

## **CHAPTER 7**

### **ONGOING BIODIVERSITY-RELATED INITIATIVES**

#### **7.1 Governmental**

##### **7.1.1 Forests and wildlife**

The National Forest Policy, 1988, of the Government of India stated: “Forests should not be looked upon as a source of revenue. Forests are a renewable natural resource. They are a national asset to be protected and enhanced for the well-being of the people and the nation.”

The Indian Forest Act 1927, the Forest Conservation Act (1980), the Wildlife (Protection) Act 1972 and Wildlife (Protection) Amendment Act, 1991 and the Environmental (Protection) Act 1986 are major Central Acts having direct bearing on biodiversity issues.

The Government of Karnataka, on realizing the detrimental effects of logging in the forests, stopped all the green fellings from late 1980's.

The Ministry of Environment and Forests of the Government of India on 19<sup>th</sup> February 1991 brought out a Notification pertaining to the “Coastal Regulation Zone”. The Notification declares “the coastal stretches of seas, bays, estuaries, creeks, rivers and backwaters which are influenced by tidal action (in the landward side) upto 500 meters from the High Tide Line (HTL) and the land in between the Low Tide Line (LTL) and the HTL as Coastal Regulation Zone (CRZ).”

For regulating developmental activities, the coastal stretches within 500 meters of HTL on the landward side are to be classified into four categories, viz., CRZ-I, CRZ-II, CRZ-III and CRZ-IV. CRZ-I includes all ecologically sensitive and important areas as well as areas of outstanding beauty, historical and heritage sites. CRZ-II deals with protection of areas that are already developed close to the shoreline. CRZ-III deals with areas which are relatively undisturbed, both in the rural and urban areas. CRZ-IV deals with islands.

In accordance with the stipulations of the Notification, the Government of Karnataka constituted the Coastal Zone Management Authority with the purpose of protecting and preserving and monitoring enforcement of CRZ related matters.

The Karnataka Marine Fisheries (Regulation) Act (KMFRA) 1986

- Regulates fishery through licencing
- Bans mechanized fishing during the monsoon (June to August 31)
- Makes registration of vessels compulsory
- Makes restrictions on fishing in specified areas, and on the number of vessels in specified areas and seasons.

To discourage monsoon fishing diesel for fishing boats will not be given at subsidised rates during the ban period. The insurance claims of the violators during this period will not be honoured.

However, according to fisheries scientist Ramachandra Bhat (personal communication) most part of the Act was not vigorously enforced by the state government because of socio-political reasons, such as widespread unemployment and lack of occupational and geographical mobility among fishing communities.

**7.1.2** India is a signatory to the United Nations Convention on Biological Diversity (CBD), 1992. The main objectives of the CBD are: 1. Conservation of biological diversity; 2. Sustainable use of biodiversity; 3. Fair and equitable sharing of the benefits arising from the use of biological diversity. The NBSAP process itself reflects the Government of India's keenness to implement the main objectives of the CBD.

In a significant move following the CBD the Indian Parliament passed the **Biological Diversity Bill, 2002**. The Bill is “**to provide for conservation of Biological Diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto.**”

The highlights of the Bill include: **1. Regulation of access to biological diversity; 2. Establishment of National Biodiversity Authority; 3. Establishment of State Biodiversity Board; 4. Constitution of Biodiversity Management Committees by local bodies; 5. Grants to Local Biodiversity Funds by the State Government/also from other sources; 6. Recognition of biodiversity heritage sites etc.**

## **7.2 Legal**

On receiving grievances regarding the slack protection of coastal zone despite the CRZ the Supreme Court of India, in its order dated 18<sup>th</sup> of April, 1996 noted that the provisions of the Notification had not been complied with, the preparation of Management Plans by the States and their approval delayed. The Court observed that mere framing of laws was not enough and will not prevent environmental degradation which has increased over the years. The Court even struck down the offending parts of a 1994 amendment to the CRZ Notification. For more effective control and monitoring of CRZ laws, the Supreme Court observed that the High Courts have to shoulder greater responsibilities in tackling such issues within the states.

The Supreme Court in its judgement dated 11.12.1996 states: “All aquaculture industries/shrimp culture ponds operating/ set up in the coastal regulation zone as defined under CRZ Notification shall be demolished and removed from the said area before March 31, 1997. We direct the Superintendent of Police/ Deputy Commissioner of Police and the District Magistrate/Collector of the area to enforce this direction and close/demolish all aquaculture industries/shrimp culture ponds on or before March 31, 1997.

