

02. 23.02.2021
1. The cause title of this petition shall read “In Re : Olive Ridley Turtles”.
 2. An article dated 4th February, 2021 published in online news service www.downtoearth.org.in authored by Sri Ashis Senapati has been brought to the notice of this Court.
 3. It mentions the death of 800 Olive Ridley in Odisha since January this year in the Gahirmatha marine sanctuary, the world’s largest rookery of the sea turtles. The article mentions that turtles are dying after getting stuck in fishing nets. Many of the dead turtles bore injuries and were found trapped in a trawl or gill nets.
 4. The article goes on to state that a large number of sea turtles are in danger due to the presence of plastic, polythene and other litter at the sanctuary as well as the Rushikulya beach, which is another nesting site for the Olive Ridley species. It is stated that many fishermen are dumping damaged fishing nets, plastic bottles, polythene and other hazardous materials into the ocean. The carcasses of the dead turtles are emanating a foul smell on the beaches, thus turning away the visitors. It is stated that forest officials are burying the dead turtles in shallow pits and that the beach is littered with dead Olive Ridley sea turtles.
 5. The Court notices that earlier, this Court had examined this very issue more than 25 years ago in O.J.C. No. 3128 of 1994 (WWF-India v. State of Orissa), wherein a detailed order was passed on 14th May 1998.

6. Again, this Court in O.J.C. No. 14889 of 1998 (Biswajit Mohanty v. State of Orissa) issued a large number of directions. When the Court realized that its directions required constant monitoring for their implementation, it revived the petition and the last of the orders issued is dated 7th March, 2003. However, for some reason, the petition does not appear to have been listed thereafter.

7. It is, therefore, time to revive the issue to ensure that the threat caused to the Olive Ridley turtles that have been visiting the beaches of Odisha over many years are not endangered and that the general health of the coast is improved and preserved. It is a matter of concern that despite several directions having been issued over the years, nothing much appears to have happened to improve the situation.

8. The article in question refers to the Government of Odisha imposing a ban on fishing activities in the Gahiramatha Marine Sanctuary upto 20 kilometers off the shore from 1st November 2020 to 31st May 2021. Despite the State claiming that surprise raids are being carried out to implement the above ban order, clearly not enough has been done.

9. Notice is issued in the first instance to the Government of Odisha through the Secretary, Department of Environment and Forests, Government of Odisha; Assistant Conservator of Forests, Mangrove Forest Division (WL), Rajnagar; Additional District Magistrate, Kendrapara; Deputy Director, Fisheries (SBW),

Cuttack and the Collector, Kendrapara to apprise the Court on the next date of the steps taken to deal with the crisis mentioned in the article in question, on an urgent basis.

10. Mr. P.K. Muduli, learned Additional Government Advocate accepts notice on their behalf.

11. The Court appoints Mr. Mohit Agarwal, learned counsel as Amicus Curiae to assist the Court in the matter.

12. Copies of the aforementioned article as well as the copies of the complete paper book and orders in OJC No.3128 of 1994 (WWF-India v. State of Orissa) and OJC No.14889 of 1998 (Biswajit Mohanty v. State of Odisha) be provided by the Registry of this Court to both Mr. Mohit Agarwal, learned Amicus Curiae and Mr. P.K. Muduli, learned Additional Government Advocate, immediately.

13. List on 26th February, 2021.

(Dr. S. Muralidhar)
Chief Justice

(B.P. Routray)
Judge