

**ASSERTING RIGHTS, DEFINING RESPONSIBILITIES:
SMALL-SCALE FISHING COMMUNITIES AND
COASTAL AND FISHERIES MANAGEMENT
PERSPECTIVES IN EAST MEDINIPUR COAST IN
WEST BENGAL, INDIA**

A Study supported by International Collective in Support of Fishworkers (ICSF)

Society for Direct Initiative for Social and Health Action
DISHA

20/4, Sil Lane. Kolkata – 700 015
Phone: 91-33-2329 7662, FAX: 91-33-23283989, e-mail: fordisha@dataone.in

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Glossary of Terms

<i>ADF (M)</i>	Assistant Director of Fisheries (Marine)
<i>Bachhuni</i>	Fish sorter
<i>Barua</i>	Local term for the Secretary of the Khoti executive committee
<i>Behundi</i>	Set Bag net
<i>Benfish</i>	<i>West Bengal State Fishermen's Co-operative Federation Limited</i> , set up in 1978 as the Apex Body of all the Fishermen's Co-operatives of this state yet this has become a self-supported Organisation with various activities
<i>Chashi</i>	A traditional cultivator caste
<i>Kaibarta</i>	
<i>Dadan</i>	Monetary advance paid by the trader to the artisan (the fisher in our case) in return of which the artisan is bound to sell the entire produce to the trader
<i>Daangaa behundi, Kaathi Jaal and Shaula Jaal</i>	Smaller bag net type gear used to fish from the shore
<i>FLC</i>	Fish Landing Centre
<i>Jalia</i>	Net Caster, local term for a member of the Fishing Crew i.e. a fisher who is not a Laya but works for one.
<i>Jele Kaibarta</i>	A traditional fishing caste
<i>Kaathi Jaal</i>	See entry for Daanga Behundi
<i>Kanathi</i>	Local and now officially accepted name for Contai. Headquarter for a sub-division, with the same name, in Purba Medinipur district
<i>Khoti</i>	A general term that means Fish Landing Centre and also the Community-based organisation of fisherpeople that manages the centre
<i>Laya</i>	The boat owner and commander of the fishing crew
<i>Majhi</i>	Navigator. The most important person in the fishing crew.
<i>Savings cum Relief Scheme</i>	A Scheme where the fishworker gives a certain amount each year matched by an equal grant from the government. The fund is available to the fishworkers during the lean season. There is now demand for the government to increase its share.
<i>Shaula Jaal</i>	See entry for Daangaa Behundi

PROLOGUE

A. BACKGROUND TO THE STUDY

The coastal fishing community in India runs into millions. In West Bengal the number of people dependent for their livelihood on coastal fishing and allied activities add up to about two hundred thousand. Yet, this demographically significant community is politically and economically disprivileged.

Nevertheless the communities of traditional coastal fishers have claimed their rightful share by voicing and fighting for demands stemming from their very mode of being. Demands that have helped not only in transforming themselves from a community *in* itself to a community *for* itself, but also in throwing up strategic issues for conservation of our coast and coastal waters.

Thus the need of a study on the rights issues of this community has been a long felt need. We in DISHA, primarily working for protection of coastal ecology and resources, learned a great deal from the livelihood activities of coastal fishers. It has been a long cherished wish to put together the lessons. The present study supported by ICSF provides us with one avenue to that end.

As to why DISHA, which is essentially a group concerned with environmental issues, should be concerned with rights' issues of traditional coastal fishers is something addressed in the following section.

B. DISHA AND THE RIGHTS' STUDY

The traditional coastal fishers are capture fishers; they harvest the bounty of nature. Unlike aquaculture, which is essentially fish farming and like agriculture involves cultivation, capture fishing involves taking from the wild. Therefore the traditional coastal fishers have a direct stake in the quality of the environment – for it is the quality of coastal and marine environment on which the quantity and quality of their catch depends. This is something that could have been inferred from the traditional fishers' *raison d'être*. But this is not merely a theoretical and deductive inference. For, as will be seen in our findings below, the demands raised by the subjects of the study directly incorporate environmental concerns. *This is not to say that the situation is an ideal one, with all traditional coastal fishers indulging at all times in an all out conservationist and environment-friendly practice.* That is by no means the case. But nevertheless our study has empirically corroborated

something of which we have been aware, albeit superficially, that is, it has shown that coastal fishers by and large understand and espouse environmental concerns.

