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### LIVELIHOOD ISSUES

#### A landmark proposal

**Kerala is gearing up to repeat the success of its land reform movement in the fisheries sector, but the challenges ahead of the process are not to be underestimated.**

**R. KRISHNAKUMAR**

*in Kochi and Vizhinjam*

Pictures: C. RATHEESH KUMAR

KERALA, which paved the way for one of the most successful and radical land reform movements in South Asia as early as the 1950s, is now planning reforms in the fisheries sector. In an effort to ensure that "genuine fisherfolk" (those who undertake the actual fishing activity) get a fair price for their catch, it may confer on them the exclusive legal right to own fishing craft and gear and the statutory right for first sale of their produce.

Fisheries Minister T.K. Ramakrishnan told *Frontline* that the State Government had in principle accepted the need for such a law. "We hope to get a law passed in the State Assembly before the present Government's term ends. Just as we said that the tiller should own the land he tills, those who fish, in the sea as well as in the inland water bodies, should own the required craft and gear and should have the freedom to market their produce and get a reasonable price."

Firm recommendations for such radical reforms, which would make illegal the operation of a large number of mechanised and motorised craft and the business activities of a number of traders who are not from the fishing community, have already found a place in several policy documents of the State Government. Persons who undertake such activities will be given the option of phasing out their fishing units in three years or accepting a compensation (as a percentage of the estimated income from the business over three years), the quantum to be decided by the Government. The boats thus acquired will be allotted to *bona fide* fisherfolk or used to create a village-level sea safety and resource management fleet or may even be sunk to create artificial reefs or trawler barriers.

The latest set of recommendations, which were put forward by the State Planning Board's Task Force on Livelihood Security of Fishing Communities, are meant to be implemented during the current Plan period itself. However, it is easier said than done, considering the far-reaching implications of the law and the outcome of similar recommendations made earlier. Ramakrishnan said that the Government

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in Kozhikode and Vellore

Picture: C. KATHIRAJAN

KERALA, which paved the way for one of the most successful and radical land reform movements in South Asia as early as the 1950s, is now planning reforms in the fisheries sector. In an effort to ensure that "genuine fishermen" (those who undertake the actual fishing activity) get a fair price for their catch, it may consider

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on them the exclusive legal right to own and fish in the waters. The Government had in principle accepted the need for such a law. "We hope to get a law passed in the State Assembly before the present Government's term ends. Just as we said that the fisher should own the land he tills, those who fish in the sea as well as in the inland water bodies, should own the required craft and gear and should have the freedom to market their produce and get a reasonable price." The recommendations for such radical reforms, which would make illegal the operation of a large number of mechanised and motorised craft and the business activities of a number of traders who are not from the fishing community, have already found a place in several policy documents of the State Government. Persons who undertake such activities will be given the option of phasing out their fishing units in three years or accepting a compensation (as a percentage of the estimated income from the business over three years), the quantum to be decided by the Government. The boats thus acquired will be allotted to bona fide fishermen or used to create a village-level sea safety and resource management fleet or may even be sunk to create artificial reefs or trawler barriers. The latest set of recommendations, which were put forward by the State Planning Board's Task Force on Livelihood Security of Fishing Communities, are meant to be implemented during the current Plan period itself. However, it is easier said than done, considering the far-reaching implications of the law and the outcome of similar recommendations made earlier. Ramakrishnan said that the Government

had decided to seek the help of an expert to study the issues in detail and help a high-level committee formulate a bill.

Meanwhile, the State's fisherfolk, who have in the past two decades played a major role in tackling various issues relating to the fisheries sector at the national level, are planning a major agitation demanding grassroots-level reforms in the fisheries sector. If the agitation succeeds in forcing the State Government to pass a law, it will mark a major breakthrough for the country's traditional fishing sector.

**At a bustling fishing harbour. (The Kerala Government's move to confer on those who undertake the actual fishing activity exclusive legal right to own fishing craft and gear and the statutory right for first sale of their produce, is expected to be a measure with far-reaching impact.)**

KERALA is one of India's leading maritime States, with a coastline of 590 km and a network of inland water bodies. It has a "fishable area" which is as large as its land surface (13,000 sq km). The State's coastline accounts for 10 per cent of the country's coastline but Kerala is home to over a quarter of the country's half a million active marine fisherpeople. There are about 10 active fisherpeople for every single sq km of coastal waters in Kerala; this figure is over three times the all-India average. Although the density of fisherpeople population is high, the average fishing potential of the in-shore sea here is 30 tonnes per sq km (the all-India average is 13 tonnes per sq km). The State today accounts for about 24 per cent of the national marine fish production and 40 per cent of India's seafood exports (According to the State Fisheries Department, about Rs.12 million is earned in foreign exchange every day).

