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## Govt presides over plant loot

KANCHI KOHLI



INDIA'S Parliament approved the Biological Diversity Act in 2002. Drawing its objectives from the Convention on Biological Diversity (CBD), the Act lays out provisions for conservation, sustainable use of biological resources and equitable sharing of benefits arising out of that use.

The Biological Diversity Act was meant to be a response to the increasing and alarming instances of biopiracy and bio-based trade which needed serious checks. It was felt that a law was needed which would see conservation of biodiversity holistically and not only through sector-specific laws on forests, wildlife, water and pollution laws. The illegal access to natural resources and the 'theft' of associated traditional knowledge required legislation that would check misuse. A framework was looked into for comprehensive legislation based on the principles of sovereignty and decentralisation for a more people-based conservation policy.

It has been over six and a half years since the law has been in place. One of the main purposes of the

law has been to bring in a clear institutional framework for approvals for access to biological resources to foreign and Indian nationals.

There is a three-tier structure with the National Biodiversity Authority (NBA) based in Chennai on top, then State Biodiversity Boards (SBB) at every state level and finally village level Biodiversity Management Committees (BMCs).

If any foreign entity (defined in the Act) wants to access India's biodiversity and/or associated traditional knowledge for research, commercial utilization or Intellectual Property Right (IPR) or third party transfer, they need to apply before the NBA. The NBA then would need to review the application. It is bound to 'consult' local BMCs before granting an approval. In case of an Indian entity, it needs to only intimate the SBB unless an IPR is involved, in which case the application is made before the NBA.

On 5 May, in a letter and press release, the Campaign for Conservation and Community Control Over Biodiversity brought a few facts to

the attention of the National Biodiversity Authority (NBA).

It pointed out serious lacunae, bias and conflict of interest in the manner in which 335 approvals have been granted by the NBA. To begin with, and shockingly, none of these approvals have actually followed the mandatory procedure of 'consultation' with the BMCs, as stipulated by Section 41 (2) of the Act.

There is evidence of the minutes of the NBA meetings where the approvals are listed. Moreover, the process of forming BMCs is still at a nascent stage. At present there are only 1,402 BMCs that have been formed in the states, with 1,354 being only in Karnataka. Other than this all 48 panchayats of the state of Madhya Pradesh have set up BMCs. For a country as vast as India, this is minimal.

While this issue remains unresolved at various levels, including whether it is wise for villages to set up BMCs in the first place, the other glaring issue that the approval scenario highlights is truly shocking.

The NBA has appointed an Expert Committee for Evaluation of Applications for Access, Seeking Patent, Transfer of Research Results and Third Party Transfer of Bioresources which screens applications and recommends/rejects approvals. This committee has been set up for different tenure at different points of time since October 2005, the last one being February 2008. The present head of the committee is Dr RS Rana, the former head of the National Bureau of Plant Genetic Resources (NBPGR).

A first look at the composition of this Expert Committee will give anyone the evidence that the committee is filled with only Government of India officials or those from affiliated departments/institutions.

This includes the Department of Science and Technology, NBPGR, National Bureau of Animal Genetic Resources (NBAGR), National Institute of Oceanography (NIO), NRC on Medicinal and Aromatic Plants, CSIR, Centre for Plant Protection Studies and so on. There is not a single person from local communities, farmers' groups, conservation

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# Now Delhi wants Himachal water

HIMANSHU THAKKAR

**T**HIS is a true story of a real city. The city gets a lot of rain every year, more than sufficient for its needs, but it does not use that rainwater.

It had hundreds of water bodies, but it has destroyed most of them and continues to destroy the remaining ones.

There is a massive river flowing through the city, but the city has used up all its water and made the river a dirty drain, releasing untreated effluents.

Proper treatment of those effluents can actually make this water fit for reuse for most purposes, but the city does not bother to treat the wastewater properly. It has wastewater treatment plants, but they are functioning at less than half their capacity and even then are not treating the water sufficiently to make it reusable.

Groundwater levels once were very high in the city, but urban residents used it at such an unsustainable pace that levels are plunging at most places.

The city is also using up the flood plains, further endangering the groundwater recharge system.

The city gets a huge quantity of water from long distances, equal to one of the highest quantities of water in India, when compared on a per capita basis. It is getting water from big dams and rivers from far off places. However, official reports say that at least 40 per cent of the water that the city gets is lost in leakages. But the city does practically nothing to fix those leakages. In fact, the city's water supply body does not have functioning meters at most bulk water lines, so it does not know where the water is lost.