This is something that is cardinal to DISHA's understanding of environmental issues and movements. It is our experience that it is seriously wrongheaded to view environmental initiative as a prerogative of the state and civil society groups. The state, through its laws and implementing regimes, may stand forth as a protector of environmental goods and civil society groups may play a crucial role in building awareness and in forcing implementation. But a third, and by no means least, important stakeholder is the set of traditional communities that are compelled by their modes of existence to cherish and protect the environment. And if individuals and groups within such communities often play an environment-unfriendly role, it is important to distinguish the actions of the latter with the general propensities of the communities themselves. Moreover aberrant behaviour within such traditional communities generally tends to have less negative impacts than what follows from the actions/omissions of the state and/or contenders for natural resources with more technological teeth.

We have spoken of concerns and concerns lead to demands, and demands in their turn relate to 'rights'. The coast and coastal waters today happen to be heavily contested areas. Once the coast in general 'belonged' to the coastal fishers, that is they drew upon the sea and coast without anybody encroaching on their area of activity. Things have changed obviously and drastically and hence the question of 'rights' of fishers. But this is of course about fishers' 'rights' in relation to external invasion. The question of rights within the community is another area of concern. We shall have more to say on all this in due course.

C. OBJECTIVES OF THIS STUDY

In spelling out the 'objectives' of the study we will have, somewhat unfairly and incongruously, preempted the study itself. For, a discipline or investigation's objectives are best understood through perusal of the discipline or investigation itself. They cannot be summarised beforehand, at least not too well. But nevertheless one does begin with a set of objective(s), which may undergo evolution in the course of the study. So, let us print out the initial objectives, ones that were prescribed well before the actual study was undertaken.

- To document modern or traditional rights of fishing communities to fisheries and coastal resources (as reflected in modern law or traditional texts/oral history)
- To document and explore the understanding that fishing communities have about their rights (traditional, customary and legal) to fisheries and coastal resources, as well the obligations and responsibilities associated with these rights;
- To document and discuss the threats experienced by the fishing communities to their livelihood practices.
- To document and discuss the initiatives being taken by fishing communities to assert their rights and to fulfill their responsibilities.

A glance should suffice to indicate that the point here is not only to understand the communities in their context, difficulties and actions *but also* to understand how they view their context, difficulties and actions. So the facts of this study are not merely the ‘facts’ but what the ‘facts’ think of themselves and related facts. This is of course quite usual in studying human ‘objects’ (as against for example snails or porpoises) but anyway, one should be clear about what one is trying to do. So, now the reader will be left to find out for herself how far the initial objectives have been attained, and, how far the objectives themselves have got modified in course of the study.

D. STUDY COVERAGE AREA AND THE KHOTI

The study has focussed on two areas on the East Medinipur coast of West Bengal – (1) the landing centres covered by the erstwhile Junput area, presently run by the Junput, Haripur, Baguran Jalpai 1 and Baguran Jalpai 2 landing centers and allied Community Based Organisation (called Khoti in the local language) and (2) the Dadanpatrabar (Kharpai) Fish Landing centre and the Khoti that manages that landing centre.

In ontological and temporal terms the Khoti is the fishing camp that comes up at the landing centre and manages it for the duration of the full fishing season – roughly from July to February. The Khoti is a community-based organisation that during the full fishing season manages and governs the fishing activity, settles disputes and tries to take care of the needs and grievances of its members – the fishers and fishworkers. The importance of studying the Khoti regime lies in the fact that it is the organisation through which the main fishing activity on the coast takes place. The Purba Medinipur coast has no pure fishing villages. The Khoti may be near a village inhabited largely by fishers but is nevertheless a trans-village

entity. True, a fisher is more likely to be a member of the Khoti nearest to his village, but quite often a fisher travels about 15 km from his own village to be a member of a Khoti through which he operates. The Khoti thus has an identity of its own; it is not at all a village enterprise.

E. REASONS FOR SITE SELECTION

The reasons for selecting the aforesaid sites are as follows:

Dadanpatrabar is also one of the oldest and one of the largest Khotis in West Bengal and moreover, this is a Khoti that can boast of having played a key role in the movement of fishers' rights. This Khoti has therefore naturally commanded our interest.

Junput happens to be one of the oldest marine fish-landing centres in Eastern India. It is older than two hundred years and its traditions go back to the era preceding the colonial period. Even today, after the relatively newer Khotis such as Haripur and Baguran Jalpai 1 and 2 have emerged within the erstwhile Junput area, the present Junput Khoti happens to be one of the largest in West Bengal. And as regards the other Khotis that have been covered within the present study they have been selected on the ground that they are presently independent and separate landing centers that have emerged within the erstwhile Junput area and have developed traditions of their own – drawing on them therefore allows us to give the study a wider spread within the short time available.

F. STUDY METHODOLOGY

Methodology is dictated, or ought to be dictated, by what we seek to study. The prescribed objectives have already been mentioned earlier and it will be in the fitness of things if we mention the query areas that were decided upon. They are as follows:

Background information on location under study, Communities: Structural and institutional aspects, Conception of community, Communities: perception of claims (fisheries), Communities: perception of claims (coastal lands), Communities: perception of claims (market access), Communities: perception of claims (social security/benefit schemes), Community actions to support claims, Community rights regimes, Rights and responsibilities, Perceptions on fisheries management.

Bearing in mind the aforesaid concerns the study has drawn on various modes and sources. They are as follows:

Modes and Sources:

- i) **Visits to Study Areas and close interaction with the communities being studied.** The purpose of this was to gather ‘hard’ information about the communities and their context as well as their perceptions and conceptions of community members regarding the aforesaid query areas. Here the investigators have relied essentially on two cognitive tools: (a) Close sensory observation of the terrain, the seafront, fishing practices, gear use, fish selling and auctioning etc. both during the full fishing season and its aftermath; and (b) Interactions with members of the community as well as the leaders of the community based organisation (Khoti) so as to gather their views, opinions, facts about Khoti history, Khoti reality, Khoti problems, Khoti administration, fishing practices, difficulties confronting the community and so on. **Here the source has been overwhelmingly oral.**
- ii) **Studying the geographical and geomorphological context.** Here sensory observation of the terrain [mentioned in (i)] has been complemented by literature on the subject. **The source has been thus observational as well as textual.**
- iii) **Examining earlier studies on Marine Small Scale Fisheries in West Bengal. Needless to say the source here has been Textual.**
- iv) **Rights’ Survey.** This mode of investigation has been employed to assess, more systematically and rigorously than in (i), the community members’ conception of community, perceptions of claims to fisheries, to coastal lands, to market access, to social security and benefit schemes, as well as their awareness of community actions to support claims and their rights and responsibilities, in short the prescribed query areas. The following steps have been taken to ensure that this mode works out to be a critical and empathic one.
 - a) A questionnaire was evolved through punctilious incorporation of information/insights already gathered through investigation described in (i) above and careful discussion on and pre-testing of the questions.
 - b) A team of four surveyors was put together. In selecting the team members, essentially two aspects were taken into consideration. First,

that the surveyors should have considerable degree of intimate knowledge of the fishing community, its problems and perceptions and be equipped in the local dialect. Secondly, that the surveyors should have sufficient linguistic skill and intellectual maturity to understand and appreciate the import of the questions posed. In order to address both these considerations each of the team members was selected from the local fishing community and care was taken to see that each had sufficient maturity, linguistic skill and political sensitivity to develop a command over the questionnaire.

