

IN THE HON'BLE HIGH COURT OF ORISSA : CUTTACK



W.P.(C) (PIL) No. 7118 of 2021

In Re: Olive Ridley Turtles

.....Petitioner

Vs

Principal Secretary, Forest and Environment Department, Odisha

..... Opposite Parties

REPORT BY THE AMICUS CURIAE DATED 28.02.2022

1. That in order to ensure that the Olive Ridley Turtles are protected within the Gahirmatha Sanctuary, Rushikulya area and Devi River mouth area, this Hon'ble Court vide order dtd.15.03.2021 at para 4(i) had directed to strictly enforce the fishing ban and restriction of trawlers within the prohibited areas with the help of the marine police stations.
2. Two incidents happened recently near Devi River mouth under Astarang Marine PS in Puri District, which provides mute evidence of the non-implementation of the directions of the Hon'ble Court.
3. That on 26.12.2021, during placement of buoys for demarcating the fishing prohibition zone, the Fisheries Department detected two trawlers from the State of West Bengal fishing within the prohibited zone. The Fisheries Department alongwith the Forest officials intercepted them and tried to bring them to the coast

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or seizure and taking further proceedings in accordance with law. But the Astarang Marine PS officials did not attend to the help sought for by the Fisheries Department, and for which the two trawlers managed to escape. However the Fisheries Department managed to detain 9 persons and they were handed over to the Astarang Marine PS. (Copy of report dt.10.02.2022 of the Director of Fisheries is annexed as Annexure 1).

4. That again around 31.01.2022, information was received by the Fisheries Department that around 20 trawlers were engaged in fishing inside the prohibited zone. The Fisheries Department intimated the Coast Guard and the Astarang Marine PS. The Coast Guard promptly responded, however there was no response at all from Astarang Marine PS. As a result, only four trawlers were able to be seized and 31 nos. of persons were detailed. The Fisheries Department intimated the SDPO, Nimapara for help, but they received none.
5. The incident of 31.01.2022 was reported in the electronic and print media through the statement of the officers of the Fisheries Department. (Copy of newspaper report is annexed as Annexure 2).
6. That the Amicus has come to know from the Fisheries Department that about more than 50% of staff at the Marine Police Stations in Odisha is empty. On a random basis, the Amicus sought information from the Talchua Marine PS in Kendrapara as to the status of vacancies, and came to know the following:

Talchua Marine PS	Sanctioned Strength	Vacancy position
Sub-Inspector	3	3
Havildar	8	4
Constable	24	18
Home Guard	14	8

7. That it is appalling as to how the Marine Police Stations are functioning without proper staff, and the staff who are present do not respond to the call of duty as and when it arises. This gives a free hand to the trawlers to violate the law and enter the prohibited zone without any fear or restriction.
8. That in the present circumstance, it is essential that the ADG (Railways and Coastal Security), Odisha may:
- (a) Cause an enquiry into the conduct of the IIC, Astarang Marine PS, Puri and SDPO, Nimapara, with regard to the aforesaid two incidents and submit a report before this Hon'ble Court.
- (b) Indicate the sanctioned strength and vacancy position of the police officials at all the Marine Police Stations in Odisha, and the steps taken for filling up the vacant posts.

Dt. 28.02.2022

Mohit Agarwal
Amicus Curiae

Annexure - 1

ମାତ୍ସ୍ୟ ନିର୍ଦ୍ଦେଶାଳୟ, ଓଡ଼ିଶା, କଟକ

DIRECTORATE OF FISHERIES, ODISHA, CUTTACK

Ph: 0671-241061, Fax: 0671-2410521, Email: director.odfish@gmail.com

Letter No. 549 / DOF-MARIN-MISC-6004-2020, Dated, 10-01-2022

To

The Principal Secretary to Government
Fisheries and ARD Department
Bhubaneswar

Sub:-Interception of two number of West Bengal fishing boats in the territorial waters of Odisha near Devi River mouth on 26.12.2021-regarding

Sir,

In inviting a reference to the subject cited above, I am to bring to your notice that a team comprising of Forest officials, Additional F. O Marine (Puri), Assistant Fisheries Officer, Astaranga ME unit, Armed Police Force(2 numbers) under the supervision of the undersigned had moved to sea from Astaranga Fishing Harbour in a Patrolling boat arranged by Forest Department named NIRMALA-5 to verify the points where in marking Buoys are planned to be deployed and asses the functionality of FFMA app.

The team intercepted two fishing boats namely F.B.SANVI-1 bearing Registration No. **IND-WB-CN-MM- 801** and F.B.Bagalmukhi-D bearing registration no. **IND- WB- CN-MM- 2868 (Boats registered with Government of West Bengal)** due to fishing in protected area and in the territorial water of Odisha. The crews of intercepted boats were asked to produce their documents for verification (Boat detail and crew members Identification). Four(4) of crew members of F.B.SANVI-1 and five(5) crew members of F.B. Bagalmukhi-D were unable to provide identification proof, these members were asked to come to the patrolling boat NIRMALA-5. And the two fishing boats were directed to follow the patrolling boat to Astaranga Fishing Harbour. On the way to Astaranga FH, both the fishing boats fled away leaving behind nine(9) of crew members in the patrolling boat.

Following the above event, a request was made to the Commandant, Coast Guard Paradeep vide Directorate office letter no 16949 dated 26.12.2021 (Copy enclosed) for searching and seizure of the absconded West Bengal fishing boats. Further IIC, Marine Police Station, Astaranga vide memo no. 16951 dated 26.12.2021 were requested to take custody of the 9 crew members of absconded fishing boats until those boats are traced. As the IIC Marine Police, Astaranga was not present at the Marine Police Station Astaranga, other staffs of Marine Police Station Astaranga declined to take custody of detained crew members.



- 5 -

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The SDPO, Nimapara, Puri and IIC Marine Astaranga were contacted over telephone to assist the fisheries officials, as the matter pertains to coastal security. But no support could be rendered by the IIC, Marine Police, Astranga. On 27.12.2021 at 11.00 AM only after lodging an F.I.R (Copy Enclosed), IIC Marine Police, Astaranga took the custody of 9 crew member of the absconded West Bengal fishing boats. **The series of events for interception of both the West Bengal Boats is placed at enclosure for kind appreciation.**

In view of the above, the matter may kindly be brought to the notice of Home Department.

Yours faithfully,


10-01-2022
DIRECTOR

Details of the Events

In obedience to order of Hon'ble High court of Odisha in W.P.(C), PIL no. 7118 of 2021, where in Government of Odisha in Fisheries and ARD Department is undertaking activities for fixation of Marking channel buoys at Devi River Mouth, Puri for demarcation of the notified No fishing Zones at Devi River Mouth as a means for conservation of Olive Ridley Turtle.

On 26.12.2021 at 11.00 AM a team comprising of Forest officials, Additional F. O Marine (Puri), Assistant Fisheries Officer, Astaranga ME unit, Armed Police Force(2 numbers) under the supervision of the undersigned had moved to sea from Astaranga Fishing Harbour in a Patrolling boat arranged by Forest Department named NIRMALA-5 to verify the points where in marking Buoy are planned to be deployed and asses the functionality of FFMA app

At 01.30 PM dated 26.12.2021, the team intercepted two fishing boats namely F.B.SANVI-1 bearing Registration No. **IND-WB-CN-MM- 801** and F.B.Bagalmukhi-D bearing registration no. **IND- WB- CN-MM-2868 (Boats registered with Government of West Bengal)** as they were fishing in protected area (No Fishing Zone for Turtle conservation) and in the territorial water of Odisha.

At 01:50 PM dated 26.12.2021, The crews of the intercepted boats were asked to produce their documents for verification (Boat detail and crew members Identification). Four(4) of crew members of F.B.SANVI-1 and five(5) crew members of F.B. Bagalmukhi-D were unable to provide identification proof, these members were asked to come to the patrolling boat NIRMALA-5. And the two fishing boats were directed to follow the patrolling boat to Astaranga Fishing Harbour. On the way to Astaranga FH, both the fishing boats fled away leaving behind nine(9) of crew members in the patrolling boat.