According to the 1991 Census, 7.75 lakh fisherpeople are involved in the marine sector in the State. In 1990 there were nearly 5,000 mechanised boats, owned largely by non-worker owners; they were operated by about 30,000 fisherpeople, which accounted for about one-third of the volume of output. The major share of the earnings of the mechanised sector came from the prawn harvest which was wholly exported. The remaining two-thirds of the marine fish harvest, which was consumed locally, was harvested by 50,000 motorised and non-motorised craft manned by over 120,000 fisherpeople, largely owner-workers from the traditional fishing communities. In 1990, the overall fish production in the State's marine sector was around 5.7 lakh tonnes.

The inland water area of the State comprising 2.42 lakh ha of brackish waterbodies, 3,300 ha of fresh water tanks and ponds, 30,000 ha of reservoirs and 85,000 ha of rivers and rivulets, however, accounted for 34,000 tonnes of production (in 1990), only 2.34 per cent of the total inland fisheries production in the country. In 1990, there were about 43,000 active inland fisherpeople, involved

in the operation of 4,815 Chinese dip nets and 12,900 stake nets, in addition to innumerable free nets. In contrast to Kerala's impressive record in the marine sector, the "Blue Revolution" which had embraced most of the southern States during the late 1980 had left the State largely untouched.

ALTHOUGH Kerala boasts of the highest quality of life in the country as measured by human development indicators, it is a fact that the State's fishing community has largely been left out of the general development experience. A major reason for this is the community's rapid marginalisation in the coastal waters and in the market, following government-initiated measures in the State in the early 1960s to promote modern fishing methods. The wealth of opportunities offered by these "development" programmes led to the unregulated entry of rich "outsiders" into what was a caste-bound sector. These new entrants took on the roles of boat owners, employers, moneylenders and middlemen-traders, and ordinary fisherfolk were unable to free themselves from their stranglehold.

Along with this development came the competitive use of fish harvesting techniques, encouraged in both the mechanised and traditional sectors by an initial spurt in output and profits. This caused an alarming depletion of resources in the fisheries sector and led to the degradation of the marine ecosystem. Traditional fisherpeople who had no other employment option suffered and as a community they continued to lag behind the rest of the State in all areas of development.

John Kurien, activist-researcher and Associate Fellow, Centre for Development Studies (CDS), Thiruvananthapuram, who was the Chairman of the Planning Board's Task Force, told *Frontline*: "For a long time, there was a general lack of awareness among the members of the fishing community about the deprivation because, unlike workers in land-based sectors such as agriculture they never experienced restrictions with regard to access to the resources or raw materials necessary to earn a livelihood. Unlike land in the case of agricultural workers, the sea was 'common property' for the fishing community and individual fisherfolk had open access to perpetual, though fluctuating, harvests. This prevented the creation among them of a consciousness of their class position."

According to Kurien, this is why the pattern of development in the fisheries sector became different from that of other sectors in the State such as coir spinning, toddy-tapping and beedi-making, where, because of active pressure from an organised workforce, the Government introduced a number of social security and welfare schemes and encouraged institutional initiatives among workers themselves in the form of cooperatives and trade-related organisations. This provided the workers with enhanced bargaining power *vis-a-vis* their employers, market interests and the state and prevented them from being marginalised. In sharp contrast the fisherpeople did not enjoy protection from labour-displacing technologies as they were not organised.

As a result of the often skewed efforts of the Governments in the past to modernise the fishing industry, productivity declined and the per capita income of the fisherpeople dropped sharply. In one of his studies, Kurien points out that at the same time the disparity between them and the non-worker owners of mechanised boats increased substantially. According to A.V. Vijayan, another activist-researcher, the disparity with the traditional fishing community itself,

between a new class of rich fisherpeople and the rest of the community, may also have increased. More significant was the fact that the gap between the per capita state domestic product and the fisheries sector product per fisherperson has increased sharply.

When asked about the impact of the proposed reforms on exports, Kurien said: "What we have seen in Kerala's fisheries sector is uncontrolled export orientation yielding quick money, and such quick wealth getting concentrated in the hands of a few people." "Fisherpeople have also benefited," he said, "because they get higher prices for the exportable species they harvest." "But in the context where anyone can enter into fisheries, the craze for exports was the main reason for excessive investment in this sector, which in turn put pressure on the marine ecosystem and caused depletion of resources. Fish exports should not be at the expense of fish supplies. We need to decide what species to export and how much we should export. The idea should be to earn the maximum foreign exchange with minimum ecological and economic costs."

