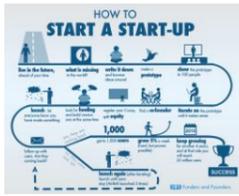




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PERMIT "MID WATER PAIR TRAWLING" AS FAO UNITED NATIONS REPORTS NO IMPACT ON BOTTOM HABITAT & SEA BED & ENVIRONMENT



By: M.S.Yatnatti: Editor and Video Journalist Bengaluru: The expert opinion of on "Bottom Pair Trawling" and mid water pair trawling is published in <http://www.fao.org> which is cited of United Nations and Indian Government fisheries department and Karnataka fisheries department is mandated to follow it. "Malpe Trawl Boat Fishers association" has requested Indian Government fisheries department and Karnataka fisheries department to clarify or modify the order issued on 15-11-2016 Karnataka order and by Department of Animal Husbandry Dairying & Fisheries (DADF) order dated 10-11-2017 which has totally prohibited fishing in the EEZ in territorial waters by bull or pair trawling by all boats (Vessels) without exempting "Pelagic or mid-water trawling" as earlier EEZ guidelines issued on 12-11-2014 under para 1(d) it was permitted whereas section 5 EEZ only "bottom bull or pair trawling" totally prohibited in section 5 EEZ guidelines. Request to exempt "Pelagic or mid-water pair or bull trawling" as earlier EEZ guidelines issued on 12-11-2014 under 1(d) it was expressly not and as environmentally no impact is reported on bottom habitat and bottom structure of sea bed as per Technical report at <http://www.fao.org/fishery/geartype/310/en> as department follows guidelines published in <http://www.fao.org> of United Nations. Some fisherman have expressed that during August September October since the water temperature get reduced fishes will come to surface which can easily be caught by mid-water trawling" by paring method. The main reason for prohibiting pair or bull trawling is "Bottom Trawling" which is according to the Fisheries scientists and report published at <http://www.fao.org/fishery/geartype/307/en> and that affects the Marine wealth and sea bed. But while prohibiting "Bottom Trawling" department need to exempt the mid water pair trawling as mid-water Trawling is nothing but surface trawling which do not affect the bottom environment and the sea bed. Wherefore, it is illegal to prohibit surface or mid-water pair trawling. The general prohibition of pair trawling without exemption to Mid-water trawling has affected the livelihood of several Lakh people and small boat fisherman and it amounts to violation of human rights of small boat fisherman who do not have alternative method of livelihood as their livelihood is thrown out of gear. The fisherman boat association has requested to clarify or modify the order issued by Department of Animal Husbandry Dairying & Fisheries (DADF) on 10-11-2017 totally prohibiting fishing in the EEZ beyond territorial waters by bull or pair trawling by all boats (Vessels) instead of totally prohibiting fishing in the EEZ beyond territorial waters by "bottom bull or pair trawling" as it was totally prohibited in section 5 EEZ guidelines issued on 12-11-2014 and exempting "Pelagic or mid-water pair or bull trawling" as earlier EEZ guidelines issued on 12-11-2014 permitted "Pelagic or mid-water trawling" by paring method which's was allowed under EEZ guidelines issued by Union Government on 12-11-2014 and revoked on 30-01-2017 and clarification order 03-08-2017 to do fishing in a sustainable manner. Small boats fisherman's livelihood is affected and more than 50000 families are affected by order issued on 10-11-2017 totally prohibiting fishing in the EEZ beyond territorial waters by bull or pair trawling by all boats. Request is made to exempt "Pelagic or mid-water pair or bull trawling" as earlier EEZ guidelines issued on 12-11-2014 under 1(d) it was permitted and Environmentally No impact on bottom habitat and bottom structure of sea bed. Some fisherman have expressed that during August September October since the water temperature get reduced fishes will come to surface which can easily be caught by mid-water trawling" by paring method. Ban should only apply to bottom trawling or bottom pair trawling by big vessels (bottom bull trawling) it damages environment and need to be banned as trawling net damages the seabed. Ban should not apply to mid water pelagic pair trawling or 140 hp boats or vessels pair trawling for mid water pelagic pair trawling which does not affect the environment of sea bed. Banning pair mid water pelagic pair trawling amounts to snatching the livelihood coastal fisherman. Fish that live in the upper water column of the ocean are targeted by pelagic/ mid-water trawls and net does not go to seabed. In mid water trawling, a cone-shaped net can be towed behind a single boat and spread by trawl doors, or it can be towed behind two boats (pair trawling) which act as the spreading device. Midwater trawling catches pelagic fish such as anchovies, shrimp, tuna and mackerel. Mid water trawling is trawling, or net fishing, at a depth that is higher in the water column than the bottom of the ocean.

