

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

APPLICATION No. 207 of 2015 (SZ)

IN THE MATTER OF:

Sajeev Bharadwaj
S/o Shyamsunder Rao
Ex Sarpanch, Mannapur Village,
Dharoor Mandal, Mahabubnagar District
Telangana

..... Applicant

AND

1. The State of Telangana
Rep by its Principal Secretary
Animal Husbandry, Dairy Development and Fisheries
Secretariat Building
Hyderabad,
Telangana
2. The Commissioner
Animal Husbandry, Dairy Development and Fisheries
Hyderabad, Telangana
3. The Collector & District Magistrate
Mahabubnagar District
Telangana
4. The Superintendent of Police
Mahabubnagar District
Telangana

.... Respondents

Counsel Appearing for the Applicant: R. Sameer Ahmed

Counsel Appearing for the Respondents: Mrs. H Yasmeen Ali for Respondents
No.1-4

ORDER

QUORUM:

1. **Hon'ble Dr. Justice P. Jyothimani**
Judicial Member
2. **Hon'ble Shri P.S. Rao**
Expert Member

1. Whether the judgment is allowed to be published on the internet. Yes / No
2. Whether the judgment is to be published in the All India NGT Reporter. Yes / No

This application is filed under Section 18 (1) r/w Section 14 of the National Green Tribunal Act, 2010 against the alleged environmental violations committed by persons illegally involved in the rearing of banned African Catfish in the areas of Gadwal, Dharoor, Alampur, Atmakur, Kollapur, Itikyala, Wadapally, Matkal, Maganoor Mandals of Mahabubnagar District and backwaters of Priyadarshini Jurala Project, Srisalam Project, Krishna and Tungabhadra rivers belt which are covering the places viz. Uppair, Kammampad, Garlapadu of Dharoor Mandal, Beerelli, Lathipuram, Guntipally of Gadwal Mandal, Thimmapuram, Sasnool, Jimkalpally of Itikyala Mandal, Mulamalla, Nandipmalla of Atmakar Mandal, Jurala, Arepally of Pebbair Mandal, Sreeangapuram, Gummadam, Yaparla, Penchekalpadu of Kollapur Mandal, Somashila, Amaragiri, Chimalathippa, Challapadu, Malleshwaram, Sangameshwaram of Matkal Mandal, Maganoor Mandal, Ieeja Mandal, Chinna Tandrapadu, Kutkanoor, Rajoli Nasanoor of Wadapally Mandal and Gondimalla Birapuram of Allampur Mandal. In all these villages the Catfish mafia is illegally cultivating Catfish in agricultural lands without even seeking for conversion of land for non-agricultural purpose. Some of the Survey Nos. where illegal cultivation is going on in Thimmapur village, Itikyala Mandal are 177/AA,10-21, 379/2-27,421/A/1:2-29 totalling 15 acres 25 guntas; 5 acres 9 guntas in Survey No.51/9, 3 acres 23 guntas in Survey No 52/A/3; 2 acres in Survey No 52/8; 2 acres 24 guntas in Survey No 144/A; 1 acre 28 guntas in Survey No 144/8/12; 1 acre 24 guntas in Survey No 51/C/1; 17 guntas each in Survey No 561/A/5 and 51/A/E; 4 acres 16 guntas in Survey No 51/A; 6

acres 20 guntas in Survey No 141/A/6 and nearly 40 acres in Survey No 394 & 395/1 to 395/32 which are government assigned lands.