The city now says that it needs more water.

The logical step would be to assess what is the least cost option for the city among the available options, including options like fixing leaks, rainwater harvesting, protecting local water bodies, groundwater recharge, treating wastewater, demand side management, ensuring that those using beyond the minimum threshold level are charged at more than the cost price of water and so on. But the city does not bother to do any such exercise (as it officially accepts), and looks for the easy option of proposing a massive dam in a far off area. The city is powerful enough to make the government cough up Rs 4,000 crores required for the new reservoir.

So what is wrong?

Well, there are some small hitches: the project is going to take up at least 2200 ha of land, will displace thousands of people from 32 villages, will destroy dense forests over at least 1300 ha including part of a wildlife sanctuary, affect a wetland that is declared a Ramsar site and also has religious significance for the people, create a 35 km long reservoir, destroy the river and all the benefits that a river provides, will destroy the carbon sink (forests) and create a new source of glob-

al warming. In fact the Environment Impact Assessment of the project (p 149) accepts, "It was found that about 95.62 per cent of Project Affected Families are not in favour of this project".

Sounds incredible?

Well, as it was said at the outset, this is a true story. The city described above is our National Capital, Delhi. The dam in question is the proposed Renuka dam over the Giri River (a tributary of the Yamuna river) in Sirmour district of Himachal Pradesh.

around 950 million gallons per day and 40 per cent of that amounts to almost the same quantity as that proposed to be supplied from the proposed Renuka dam. So the Renuka dam is proposed, basically, to compensate for the avoidable leakage from Delhi's water system.

The Environment Impact Assessment of the project is fundamentally flawed in many respects, including some aspects described above, like not doing the options assessment or evaluating the value of the river flowing with freshwater or assessing the impact of the project on climate



Dirty Yamuna

However, the project will not have a smooth run. It has yet to obtain the environment, forest, techno economic, planning commission and other clearances. In fact, the very legal foundation of the project is non-existent. The proponents claim that the project is the result of the May and Nov 1994 agreements between the upper Yamuna basin states of Himachal Pradesh, Uttar Pradesh (now Uttarakhand too), Rajasthan, Haryana and Delhi. However, according to the Union Ministry of Law and Justice, since Rajasthan, one of the party states, did not sign those agreements, the agreements are no longer legally valid. Haryana is already opposing the validity of those agreements and also the Renuka dam. In Himachal Pradesh itself, the Renuka Bandh Sangarsh Samiti and the Himalay Niti Abhiyana are opposing the project.

According to the Performance Audit report of the Delhi Jal Board for 2008, "Delhi has distribution losses of 40 per cent of total water supply which is abnormal and significantly higher than the acceptable norms of 15 per cent prescribed by the Ministry of Urban Development." Delhi gets

change and impact of climate change on the project. The public hearing itself has seen violations with the local people not knowing about the public hearing, not getting the EIA documents in their local language, among others. Now the Himachal Pradesh government is applying the emergency clause to acquire land for the project, in complete violation of legal norms and Supreme Court orders.

Recently, a detailed memorandum, signed by broad based groups including the affected people, has been sent to the authorities including the Prime Minister, saying why this project does not make any rational sense and should not be allowed to go ahead.

Incidentally, the municipal corporation officials call those who steal water from their pipes to sell it to others as water mafia. What would you call those who are pushing this project? One only hopes that better sense will prevail and the citizens and authorities in Delhi, Himachal Pradesh and elsewhere will not allow this project to go ahead.

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# Climate change fuels Naxalism

Dr DK GIRI

**I**N 2007, the world heard a watershed announcement. The UN Secretary General Ban Ki-moon told the globe it was witnessing its first climate change conflict. Ban Ki-moon said the ethnic bloodshed in the Darfur region of Sudan was triggered, at least in part, by man-made climate change.

UN statistics revealed rainfall in Darfur had declined 40 per cent in two decades, as monsoons were affected by a rise in Indian Ocean temperatures. Ethnic Arabs and Africans, who had co-existed peacefully for generations, fell into catastrophic war over diminishing water supplies and farm land. Darfur remains in chaos and the UN has warned one million people face food and water shortages in the coming weeks.