In view of Central Government order revoking EEZ guidelines issued on 12-11-2014 on 30-01-2017 and clarification order 03-08-2017 the Karnataka Fisheries department must allow small boats fisherman's with 140 HP boats conduct fishing business under pair trawling with "Pelagic or mid-water trawling" method which's was allowed under EEZ guidelines issued by Union Government on 12-11-2014 and revoked on 30-01-2017 and clarification order 03-08-2017 to do fishing in a sustainable manner. And further in view of central government has withdrawn its EEZ guidelines issued by Union Government on 12-11-2014 by an order on 30-01-2017 the Karnataka government order dated 15-11-2016 about banning bull trawling or pair trawling get automatically revoked as it is based on revoked guidelines of Union Government on 12-11-2014. Request letter of "Malpe Trawl Boat Fishers association which is self explanatory for necessary action has reached the fisheries department. The CM of Tamilnadu state had taken strong objection to EEZ guidelines issued by Union Government on 12-11-2014 by writing letter to Sri Naraendra Modi hon'ble Prime minister of India on 03-05-2015 and Indian coast guard informed Kerala High court in WP-C 28818/2016 in court monitored probe by SIT consisting ED CBI NIA Vigilance Commission that central government has withdrawn its EEZ guidelines issued by Union Government on 12-11-2014 by an order dated 30-01-2017 revoking the guidelines and issued further order on 03-08-2017 it is clarified that any Indian fishing vessel licensed and registered in India and with fully Indian crew onboard is free to operate in the Indian EEZ to do fishing in a sustainable manner and in view of central government has withdrawn its EEZ guidelines issued by Union Government on 12-11-2014 by an order on 30-01-2017 the Karnataka government order dated 15-11-2016 about banning bull trawling or pair trawling get automatically revoked as it is based on revoked guidelines of Union Government on 12-11-2014 and Karnataka government must allow any Indian fishing vessel licensed and registered in India and with fully Indian crew onboard is free to operate in the Indian EEZ to do fishing in a sustainable manner and Fisheries department must allow small boats fisherman's with 140 HP boats conduct fishing business under "Pelagic or mid-water trawling" method by paring two boats. It is contrasted with bottom trawling. Midwater trawling is also known as pelagic trawling and bottom trawling as benthic trawling.

State need to Clearly define fishing vessels of length below 24 metres OAL as coastal fishing vessels and fishing vessels of length 24 metres OAL and above as Deep Sea Fishing Vessel (DSFV). And Prohibition on pair trawling should apply only to Deep Sea Fishing Vessel (DSFV) vessels of length 24 metres OAL and above which shall not participate in bottom pair trawling for sea fish and pair trolling should not apply to coastal fishing vessels and fishing vessels of length 24 metres OAL for mid water pelagic trawling and for (a) fishing boats using nets with mesh in the cod end, in the mesh size ranges 16mm to 79mm inclusive; or (b) fishing boats using nets - (i) with mesh sizes in the cod end greater than 79mm; and (ii) incorporating any individual mesh, irrespective of its position within the net, greater than 300mm.

Conclusion : Request is made to exempt "Pelagic or mid-water pair or bull trawling" as earlier EEZ guidelines issued on 12-11-2014 under 1(d) it was expressly not and as environmentally no impact is reported on bottom habitat and bottom structure of sea bed as per Technical report at <http://www.fao.org/fishery/geartype/310/en> as department follows guidelines published in <http://www.fao.org> of United Nations. In view of Central Government order revoking EEZ guidelines issued on 12-11-2014 on 30-01-2017 and clarification order 03-08-2017 the Karnataka Fisheries department must allow small boats fisherman's with 140 HP boats conduct fishing business under pair trawling with "Pelagic or mid-water trawling" method which's allowed under EEZ guidelines issued by Union Government on 12-11-2014. The CM of Tamilnadu state had taken strong objection to EEZ guidelines issued by Union Government on 12-11-2014 by writing letter to Sri Naraendra Modi hon'ble Prime minister of India on 03-05-2015 and Indian coast guard informed Kerala High court in WP-C 28818/2016 in court monitored probe by SIT consisting ED CBI NIA Vigilance Commission that central government has withdrawn its EEZ guidelines issued by Union Government on 12-11-2014 by an order dated 30-01-2017 revoking the guidelines and issued further order on 03-08-2017 it is clarified that any Indian fishing vessel licensed and registered in India and with fully Indian crew onboard is free to operate in the Indian EEZ to do fishing in a sustainable manner and in view of central government has withdrawn its EEZ guidelines issued by Union Government on 12-11-2014 by an order on 30-01-2017 the Karnataka government order dated 15-11-2016 about banning bull trawling or pair trawling get automatically revoked as it is based on revoked guidelines of Union Government on 12-11-2014 and Karnataka government must allow any Indian fishing vessel licensed and registered in India and with fully Indian crew onboard is free to operate in the Indian EEZ to do fishing in a sustainable manner and Fisheries department must allow small boats fisherman's with 140 HP boats conduct fishing business under "Pelagic or mid-water trawling" method by paring two boats.

Fisheries department must allow small boats fisherman's with 140 HP boats conduct fishing business under Pelagic or mid-water trawling which's is allowed under EEZ guidelines. Pelagic trawls don't come into contact with the seabed so are not associated with damage to marine habitat. Trawling is a method of fishing that involves pulling fishing net through the water behind one or more boats. The net that is used for trawling is called a trawl. Guidelines for fishing operations in Indian Exclusive Economic Zone (EEZ) by Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture dated 12-11-2014 while banning Bull Trawling in section 5 but allows in guide lines section 1 (d) mid-water pelagic trawler method of fishing. Government of Karnataka fisheries department cannot disturb the activities of small boats of 140 HP boats with small nets who does their fishing above mid water and on surface water. Malpe Trawl Boat Fishermen Association has urged the government to allow mid-water pelagic trawler method of fishing for at least three months, as it is an old method of fishing which is being practiced for decades. Mid-water pelagic trawler method of fishing was in practice along the coastal districts of Karnataka during the months of September to November. He alleged that Fisheries Department officials have been targeting only the fishermen who use small sized vessels to catch fish as they do not have capacity to do bull trawling as their boats are small. The small trawl fishing has stopped since the beginning of September and the fishermen families are struggling. Deputy Director, Fisheries Department, Udupi district has not been able to distinguish the difference between bull trawling and mid-water pelagic trawler method of fishing and unnecessarily stopping small boats and fisherman livelihood.

Pelagic or mid-water trawling: Fish that live in the upper water column of the ocean are targeted by pelagic/ mid-water trawls. The funnel-shaped trawl nets are hauled by either one or two boats (pair trawls). Pelagic boats generally fish for a single species (unlike the demersal trawls). On very large vessels, fish such as herring and mackerel are pumped onboard the vessel through a large pipe placed in the end of the net. Smaller vessels bring nets onboard. Once captured, the fish is either kept chilled on board or processed and deep-frozen at sea. Pelagic trawls don't come into contact with the seabed so are not associated with damage to marine habitat.

Bull-trawling is banned: In the case of bull-trawling, the capacity of the boat engine ranged from 350 HP to 500 HP. When two trawlers joined together for fishing, the capacity of their engines went up to 700 HP to 1,000 HP. The net is spread from the bottom of the sea to the top. Both the trawlers move for several kilometers day and night catching fish. Fishing in such a large scale and in an environmentally destructive manner had affected the purse seine boats and small country boats as well as seashore fishing. In order to save the progeny of fishes and to avoid fish famine, it was essential to ban bull-trawling and beam trawling. Bull Trawling is controversial because of its environmental impacts. Because bottom trawling involves towing heavy fishing gear over the seabed, it can cause large-scale destruction on the ocean bottom, including coral shattering, damage to habitats and removal of seaweed.

The Department of Animal Husbandry and Dairying (AH&D) - now renamed as Department of Animal Husbandry Dairying & Fisheries (DADF) is one of the Departments in the Ministry of Agriculture and came into existence w.e.f. 1st February, 1991, by converting two divisions of the Department of Agriculture and Cooperation namely Animal Husbandry and Dairy Development into a separate Department. The Fisheries Division of the Department of Agriculture and Cooperation and a part of the Ministry of Food Processing Industries were later transferred to this Department w.e.f. 10th October, 1997. The Department is responsible for matters relating to livestock production, preservation, protection from disease and improvement of stocks and dairy development, and also for matters relating to the Delhi Milk Scheme and the National Dairy Development Board. It also looks after all matters pertaining to fishing and fisheries, inland and marine. The Department advises State Governments/Union Territories in the formulation of policies and programmes in the field of Animal Husbandry, Dairy Development and Fisheries. The main thrust areas are: Development of requisite infrastructure in States/UTs for improving productivity. Preservation and protection of livestock through provision of health care. Strengthening of Central livestock farms (Cattle, Sheep and Poultry) for development of superior germ plasm for distribution to states and. Expansion of Aquaculture in fresh & brackish water, and welfare of fisher-folk etc.



Public authorities cannot take excuse of "missing files" for denying information under the RTI Act as such claims have no legality under the transparency law for withholding records, the Central Information Commission has held. "Unless proved the record was destroyed as per the prescribed rules of destruction/retention policy, it is deemed that record continues to be held by the public authority," Information Commissioner Sridhar Acharyulu said in his order. The case came before the CIC after one Om Prakash sought to know information from Land and Building Department of Delhi Government regarding allotment of alternative plot in lieu of his land acquired by the Government. The Department admitted before the Commission that the relevant file is missing and it could not be traced even though the officers personally inspected room of the Land and Building Department after receiving the RTI application. The official representing the department said there is no possibility of retrieving the missing record. In a terse order, the Commissioner said loss of records that are required to be kept and maintained permanently, if considered as evidence in a case, should invite criminal complaint against officials under section 201 of Indian Penal Code (punishable with imprisonment which is directly proportional to seriousness of offence charged from seven years to 10 years and for life.) "Claim of file missing or not traceable has no legality as it is not recognised as exception by the RTI Act. By practice "missing file" cannot be read into as exception in addition to exceptions prescribed by RTI Act. "It amounts to breach of Public Records Act, 1993 and punishable with imprisonment up to a term of five years or with fine or both," Mr. Acharyulu said. The Commissioner also issued a show cause notice to the Land and Building Department official asking why maximum penalty of Rs 25,000 be not levied upon him. Mr. Acharyulu recommended to the public authority to consider the issue "seriously" as the Commission has been hearing excuse of missing files on many occasions and also to initiate action under Public Records Act, 1993 against responsible persons. "The public authority also has a duty to designate an officer as records officer and protect the records. A thorough search for the file, inquiry to find out public servant responsible, disciplinary action and action against under Public Records Act, reconstruction of alternative file, relief to the person affected by the loss of file are the basic actions the public authority is legitimately expected to perform," he said. He said, prima facie, public authority cannot deny the right of the appellant by putting forward an excuse of the missing file. "If the file is really not traceable, it reflects the inefficient and pathetic management of files by the Public Authority. If the file could not be traced in spite of best efforts, it is the duty of the respondent authority to reconstruct the file or develop a mechanism to address the issue raised by the appellant," he said. The all PAs has to publish every year the work they carry out or the information they create under 4(1) (a) (b) (c) every day, but it did not published all the work carried out by the DC under section 4(1) (a) (b) (c) (d) of RTI Act 2005 and it has not provided citizens and opportunity to ask the reasons under section 4(1) (d). This information and reasons need to be provided to everybody as per Guide on RTI to Information Act 2005 published by the Government of India Ministry of Personnel, Public Grievances & Pensions Department of Personnel & Training (available here : <http://rti.gov.in/RTICorner/Guideonrti.pdf>) on page 12 and Para 9, following is stated: Providing Reasons for Decisions: The public authorities take various administrative and quasi-judicial decisions which affect the interests of certain persons. It is mandatory for the concerned public authority to provide reasons for such decisions to the affected persons. It may be done by using appropriate mode of communication. Attention is also invited towards the thread '[affected person ' under rti act](#)'. In fact, it can be said that "Affected" refers back to an action. The "Affected Persons" are the ones who are affected by that action. The reasons need to be given to affected person and copy of that can be given to me under 2 f of RTI Act. Government office is THE PUBLIC AUTHORITY under obligation to provide information "PUBLICLY" under section 4(1) (a) (b) (c) (d). The state government and all its departments need to publish everything they do in year as per RTI Act 2005 and this need to be published every year and applicant asking information becomes easier to provide also to the applicant and Government becomes transparent. Citizens can force every PA to create information every day strictly as per the system and procedure as per listed Acts and rules regulations listed under 4(1) (a) (b) (c) every day and that can be cross checked by applicant by asking reasons under 4(1) (d) by the affected person and copy of the same can be given to any applicant under 2(f) of RTI Act. Promote transparency and accountability in the working of every public authority.

The public authorities functions every day and they create information on the request letters and applications and grievances to public authorities as per organizational function and duties and as per the norms set by it for the discharge of its functions; and as per the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions and as per the powers and duties and procedures followed in decision making process including channels of supervision and accountability as per the rules, regulations, instructions, manuals and records; under 4 (1) (b). The PA must declare publicly and provide information publicly and free of cost in respect of (iii) the procedure followed in the decision making process, including channels of supervision and accountability; (iv) the norms set by it for the discharge of its functions; (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions; (vi) a statement of the categories of documents that are held by it or under its control; (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof; (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public; (ix) a directory of its officers and employees; (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations; (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made; (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes; (xiii) particulars of recipients of concessions, permits or authorizations granted by it; (xiv) details in respect of the information, available to or held by it, reduced in an electronic form; (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use; (xvi) the names, designations and other particulars of the Public Information Officers; The above information created by everyday by PA need to be updated and put on electronic network every year as updated information. Under 4 (1) (c) information is created by PA: The PA need to publish all decisions and policies and relevant facts which affects public.

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