

The Saga of Jambudwip

A story of an island and of the lives of a community depended on it, engaged in fishing for the last many years.

*I do not recollect since when I inherited this name...
I do not know even who named me and after whom...
(Probably from the days of the Ramayana - named after
'Jambvan'...)*

*But I know people call me 'Jambudwip'...
And...*

I am an offshore island situated in the Bay of Bengal. I range around 1950 hectares and am nearly 11 kms to the south-west of Frazerganj located on the mainland Sunderbans in 24 south Parganas district of West Bengal. Covered with dense forests, all along the sea face I also have a dense border of mangroves and am home to wild animals and birds. Thus for the past many years, I am parent to a large family consisting of the animals and birds, the trees and plants, and so on...

It has been more than five decades since some fishermen discovered my suitability as a fishing ground. Soon the West Bengal fishermen started visiting the south-eastern part. The East Pakistani refugee established their fishing camps in the south-western part. I now know that over the years the East Pakistan refugee fishermen became Indian citizens and settled down in Kakdwip, West Bengal.

So for the past many years, I have a bigger family consisting also of as many as 10,000 fishermen visiting me for five months of the year from October to February during the seasonal fishing period. Out of my total area of 1950 hectares, they use only a small part of

me, i.e. 350 acres. They come to me for the purpose of fish drying - their livelihood activity. I have an extension of 10,000 more people engaged in ancillary activities like net making, boat building, repairing, transporting, trading etc. After the fishing season ends, the fishermen head back to their native villages leaving behind their fishing tools and implements in temporary hutments.

Some who have recorded my history, having known me for years, say that this fishing community has been fishing since the year 1955*. They also have recorded that since the time governmental control has come in, the Forest Department has been issuing to the fishermen seasonal permits and passes "to collect fuel wood and for fishing in Jambudwip" from 1948 to 1998, even after the ***Forest Conservation Act, 1980*** came into force.

But now it has been said that these fisher-people have been ordered by the government (?) not to use my premises for their livelihood and that they should vacate by March 31st 2003. Painfully enough, they argue that it is for my protection that they are evicting my own children!

Beyond the story...

As any Jambudwip storyteller can tell us, there were three central characters in this story – the island, the fisher-people and the Forest Department (who has of late become the care-takers of the island) till recently. But now, with the Central Empowered Committee (CEC) coming in with their stake on the dispute, all other channels of negotiation to build any consensus seems lost. Now the battle between the three stakeholder groups seems largely one sided-with the fishing community being pitted against the combined forces of the Forest Department and the CEC.

March 31st, 2003 is the current deadline for the eviction of the fishing community. The Ministry of Forests and Environment (MoEF) ON May 3, 2002 issued a directive to summarily evict all illegal encroachment on

forestlands in various states & Union Territories. And this implied that lakhs of tribals and other forest dependant communities and traditional practitioners would be displaced and deprived of their traditional habitat and livelihood. The fishing community of the island of Jambudwip also falls under this category. The Secretary of the Fisheries Department has stated that the State Government had decided to permit fishing activity in Jambudwip island on the ground that it has been continuing for last 40-50 years thus implying that for decades it has recognized and affirmed the customary rights of these fish workers.

The Department of Forest, now, claims that the transient fish-workers in Jambudwip are aliens and that they encroached the island in mid 80s. They have also alleged that the fish workers are smugglers having godowns and permanent settlements and that they are responsible for the destruction of mangroves and ecology in Jambudwip. They insist that their fishing is illegal and unauthorized. The department also refused to issue or renew forest passes to the fishermen last year, who for the last forty years, have been fishing in the Jambudwip area every year between October and February.

The Central Empowered Committee (CEC) constituted and empowered by the Supreme Court, visited Jambudwip in December 2002 and in its report directed "the West Bengal Government to take all necessary steps to remove all traces of encroachment by March 31st, 2003". The genesis of the problem can be traced to the directive issued by the Ministry of Environment and Forests (MoEF) on 3rd May, 2002 to summarily evict all illegal encroachment on forestlands in various States / Union Territories before September 30, 2002.

After visiting the island of Jambudwip on December 3rd to get a first hand account of the situation, the CEC arrived at the conclusion that occupation of the Island by the fishermen even for a few months and the fish drying activity is a non-forest activity not permissible under the Forest Conservation Act 1980.

However, 'The Statesman' reported on 25th October 2002, that the Department of Forest has already released 10 lakhs for the construction of a jetty at Jambudwip to be available to tourists from January 2003. From this news item, it becomes clear that the conservation argument behind the eviction of fish workers is hollow and that there are vested business interests behind the move. Thus the state is gearing up for commercialization of the island at the cost of destroying the livelihood of the fishing community.

The Struggle build-up...

The genesis of the struggle between the fishing community and the Forest Department can be traced to the year 2000. Protests letters written to the Collector and forests officials by *The Dakshinbanga Matsajibi Forum* (DMF), *Dry Fish Fisherermen's Association* and *the National Fishworkers Forum* (NFF) pursuant to the Forest Department's threat of evicting the fishermen from the island. However it was the May 3rd, 2002 Ministry of Environment and Forests (MoEF) directive that triggered a chain of events.

The fisher people including women staged a '*do or die agitation*' on July 25, 2002 against this. They also demanded provisions of drinking water in their villages, ration card and fisher's identity card. An unprovoked lathi-charge on the non-violent demonstrators led to fifty five people - most of them women – were injured. Four hundred fisher people were arrested. The very next day hundreds of fisher people led a deputation to the Assistant Director of Fisheries and demanded immediate intervention of the Fisheries Minister.

