

Endangered Livelihood

A Fact Finding Report on the
Transient Fishing Community of Jambudwip

Sunita Dubey (Environmental Justice Initiative)
Souparna Lahiri (Delhi Forum)

March 17, 2003
New Delhi

Delhi Forum
F 10/12 Malviya Nagar
New Delhi – 110 017
Tel No. 91 11 26689883
Fax: 91 11 26687724
Email: delforum@vsnl.com

Environmental Justice Initiative
65 Masjid Road
New Delhi – 110 014
Tel No. 91 11 24319856
Fax: 91 11 24324502
Email: ejl@vsnl.net

Executive Summary

Following the Supreme Court Order of 1996 in T N Godhavarman Vs Union of India and the subsequent May 3, 2002 circular of the Ministry of Environment & Forests directing the State Governments to evict the encroachers who have encroached upon forest lands after 1980, the forest department of the Government of West Bengal has banned the fishing and fish drying activity in and around the island of Jambudwip. Since October 2002, the fishermen engaged in this activity has not been able to approach this island.

The fisherfolk, under the leadership of the National Fishworkers' Forum (NFF), have staged demonstrations and protest meetings demanding restoration of their customary and traditional right to fishing. Following widespread protests, the West Bengal Government had agreed to allow the fishermen to carry on their activities within a limited area on the island and with certain restrictions and conditions. Though the fishermen accepted these conditions, the forest department refused to withdraw the ban imposed.

Thus, since November 21, 2002, the World Fisheries Day, around 4,000 fishermen on 125 fishing boats were on an indefinite anchor-in around Jambudwip demanding restoration of fishing and fish drying activity. On complaints lodged by certain environmental groups like the WWF and the Wildlife Protection Society of India (WPSI), the Central Empowered Committee (CEC), instituted by the Supreme Court to look into various complaints regarding encroachment of forest land, visited Jambudwip on December 3, 2002 and also met the leaders of the NFF and others. The CEC in its report dated December 20, 2002, has ordered the concerned authorities to evict the fishermen by March 31, 2003 and also imposed conditions on the applicability of the regularization clause as per the Forest Conservation Act, 1980.

The Parliamentary Standing Committee on Science, Technology, Environment and Forest also visited the island on December 23, 2002.

It is in this context that organisations working on human rights, workers' rights and environmental issues, respecting the right to livelihood of marginalised communities, came together in a meeting in Hyderabad on January 4, 2003 during the Asian Social Forum and decided to send fact finding teams to Jambudwip.

Accordingly, Delhi Forum in collaboration with Environmental Justice Initiative (EJI) decided to take the initiative and proposed to organise a Fact Finding Visit to the island of Jambudwip to enquire into the current situation and come up with an objective report.

The objectives of the Fact Finding Visit were to

1. Understand the extent and scale of fishing and fish drying activity on the island of Jambudwip and its economic impact on the fish trade and the livelihood of the people engaged;

2. Find out whether the activity carried out by the fishermen can be termed traditional and its likely impact on the surrounding environment, flora and fauna;
3. Find out whether the island of Haribhanga as recommended by the CEC as an alternate site is suitable for the fishing and fish drying activity;
4. Find out whether fishing activity of Jambudwip fishing community is leading to any security concerns or can actually act as a deterrent considering the paucity of forest officials as reported by the CEC in its report; and
5. Evolve suitable steps including legal measures to ensure continuance of livelihood of 20,000 fisher families which is sustainable and in harmony with the nature.

The fact finding team visited following places between 25th and 30th of January 2003; Kakdwip; Fraserganj; Jambudwip; Haribhanga and Kolkata.

The team met following persons and department officials during their visit;

Jambudwip

- Tejendralal Das: General Secretary, Kakdwip Fishermen Association
- Harekishna Debnath: Chairperson, National Fishworkers Forum
- Sishuranjan Das: President, Jambudwip Dryfish Fishermen Association
- Parimal Das, Shrimanto Das, Haritosh Das, Niranjana Das, Sukhlal Das and Ranjit Das (all Bahardars)
- Ajit, Avinash, Kiran, Akshay, and Ram Hari (Fish workers on Jambudwip)

Haribhanga

- Shiekh Jaharath, Kali Baba, Rakhaal, and Lal Mohan.

