



NATIONAL FISH WORKERS FORUM (NFF)

(A Federation of State Level Trade Unions in India)

in consultative status with the United Nations ECOSOC



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JAMBUDWIP DAY ON NOVEMBER 21, 2002

1. Inhuman behaviour of the forest personnel caused irreparable harm to the fisherfolk. At least 3 mechanised fishing boats (FB - Jyotirmay, FB - Chandika and and FB - Sagar) and two motorised fishing crafts drowned near Jambudwip while many others suffered severe damage. Ten crewmembers of FB-Chandika are still missing while the bodies of two fishermen Ratan Das and Anil Das have been recovered. During the cyclone on 12th November, some fishing boats approached to the Jambudwip Island for shelter - which they have been doing for many decades in such weather conditions. Forest personnel on duty at Jambudwip refused to allow the endangered boats to enter into the creek or land up in the island. They have driven out the fishing boats, literally at gunpoint in the midst of grave danger. Finding no other alternative the fishing boats were compelled to cruise in the turbulent sea attempting to reach other places for shelter. Within a short time FB - Jyotirmoy drowned. FB - Chandika, FB - Sagar and the two motorised crafts met with the same fate soon after. **The Jambudwip creek saved hundreds of boats and lives in the past in similar situations. We would not have lost fellow fishermen and the boats unless cruelty ruled the roost of the forest personnel at Jambudwip.** Instead of protecting the lives of the citizens these Government officials are pushing people to death this way. This is not the only instance of barbarous behaviour of the forest officials. **Only a few days back, the forest officials in Jambudwip burnt and destroyed all the fishing equipment worth one crore** - which the transient fishing community of Jambudwip traditionally leaves in the island after each fishing season.
2. Jambudwip is an uninhabited offshore island situated in the Bay of Bengal nearly 11 kms to the south west of Frazerganj in south 24 Parganas district of West Bengal. The fisherfolk traditionally use only 350 hectares out of a total of 2250 hectares of the island, from October to February (fishing season) every year, for natural fish drying. They have been making a living by exercising their age-old customary practice of transient fishing in the Jambudwip for more than 4 decades.

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A study conducted by the Anthropological Survey of India, Government of India has recognised of this traditional livelihood as **“transient fishing”**. Bikash Raychaudhury conducted this study in the year 1967-68. (**THE MOON AND NET – Study of a Transient Community of Fishermen at Jambudwip. Anthropological Survey of India, Government of India 1980.**)

3. Dr. Surajit Chandra Sinha, former Director of Anthropological Survey of India wrote, *“Raychaudhury stayed with the fisherfolk of Jambudwip during the fishing season of 1967-68 and came back to Calcutta with remarkably rich data on technology, economy, social organization, rituals, knowledge of the ecosystem and world view of the fisherfolk of Jambudwip, who belonged to various traditional fishing castes.....*

..... The plight of the fisherfolk appear to be even more miserable than that of the marginal and small farmers.” (Foreword, THE MOON AND NET).

4. About 10000 fishermen are directly involved in actual fishing and fish drying activities in Jambudwip. These fishermen are the descendants and successors of the fishermen visited, studied and recorded by Dr. Raychaudhury. They have been pursuing the same livelihood, at this same place, by generations. There are another 10000 people engaged in ancillary works like net making, boat building and repairing, transport and trade of the fish, fishmeal and poultry industries etc. Thus Jambudwip provides livelihood to about 20000 families. The stay of the fisher people at Jambudwip during October – February is transient or temporary and only temporary hutments are put up by them in the island with bamboo, thatch and reeds on both sides of the creek. After the fishing season is over, they go back to their natal villages leaving behind fishing implements and tools in hutments for use in the next season. **These transient social units of fishermen “ constructed a society and culture – a moral community - during their stay in the island..”** (Foreword, The Moon and Net”).

The Forest Department of the State Government has been issuing Seasonal Permits for 5 months / one season at the prescribed rates in each year for their stay at Jambudwip. Dr. Raychaudhury has also mentioned about the fisherfolk securing forest passes from proper authorities. This shows that **permission have been granted for several decades by the Forest Department recognizing the traditional right of this fisherpeople.**

5. Under the Wildlife Protection Act, 1972, occupational interests of local fishermen are specifically protected even in an area which has been declared as a sanctuary or national park or closed area. The Hon'ble Supreme Court considered the rights of the fishermen in Pench National Park Tiger reserve and directed for issuance of fishing permits as that being the means of their livelihood. (1997/3SCC549). This proves that the traditional rights to livelihood of the people including fisher folks can not be taken away.

6. In the Coastal Regulation Zone (CRZ) Notification, issued under the Environment Protection Act, 1976, the **“traditional and customary rights”** of

the fishing community have been protected. Particularly **natural fish drying and hatchery has been exempted from the prohibited activities even in CRZ -1**. The Hon'ble Supreme Court of India in the land mark judgement delivered on 11.12.1996 [Writ Petition (Civil) No. 561/1994] clearly maintained that, **“the right of the fishermen and farmers living in the coastal areas to have their living by way of fishing and farming cannot be denied to them.”**

