



The Manipur Loktak Lake (Protection) Act, 2006, And The Rights Of The Loi Fishing Community

Oinam Bidyasagar Singh*
Research Scholar,
Department of Political Science
Manipur University, Canchipur, Imphal

Abstract

The Loktak Lake Protection Act, 2006, is an act to provide for the administration, control, protection, improvement, conservation, and development of the natural environment of the Loktak Lake. The Act has divided 236.21sq.km Loktak Lake is divided into two zones: the core zone, which is a totally protected area of 70.30 sq. km, and the Buffer zone, comprising the remaining area of the lake excluding the core zone. The enforcement of the act has had a profoundly adverse impact on the lives of the Loi fishing community, significantly deteriorating their socio-economic conditions. The act has criminalized the local inhabitants in their own homes. In the name of the protection, preservation, and conservation of the lake, the Act has snatched the rights to life of the Loi fishing community, violating the rights of the indigenous people provided under the UN Convention on the Rights of the Indigenous Peoples and the Constitution of India. The administration, conservation, and development of the natural environment of the Loktak Lake need to be consulted and go hand in hand with the indigenous people of the Lake. We can't simply compromise the rights to life of the people in order to preserve the Lake. Both the natural conditions of the Loktak Lake and the rights to life of the Loi fishing community need to be respected.

Keywords: Loktak Lake, Protection, Conservation, Indigenous rights, UN Convention.

Introduction

Loktak Lake is considered the lifeline of Manipur's people due to its importance in their socio-economic and cultural life. It is the largest natural freshwater lake in the northeastern region of India, playing a crucial role in providing ecological and economic security to the region. A large population living around the lake depends on its resources for their sustenance. The Loi community of Thanga, Karang Island, Ithing,

and Sendra has earned its livelihood primarily from the Loktak lake by fishing and collecting edible plants for generations. The lake is rich in biodiversity and has been designated as a Wetland of International Importance under the *Ramsar Convention* in 1990 (Manihar, 1999). The *Keibul Lamjao National Park* (KLNP), situated in the southern part of the lake, is a unique floating wildlife reserve and the refuge of the highly endangered brow-antlered deer, locally known as the *Sangai*. The lake has also been a breeding ground for several riverine fish species and remains a vital fisheries resource. It supports a significant population of migratory and resident waterfowl. Loktak Lake is located between $93^{\circ} 46'$ and $93^{\circ} 55'$ E and from $24^{\circ} 25'$ to $24^{\circ} 42'$ N, a floodplain wetland of the Manipur River, which is flooded by its lateral flows as well as backflow of water from the *Sugunu hump*. Further, the confluence of several rivers, particularly *Chakpi*, is responsible for the inundation of large areas. The lake used to experience large fluctuations in water level during the year, and several *Pat*(lake) with the Loktak were distinct during the low-water phase and merged into one sheet of water during high floods. The commissioning of the Ithai barrage in 1983 has brought about drastic changes in the character of the wetland from fluctuating water levels to more or less constant water levels. The lake is oval-shaped with a maximum length and width of 32 km and 13 km, respectively. The depth of the lake ranges from 0.5 to 4.6 meters, with an average depth of 2.7 meters. The lake covers an area of 287 sq km, which is mainly dictated by the maintenance of the water level at Ithai at 768.5 m above MSL. There are 14 hills located in the Lake varying in size and elevation, and appear as islands in the southern part of the lake. The most prominent among these are Sendra, Ithing, and Thanga islands.

Objectives and Purpose of the Paper

The changing winds of development in every aspect of human life have led to the degradation of the natural environment. Development often comes at the cost of environmental destruction, ecological imbalance, and habitat loss for various species of flora and fauna, including humans. Various developmental projects undertaken by the government, as well as human activities in and around the Loktak Lake catchment, lead to ecological imbalance and degradation of the lake's natural ecosystem. This small research paper is trying to explore and assess-

1. The conditions of the Loktak Lake and threats to it;
2. The Loktak Lake Protection Act, 2006, and its significance in conservation;
3. The Loktak Lake Act and its impacts on the lives of Loi fishing communities.

Methodology

A sociological approach will be employed for this research paper. Both primary and secondary data will be used. Books, journals, articles, and daily newspapers will be studied to collect secondary information. All secondary information will be analyzed in conjunction with first-hand information, which will be collected through flexible personal interviews and observations. Historical and analytical methods are used in

the paper. A brief history of how the present conditions of the Lake came into being will be examined. Various causes and factors contributing to the deteriorating conditions of the Lake will also be analyzed. The observation method will be employed to generalize the findings of this paper.