Kolkata

- Kiranmoy Nanda: Fisheries Minister, Government of West Bengal
- Dhrubajyoti Ghosh: Chief Environment Officer, Department of Environment, West Bengal
- Tushar Kanjilal: Chairperson, Tagore Society, Rangabelia, Sunderbans
- Pranabesh Sanyal: Additional Principal Chief Conservator of Forest
- Atanu Raha : Director, Sunderban Biosphere Reserve
- Alapan Bandhopadhyay: District Magistrate, 24 Parganas (South)
- Prof. Amalesh Chowdhary: Ex Prof, Department of Marine Sciences, Calcutta University
- Joy Dasgupta: Sociologist and Faculty Member, National University of Juridical Sciences, Kolkata
- Dr. Bikas Raychaudhari (Author of “The Moon and Net”) was hospitalised during the visit of the Factfinding Team. Subsequently the film crew of Dustyfoot Productions accompanying the team, recorded his testimony on February 4, 2003.

i. Location of Jambudwip: its accessibility

Jambudwip, earlier called New Moore island or New island, is situated on the Bay of Bengal, in the southern Sunderbans, between 88°6' E and 88°12' E Longitude and 20°30' N and 21°30' N Latitude. It is easily accessible from the three islands of Kakdwip, Sagar and Mousumi. From Frasergunj fish harbour, a motorised boat takes forty five minutes to one hour to reach Jambudwip, a distance of eight kms. to the south west, depending on the tidal current. From the Coast Guard Head Quarters in Haldia, a hovercraft takes half an hour to reach Jambudwip. The nearest police station is in Sagar at a distance of less than one hour. The Indo-Bangladesh border is 96 kms. east of Jambudwip.

ii. The area and the location of the fishing camps

According to a map supplied by Jambudwip Dryfish Fishermen Association, the area of the island is 2250 hectares (ha) and the area occupied by 42 transient fishing camps (*khotis*) during the fishing season of 2001-2002 was estimated to be less than 300 ha. During the low tide. The Central Empowered Committee (CEC), however, claims in their report that the area of Jambudwip is 1943 ha. The fishing camps, established on sand banks, extend from the south eastern part of the island to the south western part and is divided by a natural creek.

iii. Jambudwip: A Reserve Forest

Jambudwip island including the waterways is a Reserved Forest (RF) notified by the then Governor of Bengal on May 29, 1943 under Section 20 of the Indian Forest Act, 1927. The forest department of West Bengal claims 'since there were no inhabitants there are no recorded rights'. Being a relatively new and dynamic island, Jambudwip is still undergoing changes in its geographical structure. The process of erosion and retention is continuing and the area and nature of sand banks around the island is also prone to its changes. There is also a deposit of silt around the island leading to mud flats. While approaching the island from Frasergunj, one can observe that the maximum mangrove forest cover exists on the central part of the island extending both southwards and towards the northern tip. Other than mangroves, there are also casurina trees. While the forest cover thins towards the south regaining it again on the southern tip, there are signs of depleting forest cover in the north

iv. Transient fishing operation and fish drying activity: the economics and livelihood

Fishing operation in Jambudwip is seasonal. Every year between October and February the fishing and fish drying activity take place. According to Harekrishna Debnath, around 4800 fishermen are engaged in fishing on the sea and around 4700 people from the fishing community take care of the fish drying activity on the island. Around 1125 daily labourers are also employed during the season. This seasonal fishing activity and the temporary nature of the fishing camps had prompted Dr. Bikas Raychaudhuri, a noted anthropologist, to describe these fishermen on Jambudwip as a transient fishing community.¹ Dr. Raychaudhuri stayed with this community on Jambudwip for four months during 1967-68.

¹ Bikas Raychaudhuri. *The Moon and Net, Study of a Transient Community of Fishermen at Jambudwip*, Anthropological Survey of India, Calcutta, 1980.