The same judgement says “Aquaculture industry/shrimp culture ponds other than traditional and improved traditional may be set up/constructed outside the coastal regulation zone..” with due permission from the Authority constituted by the Court. The Judgement does not prohibit “traditional and improved traditional types of technologies.”

Attending to the grievances within the State pertaining to CRZ violations the High Court of Karnataka, in its order dated 8.12.2000 also has appointed a Committee to submit a report on the CRZ violations within the State. (The Coordinator of Uttara Kannada NBSAP had the opportunity to work in this Committee and visit the entire Karnataka coast and study various problems associated with coastal ecology). The Committee’s report is under consideration of the Court.

The Goa High Court in a recent landmark judgement directed the Government of India to formulate uniform policy for the states regarding the fishing ban during the monsoon season

### **7.3 NGO initiatives/activism**

The agitation against the construction of a hydro-electric project in Bedthi river resulted in a momentous workshop at Sirsi in early 1980’s. This workshop stirred considerable environmental awareness in the district and outside. “Appikko Movement” in the early 1980’s was instrumental in halting the reckless exploitation of Uttara Kannada forests by the forest-based industries. The “Viriksha-laksha Andolana” is in the forefront of environmental activism, and has played lead role in opposing the establishment of Kaiga Atomic Plant. It led many campaigns against environmentally destructive projects and for protection of sacred groves. The movement has carried out tree planting as well as preparation of “People’s Biodiversity Registers” in several villages.

The NGOs such as Snehakunja of Honavar, Society for Environmental Awareness of Kumta. and several other agencies are opposing the expansion of the Tadri port and sand mining in the coastal areas because of their purported adverse consequences on coastal ecology. A study by social workers Aarthi Sridhar and Shailesh Vaite state how the expansion of Tadri port at the river-mouth into a major port of international importance can endanger the ecology and livelihoods of the local people. The Snehakunja of Honavar conducts regularly awareness programme on coastal ecological issues. It also is a nodal agency for the Joint Forest Management in the district. The OXFAM and Snehakunja both have conducted CRZ awareness programmes. The Nagarika Seva Trust, an NGO has taken active interest in coastal environmental issues. The NST recently reported to the High Court of Karnataka a series of violations of the CRZ, including in Uttara Kannada.

The Kalpavriksha, Pune has organized in the district a seed exchange network of traditional crop varieties, mostly involving the women. Under its auspices environmental education programmes are also being initiated for school teachers and students.

## 7.4 Gap analysis

Although there are many regulations on marine, estuarine fishing the State still lacks a comprehensive strategy and action plan for protection of coastal and marine ecology. On the one hand there are regulations about fishing by mechanized boats during the fish breeding season. But these regulations become almost ineffective due to the insufficiency of vigilance to check the offenders.

The fishing community leaders assert that, although there is considerable depletion of fish, the fish production shown in the Government records is lower than the real catch. The owners of large mechanized boats, to avoid the recovery of loans extended to them by the banks, do under-reporting of the quantum of catch. These *gaps in information* can give misleading picture of the utilisation and management of marine resources.

Lack of analyzed data for the district on fisheries form a bottleneck for initiating conservation of the fish stocks. Analyzed data on the trends in fisheries, on a month to month and year to year basis should have been available to the State Government and the district administration so that the resource could have been managed better.

There is no agency to deal with the marine and coastal issues holistically. There appears to be no sharing of information between Fisheries Department of the State and the Marine Products Exports and Development Agency, the Central Marine Fisheries Research Institute, the Brackish Water Fisheries Agency and the National Institute of Oceanography. There is no agency in Uttara Kannada, or for that matter in the entire coastal Karnataka to function as a repository of all the data and policy matters and legislation pertaining to coastal biodiversity and its utilisation.

There seems to be no data sharing between the banks and the Fisheries' Department. Therefore, despite the ongoing exhaustion in fisheries, the banks continued to finance the purchase of mechanised fishing boats, leading to over-harvest of resources. Marine fishing is an open access resource. The regulations on fishing vary from state to state, and there is no single central agency to delimit fishing within sustainable limits. There is no effective mechanism safeguard the interests of artisan fishing.

The Supreme Court of India, to safeguard coastal ecology, in a landmark judgement of 1996 prohibited aquaculture related activities within the CRZ limits. Even outside the CRZ zone, traditional and improved traditional aquacultural activities alone are to be allowed. Yet there is no foolproof monitoring agency to find out the the nature of aquaculture going on and to monitor stocking levels in the existing aquafarms.

The Forest Department has no jurisdiction over mangroves and shore vegetation (except the Casuarina plantations), since they are legally not designated as forest areas. The lack of a responsible authority to take care of coastal vegetation has seriously undermined coastal biodiversity.

