

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) Nos.14706 of 2022, 9056 of 2013,
19625 and 22421 of 2015

W.P.(C) No.14706 of 2022

Gita Rout

....

Petitioner

Mr. Ashis Kumar Mishra, Advocate

W.P.(C) No.9056 of 2013

Balagopal Mishra and another

....

Petitioners

Mr. G.P. Mohanty, Advocate

W.P.(C) No.19625 of 2015

Mrinalini Padhi

....

Petitioner

Mrs. Mrinalini Padhi, In Person

W.P.(C) No.22421 of 2015

Dwija Dalpati

....

Petitioner

Mr. Gautam Misra, Sr. Advocate

State of Odisha and others

....

Opp. Parties

Mr. Ashok Parija, Advocate General assisted with
Mr. D.K. Mohanty, AGA
Mr. Iswar Mohanty, ASC

**CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

**ORDER
25.08.2022**

Order No.

08. 1. Pursuant to the order passed by this court on 8th August, 2022, two affidavits have been filed in Court. The first is by the Director General of Police (DGP) in which the proceedings of the meeting held on 17th August, 2022 under the

Chairmanship of the Chief Secretary of Odisha has been enclosed. A decision was taken on that meeting to constitute a Joint Task Force (JTF) comprising officers from the Forest and Police Departments to investigate different cases of unnatural deaths of the elephants in the State. The JTF is to work under the Principal, Chief Conservator of Forests (PCCF), Wildlife in his office and the DGP is expected to provide the required number of police officials of different ranks to act as members of the JTF.

2. Apart from the issue of poaching and unnatural deaths of elephants, the JTF is to look into the cases of poaching of tigers, leopards and illegal trade of pangolins. One Public Prosecutor in each district is expected to be entrusted with the handing of these cases. There are certain other tasks set out for the JTF including the creation of awareness about protection of wildlife “among all the stakeholders”.

3. Conscious that the proceedings do not commit the JTF to any definite time-line and considering that the other affidavit filed today by the PCCF enclosing the details of the pending cases shows that in a large number of cases charge sheets are yet to be filed, the Advocate General volunteers that the necessary corrective steps would be taken within three months and within the same period, charge sheets would be filed in all those cases which are yet to be filed.

4. The Court finds that while the steps proposed are in the nature of ‘remedial’ action, there is nothing stated in terms of ‘preventive’ action. Further, the Court finds that the composition of the JTF is not broad-based to accommodate the

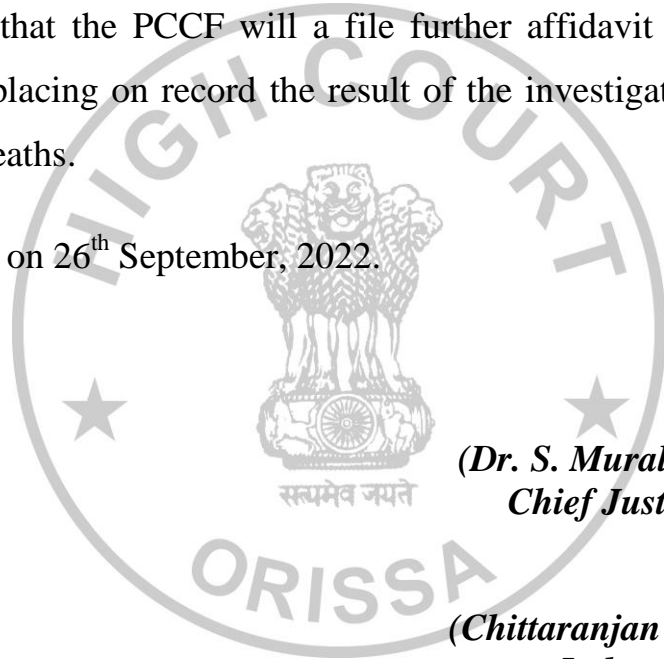
views of wildlife experts or civil society groups involved in wildlife conservation or those working with farmers who may have lost their crops and other interested persons engaged in the issue of man-animal conflict. The learned Advocate General volunteers that the JTF will either co-opt wildlife experts and civil society groups or consult them in all its deliberations which will take place at least once every fortnight so that a comprehensive action plan can be drawn up including both the preventive and remedial elements.

5. Considering the number of petitions raising these very issues pending before this Court, a direction is issued that counsel in each of the petitions will prepare a short summary of their respective suggestions and provide them to the Advocate General within a week's time to enable him to examine all the suggestions and place it before the JTF for its consideration. This would include examining the orders dated 13th February, 2012 of the Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India (2012) 3 SCC 277* concerning the "Asiatic Wild Buffalo", the judgment of the Karnataka High Court in *Suo Motu v. State of Karnataka (W.P.(C) No.14029 of 2008)*, the judgment of the Madras High Court in *S. Manoj Immanual v. Union of India (W.P.(MD) No.19711 of 2018)* and the decision of the Supreme Court in *Hospitality Association of Mudumalai v. In defence of Environment and Animals (2010) 10 SCC 589*. Further, the measures taken by the State of Assam in tackling similar problems in that state concerning elephant-human conflict will also be examined by the JTF.

6. Considering that the PCCF is going to be the Convener of the JTF, a direction is issued to the PCCF to place before this Court along with an affidavit, the comprehensive action plan drawn up by the JTF, before the next date.

7. The Court takes note of the fact that there have been more deaths of elephants since the previous hearing. The Court has been shown a news item that only this morning, two female elephants were electrocuted inside the Krishi Vigyan Kendra in Judia under Keonjhar Sadar. The Advocate General further states that the PCCF will file further affidavit on the next date placing on record the result of the investigation into the said deaths.

8. List on 26th September, 2022.



(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge