

UPDATE COLLECTIVE

Issue No. 3 November – December 2002

Conservation for whom?

10,000 Fishermen Deprived of Livelihood in Jambudwip

When a severe cyclonic storm lashed coastal West Bengal in the afternoon of November 12, 2002, many fishing boats sailing in the vicinity of Jambudwip, (an isolated offshore island situated in the Bay of Bengal about 8 kms. to the southwest of Fraserganj in the Sunderbans) tried to take refuge inside the creeks to save themselves from the fury of the cyclone. Instead of protecting the fishermen and their boats, the forest officials of Jambudwip refused to allow the fishermen into the creeks and drove their boats out into the stormy seas. The hapless fishermen continued to cruise in a turbulent sea in search of shelter.

This inhuman and barbarous behaviour of the forest officials and guards of Jambudwip resulted in the death of at least 40 fishermen, seven boats capsized and 36 boats with their crews are reported to be missing. Forest officials were protecting the biodiversity of Jambudwip, declared by the forest department of the Government of West Bengal as a reserved forest area!

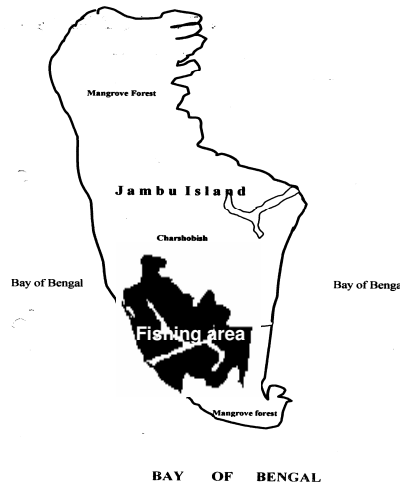
Genesis of this Deplorable Action

The Ministry of Environment and Forests (MoEF) issued a directive on May 3, 2002 to summarily evict all illegal encroachment on forestlands in various States/Union Territories before

September 30, 2002. This order ignores a framework for resolution of disputes related to forestland between tribal people and the State which was worked out in 1990 by the Union Government. A set of six circulars were issued on September 18, 1990.¹ The current directive of the MoEF only refers to one of these circulars dealing with encroachments on forestland but ignores the other circulars on crucial issues which have a considerable bearing on deciding what really constitutes an encroachment and what does not. In the absence of the implementation of these guidelines and subsequent directives in this respect, the order of May 3 meant lakhs of tribals and other forest dependent communities would be displaced and deprived of their traditional habitat and livelihood. Evictions are already underway in various parts of the country.

The role of the State governments has also been dubious. They did not intervene in a series of Supreme Court hearings that took place in February, May, July and September of 2002. Only the governments of Andhra Pradesh and Maharashtra stepped in to stop arbitrary eviction of tribals from forestland as encroachers. Without seeking clarification on the term encroachers (particularly in the case of transient fishing community of Jambudwip) the Chief Secretary of West Bengal in consultation

with the over zealous forest officials apprised the MoEF officials that Jambudwip was cleared of encroachers when in effect they re-settled a group of 109 Santhal families from Jambudwip (who are not part of the fishing community). There has also been no clear decision taken with respect to the tribal people inhabiting for centuries on large forest tracts in the districts of North Bengal, Midnapore, Purulia, Bankura and Birbhum.



¹ Circular No. 13-1/90-FP of Government of India, Ministry of Environment & Forests, Department of Environment, Forests & Wildlife dated 18.9.90 addressed to the Secretaries of Forest Departments of all States/Union Territories.

In the meantime, the Supreme Court, through its order dated May 9, 2002, constituted a Central Empowered Committee (CEC) to look into issues in the context of two ongoing writ petitions (WP [Civil]) 202 of 1995 and 171 of 1996).

The CEC was constituted by the MoEF on June 3, 2002 with Shri P V Jayakrishnan (former Secretary MoEF), Shri N K Joshi (Addl. Director General of Forests), Shri Valmik Thapar (Ranthambhore Foundation) and Shri Mahendra Vyas (Supreme Court Advocate) as its members. Shri M K Jiwarajka, the I G Forests, is the Member Secretary of the Committee.

Forest Department Flexes its Muscle

Ever since the word of eviction of forest people started doing its rounds and emboldened by the Supreme Court order dated 23.11.2001 in the WP No.202/95 restraining the Central Government from regularisation of encroachments on forest lands, the forest officials in Jambudwip were flexing their muscles. Last year the department did not issue or renew forest passes to the fishermen who for the last forty years, have been fishing in the Jambudwip area, every year, between October and February (the dry months of winter). The forest passes are issued to fishing units for collecting dry fuel.

According to the Jambudwip Dryfish Fishermen Association, the forest officials started a malicious campaign describing their fishing practice as illegal and unauthorised. The officials are maligning the fishing community for destruction of mangroves and other offences in Jambudwip. A pamphlet was distributed in the

public in Namkhana and Kakdwip asking the fisherfolk not to land on and work in Jambu island. Similar announcements were made over the public address system in the name of the Divisional Forest Officer. The move to not to allow fisher people to land and dry fish in Jambudwip was attributed to the highest administrative authority of the State.