Shri Tejendra Das told the fact finding team that more than 10,000 people, mostly belonging to fishing community, *Jalia Kaibartas* (a scheduled caste group), earn their livelihood directly from this fishing operation and another 10,000 fishing families are indirectly linked to the ancillary trade and services. The members of this transient fishing community are refugees from East Pakistan originating from Chittagong and Noakhali and are skilled in marine fishing.

Each of the fishing camps are owned and managed by a *bahardar* (also called khotidar), who is also from the fishing community and not a *fish trader*. They are the chief organisers of the fishing operation in Jambudwip. Bahardars generally graduate from being skippers of the fishing boats. Bahardars invest money for the fishing operation.

According to the estimates of Jambudwip Dryfish Fishermen Association, around 15,000 tonnes of fish are landed on the island. The dryfish is being sold in Uluberia and Sheoraphuli, the two biggest dryfish trading centres in eastern India. At the current level of prices, the dryfish market in West Bengal including the Darjeeling Hills, Bihar and the entire North-East, generates a business of at least 50 crores. A part of the dry fish market also caters to the poultry farms providing poultry feeds to them.

The technology of fishing and fish drying is traditional, manual and primitive. The boats being used are also traditional but since the late seventies and early eighties motorised and mechanised boats are also used. They are not trawlers in any sense and use conical shaped bag nets (*bindi jal*) to catch fish. The mechanised boats are generally 40 to 55 ft long and use 40 to 70 hp engines (4 to 6 cylinders). The motorised boats use 2 cylinder engines. The non-motorised boats could go between 7 to 10 kms. into the sea while the mechanised boats can go upto 30 kms. deep into the sea. After the catch is unloaded, they are either hung on hooks or spread on sand beds for drying under the sun. The fish catch consists mostly of Ribbon fish, Bombay Duck, Setipina (phesa), Pomphret, Cat fish, shrimps and some times Bholā bhetki and Kettlefish.

v. The native/settled villages of this transient community

During the earlier years of fishing activity on Jambudwip, marine fisher people, who migrated from East Pakistan, used to come from some select villages of the districts of 24-Parganas, Midnapur, Nadia, Hooghly, Burdwan and Howrah in West Bengal and Champaran in Bihar. Over the years, in search of proximity to Jambudwip, many of these fisher families have settled in various places of South 24-Parganas and Midnapur. Most of the bahardars are now settled in Kakdwip. The daily labourers come from the nearby islands of Sagar, Pathar Pratima and Kakdwip. According to Sishuranjan Das, for more than sixty per cent of the present transient fishing community of Jambudwip, this is a hereditary occupation.

vi. The composition of the transient fishing community

As mentioned before, most of the fisher people are Kaibartas, a scheduled caste group whose traditional occupation is fishing. Other than Kaibartas a miniscule number of non-fishing scheduled caste members are also present engaged mainly in non-fishing operations as daily wage labourers. According to Harekrishna Debnath, the number of Muslims within this community is less than 100. It is also important to note that the transient community in Jambudwip does not include a single woman. However, in recent years, a group of women from Sagar island are engaged in fish sorting.

vii. The fish drying area

The fish drying area and the khotis start from the mouth of the Vishalakshmi creek and extend to the north and south on both sides of the creek. The area is essentially sandy, devoid of mangrove vegetation. Some mangrove trees, however, are seen sprouting out of the banks of the creek. The entire fish drying area is otherwise full of salt grass and sand binders which are cleared off before the fishing season begins and the temporary structures of the khotis are built. Temporary embankments are built along the creek to prevent tidal water from flooding the fish drying bed. During the end of February, when the fishing camps are wound up, these embankments are cut to allow the free flow of tidal water into the area for the next eight months which results in alluvial deposits on the sand banks making it more binding and therefore prevents the drying beds to turn to loose sand dunes.

viii. Temporary structures and the raw materials used

During the fishing season of 2001-2002 there were 42 khotis on Jambudwip. Each khoti consists of two temporary structures – one residential quarter including kitchen and store and one temple. These structures are built on bamboo poles (of Assam variety) where the roofs and fences are made of water twigs (a particular variety of reed known as *hogla*) brought from far away places like Uluberia, Gadiara, Nurpur and Kolaghat.