The team was divided into two sub-teams, each consisting of two persons. One sub-team was entrusted with the task of undertaking a survey of Dadanpatrabar Khoti – each surveyor to undertake survey of 15 persons. Of the total 30 persons surveyed 15 were female and 15 male. The other sub-team was entrusted with the task of surveying a total of 30 persons over the erstwhile Junput area (once again each surveyor surveyed 15 persons) although here the number of males surveyed has been 16 and the number of females 14.

- v) **Interviewing the authority.** Here the relevant authority is the Assistant Director of Fisheries (Marine) Office at Kanthi (Contai). The interviewers closely questioned the officers on the following issues of interest:
- a) The relationship of the state (through the local Fisheries Office) with the community based organisation or the Khoti.
 - b) To what extent, if at all, does the state accept the community self-governance regime?
 - c) Whether the state collaborates with the aforesaid regime and if yes, to what extent?
 - d) What are the social security/community benefit schemes offered by the government in the area, their mode and degree of availability.
 - e) What legislations/notifications/orders/circulars are referred to by the department/office to protect the coastal waters and resources?
- Here the source has been largely oral.**
- vi) **Review of Statutes.** Examining the Central and State legislations / rules / orders etc. that have any bearing on marine fisheries resources and rights of traditional fishers. The discussion was facilitated by discussion with fishers and informed persons.

- vii) **Review of Literature of fishers' struggle.** As a case study we have concentrated on leaflets, pamphlets etc. produced by the Kanthi Mahakuma Khoti Matsyajibi Unnayan Samiti (apex body of the Khotis, presently including 39 Khotis of Kanthi Sub-Division).

At this point we need to mention one important possible shortcoming pertaining to Mode *iv*, that is the Rights' Survey. Although all 29 of the 60 persons surveyed were women, there were no women surveyors. This is unfortunate, but we had difficulty in locating any woman belonging to the community who measured up to the requirements of being a surveyor. This is because women in the community under consideration, notwithstanding their highly important role in the household and the economic sphere, do not easily have the educational exposure that was a prerequisite for this survey. There were of course certain additional difficulties that beset a woman in rural Bengal. (As the study itself reveals, a woman in the fishing community in the locality under consideration is, as compared to her male counterpart, a relatively disempowered creature.)

What follows is the output, arranged in a narrative form.

I. COASTAL WEST BENGAL AND PURBA MEDINIPUR: RELEVANT BACKGROUND INFORMATION

A. Land and People

Coastal West Bengal consists essentially of two districts, South 24 Parganas and Purba Medinipur. The South 24 Parganas, along with its adjacent district of North 24 Parganas, are home to the Sunderbans, while the rest of the coast belongs to Purba Medinipur. The total length of the coastline is about 158 Km of which some 60 Km belong to Purba Medinipur.

The coastal strip of Purba Medinipur consists of sand dunes and salt marshes mingled with each other. The marshes are formed behind well-developed sand bars. At places there are large shifting sand dunes, which have a tendency to blow landwards and encroach upon the cultivated land behind them. The natural vegetation consists of clumps of Keya bushes. Their fragrant flowers are collected to produce the famous Kewra scent. Some governmental and local efforts can be seen in planting Casuarinas along the coast to fix the dunes and stop sea erosion. The Japanese quick growing creeper Kudzu is also being planted with the same apparent object. The following table, taken from the State Biodiversity and Strategy Action Plan for West Bengal, indicates the soil morphological properties of Sunderbans and Purba Medinipur.¹

Morphological properties of coastal soils of Sunderbans and Medinipur

Soil No.	Hori-zone	Depth (cm)	Slope	PM	Matrix Colour (moist)	Mottles	Texture	Structure	Surface	Others	Soil Taxonomy
Pedon I	Ap	0-13	Nearly level	Alluvium	Gray	Dark yellowish brown and strong brown	Silty clay	Angular blocky	Moderate salinity and flooding	Surface crack 1-2 cm wide and extend upto 35-40 cm of surface	Fine, mixed, hyperthermic vertic Haplaquepts
	B1	13-28									
	B21	28-47									
	B22	47-74									
	B23	74-104									
	C1	104-130									
	C2	130-150									
Pedon II	Ap	0-13	Nearly level	Alluvium	Light olive gray to olive gray	Olive brown	Loam to silt loam	Massive	Very strong salinity and severe flooding	.	Fine-loamy, mixed, hyperthermic, Typic Fluvaquepts
	AC	13-29									
	C1	29-50									
	IIC2	50-81									
	IIC3	81-100									