India also faces the prospect of paying the price of climate change in bloody conflict. The vast increases in crop failure and forest degradation predicted for rural India offers the Naxalite insurgency the prospect of long-term growth. The movement has always drawn support from those who find their agricultural livelihoods are simply not putting enough food on the table. The insurgency could be widened, deepened and prolonged if climate change is allowed to ravage our nation's rural areas.

The Delhi Sustainable Development Summit in February saw US Senator John Kerry address delegates by video-link from Washington. Describing India's future in a world of climate breakdown, he said: "Scientists are now warning that the Himalayan glaciers, which supply water to almost a billion people, could disappear completely by 2035. This would reduce the Indus, Ganges, and Brahmaputra rivers to cracked earth."

Kerry warned that "rising sea levels are forcing salt water into the Ganges, with the potential to destroy millions of acres of fertile Indian soil." He added that farming output in India is projected to fall as much as 30 to 40 per cent by 2080. If this grim prediction is realised, millions of rural livelihoods would become extinct. But the rural dwellers will, of course, continue to exist after their jobs vanish. Despite the drift to the cities, India's rural population continues to grow in size. Wishful thinking would lead us to hope the death of the Indian peasant means the growth of the urban middle class. It does not. It means the growth of the city slum dweller - and the Naxalite.

It was, after all, the degradation of India's rural environments that helped to fuel the current level of Naxalite rebellion. Successive governments have overseen swathes of agricultural and forest land being converted



to industrial use. It has been estimated that 30 million rural Indians, more than the entire population of Canada, have been displaced since independence in 1947. This process is nothing less than internal colonialism. Naxalism, in its current form, can be viewed as the fight-back.

To stem the red threat, the green banner must be raised. Environmentally conscious lifestyles must be adopted for the sake of peace and state security. The tools of the battle to disarm Naxalites are not only police rifles. They are energy saving light bulbs and the ignition keys to our cars. It is bizarre, indeed almost incomprehensible that such an epic issue relates directly to the most mundane aspects of modern life. But that's the way it is.

**The tools of the battle to disarm Naxalites are not only police rifles. They are energy saving light bulbs and the ignition keys to our cars.**

Despite the high profile recent killings, there has been some good progress with regard to Naxalism. Thousands of villages have accepted cash rewards for agreeing to refuse them support. Surrender policies, which allow insurgents to be rehabilitated and protected, have attracted hundreds. The Forest Rights Act can be interpreted as a smart government move to combat

the spread of Naxalism, protecting as it does the rights of millions of rural dwellers to land and livelihoods among the trees.

But climate change is the one factor that could tragically undo all these other human efforts - that is the nature of the beast.

The Congress election manifesto released on March 24 is a 9,000 word list of seductive promises. But the document contains only 205 words related to climate change. That's just 205 words on the single greatest threat to our nation's future. Congress claims it will implement "in letter and spirit" the National Action Plan for Climate Change unveiled by the Prime Minister last summer. This Plan refused to establish targets for the reduction of greenhouse gas emissions.

The BJP's own election manifesto is 16,000 words long. Less than 500 words of the document are focused directly on climate change and the environment, but it does at least concede that "containing global warming is essential to protecting life and security."

Two leading UK environmental campaigners have suggested that we replace the term 'climate change' with different tags. Johann Hari prefers 'climate chaos,' while George Monbiot suggests 'climate breakdown.' Chaos and breakdown will indeed be the results of climate change in our rural lands.

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# Weavers face new threats

BHARAT DOGRA

SINCE several years stories of extreme distress have been pouring in from many famous centres of handloom weaving in India. I recently travelled to Varanasi and to villages in some nearby districts. I heard innumerable sad stories of how in some villages over 50 to 75 per cent of handloom weavers have been forced to give up their traditional skills and seek casual daily wage work as construction workers and rickshaw-pullers or as petty vendors. "Our looms are silent and our youth are selling *gutka*," an elderly weaver said more with anguish than anger.

From Varanasi and its neighbourhood I went to Lucknow and villages in nearby districts. Here I learnt that the work of zardozi and chikan artisans has also fallen on bad days. All the skilled artisans to whom I talked to in Lucknow and villages in Sitapur district said that work availability has reduced significantly.

Several factors are responsible for this decline. Exploitative, unjust conditions, domination of a few big players within these artisan trades cause a lot of problems. One factor which is common to almost all these situations of distress and reduced work availability is the increasing threat of indiscriminate mechanisation, including imported machines.

If we look at the entire debate on the protection of handlooms and related skills such as hand-printing, then loss of livelihoods in the artisan sector caused by indiscriminate mechanisation is due to violation of existing rules and schemes.

