

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, CHENNAI**

ORIGINAL APPLICATION No. 13 of 2025

Tribunal on its own motion - **SUO MOTU**
based on the News item in
The New Indian Express newspaper,
Chennai e-edition dated 16.01.2025,
titled, "**Experts are alarmed as 350 turtles
was ashore dead till January 15**".

... Suo moto

Vs.

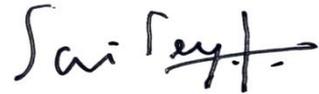
1. Union of India,
Represented by its Secretary,
MOEF & CC, New Delhi and ors.

... Respondents

Affidavit filed by 1st Respondent - MoEF & CC

Sl.No	Particulars	Page No
1	AFFIDAVIT ON BEHALF OF RESPONDENT NO.1 i.e., THE UNION OF INDIA THROUGH ITS SECRETARY, MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE	01-06
2	A copy of the order dated 02.04.2025 is placed at Annexure-1	07-15
3	A copy of the order dated 07.05.2025 is placed at Annexure-2	16-18

Dated at Chennai this the 30th day of May 2025



Sai Srujan Tayi
Counsel for MoEF& CC/1st Respondent
Contact No: 98414 41438
Mail ID: sai@girisai.com

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
IN
ORIGINAL APPLICATION NO. 13 of 2025(SZ)**

IN THE MATTER OF:

**Tribunal on its own motion -
Based on the News item in The New Indian
Express newspaper, Chennai e-edition
dated 16.01.2025, titled, "Experts are
alarmed as 350 turtles was ashore dead till
January 2025".**

...Suo Motu

VERSUS

**Union of India,
Represented by its Secretary,
MOEF & CC, New Delhi and Ors**

...Respondents

Counter Affidavit On Behalf Of Union of India (Respondent No.1)

I, K. Karthikeyan, S/o Karuppaiah. M.A aged about 44 years, working as Assiatnt Inspector General of Forests in the Ministry of Environment, Forest and Climate Change, Regional Office, Chennai (hereinafter 'Ministry') do hereby solemnly affirm and State as under:

K. Karthikeyan, IFS
Asst. Inspector General of Forests (C)
Government of India
Regional Office, MoEF&CC
Shastri Bhawan, Haddows Road,
Nungambakkam, Chennai - 600 006


**K. Karthikeyan, IFS
Asst. Inspector General of Forests (C)
Government of India
Regional Office, MoEF&CC
Shastri Bhawan, Haddows Road,
Nungambakkam, Chennai - 600 006**

1. That I am duly authorized to swear this affidavit and as such, I am conversant with the facts of the present case and competent to swear the present affidavit.

2. That this affidavit has been drafted under my instructions based on the records maintained by the office of the answering Respondent in its normal course of business and the same are true and correct.

STATEMENT OF FACTS:

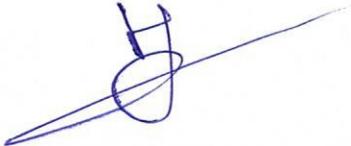
3. That the present case has been Suo Motu registered by this Hon'ble Tribunal based on the news item published in The New Indian Express, Chennai Edition dated 16.01.2025 titled, "*Experts are alarmed as 350 turtles was ashore dead till January 15*".

REPLY ON MERIT:

4. It is respectfully submitted that the Olive Ridley Turtle, which is endangered, is protected under Schedule I of the Wildlife Protection Act, 1972 (WPA). Therefore, any form of poaching, hunting, or trade in the Olive Ridley Turtle is prohibited. Under Section 9 of the WPA, 1972, it is an offence to hunt any animal (including sea turtles) that is protected under the Act. There are penal provisions for violation of the provisions under the Act.