The forest department issues permits at a prescribed rate to collect fuelwood and according to Parimal Das, a bahardar, they also buy fuelwood from Kakdwip market.

Other than reeds, dry fuelwood and bamboo, the fishing operation needs synthetic nets, baskets (*jhuri*), bamboo shoots, gunny bags, coir ropes, dried straws, barrels, ice crates, diesel, kerosene and kerosene lamps.

ix. The navigability of Jambudwip waterways

The contour and hydrographic maps of waterways around Jambudwip indicate that the average depth of the channel around the island is less than 5 metres. Only traditional motorised boats and relatively smaller mechanised boats (less than 40 ft in length) can therefore approach the island and that also during the high tide. The presence of creek has enabled these boats to unload the catch directly in front of the respective khotis. But, they can enter the creek only at an interval of 12 hours once during the two high tides on any day. Otherwise, the boats have to anchor at least 200 to 500 metres away from the shore line. It can safely be said that no big mechanised boat or a trawler can approach the island leave alone navigate through the creek.

Findings of the Fact Finding Team

1. Legitimacy of the transient fishing activity on the island

It is well documented that the transient fishing activity on the island dates back to pre 1980 period, which is the cut off date as per the Forest Conservation Act, 1980 for legitimizing the non-forest activity.

The Moon and Net, a study sponsored by the Anthropological Survey of India has recorded this activity since 1955.

Fishermen were issued passes not only for the fishing activity but also for the access to and collection of fuelwood from Jambudwip.

The testimonies of Sisuranjan Das, who came to this island thirty two years back and of Sukhlal Das and of Shrimanto Das indicate that the same activity was pursued by their father and they inherited this traditional occupation.

2. The location of the fishing camps

The fishing camps are mainly located on the South Western side of the island along both sides of the Vishalakshmi creek. The testimonies of the fishermen on the island as well as the recorded interview of Dr. Bikash Raychaudhari substantiate the importance of this creek for the commencement of the transient fishing activity. This was due to the better navigation for the fishing boats to unload the catch close to the drying beds and for safe harbouring.

The activity started on the areas of the island which were sand banks and mud flats. This is a relatively new and emerging island and the deposition of the silt and erosion of banks are a natural process. This changes the physical as well as the biological characteristic of the island. These facts were also reiterated by Prof. Amalesh Chowdhury, who is a marine sciences expert.

Dr. Raychaudhuri also corroborates that the fish drying area was a sand bank, no mangrove vegetation was there and during 1967-68 sand dunes were present.

3. The extent of forest cover on Jambudwip

The Fact-Finding team observed that the central part of the island has the maximum density of the mangrove with casurina and eucalyptus plantation in between. The Southern tip of the island also has a fair growth of mangroves. During a boat tour around the island the team found stumps of mangroves on the North eastern part as well as the North western part. It seems like these mangroves were cut down and we also saw a boat going into a small creek on the north western part of the island. According to the fishermen such clandestine boats come from the other islands to cut mangroves. They also told the team that in the second week of January 2003, they had caught three persons with a boatload of mangroves and had

taken them to the police camp on Jambudwip, but no FIR was lodged and they were released.

4. Collection and use of fuelwood: the fishermen's nemesis

The forest department used to issue permits to the transient fishermen of Jambudwip in lieu of taxes to collect the driftwood from the Bagher Char and other areas. But now a days they buy dry fuelwood from the Kakdwip market and also collect some drift wood from the other islands. The fact finding team did not see any godown full of mangroves on the island as stated by the forest department in our subsequent meets.

The team also had a discussion on the importance of mangrove forests and the sustenance of transient community. Fishermen did agree that they see these forests and nature as gods (and worship Bono Bibi, Pir Badar, Ganga and Vishalakshmi) and not something to be exploited to its extinction. As this use of fuelwood is being seen as the major reason behind the allegation of clearing of mangrove forest, fishermen are also willing to use an alternate fuel such as coal or LPG provided it is economically viable for them.