An expert on handlooms, LC Jain has estimated that during the last decade 5.5 million handloom workers were rendered unemployed or their employment had reduced due to the displacement of 13,86,000 handlooms (each handloom providing part or full employment to four per-

sons) by 2,31,000 powerlooms (each powerloom displaced six handlooms).

Similar massive loss of employment was seen in other areas of the textile industry such as the hand-printing industry. According to LC Jain, because machines were employed for 942 million meters of clothes over and above the 500 million meters at which their output would have been frozen as recommended by the Research Advisory Panel (textile printing industry), an estimated 2,50,000 jobs opportunities have been lost in the economy.

In recent times this threat has taken new forms. Imported machine-made cloth and imported machines are further reducing employment. Dr. Rajnikant, Director of Human Welfare Association in Varanasi, said his organisation had initiated a project called *Taana-Baana* for protecting the rights of handloom weavers in villages of Benaras district. However, in recent years under the liberalised import regime of WTO, problems for handloom weavers have started increasing due to the bulk import of cheap silk, or imitation silk cloth from China as well as import of embroidery machines.

These have been used by some manufacturers to produce cheap imitation products which are making the market extremely difficult for genuine products such as the Benarasi sari. On the

one hand, several weavers and other artisans have become unemployed, and on the other hand their wages and margins have been reduced to such an extent that they can't meet basic needs. Similarly, machines imported from China are a threat to zardozi artisans. Computer copying of designs is snatching the livelihoods of weavers while imitation products flood the market.

Keeping in view these fast growing problems a large number of weavers and artisans took part in

a Bunkar Sandesh Abhiyan (Campaign on the Voice of Weavers). This was initiated by Banaras Bunkar Samiti with the support of an organisation called 'Find Your Feet'. This effort was able to focus attention on several new threats to artisans and prepare a charter of demands.

It is important to go back to the original legislation which was enacted for the protection of the handloom sector and the rules that were formed (but later diluted) to protect handlooms and related work like hand-printing. Even the diluted

version of the laws were not properly implemented. Today we need to strengthen these laws keeping in mind the new global order and recent changes. Also, organisations of weavers need to be strengthened to ensure better implementation of law. Only then will it be possible to save millions of threatened livelihoods from the disruptive impact of indiscriminate mechanisation.

**Problems for handloom weavers started increasing due to the bulk import of cheap silk or imitation silk cloth from China and import of embroidery machines.**

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organisations, political parties or NGOs working on related issues. The only 'outsider' is a consultant from the multinational seed giant, Syngenta.

Digging deeper reveals several more astounding facts. As the letter to NBA points out, "Almost all the institutions or departments who are part of the said Committee have also sent in applications for consideration of access, transfer or IPR." In the four times the committee has sat and decided on the applications, there have been nine applications by NBPGR, six by DARE, two by the Centre for Tuber Crop Research Institute, two from NIO, two by NRC on Medicinal and Aromatic Plants. Applications from the Council for Scientific and Industrial Research (CSIR) and DBT were also considered and recommended for approval.

And the reality blows to full steam with the

decisions of the Expert Committee whose tenure was from August 2007 to February 2008. There was only one meeting of this Committee in August 2007. It was in this meeting that 126 approvals were recommended for Intellectual Property Rights (IPR) applications of CSIR. The Emeritus Scientist of CSIR was on the Committee.

Earlier, during a meeting on 20 June, 2006, when the application for third party transfer of biological resources by Syngenta was approved, the consultant of the company was sitting on the Committee.

The minutes of these meetings, or subsequent discussions within the NBA available in the public domain, does not reveal that the concerned members stepped out or abstained from the decision making role of applications where there was a direct conflict of interest.

Given the facts in hand, over 50 groups consist-

ing of farmers groups, environmental organisations, researchers, activists, and NGOs in their letter to the NBA and the Ministry of Environment and Forests (which is the nodal ministry for this Act) demanded:

- Dissolution of the Expert Committee on Access and its immediate reconstitution. The committee should have members who represent conservation and local community interests, and not the bias that reflects presently.
- Withdrawal and or cancellation of the approvals granted till date on the grounds that they are in violation of Section 41(2) of the Act and also on grounds of conflict of interest of the committee members.
- Recovery of any fees or allowances paid to private consultants or companies who are Committee members.
- And finally, put a freeze any further approvals till the issues are dealt with.

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