5. It is submitted that under Section 29 of the WPA, destruction, exploitation, or removal of any Wild Life or forest produce etc., in a sanctuary is prohibited without a permit. The section states the following:

K. Karthikeyan, IFS
Asst. Inspector General of Forests (C)
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Asst. Inspector General of Forests (C)
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"No person shall destroy, exploit or remove any wild life including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the sanctuary, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the [National Board] that such removal of wild life from the sanctuary or the change in the flow of water into or outside the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit"

6. It is further respectfully submitted that Section 35(6) prohibits the destruction, exploitation, or removal of any wildlife or forest produce from a National Park unless authorized by the authorities. The provision states the following:

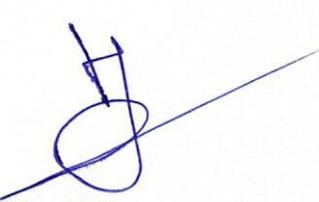
"Declaration of National Parks.

...

(6) No person shall destroy, exploit or remove any Wild Life including forest produce from a National Park or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the National Park, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the National Board that such removal of wild life from the National Park or the change in the flow of water into or outside the National Park is necessary for the improvement and better management of wild life therein, authorises the issue of such permit"

Therefore, only after getting approval from the National Board, a permit can be given. Any such activity, like using trawlers within the protected area which damage or destroy the habitat is a prohibited activity.

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Regional Office, MoEF&CC
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7. It is submitted that a National Marine Turtle Action Plan (2021-2026) was proposed by MoEF&CC, GoI, in which the activity of Promotion of TED and by-catch reduction policy and smart gear use, was proposed under the program of Strengthen and improve enforcement of conservation legislation with the aim to conserve marine turtles and their habitats for maintaining a healthy marine ecosystem. The Action Plan is implemented at the National and State Government level with the vision to create a viable and healthy marine ecosystem for marine turtles and associated species through a coordinated and participatory mechanism to ensure the long-term survival of marine turtles.

That the MoEF&CC also issued a 'Marine Mega Fauna Stranding Management Guidelines' in January 2021, so that the Marine mega fauna (including Turtles, etc.) are saved from Stranding.

8. It is submitted that a similar *matter Civil Appeal No 288 of 2021 titled Arnab Sinha vs The State of West Bengal & Ors* is pending before the Hon'ble Supreme Court of India. The appeal has been filed against the impugned judgement order dated 15.09.2020 passed by Hon'ble NGT, PB in OA. No. 200/2020. The Appellant has preferred the appeal seeking its cognizance into the indiscriminate killing of the endangered species of Sea Turtles due to reasons directly attributable to the conduct of fishermen along the Indian Coasts.

That the Hon'ble apex court in its order dated 02.04.2025 has directed the State Governments and Union Territories to file affidavit giving information as indicated in Appendix-1, which is annexed with the order. **A copy of the order dated 02.04.2025 is placed at Annexure-1.**

K. Karthikeyan, IFS
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Regional Office, MoEF&CC
Shastri Bhawan, Haddows Road,
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The Apex Court heard the matter on 07.05.2025. During the course of the hearing, it was informed by the Ld. Amici to the Court that effective steps were taken, because of which hatching happened without any disturbance. The relevant part of the order is as follows:

“...2. We are informed that the State Government has fully co-operated and has in fact taken active steps. The joint efforts must continue for the subsequent events which is to commence from 10.05.2025 and all necessary steps must be taken for a period of two weeks thereafter.

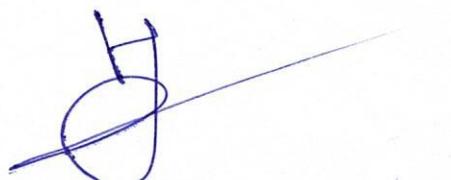
3. In the meanwhile, the States that have not filed affidavits pursuant to the order dated 02.04.2025 shall file their affidavits giving information as provided in Appendix-1 of our order dated 02.04.2025...”

A copy of the order dated 07.05.2025 is placed at Annexure-2.