Hearing the continuance of the agitation by the local fisher people, the National Fishworkers' Forum joined in the agitation on July 29th 2002. The forest officials responded by sealing the island and burning down 1 crore worth of fishing nets, poles and implements. NFF leader Thomas Kocherry went on an indefinite fast.

Subsequently a delegation led by Harekrishna Debnath and Thomas

Kocherry met the Fisheries Minister on August 2nd. The agitation was called off by the fisher people following an agreement that was reached, where the following were conceded-

- 350 acres of land out of 1950 hectares to be made available from October to February for drying fish.
- Fence to be erected around 350 acres and island to be used only for drying fish
- Issuance of identity cards to 10,000 fishermen.

This agreement was made public but the forest officials chose to ignore this agreement and prevented the leaders and the fishermen from entering the island on 24th October. The fishermen for survival commenced fishing of high priced fish. To make matters worst the forest officials and police prevented the fishermen at gun point in seeking safety in the channels of Jambudwip when a cyclonic storm erupted on 12th November forcing the fishermen to cruise in the turbulent sea in search of shelter.

This inhuman attitude of the forest officials and the police resulted in the tragic death of 12 fishermen. Protesting this, the NFF started an indefinite anchor-in on sea around Jambudwip since November 21, 2002, the World Fisheries day. Different forms of the agitation continue even today and as the eviction deadline gets closer, things are bound to get worse.

The Law says...

Jambudwip was declared as a '*reserved forest*' on May 29th 1943. There are strong reservations with regard to this. As per Section 6 sub-clause (6) of the *Indian Forest Act, 1927* the fishermen of Jambudwip owing to their transient nature of fishing would have been denied the opportunity of proclaiming and asserting their rights on Jumbudwip pursuant to such declaration. Also the declaration was made in the month of May while the fishing season in Jambudwip falls between the months of October and February. Thus the declaration as well as the process and manner stands questionable.

The Forest Department has been issuing seasonal permits and passes to collect fuelwood and for fishing in Jambudwip from 1948 onwards and continue to do so till 1998 and thus even post-1980 after the Forest Conservation Act came into force. The fishing activity has a recorded history since the year 1955. This refutes the allegations of the Forest Department that Jambudwip was uninhabited ever since its notification as a reserved forest and that there are no recorded rights of any person/fishermen in the area.

The fishermen have also filed copies of the seasonal fishing permits issued by the FD to substantiate their claim. Furthermore the glaring absence of a First Offence Report (FOR) with regard to the transient fishing in Jambudwip implies that the Forest Department had never considered the activity as an encroachment. This implies that the State was aware of the activity since the beginning. The issuing of permits itself was tantamount to the permission and the recognition granted by the state for this traditional and transient occupation of the fisher people.

The *Wildlife Protection Act, 1972* provides for the occupational interests of local fishermen to be specifically protected even in an area that has been declared as a sanctuary, national park or closed area. **The Supreme Court of India in Pench National Park Tiger Reserve considered the rights of the fishermen and directed the 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 the fisher folks cannot be taken away.

In the *Coastal Regulation Zone (CRZ) Notification* issued under the *Environment Protection Act, 1976* the 'traditional and customary rights' of the fishing community has been protected. **And in particularly natural fish drying and hatchery have been exempted from the prohibited activities in CRZ-I.** The Supreme Court in the landmark judgement delivered on 11-12-1996 [*Writ Petition (Civil) No. 561/1994*] categorically maintained that the 'right of the fishermen and farmers living in coastal areas to have their living by way of fishing and farming

cannot be denied to them.'

The *National Forest Policy* has also laid emphasis on protecting the rights of tribals and SCs whose livelihood is dependent on forests. The bulk of the fishing community in Jambudwip island belongs to the socially and economically marginalised sections of the society. And the legal stand is more inclined towards the rights and protection of the fishing community of Jambudwip.

The Saga continues...

There can be two possibilities ...!

Either...

First, the fishing community is evicted from the island. The fishermen are prevented from carrying on further fishing activities in Jambudwip from March 31st, 2003. The Forest Department as reported in Statesman on 25th October 2002, released ten lakh rupees for the construction of a jetty at Jambudwip - to be available to tourists from January 2003. I am made into a hot spot for eco-tourism. My forests are cleared, my mangroves cut down and my wildlife killed or captured to pave the path of tourism. The precious flora and fauna are destroyed as five-star hotels, restaurants, fun & frolic parks are constructed to generate commercial avenues.

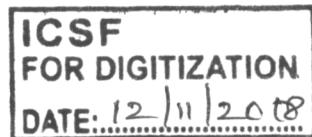
The transient fishing community loses their source of livelihood and their traditional rights of fishing. It leads to further deprivation, alienation and displacement. They are further pushed into penury leading to their social and cultural disintegration and complete loss of identity. Twenty years from now commercial exploitation has taken precedence in my island. I am destroyed..my precious natural flora and fauna are extinct..and I am completely rendered barren..and useless.

And subsequently nothing is left of me, for us and our future generations.

Or...

The fishing community is not evicted from my premises. They are permitted to continue their customary practice of transient fishing in my island. And along with them the other community is also allowed to carry on with their ancillary activities. The right to livelihood and the traditional right to fishing and the customary profession is protected, guaranteed and assured. The wildlife and the fauna continue to thrive. The rights of the marginalised community are protected.

Twenty years from now, the fishing community and their future generations continue their ancestral activity of transient fishing in Jambudwip in total harmony with the flora and fauna.



*1. (According to Dr. Raychaudhury, author of THE MOON AND NET - Study of a Transient Community of Fishermen at Jambudwip, Anthropological Survey of India, Government of India 1980 publication).