WHAT did this mean for the fisherfolk in the 222 extremely-overcrowded fishing villages along Kerala's 590-km coastline?

At the Vizhinjam fishing harbour, the minute a boat touches the shore its entire catch is auctioned off - not by the crew or even the boat owner, but by others who wait at the harbour with calculators and even mobile phones. "There are several systems at work, all of which operate to our disadvantage," one of the crew members of a traditional craft told *Frontline*. "By advancing loans for equipment or craft or for the other needs of a fisherperson, the auctioneers appropriate the right to the first sale of the entire catch in the boat, in addition to 5 per cent of the total sales value. One auctioneer or middleman trader may thus invest in a number of boats and also have links with a number of distribution networks. The owner and the crew are eligible for only a part of the total price of the catch they bring in after a day's hard work."

Kurien said: "For everything else except fish, a fisherperson is compelled to depend on middlemen-traders. Since fish is a perishable commodity, a surplus catch only adds to his dependence on these traders. They are compelled to barter or exchange the product of their labour for even food and firewood. Often they require credit, which is available from the middlemen but only at exorbitant rates of interest. It makes them increasingly indebted to these moneylenders besides making them vulnerable to a variety of market-related factors."

Vijayan said that credit is often tied to the sale of fish. "Thus fisherpeople are made to feel that the credit they get is interest-free, but the exploitation that they are thus subjected to through the price mechanism is far greater. As a group, they all want to get out of the system. All of them would like to say: 'Even if I have borrowed from you, that does not give you the right over the fish I catch. I will repay your loan otherwise. But they have no alternative now.'"

V. Dinakaran, Chairman, Kerala State Cooperative Federation for Fisheries Development (Matsyafed) said that despite the initiatives undertaken by government and private agencies to encourage direct marketing through cooperatives (of which Matsyafed is one) and to provide storage facilities through them, even today the fisherfolk do not control the marketing of their produce.

Next to the rapid depletion of resources and the consequent fall in catches, this is the most important reason for their low income levels. The reason for this situation is that the cooperatives lack the resources they need to provide loans. For example, a fisherman in the motorised sector might require about Rs. 5 lakhs for a canoe and a ringseine unit. Matsyafed may be able to offer him only a part of the amount. He depends on middlemen-traders for the rest. The bondage through credit is thus perpetuated.

Thus, disadvantaged both at sea and on land, traditional fisherfolk continued to suffer; as a community they continued to be far behind the rest of the State's people, and this is reflected in their settlement pattern, housing facilities, health conditions, infant mortality rate and population growth rate, level of gender bias, literacy levels, standards of educational attainment and so on.

"But," said Joseph Xavier Kalapurackal, secretary, Kerala Mechanised Fishing Boat Operators' Association, "it is not the traditional sector alone that is affected by the fall in catches and the suffocating hold of moneylenders and middlemen-traders." According to him, operating a mechanised boat is no longer a profitable venture. "Production has come down to such an extent that on an average, a five-day fishing operation during the peak period brings us a catch worth Rs.50,000 but leaves us with a 'profit' of about Rs. 9,000. This year, during the peak season, the total catch did not exceed a net worth of Rs.30,000, but our expenses continue to be the same."

However, Sanjeeva Ghosh, Joint Director, State Fisheries Department, said: "The mechanised sector constitute a very powerful lobby, just like what the traditional sector has become of late. Thirty per cent of it is constituted by second-generation boat owners, whose parents were fisherfolk who actually went out to the sea to fish. So some of them have no objection to the recommendations about ownership or first-sale because they claim that they too are 'real' fisherfolk. But the lobby is so powerful, politically and as a community, that its members do not register their vessels, the vessels do not have licences or insurance cover despite the regulations introduced through the Kerala Marine Fisheries Regulation Act (KMFR Act). They are least bothered about such recommendations, or demands from the traditional sector, because they are sure that they can find ways to scuttle the passing of such a law."

Fr. Thomas Kocherry, general coordinator of the World Forum of Fish Harvesters and Fishworkers and a leader of independent fisheries organisations at the State and national levels, said that though there were differences of opinion on the reasons for the phenomenon, everybody agreed that there was severe depletion of resources and over-capitalisation and that there was a need to remove big capital if the fisheries sector was to survive. "But how do you reduce the fishing capacity? Where do you start? I do not think anyone would say that businessmen, who have no permanent interest in conserving resources and who have a variety of options to make a living, should be allowed to stay here and that the number of craft of the traditional fisherfolk, who have no other livelihood should be reduced," he said.