Crew Details of F.B.SANVI-1

1. Pintu Barik, S/o Abani Barik, At-Rangmalput, Ps-Junput, Dist-P. Mednipur, State- West

-6-

- Bengal
2. Bumkesh Nayar, S/o-Basanta Nayar, At- Baxipur, Dist-P.Mednipur, State- West Bengal
 3. Radhakrishna Das, S/o Atul Das, At-kolbad, Ps-Belda, Dist-P.Mednipur, State- West Bengal
 4. Ranjit Jena, S/o-Kibanta Jena, At-Purushottampur, Dist-P.Mednipur, State- West Bengal

Crew Details of F.B.Bagalmukhi-D

1. Chandan Mandal, S/o Ranjit Mandal, At-Kathamandi, Ps-Ramnagar, Dist-P.Mednipur, State-West Bengal
2. Gautam Majhi, S/o Banbihari Majhi, At-Patharputta Dist-South 24 Parangan, State-West Bengal
3. Satish Jana S/o Ishwar Raghunath Jana ,At- Lalat Dist-P.Mednipur, State- West Bengal
4. Umbal Butt S/-Kartik Butt At- Natadigi, Ps-Contai, Dist-P.Mednipur, State- West Bengal
5. Suresh Behera S/o Chaturbhuj Behera, At-Baunsakhana, Po-Bhograi ,Dist-Balasore, State- Odisha

At 11:30 PM dated 26.12.2021 A request was made to the Commandant, Coast Guard Paradeep vide Directorate office letter no 16949 dated 26.12.2021 (Copy enclosed) for searching and seizure of the absconded West Bengal fishing boats. Further IIC, Marine Police Station, Astaranga vide memo no. 16951 dated 26.12.2021 were requested to take custody of the 9 crew members of absconded fishing boats until those boats are traced. As the IIC Marine Police, Astaranga was not present at the Marine Police Station Astaranga, other staffs of Marine Police Station Astaranga declined to take custody of detained crew members.

At 11:00 AM dated 27.12.2021

F.I.R was lodged with IIC Marine Police station, Astaranga by I/c Asst. Fisheries Officer Astaranga Marine ME unit for tracing of absconded West Bengal Boats IND-WB-CN-MM-801 and IND-WB- CN-MM-2868 and take the custody of 9 crew members till tracing of fishing boats and adjudicating in the court of Adjudicating Officer, OMFRA

The IIC Marine , Astaranga took the custody of 9 crew members detained and the boats are yet to be traced.