2. It is further submitted by the applicant that Catfish rearing is done in an unprotected manner where there is every possibility of the fish escaping into the adjacent Krishna River waters and other nearby water bodies thereby causing grave threat to the existence of indigenous aquatic species and may lead to disturbance of ecological balance and this is reaffirmed by the aquatic studies conducted near the Krishna river in Mahabubnagar District of Telangana, wherein it was found that nearly 109 indigenous species surviving in the River may become endangered due to the introduction of exotic species like African Catfish which can thrive in adverse conditions and are highly voracious and carnivorous compared to other exotic species. It is also scientifically established that the rearing of African Catfish will disturb the ecological balance of the area. Further, though the Central as well as State governments have banned the rearing and distribution of African Catfish, illegal cultivation is still going on and in spite of several representations made to the concerned authorities, no action was taken in this regard. The applicant thus prayed to direct the authorities concerned to take appropriate action against all those involved in the rearing of Catfish in Mahabubnagar district of Telangana; to direct the authorities concerned to take action against the occupiers of the agricultural lands for illegally cultivating the banned Catfish and thereby damaging the ecosystem as per the Environment (Protection) Act, 1986 and under any other central legislations which are enacted to protect the ecosystem and to direct those engaged in the rearing of Catfish to compensate by restitution of the environment duly destroying the Catfish rearing ponds.

3. In the common reply dated 19.03.2016 filed by the first respondent, Assistant Director of Fisheries, Mahabubnagar it was stated that the Catfish culture is limited to some villages of Gadwal, Itikyala, Makthal, Dharoor, Pebbair and Weepangandla Mandals and not in many villages as alleged by the applicant. The concerned authorities have dismantled all the ponds rearing Catfish in the year 2013 and then the farmers started rearing the permitted Pangas fish in these ponds. The Government of Andhra Pradesh in the G.O. Ms No.54, A.H.D.D-7 Fisheries (Fish-II) Department dated 04.10.2005 has banned the seed production, marketing, transportation, maintenance of stocks (live or dead) of the African Catfish (*Clarias gariepinus*) culture. Since then sincere efforts were made by the Fisheries Department with the support of Revenue and Police officials to implement the government orders. A total of 25 cases were booked in 09 villages with 17.40 lakh Catfish seed destroyed in the year 2011; 02 cases booked and 26 ponds destroyed in 04 villages with 600 lakh Catfish seed destroyed in the year 2012; 88 ponds destroyed in 06 villages with 700 lakh Catfish seed destroyed in the year 2013; 34 ponds destroyed in 06 villages with 300 lakh Catfish seed destroyed in the year 2014; 17 ponds destroyed in 06 villages in the year 2015; 14 cases booked, 15 ponds destroyed with 800 lakh Catfish seed destroyed in the year 2016 in several raids conducted on Catfish culture ponds since 2011. It is further stated in the common reply that the District Administration consisting Revenue, Police, Fisheries and Marketing Department officials are putting joint efforts to completely eradicate the African Catfish culture and marketing and initiating action against the land holders who are allowing such illegal activities in their lands in Mahabubnagar District.

4. In the reply filed by the 4th respondent Superintendent of Police, Mahabubnagar District dated 19.03.2016, it is stated that rearing of various kinds of fishes is prevalent in the areas of Gadwal, Dharoor, Alampur, Atmakur,

Kollapur, Itikyalaa and Wadapally Mandals including the back waters of Jurala and Srisailam projects. A letter was addressed to the Assistant Director, Fisheries Department, Mahabubnagar district with a request to depute his staff to visit the fish ponds located in the above areas and shortlist the ponds rearing the African Catfish to take action accordingly. Action against illegal transportation of prohibited Catfish is also initiated and various criminal cases were booked in this regard. The particulars of the cases booked on illegal Catfish ponds and illegal transportation during the past 5 years, have been given by the 4th respondent. It is further stated by the 4th respondent that after receiving notice from the Tribunal, the Police Department has made extensive enquires and gathered information about the operation of illegal Catfish ponds and in the joint operation conducted with the officials of the Fisheries Department, 13 Catfish ponds were destroyed in the limits of the Itikyala Police Station and the Police Department will continue to extend full co-operation to the Fisheries Department in curbing the illegal activities of rearing Catfish.