Threats to Loktak Lake

The Loktak Lake has undergone severe degradation due to anthropogenic activities within and around the lake. The waste products from urban sewage brought down by the different rivers that discharge into the lake have resulted in the deterioration of the water and affect the wetland ecosystem. The *Nambul River*, which flows through the heart of Imphal city, the capital of Manipur, carries solid waste in the form of garbage, pesticides, insecticides, polythene bags, and other non-biodegradable waste, resulting in an increase in pollution and contamination of the lake water. Soil erosion in the hilly region, due to Jhum cultivation and forest destruction, has led to the deposition of a large amount of sediment, resulting in the swallowing of the lake area. The construction of Loktak Hydroelectric project and Ithai barrage for maintaining constant water level for electricity generation has resulted in the change of hydrological regimes which severely affecting the ecological processes and permanent inundation of agricultural fields, displacement of people from flooded area, decline in the diversity of avifauna and loss of fish population including the migratory fish coming from *Irrawaddy river* (Myanmar) for breeding in the lake, thinning of Phumdis which threatened the Phumdis present in KLNP thereby threatening the habitat of Sangai which was reported only 206 population according to 2013 census. This is due to the alteration in the unique up-and-down movements of the Phumdis during the summer (floating) and winter (sinking) seasons for nutrient uptake. The disturbance has been severe for the last 30 years, which has had a severe effect on the Phumdis. The proliferation of the Phumdis, which increases from 116.4 km² to 134.6 km², is a major concern for the lake. The increase in Phumdis area is mostly in the central zone, which is the open area, and the open area has been reduced by 50 %. The use of synthetic fertilizers to increase yields in fields and the use of chemical pesticides for fishing have raised concerns about inorganic and organic pollutants. The management of Phumdis is a major challenge for the conservation of Loktak. About 16 indigenous fish species and 20 economically important aquatic plants were reported to have disappeared from the lake. There has been a significant change in the Loktak after the construction of the Ithai barrage. Comparing the lake area from 1970 to 2002 using remote sensing data, there is an increase in area from 207 km² to 287 km² (Trishal & Manihar, 2004). Several studies have been conducted using remote sensing to investigate land use and land cover changes in Loktak (Singh et al., 2000; Devi et al., 2004; Singh & Khundrakpam, 2009; Singh & Sarkar, 2012). These studies identified that the catchments of Loktak are highly degraded, and the area under forest is low. Agriculture is the main land use in catchments and without scrub areas.

Based on the analysis of various issues confronting Loktak Lake, the root-cause problems can be traced to the loss of vegetal cover in the catchment area and the construction of the Ithai Barrage. The degradation of the catchment area has led to problems of siltation and increased nutrient flow. The serious implications of the construction of the Ithai Barrage have led to changes in hydrological regimes, thereby affecting ecological processes and functions of the wetland; inundation of agricultural lands and displacement of people from flooded lands; loss of fish population and diversity; and a decrease in the thickness of phumdis in the Keibul Lamjao National Park, thereby threatening the survival of Sangai deer. In order to protect the Lake from further deterioration, the Manipur State government has passed 'The Manipur Loktak Lake (Protection) Act, 2006

The Manipur Loktak Lake (Protection) Act, 2006

The Act was passed in the year 2006 by the then Congress Government led by Shree Okram Ibobi Singh, 'to provide for administration, control, protection, improvement, conservation, and development of the natural environment of the Loktak lake and for matters connected with as incidental thereto.' The Act had altogether 39 sections. The Act has divided 236.21sq.km Loktak Lake into two zones, i.e., Core Zone- no development zone or totally protected zone consisting of 70sq.km, and Buffer Zone- remaining area of the Lake excluding core zone area.

In Chapter 2 of the Act, provisions were laid down for regulating access to the Lake Resource. An Authority, known as the Loktak Development Authority, was constituted under Section 6 of the Act to exercise the powers and functions conferred upon it under this Act. Under Section 17, the powers and duties of the authority shall be- to administer the affairs of the Loktak Lake and to protect and improve the natural environment of lake; to regulate by granting of approvals or otherwise requests for commercial utilization or bio-survey and bio-utilization of any lake resources; and to do such other things as may be incidental or conducive to the efficient administration of protection and improvement of the lake. Some activities are prohibited within the buffer zone under Section 19, such as setting up of new industries and expansion of existing industries; setting up and expansion of fish processing units; setting up and expansion of units, mechanisms for disposal of wastes and effluents; discharge of untreated wastes and effluents from industries, cities or towns, and other human settlements etc. Section 20 of the Act prohibited certain activities in core zone such as no person or occupier shall – discharge or emit any sewage or domestic waste into the lake; plant or cultivate Athaphum; deposit or fix any stones, bamboo, log, net, etc., into the lake for the purpose of rearing fish; build any hut or house on Phumdis inside the lake; engage in Athaphum-fishing in the lake; use any fishing feeds and pesticides into the lake except with the prior permission of the authority constituted under this Act. Right to fisheries under Section 31 of the Act permit the Authority, with the approval of the government and by notification in the official gazette, declare any part of the lake, to be a fishery, and no right in any fishery so declared shall be deemed to have been acquired by any person or group of persons, either