M. Devaraj, Director, Central Marine Fisheries Research Institute (CMFRI), Kochi, agrees that the interests of the traditional sector should be protected. However, he cautions that the State must tread carefully. "It is only because

Kerala has succeeded in implementing land reforms is it confident about undertaking similar reforms in the fisheries sector. "It should be careful about putting everything - from fishing to marketing - in the hands of the traditional fisherfolk without thinking whether it is realistic. Does it bode well for the State's economy? Is it possible in the context of globalisation? What will be the social and political repercussions? Will it not lead to tensions in society," he said. Devaraj points out that the system of middlemen and moneylender-traders has evolved over a long period of time. "What will be the alternative arrangement if they are to be removed? Most important, is it possible legally?" he asked.

**At the Vizhinjam fishing harbour, as soon as a boat touches the shore, the entire catch is often turned over to middlemen who wait with calculators, even mobile phones.**

T. Peter, president of the Kerala Swatantra Matsya Thozhilali Federation, said: "There is always this argument that the Constitution allows every citizen the fundamental right to pursue a profession or work and that a law which excludes some sections of society from continuing with their business will not stand the test in a court of law. But do the people who force themselves into a particular sector have the right to displace and annihilate others who depend on it exclusively for a livelihood?"

Vijayan is of the opinion that the question of fundamental rights has been settled effectively in favour of the traditional fisherpeople by a recent judgment of the Supreme Court in a case in which mechanised fishing boat owners challenged the State Government ban on the use of purseine, ringseine, pelagic and mid-water trawl nets in the State's territorial waters. In the significant judgment passed in June 1994 (*Joseph Antony vs State of Kerala*), the Supreme Court brought into a play a new legal resource - the duty of the state to protect the weaker sections of the community under Directive Principle 46 of the Constitution. The court declared that people engaged in modernised exploitation of natural resources as a business "cannot insist on carrying on their occupation in a manner which is demonstrably harmful to others and in this case threatens others with deprivation of their source of livelihood."

Ghosh said: "By using the Supreme Court verdict, the State Government can introduce the law as a management measure. But there are other statutory

implications that have to be considered. Fisheries is a State subject. But the State's jurisdiction is confined to 12 nautical miles (22.2 km) from the coast. This can become a major jurisdictional hurdle in the implementation of any law in the absence of enabling legislation by the Centre."

There is general agreement that the fisherpeople's lack of control of the market is also an important reason for their low incomes, which is the basic problem in a vicious circle of livelihood-related insecurity. Studies have shown that in the case of all major popular varieties of fish, the percentage of the consumer's rupee that eventually reaches the fisherperson who actually works for the catch is very low - as low as 18 per cent in some cases.

"Yet, you should not force a change all of a sudden," said Devaraj. "The system of middlemen-traders or commission agents has evolved over a long period.

Traditional fisherfolk are exploited to the hilt. But middlemen-traders on the beaches or commission agents in wholesale markets play an important role as a social and economic buffer. What will happen at the local level if you remove them? Will the Government undertake the marketing? The system will collapse in no time. Trading is essentially a private activity and responsibility."

Ghosh pointed out that for several years now Kerala had experimented with various alternatives and found that none of them was feasible. "The minute we start thinking of starting cooperatives, we also have to think of the unavoidable political need to control them and peddle favours through them. And because of this, there arises the need to create unviable and ineffective cooperatives."

Dinakaran said history showed that although Matsyafed did make some impact on the fisherfolk's lives, mainly by providing implements and undertaking the marketing function, fishermen still had to depend on middlemen-traders for credit and thus continued to be indebted to them.

What Ghosh and Devaraj suggested was the formation of self-help groups by fisherfolk, of which there are several successful examples in the State. One such, said Devaraj, was the Fishermen's Society, which was started at the initiative of a Christian priest in 1961 at Marianad, then an uninhabited coastal stretch near Thiruvananthapuram. "There are any number of such local initiatives that have proved that they can succeed in liberating the fisherfolk from the hold of middlemen," he said. "But the Government should be clear that the alternative will be in place when it introduces the new law."

UNDERLYING the entire debate is the question of how to define a "genuine" fisherperson. "Are we talking only about persons who have traditionally undertaken fishing?" asked Devaraj. "Then, would it not be like trying to perpetuate the earlier system of a caste-based occupation? Or, does the definition include those who have acquired fishing skills, even though they were not born into a community of traditional fisherfolk? Then, how long should such a person engage in fishing in order to qualify as a fisherperson and be eligible to own craft and gear and to have first sale rights?"