9. It is further submitted that the matter that Turtle Excluder Devices (TEDs) are critical tools/precautionary devices designed to prevent the accidental capture of sea turtles, including the Olive Ridley, in fishing nets, particularly in trawl fisheries. Trawling without TEDs increases the risk of sea turtles being caught in fishing nets.

10. It is most respectfully submitted that TED regulations fall under marine fisheries. Fisheries Departments at the state and national levels specifically require the use of TEDs on fishing vessels in areas known to have sea turtle populations. This is part of the effort to minimize bycatch and protect marine life.

11. It is submitted that the matter before the Hon'ble Supreme Court is now listed for hearing on 06.08.2025.


K. Karthikeyan, IFS
 Asst. Inspector General of Forests (C)
 Government of India
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12. In light of the foregoing submissions, it is respectfully prayed that this Hon'ble Tribunal may kindly dispose the present application as a similar matter is being heard by the Hon'ble Supreme Court. Further, the Hon'ble Tribunal be pleased to issue such orders, directives, or relief as it may deem appropriate and just under the circumstances of the present case.


DEPONENT

K. Karthikeyan, IFS
Asst. Inspector General of Forests (C)
Government of India
Regional Office, MoEF&CC
Shastri Bhawan, Haddows Road,
Nungambakkam, Chennai - 600 006

VERIFICATION

Verified at Chennai on this 30th day of May, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge based on records, no part of it is false, and nothing material has been concealed therefrom.


DEPONENT

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Asst. Inspector General of Forests (C)
Government of India
Regional Office, MoEF&CC
Shastri Bhawan, Haddows Road,
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ITEM NO.4

COURT NO.11

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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 Bhalai, 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.	<p>Details of TEDs</p> <p>1. Approved design for TED</p> <p>2. Number of TEDs distributed to trawlers along with trawler numbers and the year of distribution etc.</p> <p>3. TED manufacturers and availability of TED</p> <p>4. Cost of TED</p>			
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.			

ITEM NO.16

COURT NO.11

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 288/2021

ARNAV SINHA

Appellant(s)

VERSUS

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Respondent(s)

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Mr. Vipul Pathak, Adv.
Mr. Pulkit Agarwal, AOR

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

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Ms. Shrutee Aradhana, Adv.
Mr. Prashant Kumar, Adv.

Mr. Sahil Bhalai, AOR
Mr. Tushar Giri, Adv.
Mr. Siddharth Anil Khanna, Adv.
Mr. Ritik Arora, Adv.
Mr. Shivam Mishra, Adv.
Mr. Gouttam Polanki, Adv.
Mr. Sewa Singh, Adv.

Ms. Purnima Krishna, AOR

Ms. Aishwarya Bhati, A.S.G.
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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.
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Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Ms. Archana Pathak Dave, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Chitvan Singhal, Adv.
Ms. Shagun Thakur, Adv.
Mr. Udit Dedhiya, Adv.
Mr. Aditya Dixit, Adv.

Mr. Aravindh S., AOR
Mr. Abbas B, Adv.

Ms. Priyadashini Priya, Adv.
Mr. Shreekant N. Terdal, AOR

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

1. We are informed by the learned Amici that pursuant to our order dated 02.04.2025 effective steps have been taken, because of which hatching happened without any disturbance.

2. We are informed that the State Government has fully co-operated and has in fact taken active steps. The joint efforts must continue for the subsequent events which is to commence from 10.05.2025 and all necessary steps must be taken for a period of two weeks thereafter.

3. In the meanwhile, the States that have not filed affidavits pursuant to the order dated 02.04.2025 shall file their affidavits giving information as provided in Appendix-1 of our order dated 02.04.2025.

4. Copies of the affidavits shall also be served on Ms. Roopali Lakhotia, learned AOR assisting the learned amici.

5. Liberty is also granted to Mr. Jai Anant Dehadrai, Adv. for filing additional documents including expert opinion.

6. List on 06.08.2025.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)