

Conflict between a local sea turtle conservation group and a sand mining community at Kottapuzha estuary, Kozhikode, Kerala – an investigative report

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Kolavipaalam, Kerala has come to prominence due to the protection of an olive ridley nesting site by a local fishing community (Kutty, 2001). Unfortunately, this wonderful initiative and the nesting ground is under serious threat of disappearing due to illegal sand mining activity in Kottapuzha estuary, drained by the Kottapuzha River, north of Kolavipaalam. Part of Kolavipaalam beach is backed by this estuary, away from community dwellings of the area. This sandy beach spreads over an area of 50 acres stretching from the estuary mouth towards Kolavipaalam, and is an ideal turtle nesting site.

Kolavipaalam beach and the sandy stretch between the sea wall and the sea from Thikkody located 12 kms south to Chombal, located 15 kms north, are fast disappearing due to the sand mining activity in Kottapuzha estuary. Kerala coast (like much of the western coastline of India) undergoes fluctuations through the shifting of sand deposits and also due to monsoonal tides and currents. River mouths are known to be especially dynamic with regard to erosion of beaches and formation of new sand bars and beaches by accretion. The state administration has attempted to counter the erosion by erecting continuous sea walls, composed of granite blocks, along the coast. A study conducted by the Western Ghat regional station of Zoological Survey of India categorically states that the sand mining activity along with illegal coastal construction poses a very serious threat to the turtle nesting habitat at Kolavipaalam (Gopi & Radhakrishnan, 1999). The sea wall which stretches continuously along the shore is in ruins at many places. It has thus become dysfunctional, noticeably near the estuary mouth, where it has sunk and waves are carrying away sand located beyond the sea wall. The sand deposits between the sea and the sea wall have been indiscriminately quarried. The ZSI study says that unabated sand mining near the estuary mouth at the current intensity will destroy this nesting beach shortly. Sand mining may also be ecologically hazardous, leading to irreversible degradation of coastal habitat, leading to beach erosion and

subsidence and mangrove depletion (Gopi & Radhakrishnan, 1999).

The fisherfolk of the coastal villages claim that they noticed their shore line receding at a faster rate about a couple of decades ago. A diminishing shore has many repercussions on the coastal community, especially the fisherfolk community. A seashore is necessary to park¹ the country boats on the shore. Now they have to come all the way through the estuary into the river and park it on the river bank. Safety is another issue: fishermen say that during rough weather when they need to land on the shore very quickly, the sea wall actually hampers the process of coming ashore. Sandy beaches are also necessary for certain kinds of net fishing such as “chavittu vala”. This method of fishing has been vastly reduced; from Kolavipaalam to Aynikadu, where 15 such nets were once operated, there are now only two. The children and the youth have lost the recreation space that these beaches once provided. Nearly all the drinking water wells near the sea have turned saline and drinking water has become scarce. For the turtles, it means no nesting area. *Theeram Prakruti Samrakshana Samiti* (see Kutty, 2001), had to reconstruct their hatchery several times as with each year, the sea was destroying the hatchery.

Perceiving sand mining to be a major cause of these problems, *Theeram* with the backing of the seashore residents, filed a petition in the High Court in February 1999, asking for a ban on sand mining in the estuary. On 11th February, 1999 the court passed an interim stay order on the mining activity.

This was the beginning of a major conflict between the sand mining community and the fishing community, particularly members of *Theeram*. The

¹ Country boats in Kerala are kept on the beach, high up on the sand dunes when not in use. When fishermen go to sea, about 3-4 of them push the boat down the sandy shore in to the sea.

sand miners say that the stay order affected their livelihoods and began driving their families into poverty. They also allege that *Theeram* members and other residents of Kolavipaalam had encroached on Revenue Department land by planting coconut trees very near the seashore. They claim that *Theeram* filed a petition in the high court under the ruse of turtle nesting habitat protection in order to protect their illegally obtained land.

However, the coastal residents allege that most miners also have other occupations – such as autorickshaw driving, small trade and even teaching – but sand mining has become an easy way of obtaining additional income. A 5-tonne truckload fetches about Rs. 600 and it only requires two trips by two people on a country boat to fill a truck with sand. This fetches each person about Rs. 100–150 per day after various deductions. *Theeram* members state that most of the sand miners collect sand early in the morning and by 10.00 a.m. are ready to return to their regular occupations.