before and after the commencement of this Act, except as provided in the rules framed under this Act. Section 36 – Non-application of the Act – states that this Act shall not apply to the Department of Power, State Government of Manipur, dealing with electricity generation in pursuance of any Memorandum of Agreement or similar agreement entered into between the Department of Power and National Hydro-electric Power Corporation Limited or any similar establishment.

The Loktak Lake (Protection) Act, 2006, has been amended three times so far. The First Amendment in June 2007, the Second Amendment in 2011, and the Third Amendment in March 2019. Of these three amendments, the 2nd amendment is important as it deleted section 19 (ii) which prohibits setting up and expansion of fish processing units within the buffer zone and under section 31(A) Right to Fishing-subject to the provisions contained in this Act, a fisherman shall have the right to fishing in the Loktak Lake in the manner as may be prescribed.

Impacts on the Rights of the Loi Fishing Community

The Loktak Lake Protection Act, 2006, poses an existential threat to the lives of the Loi fishing communities that have lived and dwelled here for generations. The Loi fishing community, primarily residing on the islands of Karang, Thanga, and Ithing, is situated within the Core Zone of the Lake, a completely restricted area, or a no-development zone. Since 2010, the *Loktak Development Authority* (LDA) has forcibly removed and burnt down the homes of villagers on the Loktak Lake floating *phumdi* masses. This Loi community of people earns a livelihood by fishing and gathering aquatic vegetables on the lake, the largest freshwater lake in Northeast India. The Manipur Loktak Lake Protection Act of 2006 was implemented without the free, prior, and informed consent of the people who are directly impacted by the Act. Conservators, developers, environmentalists, and other local professionals were not consulted before the implementation of the Act, despite its original purpose being to protect, improve, and conserve the natural environment. Section 20 of the Act provides that no person shall “*build any hut or house on phumdis inside the lake*” within a designated Core area, where many villagers already live. The Act additionally prohibits *athapum* fishing. Thousands of people are directly dependent on the resources from the lake. The above clause violates the indigenous people’s rights to housing and a means of livelihood, and therefore hinders their right to life. In many cases, these people have been using or residing in the huts for generations, and have no other home or ancestral land. The Act further stipulates, in Section 21, that LDA authorities have the power of entry and inspection, allowing LDA officials to act with impunity. Finally, the Act makes no provisions for compensation, rehabilitation, or resettlement of displaced fishermen, nor does it offer employment alternatives.

In November 2011, the LDA, aided by armed policemen, torched 777 huts of the *Champu Khangpok* floating village, claiming that the fisherfolk there were illegal encroachers, a claim that the Loi fishing community vehemently denied. Such acts of eviction and arson by the LDA have taken place at regular

intervals over the years. The latest such incident was the notification issued by LDA on 18th July 2022 to remove or dismantle all athaphum, hut, or house on Phumdi within the premises of Loktak Lake, excluding Champu Khangpok, by the concerned individual, person, society, etc., within a period of fifteen days from the date of publication of the Notice. The main reason for this eviction is the exponential rise in the number of Athaphum, Home stay, and Huts constructed on Phumdi, which has put the lake at risk, impacting the natural environment adversely; such Homestays have also become a social issue, as these are operated without proper regulations, as cited in the Notification. However, in November 2020, the Government of Manipur invited tenders for a mega ecotourism project, which will span over 82 hectares of the Loktak Lake. Neighboring the Keibul Lamjao National Park, the Mega Ecotourism Project proposes to build jetties, a resort, and a golf course. The government opined that it would change the socio-economic status of the state by providing an alternative livelihood to the local population. But the local inhabitants of the Lake doubt its merits.