5. Alleged Destruction of saplings planted by the Forest Department

Heaps of such saplings still packed in polythene bags were found at various places on the island indicating that these were never planted. This is in contradiction to the fact stated by the forest department in the CEC report that the whole area occupied by the fishermen was planted with the mangroves sapling between the month of March and September 2002 which were uprooted by the fishermen during November. Also, most of the saplings that the team came across were of casurina and eucalyptus.

6. Demolition of hutments and unclaimed godowns

Each fishing unit has a single temporary hutment which acts as a store, dwelling as well as kitchen. It is only during the last ten years that they leave these hutments behind with some of their fishing implements because of increase in transport costs back to their native villages. The team did not find any signs of godowns.

According to Mr. Atanu Raha of Sunderban Biosphere Reserve, the godowns were only demolished by the forest department in August 2002 but the team found that temporary hutments were burnt down to ashes and such heaps were seen at various places. According to the Jambudwip Dry Fishermen Association, equipment worth 2 crores were lost in this demolition by the forest department.

7. Construction of 10 RCC pillars and violation of CRZ notification

The team saw six RCC pillars still blocking the northern and part of the southern side of the creek whereas the rest four pillars, removed from the mid-stream, were seen lying by the side of the creek. These pillars were constructed by the Forest department in October 2002 to prevent fishermen from entering into the creek. The team has photographic evidences of these pillars.

There is a due procedure for any activity in the CRZ 1 zone of coastal regions. This area falls in the CRZ 1 zone and therefore requires proper clearance by the designate authority. The building of RCC pillars, therefore, is a blatant violation of CRZ by the Forest Department.

8. Agreement dated 9th August 2002 between the fisheries department and the forest department of West Bengal

Following the agitation by the fishermen, the Chief Minister of West Bengal intervened and requested the Ministers of the Fisheries Department and Forest Department to settle the dispute. Accordingly, the concerned departments arrived at an agreement on August 9, 2002 with certain restrictions and conditions so as to preserve the mangrove forest and also allow the fish drying activity to continue on the island.

The agreement entailed:

- a) identification of the char area which surfaces during the winter and to be used by the fishermen between October and February;
- b) issuing of identity cards to the concerned fishermen by the Fisheries Department without which no one would be allowed to approach the island of Jambudwip;
- c) no permanent structures to be built on the island; and
- d) fencing of the char area to be undertaken by the Fisheries Department.

This agreement should have resolved the conflict but it was flared up by the forest department when they constructed the RCC pillars and according to the fishermen, in effect restricted the entry of fishing boats during the 12 November cyclone resulting in three boats being sunk and ten fishermen drowned. The PMO even enquired on the incident with the State Government whereas the forest department disputes such charges.

9. Encroachment issue

The Forest Department (FD) has been issuing passes in Jambudwip during the pre-1980 and post-1980 period when the Forests Conservation Act-1980 (FCA) was enacted. This implies two things that either the FD never considered this activity as an encroachment and thus even no "First Offence Report" (FOR) which is mandatory by the FD in case of encroachment, was filed.

Almost twenty two years have passed since the FCA - 1980 was enacted and this activity was going with all the consent of the FD, therefore why no action was taken by the FD?

The fishing activity has a recorded history since 1955 (Anthropological Survey of India, Bikas Raychaudhari, 1980). So the claim of the Forest Department (FD) that this is post 1980 activity does not hold ground. And also the FD has been issuing various permits and passes to collect fuelwood, for fishing and access to Jambudwip. The issuing of the permit itself means that the State had accepted the rights of this community and no First Offence Report (FOR) was being filed.

10 Remote sensing maps: irrefutable proof of encroachment?

As indicated earlier, Jambudwip, being a new island and undergoing various physical and biological changes from time to time, the remote sensing images of such an island have to be properly processed and then interpreted by the experts accordingly.

The CEC has attached to its report a series of maps developed from such images by the Sundarban Biosphere Reserve (SBR) without checking the veracity of these maps. According

to the NRSA experts, the raw data was provided to the SBR, the data was not processed by them nor any interpretation of the images were given.

According to some experts that the team consulted, the images for Jambudwip should be taken under certain parameters such as the exact month, date and the time of the day as the fish drying area is essentially a char area most of which emerges during the winter months and the geographical nature of the island changes during high tide and low tide and during full moon and new moon. Jambudwip is also surrounded by a huge area of inundated land and sand beds.