Source : Pilot study on Integrated Coastal Zone Management Plan for West Bengal (July 2000) Central Pollution Control Board, Zonal Office (East), Kolkata.

Thanks to the rich alluvium the Purba Medinipur soil is quite fertile allowing rice to be cultivated once and often twice a year and permitting the successful cultivation of a wide array of vegetables.

The Purba Medinipur coast has traditionally been a very important fishing area. Marine fish landing in 2005-06 exceeded 1.68 lakh tons for the whole of West Bengal, ² with about half the catch coming from Purba Medinipur. About 50% of the catch comes from the fishing activities of the traditional fishers.

B. MAIN MARINE CATCH

The varieties that are captured by the traditional coastal fishers are as follows:

- Bombay duck (*Harpadoritidae*)
- Croakers (*Sciaenidae*)
- Pomfret (*Stromateidae*)
- Ribbonfish (*Trachipteridae*)
- Catfish (*Ariidae*)
- Penaeid prawns (*Penaeidae*)
- Non-penaeid prawns
- Hilsa shad (*Tenuialosa ilisha*)
- Anchovy (*Engraulidae*)

C. POPULATION DEPENDENT ON FISHERIES

The number of people dependent on fishing and allied activities in Purba Medinipur counts up to a little upwards of two hundred thousand. ³ Of these the overwhelming majority are involved in or dependent upon capture fishing.

But before we go ahead with our description let us ask:

D. WHO ARE THESE COASTAL FISHERS OF WEST BENGAL?

The traditional coastal fishing community of West Bengal may be described as hunter-gatherers directly harvesting the bounty of the sea. This is the fundamental thing about them.

Like other hunter-gatherers they saw nature as infinitely bountiful and there was no clear understanding of the inevitable limits of resources. Of course, there were

social customs that pointed towards conservation – the compulsory weekly fishing holiday, taboo on catching Hilsa between *Vijaya Dashami* and *Sri Panchami* (Mid October to mid January). But these were observed ritualistically rather than with a clear conception of nurturing and managing natural resources.

For how could they ever dare to think of ‘managing’? Nature, manifested through its fruits and darts, fish and tides, rains and storms and personified through so many deities was the patron, and humans were the humble clients.

In fact the question of managing resources did not arise even among more arrogant cultures before the recent resource crises. And it was precisely one such resource crisis, surfacing during the 1980s and continuing to grow in magnitude, which brought before the leaders of the fishing community the question of conservation and management. As the fish catch started falling to alarming levels by the late 1980s the fishing community of West Bengal awoke into an era of fall from grace.

Suddenly the external world started invading the fishers’ niche and habitat in a big way. Hotels and resorts started springing up with wild abandon on the East Medinipur coast. At two places, Digha and Shankarpur, tourism industry gobbled up the beach, cut off the fishers’ access to the sea and pushed thousands of fishers away. With nary a care for coastal ecology or CRZ norms beach vegetation was destroyed, sand dunes pushed out and flattened by cement constructions, and the sea poisoned by untreated pollutants spewing forth from hotel drains. The same process may be seen elsewhere along the East Medinipur coast with the Dadanpatrabar-Mandarmani area emerging as the most recent coastal catastrophe.

And then came intensive prawn monoculture, murdering the environment with its toxic entails. And industries cropping up in the coastal areas spewed forth their pollutants into the sea. And the Ganga, the river that is the major deity of the fishers and is also synonymous for sea, has become a major source of poison. The countless industries along its banks vomit ceaseless streams of untreated poison into the river, which in turn carries them to the sea (and the Ganga Action Plan be damned).