The primary purpose of enacting the Manipur Loktak Lake (Protection) Act, 2006, was to conserve and restore the Lake to its natural state for the overall benefit of humanity. However, in the process of conserving and protecting the lake, the policymakers often sideline the rights and concerns of the local inhabitants, i.e., the Loi fishing community. Article 21 of the Indian Constitution guaranteed the Right to Life, which includes the Right to Livelihood of every citizen. In India, the National Human Rights Commission has clearly stated that it will examine all violations of social, economic, and cultural rights. Among the various economic, social, and cultural rights, one right that is gaining importance is development as a human right. Judges of the Supreme Court have stated in many instances that the right to life encompasses the right to live with basic human dignity and all that accompanies it, including the bare necessities of life, such as adequate nutrition, clothing, and shelter. The Loi fishing communities are also human beings, and beyond that, they are also citizens of India. They have the same rights as other human beings. We live in a society that has numerous human rights instruments, which clearly outline the basic human rights of human beings. Here, fishermen's basic human rights were already curtailed by the state government's decision. The objective of these instruments and the essence of the Indian Constitution were set aside by this Act. These fishermen were struggling for their basic rights, without which human beings, not only the Loi fishermen, could not survive. The houses, homestays, and land owned by people of Loktak are not just private property, but markers of ethnicity and identity. Camouflaging its destruction under the veneer of development and ecological protection does not hide the violence displayed by the State in its land acquisition plans.

The United Nations Permanent Forum on Indigenous Issues defines indigenous communities as those persons who have a *"historical continuity or association with a given region and harbour strong linkage to its territories and natural resources within distinct social, economic and political systems"*. Land owned and managed in a traditional way by these communities carries the repository of centuries-old observations and interactions with nature. The mystical and almost spiritual connection communities experience with land and its resources is essential and integral to maintaining sustainable developments of these fragile ecosystems.

The Interfaith Rainforest Initiative of the United Nations Environment Programme recommends engaging with and working alongside the community to safeguard traditional knowledge and facilitate environmental protection. Loktak Lake has the distinction of being one of the 37 Ramsar Sites in India. The Ramsar Convention has strengthened a long-standing commitment to fostering and recognizing the active participation of indigenous peoples in the conservation and management of wetlands.

There is an urgent need for the State to abandon its resolve to pursue “public purpose” as a disconnected goal, seeking to maximize revenue to the state exchequer by commercializing the unique ecosystem offered by Loktak. State power must be channeled through the voice of the indigenous communities to contribute to the sustainable development of Loktak. This development should not be conflated with a political agenda of development driven by political rhetoric, but should be the amplification of a shared future envisioned by those communities for whom Loktak is not just a lake but instead a ‘territory of their very *own* commons.’

Conclusion

It can be concluded from the above that the root cause for the degradation of the lake is the loss of vegetal cover in the catchment area and the construction of the Ithai Barrage. However, the Act that was enacted for the conservation, control, and protection of the natural environment of the lake is not applicable to the National Hydro Power Electric Corporation Limited, under which Ithai Barrage operates. But the Act has prohibited and even curtailed the right to livelihood of the Loi Fishing community, the indigenous inhabitants of Loktak Lake. Such an Act will adversely affect the socio-economic and cultural life of these people who have lived here from time immemorial and have taken shelter. No citizen will ever oppose any developmental work in any state if the people concerned, affected by the work, are involved in shaping their own prosperity. However, superimposing development can't be acceptable to some extent. No individual will set fire to his own home. Some Sections of the Act need to be reviewed to provide space for the livelihood of the Loi fishing community and involve them in preserving the natural environment of the Loktak Lake.

References

1. Anand Oinam, 'Manipur Loktak Lake: Fate of the Floating wonder' EastMojo, December 31, 2019
2. Daina Potshangbam, Integrated Development of the Loktak lake Emphasized, The Frontier Manipur, accessed on April 19, 2022, <https://thefrontiermanipur.com/integrated-development-of-the-loktak-lake-emphasized/>
3. India: Repeal the Manipur Loktak Lake Protection Act of 2006, Asian Human Rights Commission, April 2, 2013.
4. Jitendra Oinam 'The Rights of Fishermen' Third Concept, January 2012
5. Kangabam et al. 'Ecology, disturbance and restoration of Loktak lake in Indo-Burma Biodiversity Hotspot- An overview' NeBIO 6(2):9-15
6. Loktak lake lifeline of Manipur, access on 25th November 2022, <https://www.loktaklake.org/wetland-complex/#loktak>
7. Manihar.Th, 1999. Loktak Lake in Peril. Loktak newsletter1, pp.3-4, <https://www.loktaklake.org/>
8. Manipur Gazette, 'The Manipur Loktak Lake (Protection) Act, 2006. Imphal, April 5, 2006
9. Meghachandra,H.M, 2003.Problems faced by the fishing community of Loktak Lake, Loktak Newsletter 3:9-10
10. Panchami Manjunatha, 'For those dependent on Loktak Lake, sustainable development is an elusive goal' The Leaflet, September 20, 2022
11. Rajesh.S, 'Loktak lake in Manipur: A Ramsar Site in danger of decline' Frontline November 10, 2022