

03. 26.02.2021
1. Heard Mr. Mohit Agarwal, learned Amicus Curiae and Mr. P. K. Muduli, learned Additional Government Advocate for the State (Opposite Party Parties).
 2. An affidavit dated 25th February, 2021 of Sri Bikash Ranjan Dash, Divisional Forest Officer, Mangrove Forest Division (Wildlife), Rajnagar, has been placed on record by Mr. Muduli. It sets out the steps taken for protection and monitoring of turtles from November, 2020 till March, 2021. *Inter alia*, it is stated that as per the decision of the High Level Committee for protection and conservation of Olive Ridley Sea turtles, chaired by the Chief Secretary to Government of Odisha, the DRDO authority at Wheeler Island and the Dhamra Port authority have been dimming the lights at their respective establishments near the nesting beach during the season; the missile testing is also being kept on hold during this period. It is claimed that 30 boats involved in illegal fishing in Gahirmatha (Marine) Wildlife Sanctuary have been seized and 167 persons have been arrested. It is stated that 15 floating buoys are being installed along the boundary of the sanctuary to prevent entry of fishing trawlers and the process of such installation will be completed by March, 2021. It is claimed that because of the efforts of the stakeholders, the mortality of turtles has reduced significantly to less than 50% this year as compared to previous years.
 3. Mr. Mohit Agarwal, learned Amicus Curiae, points out how the area where fishing activities have been completely

banned extends to 20 kilometres off the coastline and length-wise, it is a distance of 70 kilometres. He suggests that such a large area cannot be effectively monitored by the coast guards and that it might be useful to have Thermal Imaging Cameras (TICs) installed at various critical points along the coastline to enable an effective check of the illegal fishing activities. The State Government is directed to examine the feasibility of installing such TICs immediately so that during the nesting season that can be an effective check on illegal fishing in the area.

4. Mr. Agarwal also points out to the directions issued earlier by this Court in OJC No.3128 of 1994 (*WWF-India v. State of Orissa*) requiring a Turtle Excluder Device (TED) to be installed in all the fishing trawlers/boats, which are deployed in the area in question by fishermen. It is expected that such TED device would considerably reduce the mortality of the Olive Ridley turtles. He further points out that it is not clear whether those directions have been complied with at all.

5. With a view to ensuring that the directions earlier issued by this Court both in OJC No.3128 of 1994 as well as OJC No.14889 of 1998 and whether, in fact, the steps as claimed in the affidavit dated 25th February 2021 are in fact being taken and have the desired effect, the Court considers it appropriate to constitute a three member team, comprising: (i) Dr. Kartik Shanker, Professor, Centre for Ecological Sciences, Indian Institute of Science, Bangalore, (ii) Shri

Susanta Nanda, IFS, Director Environment holding additional charge of CEO, Chilika Development Authority, Bhubaneswar and (iii) Mr. Mohit Agarwal, learned Amicus Curiae to undertake a visit to the two major nesting sites i.e. the Gahirmatha (Marine) Wildlife Sanctuary and the Rushikulya beach and submit a report to this Court, not later than 10th March, 2021. It will be open to the team to interact with the local population, the fishermen and any other party who may be involved in the aspects of conservation and protection of the ecological biodiversity in the area. The team will, apart from ascertaining whether the directions issued earlier have been complied with, and verifying what is stated in the affidavit filed today by the State, also suggest what steps need to be immediately taken- in the short term, in the medium term and the long term- to ensure that the earlier directions issued by this Court are complied with and that the protection of the Olive Ridley turtles during the nesting season is ensured.

6. The State Government is directed to extend its complete support to the team by providing, travel, transport and other arrangements including providing for the safety and security of the team. Mr. P. K. Muduli is requested to ensure that a complete set of papers, including copies of the orders/directions issued by the Court earlier, the orders passed in the present petition, and the affidavit filed today are provided to each of the team members.

7. List on 15th March, 2021.

8. The office is directed to communicate this order to Dr. Kartik Shanker on his e-mail, as well as to Shri Susanta Nanda and Mr. Mohit Agarwal forthwith.

(Dr. S. Muralidhar)
Chief Justice

(B.P. Routray)
Judge

M. Panda