

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 288/2021

ARNAV SINHA

Appellant(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

Sr. Advocates Ms. Liz Mathew and Ms. Uttara Babbar are amici
IA No. 13982/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 13973/2021 - GRANT OF INTERIM RELIEF
IA No. 13972/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 02-04-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Appellant(s) : Mr. Jai Anant Dehadrai, Adv.
Mr. Vipul Pathak, Adv.
Mr. Pulkrit Agarwal, AOR

For Respondent(s) : Ms. Madhumita Bhattacharjee, AOR
Ms. Debarati Sadhu, Adv.

Mr. Som Raj Choudhury, AOR
Ms. Shrutee Aradhana, Adv.

Mr. Sahil Bhalaik, AOR
Mr. Tushar Giri, Adv.
Mr. Siddharth Anil Khanna, Adv.
Mr. Ritik Arora, Adv.
Mr. Shivam Mishra, Adv.

Mr. D.Kumanan, AOR

Ms. Aishwarya Bhati, A.S.G.
Ms. Shivika Mehra, Adv.
Mr. Gaurang Bhushan, Adv.
Mr. Annirudh Sharma-ii, Adv.
Mr. Anirudh Bhatt, Adv.
Ms. Indira Bhakar, Adv.
Mr. Mukesh Kumar Verma, Adv.
Mr. Apoorv Kurup, Adv.

Mr. Rajesh Singh Chauhan, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Shreekant Neelappa Terdal, AOR
Mr. N.Visakamurthy(aor), Sr. Adv.

Mr. Harshad V. Hameed, AOR
Mr. Dileep Poolakkot, Adv.
Mrs. Ashly Harshad, Adv.

Mr. D. L. Chidananda, AOR

Mrs. Shirin Khajuria, Sr. Adv.
Ms. Bhavana Duhoon, AOR
Mr. Anshul Syal, Adv.
Ms. Swati Tiwari, Adv.

Dr. Ravindra Chingale, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Ms. Liz Mathew, Sr. Adv. (A.C.)
Ms. Uttara Babbar, Sr. Adv. (A.C.)
Ms. Bagavathy vennimalai, Adv.
Mr. Rayana Mukherjee, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The State Governments of Gujarat, Goa, Maharashtra and the Union Territories of Andaman & Nicobar Islands, Lakshadweep, Daman and Diu and the Union of India have not yet filed counter affidavits. The same shall be done within a period of four weeks.
2. At the request of the learned amici, we implead the Union Territory of Puducherry. Let notice be issued and counter affidavit shall be filed within four weeks.
3. The State Governments and Union Territories shall also file affidavit giving information as indicated in Appendix-1 which is annexed with this order.
4. In the meanwhile, State of Orissa shall take steps as

directed in the report of Central Empowered Committee dated 06.04.2004 wherein it was specifically provided as under:

"3.7 Restrictions on lighting in turtle nesting areas:

3.7.1 An action plan should be put in place for "blackout" practices on Wheeler Island from January 1st to 31 May every year during the mass nesting and emergency of turtle hatchings. This needs to be done in coordination with the DRDO. Instructions will also need to be issued to all industrial, municipal and residential units along the coast near the three mass nesting sites, to install 'turtle friendly' lighting. The light sources should be identified on a moonless night and pinpointed and the owners/users should be directed to do the needful thereafter."

5. Ms. Shrutee Aradhana, learned counsel appears for the State of Orissa. The State Government of Orissa is directed to file an affidavit indicating the steps that they have taken in this regard within two weeks.

6. List on 07.05.2025

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)

APPENDIX-1

	Name of the State:	Name of the Department:		
S.No.	Information sought	Information furnished by concerned Department	Comments	Documents furnished
Coastal and Fishing Infrastructure				
1.	Names of Coastal Districts with length of Coastline			
2.	Location and details, including boat handling capacity, of fishing harbours and jetties berthing fishing trawlers			
Trawler Regulations and Compliance				
3.	Number of registered trawlers in the State (Please mention numbers in each fishing harbour/jetty)			
4.	Details of fuel/other subsidies given to trawlers			
5.	Number of trawl nets/registered trawl nets And number of trawl nets fitted with Turtle Excluder Device (TED)			
6.	Inspection protocol for trawlers and fishing harbours			
Turtle Excluder Device (TED) Implementation				

7.	Is use of TED mandatory? Please provide all rule/regulation/court orders relevant for the use of TED			
8.	Penalties prescribed for non-use of TED			
9.	Details of action taken/prosecution for non-use of TED by trawlers (from 2014 till date)			
10.	Details of TEDs 1. Approved design for TED 2. Number of TEDs distributed to trawlers along with trawler numbers and the year of distribution etc. 3. TED manufacturers and availability of TED 4. Cost of TED			
Mechanised Fishing Regulations				
11.	Number of mechanised fishing boats registered in each districts with break up of fishing base, engine power size and size up to 15 m and above 15 m			
12.	Details of fuel/other subsidies given to mechanised fishing boats			
13.	Regulation/rule requiring registration of nets used by mechanised			

	fishing boats			
14.	Regulation/rule prohibiting use of gill nets and ray fish nets by mechanised fishing boats			
15.	Please provide details of schemes provided for the livelihood of fishermen during fishing bans			
Monitoring and Patrolling Mechanisms				
16.	Are trawlers fitted with tamper proof GPS/GPS/Vessel tracker? Is the GPS data accessible to any Government Department?			
17.	Regulation/rule prohibiting fishing by trawlers within a specified distance from the shoreline. (Provide copy of the original rule and amendments, if any)			
18.	Details of action taken/prosecution for fishing by trawlers within prohibited area, including the number of mechanised fishing boats and trawlers confiscated and no of offenders convicted under the WPA,1972 or Marine fisheries act (from 2014 till date)			
19.	Departments involved in patrolling/monitoring trawlers and			

	fishing activities.			
20.	Number of staff and boats available and operational for patrolling/ monitoring trawlers and fishing activities.			
21.	Details of a dedicated control room to monitor trawlers and fishing activities (please provide organisational structure)			
Sea Turtle Conservation Efforts				
22.	Protocol for recording turtle deaths/mortality			
23.	Details/data pertaining to turtle deaths/mortality (from 2014 till date). Please furnish data district-wise, specify name coastal stretch			
24.	Details of coastal stretches for each district with occurrences of turtle nesting (Please provide village names)			
25.	Data/details of number of turtle nests recorded District-wise (from 2014 till date) (Please provide village names and location)			
26.	Data/details of turtle hatcheries in the State (please provide data			

	District wise)			
27.	Is there a protocol for the establishment, collection of turtle eggs and release of hatchlings in these hatcheries. If yes, please provide the document.			
28.	Number of turtle eggs collected and hatchlings released (please provide data District-wise, mention village names) (from 2014 till date)			
29.	Please provide copy of Standard Operating Procedure/equivalent used by the State for turtle conservation			
30.	Details of any civilian initiatives for turtle protection within the State			
Coastal Development and Impact				
31.	Rules/regulation concerning bright lights along beaches during turtle nesting season.			
32.	Details of stretches of shoreline with seawalls/ groynes/geotubes (please provide data district-wise). Mention the length of the coastal stretch that is armoured Mention the length of coastal stretch where beach protection was			

	washed away after installation of protection measures, if any (till date).			
33.	Details of initiatives for the removal of Casuarina within the turtle nesting zones and within 100 metres from hightide line.			