DISCUSSION AND CONCLUSION:

5. The applicant has not filed rejoinder in spite of several opportunities granted to him and neither he appeared in person nor through his counsel during the past two hearings. The literature reveals that the African Catfish grows very fast and feeds on a large variety of agricultural by-products. It highly tolerates adverse water quality conditions and can be raised in high densities resulting in high yields in a short period of time compared to Indian Catfish and other indigenous species. But considering the fact that cultivation of such exotic species is detrimental to the indigenous species and it may even upset the ecological balance and can lead to drastic changes in the ecosystem and can cause severe economic losses in the long run, the Ministry of Agriculture, Department of Animal Husbandry and Fisheries,

Government of India issued orders dated 29.06.2000 prohibiting rearing of African Catfish in the country. But in spite of such ban order it was found that because of its quick economic returns, this exotic species of fish was found cultivated illegally. With the aim of higher yields and quicker economic returns, the fish is fed with chicken waste, decomposed wastes of sheeps, cows, buffalos etc collected from slaughter houses and the decomposed waste stored on banks of water bodies and aquaculture ponds is causing severe pollution to the environment particularly water pollution.

6. After the aforesaid orders were issued by the Government of India, a number of States including the undivided State of Andhra Pradesh have issued orders prohibiting the cultivation of African Catfish in their States and when such orders were challenged before various High Courts including the Hon'ble High Court of Andhra Pradesh in the case of *D. Srinivasa Raju vs District Forest Officer and ors.* In the order dated 17.07.2002 the Hon'ble High Court has upheld such imposition of ban in carrying on the trade and business including the culture of African Catfish in the State of Andhra Pradesh.

7. In a similar case dealt in W.P No. 30011/2012 Hon'ble High Court of Karnataka in its order dated 06.02.2013 has observed as follows:

"9. We are of the view that the Deputy Commissioners of all the Districts have to take steps to eradicate the African Cat Fish keeping as it causes health hazard to the general public. In so far as Razaqsab Palya, Budensab Palya and Bagalur Villages are concerned, since Cat Fishing rearing ponds have already been dismantled, strict vigil has to be kept to ensure that no such activity is repeated again in these areas. In so far as all the other Districts are concerned, immediate steps have to be taken for dismantling the Cat Fish rearing ponds in accordance with law and vigil has to be kept to ensure that no such activity is repeated again. Ordered accordingly".

8. The fact is that in spite of the ban imposed on cultivation, trade and business involving the exotic African Catfish, as long as back in 2000, and in spite of the fact that the issue was dealt by various High Courts and strict orders were issued, it is still found to be cultivated clandestinely and illegally. On perusal of the pleadings and of the documents filed, we are of the considered view that the Department of Fisheries with the support of the District Administration is taking efforts to curb the menace of rearing and marketing of banned Catfish in the District. But these measures may not be adequate. It requires concerted efforts.

9. Though the applicant has raised the issue concerning illegal cultivation of banned African Catfish only in Mahabubnagar District of Telangana, it is likely that such illegal cultivation might be going on in other parts of the State. Therefore unless the issue is taken up seriously and a strict vigil is enforced and offenders are dealt with severely, the problem may continue leading to not only causing of pollution but also damaging the local ecosystem and valuable indigenous aquatic species in the long run though Catfish cultivation may fetch quick returns and handsome profits for a few people involved in the business at the cost of society.

10. Therefore, we do not think that any specific orders will be required in this regard at this juncture except for a direction against the second, third and fourth respondents to regularly monitor the Catfish rearing ponds and to strictly implement the G.O dated 04.10.2005 and book criminal cases against the offenders. But mere superficial inspection and booking cases without ensuring strict compliance will not serve the purpose and the problem may continue to recur. Therefore, we direct that the matter shall be regularly reviewed by the Commissioner of Fisheries, Government of Telangana taking the assistance of

District Administration to completely eradicate the menace. We hereby direct the Chief Secretary and Direct General of Police of the State of Telangana to give strict instructions to all the District Collectors and to the Superintendents of Police to give prompt assistance to the Fisheries Department in raiding the suspected localities and if required, take severe action against the habitual offenders to deter them from illegal cultivation of the banned exotic African Catfish. The Registry is directed to directly send a copy of this order to the Chief Secretary and Director General of Police of Telangana.

11. With the above directions, the application stands disposed.

Date : 27.07.2016
Chennai

Justice Dr. P. Jyothimani
(Judicial Member)

Shri. P.S.Rao
(Expert Member)

NGT