Vijayan said: "We should not lose track of the intention behind the proposal to formulate such a law. This should not be seen as a law favouring one sector over the other. It is basically meant to reduce the pressure on the depleted fishing grounds of Kerala, to reduce the implements and the number of persons engaged



in fishing. But how do you start doing this, unless there was a law," he asked. According to him, unless there is a law, it will be impossible to establish alternative systems of marketing. "The existing system is so well-entrenched and the moneylender-middleman-trader lobby so powerful in many parts of the State that when fisherpeople tried to start self-help groups, they were physically prevented from doing so. Even the police refused to involve themselves in some instances in the Malabar region when the moneylenders and middlemen traders claimed that trading on the beach was their 'traditional occupation' and therefore their traditional right, just as fishing was a traditional right of the fisherfolk," he said.

Surprisingly, representatives of boat owners' organisations have expressed their willingness to go along with the Government's proposals. This is possibly an indication of the level of depletion of the resources; or, this could even be an indication of their confidence that such a law will not see the light of day.

K.C. Antony, secretary of the South Indian Boat Operators Association, said: "We too are in dire straits. We are deeply in debt. We have no money for annual repairs, or even to repaint our boats, as is evident at the Kochi fishing harbour. So people should not be surprised when we say that we are willing to sink our boats or cease our operations if we get an agreeable compensation. Economically, that is a sane option for us now. Yet we are convinced that even if the Government imposes such a law, it will not affect exporters and international deep-sea trawlers, the real culprits, who will then have a free ride. No State law is ever going to curb their chaotic activities."

Interestingly, despite their avowed commitment to the cause of traditional fisherfolk, several organisations, including trade unions that have been in the vanguard of agitations on issues such as monsoon trawling and joint-venture deep-sea trawlers, have merely paid lip-service to the idea of a new law, which is crucial to the very survival of the fishing sector.

Devaraj cited the case of the National Fishworkers Forum (NFF), an independent federation of fishworkers that has been widely appreciated for espousing the cause of traditional fisherfolk, on issues such as monsoon trawling. Of late, the NFF has even joined hands with mechanised boat owners to lead an international fight against foreign trawlers. He said: "They would have brought lot more real benefits to the traditional fisherfolk at the grassroots level if they had succeeded in popularising a marketing system that would be free from middlemen, instead of trying to do things on a mega scale."

**Fish being sold in the market. Studies have shown that in the case of all major popular varieties of fish, the percentage of the consumer's rupee that eventually reaches the fisherman who actually works for the catch is very low - as low as 18 per cent in some cases.**

Even among the members of the NFF's Kerala unit, the KSMTF, this has become a point of contention. Vijayan, one of the founder-members of the KSMTF (as a nascent organisation it once surprised even the major political parties by successfully championing the cause of banning trawlers by bringing together the State's entire fishing community), said: "We are only too aware that of late, the organisation in Kerala has been concentrating only on issues relevant at the

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national and international levels. It has started facing a crisis because of its inability to identify issues that affect the fisherfolk at the local level. For example, it has failed to involve itself effectively in the most important issue plaguing the local fisherfolk, namely over-capitalisation of the fisheries sector."

According to Kocherry, the threat from deep-sea, joint-venture trawlers plays an important role *vis-a-vis* the survival of the traditional sector and this fact cannot be ignored. And Peter said: "There is no doubt that Kerala's fisherfolk will once again become role models for the entire country by launching a major agitation for the right of ownership and marketing. The demand for aquarian reforms is next on our agenda. It has become a matter of survival."

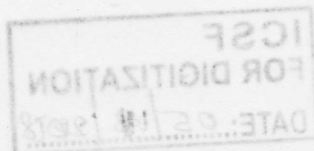
According to Devaraj, in a market economy implements are owned by capitalists and the fisherfolk are therefore wage earners. "We are now talking about an actual shift in ownership. The important question is, is it possible through peaceful means? The Government should play only the role of a catalyst; it should not ruffle the different segments in the fisheries sector. The reforms should not be achieved at the cost of social tension," he said.

But the history of the State's land reforms holds lessons in this context. The land reform movement did not attain fruition merely because of enlightened government action. Powerful and entrenched forces had obstructed its passage through legal and even physical means at every stage. It was the organised strength of a large number of people led by dedicated leaders which enabled the political process to bring about the required changes. The land reform movement did provide compensation to the landlord class and today most of them have come to terms with the loss of their huge estates. Significantly, it was the one major event that improved the lives of the large majority of people in Kerala's countryside. The State's coastal villages are now waiting for a similar redemption.

Table of Contents

Frontline | The Hindu Full Text | The Hindu News Briefs | Business Line

**This page is best viewed with**



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Table of Contents  
Fronting The Hindu Full Text | The Hindu News Alerts | Business Line  
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MFN  
2437