11. Haribhanga: the alternative site

The team also visited the alternative site of Haribhanga island as proposed by the Forest Department in the CEC report. It takes three hours from Jambudwip to reach this island. This is an isolated island with approximate area of 200-250 ha and is still in a formative stage. As the sea bed is not deep enough for the boat to reach the island, it was anchored half a km away. The island has sandy banks and sand dunes all around with some sand binder and salt grasses growing on it.

The team was keen to investigate the natural creek on the island as reported by the forest department which can be used by the Jambudwip fishermen in case of using this island for fish drying activity. The team found out that there was nothing like a creek but a shallow depression which was dry and from no where it seemed feasible for a boat to navigate through it.

There are already 140 families on the island who are engaged in small scale seasonal fishing which is only good for poultry feed. It is not feasible to accommodate 10,000 fishermen of Jambudwip on this island at all. And also because of the high wind velocity and sand dunes it is not possible to dry fish which is for human consumption. There is no source of drinking water in the island also. The fishermen here have to dig into the sand for water. Some four fishermen from Jambudwip shifted to Haribhanga to try fish drying activity but had to leave that island because of the non-feasibility of such an activity. Remnants like hay, cart, broken boats etc. was seen lying in some of plots on the island. According to the people on the island there is no protection available for them in the event of a major sea storm as this island is very low and is in the midst of the turbulent sea with no buffer in between. Boats will be severely damaged and the entire habitation will be wiped out as happened in 1980.

The team also witnessed five dead turtles and two dolphins on the beach. According to Mr. Kiran, who is a student of marine sciences in Calcutta University and accompanied the team to Haribhanga, the island is a perfect nestling site for the turtle.

In a meeting with Mr. Pranabesh Sanyal (Additional PCCF), the team was told that at one point of time he had moved a proposal to declare that island a marine wildlife sanctuary. The same fact about the rich marine biodiversity in and around the Haribhanga island was reiterated by Prof. Amallesh Chowdhury.

12. Eco-Tourism in Sunderbans: the Sahara project

The IA 703 of WP 202/95 in Godavarman case says that 16,400 ha. of Reserved Forest (RF) in West Bengal is under encroachment. Why then the forest department is over zealous to

evict fishermen only from an area of less than 300 ha. The fishermen and the cross section of people that the fact finding team talked to in Jambudwip, Haribhanga, Kaddwip and Kolkata are equally confused on this issue and find the action somewhat strange.

One reason being forwarded was the Eco-Tourism Project of the Sahara Group. The Sahara India group is planning a very ambitious eco-tourism project very close to this island catering mainly to foreign tourists and ‘thus it is necessary to get rid of these "eye sores"’, said one bureaucrat of the West Bengal Government. The Sahara India group has signed an MoU for a 700 crore eco-tourism project in Sunderbans with the Government of West Bengal which will be spread on 304 ha of land. The project proposes boating, rafting, rowing, creek excursion, floatels, air strips, helipads and other water sports. They have proposed to use three neighbouring islands of Jambudwip including Sagar, Frazerganj, L-plot, and also Haribhanga, Kaikhali and Jharkhali.

On February 27, 2003 the Sahara Group has signed an MOU with IIT Kharagpur for technical assistance to build a floating township in the Sunderbans spread over 300 sq.km. of creeks and estuaries (*Bartaman*, March 11, 2003, Kolkata).

The same group is also planning to set up two fish processing plants on the neighbouring Sagar and Namkhana islands. There are plans to establish mechanised fishing fleet themselves and also plans to buy the catch from other fishermen. This will not only affect the livelihoods of the traditional and marginal fishermen but will be detrimental also to the marine environment. Sheikh Jaharat, a fisherman of Haribhanga, told the fact finding team that their survival depends on the Jambudwip fishermen. They are their strength. ‘‘If the Jambudwip fishermen are evicted then we will be wiped out from Haribhanga’’, said Jaharat indicating their apprehension of the implications of a Sahara fishing fleet.

