dealt with on top priority as the Orientation programme will project urgent need of dealing with such cases with expeditious dispatch.