And trawlers and mechanised boats of 50 to 110 hp engine, using massive trawl nets and gill nets, stalk the sea for commercially valuable varieties of fish. In the process however they destroy unbelievable amounts of flora that is razed under their nets and fauna that get caught in their nets, fauna that they don’t even need. Upward of 800 trawlers that go out to the sea from the West Bengal coast cover

between themselves tens of thousands of square kilometers, carrying out a daily ecocide whose magnitude is immeasurable.

Therefore the fish catch declines as the fishing population continues to increase.

And the most recent threat has been the proposal for setting up a massive nuclear cluster (of six to ten thousand megawatts installed capacity) at Haripur, – one of the sites of this study. If the proposal is really implemented, the impact of hot water discharge and low-level radiation on the coastal waters can only be imagined. Let alone the immediate eviction of at least five Khotis.

All of this comes out in a gush as you speak to fishers and fishworkers of the area. As we talked to the members of the Khoti at Dadanpatrabar, Junput, Haripur, Baguran Jalpai 1, and Baguran Jalpai 2, each of the items mentioned in the preceding paragraphs was stressed with great verve. The same feelings came out during the questionnaire-based survey. The fishers felt that recent developments were jeopardising their livelihoods and encroaching on their basic rights. Before however looking at what our interviews and surveys among the capture fishers of Purba Medinipur have yielded, let us take note of some aspects of fishing in that area.

E. OF BOATS AND NETS

The *Behundi jaal* or set bag net is by far the most important fishing gear used by traditional fishers in the Purba Medinipur coast. It is used by almost 90% of the fishers during the usual fishing season (at least this is the case for the area surveyed in this study). Gill nets are used by the more prosperous fishers (around 20% of the fisher population) during the rainy season, from July to mid-September, for netting the hilsa shad. The other gears used are *daangaa behundi*, *kaathi jaal* and *shaula jaal*, smaller bag net type gear used to net fish from the shore, by a small section of the fishers (mainly the very poor). An important thing about the *Kaathi jaal* is that it is often used by women.

The boats used by the traditional fishers of the Purba Medinipur coast fall into two classes, traditional non-motorised and motorised. Here ‘motorised’ is to be distinguished from ‘mechanized’, which stand for much larger boats used in large-scale commercial fishing – e.g. the trawlnetters and gillnetters. The following citation provides a good description of traditional boats used by fishers on the West Bengal coast in general, and may be taken as an elementary guide to traditional fishing crafts of Purba Medinipur as well.

Fishing craft have evolved in West Bengal over the years from riverine boats to more seaworthy versions. In general, the traditional craft are characterized by a high sheer aft, arc bottom sections and a rockered bottom. They go by different local names such as *chot*, *salti*, *dinghi*, *bachary* and *pattia*. These names are at first confusing, as the differences are small. Hybrid versions further exacerbate this identification problem. ...all boats are carvel-planked in *sal* or *asna* wood. The planks are stapled together with MS staples and the frames are subsequently nailed in.⁴

Motorization of traditional craft which started in the mid-'70s received governmental (Fisheries Department) support during the '80s.

Boat construction is of acceptable quality...

There is a distinct difference in hull form between traditional craft used in shallow coastal waters and those that operate in deeper waters. The shallow 'arc' section is replaced by a deeper 'V' section, though the construction and the layout are the same. Motorization has also resulted in appropriate changes to the hull design...⁵

The dimensions of the traditional boats are as follows:

LOA (Length Overall) 6-8 m, Breadth 1.8 m, Depth 0.7 m, CUNO (Cubic Number) 7.56 m³ to 10.08m³.

The motorised boats are essentially traditional boats fitted with diesel engines accompanied by necessary structural modifications. The engine power of motorised boats on the Purba Medinipur coast range from 14 Hp to 28 Hp. The boat dimensions range from LOA 9 m, Breadth 2 m, Depth 0.8 m to LOA 9.3 m, Breadth 3 m, Depth 1.2 m.