13. Security Concerns: a haven for smugglers, poachers & illegal migrants!

The transient fishing community and their activity on Jambudwip doesn’t pose any particular security concerns. While the District Magistrate (DM) of South 24 Parganas had after an enquiry in 1999 clearly stated that there were no illegal Bangladeshi immigrants on the island and it does not call for any unnecessary concern, the present DM Alapan Bandhopadhyay told the team that whole of the Sunderbans is a security concern. The 1999 report was submitted both to the State Government and Central Home Ministry.

Transient fisher people on the island are being provided with identity cards by the Fisheries Department to eliminate the presence of any illegal migrants as alleged by some quarters.

No incidents of smuggling, poaching, armed dacoity have ever been reported in and around the island. Nor has there been any arrest of illegal migrants or interception of contraband.

Jambudwip is 96 km from the Indo-Bangla border – one of the furthest islands of the region.

14. Legal issues: the right to livelihood of tribals, SCs and rural poor

The forest department of the Government of West Bengal has been issuing seasonal permits in lieu of prescribed fees to these fishworkers and they also have to secure forest passes to use dry fuel. Which means that the forest department, for several decades, has been recognising the customary rights of these fishworkers, well before the enactment of Conservation of Forest Act and the Wildlife Protection Act.

1. The Hon'ble Supreme Court in 1997 / 3SCC 549 considered the rights of the fishermen in Pench National Park and directed for issuance of fishing permits in the reservoir taking into consideration their livelihood.
2. The Hon'ble Supreme Court of India in the land mark judgement of 11.12.1996 (WP {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".

The National Forest Policy of 1988 has also laid emphasis on protecting the rights of tribals and SCs, whose livelihood is dependent on the forests. An activity which is environmentally sustainable and caters to socially and economically marginalised section of the society should be protected as per the forest policy.

The same policy also says that:

- The holders of customary rights and concessions in forest areas should be motivated to identify themselves with the protection and development of forests from which they derive benefits. The rights and concessions from forests should primarily be for the bonafide use of the communities living within and around forest areas specially the tribals.
- The life of tribals and other poor, living within and near forests, revolves around forests. The rights and concessions enjoyed by them should be fully protected. Their domestic requirement of fuel-wood, fodder, minor forest produce and construction timber should be the first charge on forest produce. These and substitute materials should be made available through conveniently located depots at reasonable prices.
- Similar consideration should be given to scheduled castes and other poor living near forests. However, the area, which such consideration should cover, would be determined by the carrying capacity of the forests.

Circular by MoEF (1990) for the review of disputed claims over forest land, arising out of forest settlements, deals with the settlement of rights for rural poor in non tribal areas. There is a need to see whether the Government of West Bengal had constituted the above said committee to look into the cases of regularisation and what kind of cases were regularised by the Government. This will give more validity for a Jambudwip case on the basis of its sustainable and transient nature and also the livelihoods for socially and economically weaker people.

Recommendations

- To conduct an impact assessment study of fishing and fish drying activity on Jambudwip from the point of view of conservation of mangrove forest by an independent commission of experts. No action should be taken before such a study is completed.
- The agreement dated 9th August 2002 between the Fisheries and Forest Department of Government of West Bengal should be respected by both the parties and the district administration of South 24 Parganas.
- Based on the above agreement and provisions of the FCA rules, the Government of West Bengal should immediately apply to MoEF for regularization of the fish drying activity on Jambudwip.
- The transient fishermen should be issued identity cards by the Fisheries Department so as to eliminate the security concerns raised in the CEC report.
- Financial help should be provided to these fishermen so that they don't have to depend on the money lenders.
- The transient fishermen should be provided with economically viable alternative fuel so that the fishermen are not blamed for concerns regarding mangrove destruction.
- The area around the fish drying bed on Jambudwip should be clearly demarcated and fenced.
- The transient fishing community should be made equal partners in any conservation effort and monitoring programme undertaken on the island.
- As Dr. Bikash Raychoudhary has rightly insisted that rather than evicting them and depriving them of their livelihood, every step should be taken to protect this unique community of transient fishermen as they reflect not only an anthropological and cultural heritage but also represents a continuum of traditional source of wisdom and knowledge of nature, environment and technology.