10-01-2022
DIRECTOR

ନିଷିଦ୍ଧାଞ୍ଚଳରେ ମାଛ ମାରୁଥିବା ୪ ଟ୍ରଲର ଜବତ, ୩୨ ଅଟକ



ପତ୍ରଗଣ, ୩୧/୧୨: ପୁରୀ ଜିଲ୍ଲା
 ପତ୍ରଗଣ ଦେବା ମୁହାଣ
 ନିଷିଦ୍ଧାଞ୍ଚଳକୁ ବେପାରୀମାନେ
 ମାଛ ମାରୁଥିବା ବେଳେ ୪ଟି
 ଟ୍ରଲରକୁ ଜବତ ନରାଯିବା ସହିତ
 ଏଥିରେ ଥିବା ୩୨ ଅଟକ
 କର୍ମଚାରୀଙ୍କୁ ପଚର ଚଣ୍ଡାପାଞ୍ଚିୟ
 ସାମୁଦ୍ରିକ ମତ୍ୟବିଭାଗ ଉପ
 ନିର୍ଦ୍ଦେଶକ ସସନ୍ତ ଦାସଙ୍କ
 ନେତୃତ୍ୱରେ ଚଢ଼ରଣୀ ବାହିନୀ,
 ବନବିଭାଗ ଓ କୋଷଗାର୍ଡ ପକ୍ଷୀ
 ଚଢ଼କାରି ମିଳିତ ଭାବେ ଚାନ୍ଦ କର
 ଏହି ଟ୍ରଲର ଚାନ୍ଦ କର ଚାନ୍ଦ
 ଚଣ୍ଡାପାଞ୍ଚିୟକର ଟ୍ରଲର ଚାନ୍ଦ
 ମଧ୍ୟରୁ ମାଟି ପାଉଁଶପାତ୍ର ଅଞ୍ଚଳର
 ହୋଇଥିବା ବେଳେ ଚୋଟିଏ
 ବାଲେଶ୍ୱର ଅଞ୍ଚଳର ବୋଲି
 ଚଣ୍ଡାପାଞ୍ଚିୟ କର ଟ୍ରଲର ଚାନ୍ଦ
 ସମୁଦ୍ରରୁ ଅନ୍ତରାଳ ନୁଆରଡ଼
 କେଟିକୁ ଅଣାଯିବା ପରେ
 ଜାତୀୟତା ସାଧନ କରାଯାଇଛି ।
 ପୁରୀ, ଅନୁଷ୍ଠାନ, ପୁରୀ ଜିଲ୍ଲା
 ଉପକୂଳରେ ଥିବା ଶିବକୋଳ
 ଦୁରନ୍ତ ଆକ୍ରମଣ, ଅଣ୍ଡାଦାନ ଓ
 ପ୍ରଜନନ ପାଇଁ ଉନ୍ନତ କୂଳରୁ ୫
 ବିନୋଦିତର ଓ ଦେବା ମୁହାଣ

୧୦ ବିନୋଦିତର ମଧ୍ୟରେ
 ଅନ୍ତରାଳ ଚଣ୍ଡାପାଞ୍ଚିୟ ମାଛ ମାରିବା
 ଉପରେ କଠକଥା ଚାରି
 ବରାଦାଉଛି ଏହା ସ୍ୱତନ୍ତ୍ର
 ଟ୍ରଲର ଚାନ୍ଦ ନିଷିଦ୍ଧାଞ୍ଚଳକୁ ଚାନ୍ଦ
 ମାଛ ଧରୁଥିଲେ ଚାନ୍ଦିଆ ସାମୁଦ୍ରିକ
 ମତ୍ୟ ଆକ୍ରମଣ ଅନୁଷ୍ଠାନ କର
 ଟ୍ରଲର ଦୂର ଧରାଯାଇଥିବା ମାଛର
 ନିରାମ ମୂଲ୍ୟର ଚାନ୍ଦିଆ ପାଉଁଶ
 ସମୁଦ୍ର ଟ୍ରଲର ମାଲିକଙ୍କ ଚାନ୍ଦ
 ଆଦାୟ କରାଯାଇ ଚାନ୍ଦିଆ ସାମୁଦ୍ରିକ
 ମତ୍ୟବିଭାଗ ଉପ ନିର୍ଦ୍ଦେଶକ ସସନ୍ତ
 ଦାସ କହିଛନ୍ତି, ବନବିଭାଗ ଓ
 କୋଷଗାର୍ଡ ପକ୍ଷୀ ଚାନ୍ଦିଆ
 କରୁଥିବା ବେଳେ ଅନ୍ତରାଳ ଦେବା
 ମୁହାଣରେ ୧୦ଟି ଟ୍ରଲର ମାଛ
 ଧରୁଥିବା ସେମାନେ ଦେଖିଥିଲେ
 ଏନେକ ସେମାନେ ମେଡେ ଫୋଲ
 କରିଥିଲେ ମୁଁ ପଚର ମୁଳରେ
 ପହଞ୍ଚିବା ପରେ ବନବିଭାଗ,
 କୋଷଗାର୍ଡ ପକ୍ଷୀ ଓ ଚଢ଼ ରକ୍ଷ
 ବାହିନୀର ମିଳିତ ଉଦ୍ୟମରେ ୪ଟି
 ଟ୍ରଲର କର ଚଣ୍ଡାପାଞ୍ଚିୟ
 ଆକ୍ରମଣ ଅନୁଷ୍ଠାନ ସେମାନଙ୍କ
 ବିରୋଧରେ କାର୍ଯ୍ୟାନୁଷ୍ଠାନ
 ଚାନ୍ଦିଆ କରାଯିବ ।