But, the Coastal Regulation Zone *CRZ) notification issues under the Environment Protection Act, 1976 protects the traditional and customary rights of the fishing community. Natural fish drying and hatchery are exempted from prohibited activities.

Response of the Fisher People

The struggle for the retention of fishing rights in Jambu island was started by the Dakshinbanga Matsajibi Federation (DMF) on July 25, 2002 in Kakdwip, West Bengal. More than thousand fisher people including women sat on a dharna outside the SDO office on the Kakdwip-Kolkata Road. They

Transient Fishing in Jambudwip

Jambudwip is an isolated off shore island in the Bay of Bengal, about eight kms. south west of Fraserganj located on the mainland Sunderbans in south West Bengal. The island has an area of 2250 hectares. The tidal water sources are connected with one another by an intricate series of branches and the latter, in turn by innumerable channels. It is completely uninhabited except in the fishing season (between October & February) when the fisherfolk pitch their camps as temporary hutments. The island is covered with dense forests. Along the sea face, the forest is almost composed of mangroves which are separated from the sea by a line of low sand hills or dunes. Dr. Bikash Raychaudhuri, in his book, The Moon and Net, Study of a Transient Community of Fishermen at Jambudwip (Anthropological Survey of India, Calcutta, 1980), records the presence of fisherfolk of West Bengal in the south-eastern corner of Jambudwip in 1955. In 1964, the East Pakistan refugee fisherfolk established their fishing camps in the south-western side of the island. In his foreword, Dr. Surajit Chandra Sinha, the then Director of ASI, wrote, "Raychaudhuri stayed with the fisherfolk of Jambudwip during the fishing season of 1967-68 and came back to Calcutta with remarkable rich data on the technology, economy, social organisation, rituals, knowledge of the ecosystem and world view of the fisherfolk of Jambudwip, who all belonged to various traditional fishing castes." Dr Raychaudhuri provides a wealth of information on fishermen's knowledge of the variety of fish, their behaviour and habitat, knowledge of cosmology, the weather cycle, relation between the phases of moon and the tide. His report indicates that every step of the fishing operation is informed by native inductive reasoning. Whenever there is a conflict between the requirement of technology and ritual conventions, the fishermen were found flexible enough to adopt the technologically appropriate course.

About 10,000 fishworkers are directly involved in fishing and fish drying activities in Jambudwip. Another 10,000 are engaged in net making, boat building and repairing, transport and trading, fishmeal and poultry business. The temporary hutments are made of bamboo and reeds.

also demanded provision of drinking water in their villages, ration card and fisher's identity card. Without any provocation the police lathi charged the peaceful demonstrators. Fifty-five people, most of them women, were injured and four hundred fisher people were arrested. On July 26, 2002, hundreds of fisher people led a deputation to the Assistant Director of Fisheries (Marine) at Diamond Harbour and demanded immediate intervention of the Fisheries Minister.

As the news of the police atrocities spread, National Fishworkers' Forum (NFF) leaders Thomas Kocherry and Harekrishna Debnath joined the agitators on July 29 and rushed to the Namkhana forest range office to discuss the situation in Jambu island. On that very day, the forest department closed Jambudwip to the fishermen. No body was allowed into the area. Fishing camps (*khunties*) were destroyed and equipment worth 10 million rupees was damaged. On July 30, the NFF held a public meeting in Kakdwip and declared their firm resolve to retain their traditional and customary rights in Jambu island through a DO OR DIE struggle. Thomas Kocherry went on an indefinite hunger strike.

On the invitation of the fisheries Minister, Shri Kiranmay Nanda, a delegation of fishworkers led by Thomas Kocherry met the Minister in Kolkata on August 1. The Minister accepted their demands and took a firm stand in support of the traditional rights of the fishworkers to use Jambu island for transient fishing.

The Agreement on Jambudwip

Following the commitments made by Shri Kiranmay Nanda, the fishworkers called off their agitation and Thomas Kocherry broke his indefinite fast. Shri Buddhadev Bhattacharya, the Chief Minister of West Bengal instructed the Ministers of Forest and Fisheries to settle the Jambu island issue. Accordingly, the concerned Ministers arrived at the following agreement on August 9, 2002:

- 350 hectares of land, out of the total area of 2250 hectares in Jambu island, traditionally used by the fishworkers for

transient fishing activities (including landing, drying of fish and temporary living in camps), will be available to them from October to February as usual.

- No body will be allowed to use this land in any manner or for any purpose other than mentioned above at any time. Fishermen will have to remove all their implements after closing for the season in February.
- Barbed wire fencing will be created around these 350 hectares to segregate the rest of the island from this land.
- Fisheries department will issue identity cards to each fisherman and woman which will be treated as work permit for the transient fishers.