Sand mining at Kottapuzha estuary does not require the kind of hard labour that is involved in river sand mining. In the latter, one person has to dive underwater to fill in a basket of sand and bring it up, where his partner empties the basket into the boat. Apparently, one consequence of the traditional method of sand mining is that most miners experience loss of hearing by middle age (due to repeated underwater diving). In Kottapuzha estuary however, the country boats are brought up the beach where, with the help of spades and baskets, sand is directly removed from the shore and loaded into boats which are taken to the trucking centres. The sand removed from the seashore is said to be used for house construction (plastering), concrete blocks and cement pots and drums. However, most of the sand is utilised for land filling. Sand mixed with river alluvium is used as a fertilizer for coconut trees in nearby areas.

In their petition, *Theeram* has alleged that about 300 truckloads of sand has been removed every day for the last thirty years. *Theeram* has notified the concerned government authorities about the illegal activity and has been requesting them to take action since March 1998. On January 26, 1999 (Republic Day), all the residents of the fishing community from Kodikkal to Chombala formed a human chain in protest against sand mining. They also received support from the Forest Department which was reflected in their affidavit in court. It is interesting

that the Divisional Forest Officer (DFO) was transferred shortly thereafter. Some government officials have admitted to the role of political pressure in the mining issue. The sand miners are seen to have a political lobby that ensures that they are not affected. Even during the period of the High court's stay order on mining, the miners have continued their activities. This forced *Theeram* to file a contempt of court petition in October 1999 against the district authorities as no action was taken despite repeated complaints about the violation. The High Court then asked for strict implementation of its stay order. Meanwhile, a petition was submitted to the Court signed by 977 persons claiming loss of livelihood if sand mining is banned in the estuary. A copy of this was not even served to *Theeram*. On 22nd March 2000, a final judgement on the writ petition was passed, stating that while the environment needs to be protected, sand is also necessary for construction work and if the sand is not collected, it can lead to its accumulation. The Court went on to order the District Collector to consider all concerned parties and issue licences and fix the quantum of sand to be mined. Local activists and even some government officials have expressed dissatisfaction over how an activity that was illegal and unauthorised has now been given credence under the law. Subsequent to the final judgement, the District Collector held meetings with both the parties and a ban on sand mining up to 200 m from the high tide line was issued. The sand mining area was demarcated from where only 25 loads of sand per day is permitted to be mined with identity cards that would be issued by the Vadakara Municipality. The Payyoli Circle Inspector was asked to oversee the implementation of the orders and the Mining & Geology Department was asked to study the effects of sand mining on the ecology of the area. On 16th February 2001, the District Collector met with the parties to review the situation. The Mining & Geology scientist, Vadakara Municipal secretary, the Tehsildar, and *Theeram* members reported that the previous orders were being violated by the sand miners. Thus, a restriction in the timing for mining from 7.00 a.m. to 12.00 noon has been placed and the Vadakara Rural Police has been asked to put up a picket at the site to ensure the implementation of the orders. However, no police picket was seen and sand was being illegally removed even as this investigation was being carried out. *Theeram* members had filed a Writ Appeal in the High Court in August 2000 and have now filed a fresh petition seeking justice.

References

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A PUBLIC PROTEST

Kalpavriksh along with Thanal Conservation Action & Information Network, Trivandrum have decided to help Theeram Prakruti Samrakshana Samiti to save Kerala's only community conserved turtle nesting site from habitat destruction. Kalpavriksh realises that livelihoods will be affected if a complete ban on sand mining is effected. We are therefore seeking a comprehensive study to be conducted by a scientific body such as Centre for Earth Science Studies, Trivandrum to find out the effects of sand mining in the estuary on the ecology of the region. We hope to arrive at a sustainable solution after the study has been conducted. We plan to begin by sending protest letters to the state government to take action on the illegalities and to commission a study. Readers who would like to give a helping hand to this effort are requested to kindly send in their contact details to us, in order to help us achieve this goal. The protest letters will be drafted and sent out to all those readers. Please remember – the more the number of protest letters, the greater the impact on the state government.