7. In the year 1999-2000, the Department of Forest started creating hindrances occasionally but since January 2002, they started a systematic propaganda against the transient fishing community of Jambudwip by spreading cooked up stories that the fisherfolk encroached the Jambudwip in the mid '80s; that they are aliens and smugglers having 'godowns' and permanent settlements at Jambudwip; they are responsible for destruction of forest and ecology. Forest personnel began to change the nature of the traditional fish drying yards (*khunties*) of Jambudwip. Fisher people started struggle for retention of fishing rights in Kakdwip, Contai and many other places from July 25, 2002. The Fisheries Ministry upheld the traditional right of the fisher folk while the Forest Ministry opposed. By the intervention of the Chief Minister the two Ministers of Fisheries and Forest arrived at an agreement on August 9, 2002, to retain the rights of the fishermen at Jambudwip and made public announcements in that effect. The fisheries Minister conveyed the decision in two mammoth gathering of the fisher folk in Kakdwip on 10th and 16th September 2002 and also told that there will be a joint visit by himself and the Forest Minister on 4th October to begin the fishing season. But the forest officials had their own agenda. After the joint meeting of the two Ministers the forest personnel burnt the temporary hutments and fishing implements of the fisher folk worth more than one crore of rupees. All these were done 'to protect the forest and ecology'! They also destroyed the landscape of the traditional fish drying places. The date of the joint visit of the Two Ministers also was deferred. The Fisheries Minister and the Minister of State for Forests ultimately visited the island on 23rd October. The Forest department declined to honour the agreement and allow the fishermen to go to Jambudwip. The Chief Minister intervened again and instructed the two Ministers (Forest and Fisheries) to visit Jambudwip together with the health Minister once again.
8. **The Forest Department seems to be hell bent to ensure by hook or crook that the fisher folk do not come back to Jambudwip. They have blockaded the creek of Jambudwip – the traditional entry point and lifeline of transient fishing – by constructing 12 heavy RCC pillars across the creek just before the joint visit of the three Ministers on 7th November 2002. This construction is a gross violation of the CRZ notification and an act of utter destruction of the ecosystem of the island.**
9. The Forest Department is destroying the fishing community by denying their right to traditional livelihood in the name of conservation of ecology and protection of Jambudwip. At the same time they themselves are making

arrangements for Eco-tourism at Jambudwip! **The Statesman reported on 25th October, 2002 that the Forest Department has already released ten lakh rupees for the construction of a jetty at Jambudwip to be available for the tourists from January 2003.**

10. Very recently Forest Officials are mentioning a Circular issued by the IG forest on 3.5.2002 asking for eviction of "**encroachments**" from the forestland. This is in compliance of a Supreme Court order in this respect. It is very well established by various other orders, circulars and Court verdicts that the traditional use of any forestland from prior to October 1980 (Enactment of The Forest Protection Act) does not come under this order – as is the case of the transient fishermen of Jambudwip - since such cases have been categorised as eligible for regularisation. But the forest officials chose to use this circular as a handle to fulfil some other hidden agenda. Ironically the IG Forest himself has clarified this matter by another circular issued on 30.10.2002. The arrogant mandarins of the Forest Department of West Bengal are daringly ignoring this circular and going ahead with their blueprint to drive away and ruin the transient fishing community of Jambudwip. This is the syndrome that has prompted the forest personnel to burn the fishing implements, block the creek and push the fishermen to death in the midst of a cyclone! In spite of the Government taking decision fisher people are prevented from entering Jambudwip for earning their livelihood. The Forest personnel have taken law into their hands. This action of the Forest personnel is totally arbitrary, whimsical, unjust and violative of Art. 19 and 21 of the Constitution and calls for immediate action. We demand,

- (a) Immediate action against the forest personnel responsible for the death of the fishermen and drowning of fishing boats.
- (b) Adequate compensation for the fishing families who lost their bread earners and fishing crafts.
- (c) Compensation for the burning of fishing implements at Jambudwip.
- (d) Immediate removal of the blocking of the Jambudwip creek and restore the natural shelter of the fishing boats.

11. The Government of Maharashtra declined to implement the said circular of the IG Forest and issued gazette notification in September in this respect. The Andhra Pradesh High Court stayed the same proposal of eviction. (The Hindu 25/10/2002). There is enough evidence for the Government of West Bengal to go ahead with the procedures to regularise the right of the transient fishing community of Jambudwip.

12. Time is running very fast for the fisher folk of Jambudwip. In spite of repeated assurances of the Government the fisher people have not yet been allowed to start their work at Jambudwip. Almost half of the season has gone in vain. It is a **DO OR DIE** situation for us. Thousands are facing starvation. The cyclone has further aggravated our plight. We have no other choice. Fishing is the only occupation we inherited from our ancestors. It is the way of our life, it is our culture and it is what we are. In the name of our forefathers and in the

name of our children we call upon the Government once again to implement the decision to restore our fishing rights without further delay.

We declare that,

- (1) The transient Fishermen will begin fishing activities in Jambudwip on the World Fisheries Day (21st November).**
- (2) National Fishworkers' Forum will observe the coming World Fisheries Day on 21st November, 2002 as JAMBUDWIP DAY. There will be solidarity action programmes by the fishing community all over India on 21st November.**

1. Thomas Kocherry, World Forum of Fisher Peoples.
2. Harekrishna Debnath, Chairperson, NFF.
3. N. D. Koli, General Secretary, NFF.
4. Sishu Ranjan Das, Chairman, Jambudwip Transient Fishermen Association.
5. Tajendra Lal Das, Secretary, Kakdwip Fishermen Association.
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FOOTNOTES
NO. 10
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