

04. 15.03.2021
1. Heard Mr. Mohit Agarwal, learned Amicus Curiae and Mr. P. K. Muduli, learned Additional Government Advocate for the State (Opposite Parties).
  2. A report has been submitted by the Committee, appointed by the Court, containing some useful suggestions. *Inter alia*, the report notes that there has been fluctuating trend in the mortality figure of Olive Ridley Sea turtles for the last ten years. The report sets out the figures furnished by the Principal Chief Conservator of Forests (Wildlife), which shows that between 2010-11 to 2019-20, more than 60-70% of the mortality comes from the Devi Estuary alone. It is estimated that the current mortality continues to be at the rate of about 4000 to 7000 Olive Ridley Sea turtles per year. It is stated that the mortality of the turtles along the Odisha coast is mainly due to trawling operations. There is incidental killing of the turtles due to suffocation in fishing nets of trawlers or by injuries inflicted by the propellers of the trawlers.
  3. The Committee finds little to be gained by promoting the use of Turtle Excluder Devices (TEDs) and has sought some more time to analyze the issue in depth.
  4. There are certain short-term measures that the Committee has recommended, which appear to be acceptable even to the State, as submitted by Mr. Muduli, learned Additional Government Advocate. Of these, the Court directs that the following measures should be immediately put in place by the State:

- i. The prohibition of fishing activities by trawlers in the area of Devi River Mouth (Keluni Muhan to New-Devi Nasi Island North) as per Notification dated 12<sup>th</sup> November 2014 of F&ARD Department should be strictly enforced, with the help of the three marine police stations within the jurisdiction of Gahirmatha marine sanctuary, viz., Talachua, Tantiapal and Jamboo.
- ii. The Coast Guard to enforce the ban stringently in association with Forest and Environment Department. The Union of India will also co-operate in this effort.
- iii. The three police stations aforementioned should be immediately provided with sea-going patrolling boats with an additional force for protection of the sanctuary through joint patrolling with the Forest Department to ensure that no trawler enters the sanctuary area.
- iv. No-fishing zones should be clearly demarcated.
- v. The nesting beach at Gahirmatha should be fenced up at the landward side at the end of the beach with temporary wire mesh over a length of 3 kilometres to protect the nesting olive riddles, eggs and hatchings from predators like feral dogs, wild pigs, jackals and hyenas.
- vi. The existing temporary fencing at Gogharkuda-Purunabandha beach be strengthened likewise.

vii. The boundary of Gahirmatha Marine Sanctuary with its geo-coordinates should be uploaded in GSP systems of all fishing boats by the F&ARD Department in order that their movement in the sea can be clearly recorded.

viii. The State Government will initiate a discussion with the Indian Space Research Organisation (ISRO) on the feasibility of installing transponders in all mechanized fishing vessels and trawlers to enable their being tracked in the sea. The Committee has informed the Court that this has already been done in Tamil Nadu. The Union of India will extend its cooperation in this matter.

5. The report on the implementation of the above measures be placed before the Court by the State Government by the next date.

6. Mr. Agarwal, learned Amicus Curiae, has highlighted the concerns expressed by the fishermen whom the Committee met during their visit. It is pointed out that the financial assistance of Rs.7,500/- given to the fishermen affected by the ban was too meagre an amount. Further, the Committee has recommended that the financial assistance should be made available to all the fishermen in the area affected by the ban.

7. A useful suggestion has been made that the fishing community affected by the ban should itself be engaged in the conservation work as well as in MGNREGA work

during the ban period. The response of the State on this suggestion also be placed before the Court on the next date.

8. The Committee has sought some more time to fully ascertain the compliance of the directions issued by the Court earlier in OJC Nos.3128 of 1994 and 14889 of 1998. The committee nevertheless has confirmed that the facts stated in the affidavit filed by the State on 26<sup>th</sup> February 2021, are found to be substantiated. The efforts by the State Government must be kept continued, because this is the key nesting season where the Olive Ridley Sea turtles require the maximum protection.

9. The Court records its appreciation of the efforts of the Committee. The Committee will undertake further visits to the sites pointed out in the report and place a supplementary report before the Court by the next date.

10. Mr. Agarwal points out that one stretch of the road for about 9 kilometres, between Danmarg to Talachua, is in a bad condition and requires to be immediately repaired.

11. Mr. Muduli is requested to bring this to the attention of the concerned appropriate authority and to ensure that the repair work is taken up immediately.

12. The Union of India through the Ministry of Environment and Forest, Government of India is added as an Opposite Party. A complete set of papers, including copies of the orders/directions issued by the Court earlier, the orders passed in the present petition as well as the today's order,

the Committee's report and the affidavits filed are provided to Mr. P. K. Parhi, learned Assistant Solicitor General of India for Union of India forthwith to enable him to take instructions in the matter.

13. List on 29<sup>th</sup> April, 2021.

*( Dr. S. Muralidhar )*  
*Chief Justice*

*( B.P. Routray )*  
*Judge*