In two mammoth rallies in Kakdwip on September 10 and 16, the fisheries Minister made this agreement public and also told the fishworkers that he and the Forest Minister will jointly visit Jambudwip on October 4, 2002. But the forest officials chose to ignore this agreement and continued to block entry of fishworkers to establish their camps and bring in the equipment on the island.

Struggle for Restoration of Traditional Rights Continues

After much delay, the Ministers accompanied by the NFF leaders Thomas Kocherry and Harekrishna Debnath, made a joint visit to Jambudwip on October 24, 2002. Shri Kiranmay Nanda, the Minister of Fisheries and the NFF leaders were not allowed to land on Jambudwip.

Since then protest letters and faxes demanding restoration of the traditional and customary rights of fishworkers in Jambudwip are being sent to the Prime Minister, Minister of Environment and Forests, Chief Minister of West Bengal and I G Forests, MoEF, from all over India and abroad. Fishworkers in Jambudwip have become the focal point of an international solidarity campaign and tremendous pressure was mounted on both the State and Central Governments to take immediate action. The NFF representatives also met the Minister of Environment & Forests, Shri T R Balu.

The NFF decided to start an indefinite anchor-in on sea around Jambudwip from November 21, 2002, the World Fisheries Day. Since that day, more than 3,000 fishworkers on 125 boats are on an indefinite anchor-in around Jambudwip braving hunger and cold weather.

Central Empowered Committee visits Jambudwip

In a sudden turn of events, the CEC team comprising Shri P V Jayakrishnan and Mahendra Vyas visited Jambudwip on December 3, 2002 and met the fishworkers unions on December 4, 2002. The team assured the fishworkers that they will finalise their report by the next two/three days and would expect a time bound solution to the problem so that the fishworkers can carry on with their activities for the rest of the season.

But there is no sign of CEC coming out with a positive report and consequently no solution has been reached at leaving the poor fishworkers angry and restless. Their families are on the brink of starvation and no political party or leader has visited Jambudwip or met the fishworkers to provide succour to them. The whole episode is a witness to an utterly

insensitive polity and administrative authorities.

Mining Mafia beats the Court

while lakhs of forest dwellers bite the dust

Supreme Court has lifted the ban on mining in the Aravalli Hills area of Rajasthan. Within a month and a half of Justice Kirpal's judgement banning all kinds of mining in the Aravallis, the powerful mining mafia-politician nexus in Rajasthan forced the very Supreme Court to modify its order. Lakhs of forest dwellers, adivasis and dalits, surviving out of livelihood in and around the forest areas, on the other hand, are being evicted and harassed by the forest officials thanks to the same Court's order of September 2001. This particular case is since dragging on in the Supreme Court with no signs of any relief to the poor forest people and those like the transient fisherfolk of Jambudwip.

While Harish Salve, the amicus curiae, in the mining case, had said earlier, "The entire Aravalli range is a forest area whether protected or not, hence for now all mining activity has to stop...a blanket ban is necessary to shake them up", Attorney-General Soli J Sorabjee, standing for the government of Rajasthan, this time, managed to modify the order, arguing in favour of legal mining. Even the Central Empowered Committee (CEC), while sitting for days over their Jambudwip report, gave priority to the mining case and submitted a report to the Supreme Court recommending that safeguards may be introduced instead of a blanket ban on all mines.

While advocates like Sorabjee highlights the crores of rupees in revenue being earned by the States like Rajasthan and Haryana from mining operations, no one talks about the implications of a blanket ban on the livelihood of lakhs of miners who work and live life dangerously.

Perhaps the forest people have to look for funds to engage a Sorabjee to plead their case.

Please send letters and faxes demanding **immediate restoration of traditional and customary rights of fishermen in Jambudwip** to:

- Prime Minister of India
South Block,
New Delhi - 110 001,
Fax No. 91 11 2301-6857
- President of India
Rashtrapati Bhavan,
New Delhi - 110 001,
Fax No. 91 11 2301-7290
- Chairperson, Central Empowered Committee
Rm. No. 106, Paryavaran Bhavan, New Delhi
- 110 003,
Fax No. 91 11 2436-3976

For conveying solidarity message and further information contact:

Harekrishna Debnath, National Fishworkers Forum,
1073 A G A Colony, P O Manicktala, Dt. 24—
Parganas (N), West Bengal - 743 263
Tel: 03216 257769, Fax: 03216 258934
Email: nffcal@cal3.vsnl.net.in

Thomas Kocherry, National Fishworkers' Forum,
Velankanny Junction, Valiathura P.O.
Thiruvananthapuram - 695 008, Kerala
Telefax: 0471 501376. Email: nff@vsnl.com

Update Collective

F-10/12, Malviya Nagar,
New Delhi - 110 017
Tel: 011- 2668 0883, 011- 2668 0914
Telefax : 011- 2668 7724
Email: delforum@vsnl.com

For Private Circulation