The mechanized trawling boats and gillnetters are much larger and more sophisticated, and have engine power that range from 40 to 120 Hp. But these of course belong to the non-traditional mechanized fishing sector.

On the Purba Medinipur coast the total number of traditional non-motorised boats have been estimated to be around 2500 and motorised boats to around 3000, as per the Purba Medinipur ADF (M) office.

II. THE SCRIPT OF GOVERNANCE

There is a whole host of Central Parliamentary legislations that have some bearing or the other on marine fishing. And there is one specific law and rules thereunder, framed by the State Government of West Bengal, which bears directly on coastal fishing activity in the State. And there are of course orders issued by the West Bengal Department of Fisheries (Marine), which address issues of permissible fishing period, mesh size and so on. We will make certain observations regarding the State legislations, rules and orders. As regards the Central laws and rules we shall only make comments of a general nature, for analysing them in detail calls for a full study in its own right.

An entire array of legal script bears, directly or indirectly, on various aspects of coastal fishing. Some of them are as follows.

- A. THE INDIAN FISHERIES ACT, 1897
- B. THE WILDLIFE PROTECTION ACT 1972
- C. THE WILDLIFE (PROTECTION) AMENDMENT ACT, 2002
- D. WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974
- E. THE INDIAN FORESTS ACT, 1927
- F. FOREST CONSERVATION ACT, 1980
- G. FOREST CONSERVATION ACT, AMENDMENTS, 1988
- H. THE MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY ACT, 1972
- I. THE TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976.
- J. THE MARITIME ZONES OF INDIA (REGULATION OF FISHING BY FOREIGN VESSELS) ACT, 1981
- K. THE MARITIME ZONES OF INDIA (REGULATION OF FISHING BY FOREIGN VESSELS) RULES, 1982
- L. THE ENVIRONMENT (PROTECTION) ACT, 1986
- M. THE COASTAL REGULATION ZONE NOTIFICATION, 1991
- N. THE TRADE UNIONS (AMENDMENT) ACT, 2001
- O. THE OFFSHORE MINERAL (DEVELOPMENT AND REGULATION) ACT, 2002
- P. THE MERCHANT SHIPPING (AMENDMENT) ACT, 1998
- Q. COMPREHENSIVE MARINE FISHING POLICY NOVEMBER 2004
- R. THE COAST GUARD ACT, 1978
- S. THE DISASTER MANAGEMENT BILL, 2005
- T. COASTAL AQUACULTURE AUTHORITY ACT, 2005
- U. NATIONAL ENVIRONMENT POLICY, 2006

As will be evident from the names, some of the aforementioned instruments bear directly and categorically on marine fishing activity. The others relate to marine

fishing somewhat more marginally. However, a perusal of the aforesaid scripts will reveal two things:

First, the Indian nation state's intent to declare its unquestionable prerogative over all living and non-living resources within what it considers to be the boundaries of India, and such contiguous territory over which it may legitimately lay claim (e.g. the continental shelf and Exclusive Economic Zone). Secondly, the Indian nation state's declared intent to conserve the said resources.

Now in expression of both these concerns, if one were to deconstruct the said texts (an exercise we cannot indulge in here), one would find the principle of *raison d'état* shining forth in the fullness of its splendour. But it is 'reason of the state' as distinct from that 'of the people'. For, the people, communities and individuals do not feature in the texts of the legal scripts, particularly the earlier ones, except as 'transgressors'. In the more recent legal expressions the people have started creeping in as positive agents – for example we find a certain role for the Panchayats and local communities in The Wild Life (Protection) Amendment Act, 2002. And at long last, the National Environment Policy, 2006, for whatever it is worth, speaks of involving local communities both in formulation and implementation of plans, in coastal management and in other resource management initiatives.

Now let us come to the relevant legal scripts of the West Bengal Government. The crucial legislation is of course THE WEST BENGAL MARINE FISHING REGULATION ACT, 1993, which was published in the Calcutta Gazette Extraordinary on 14 June 1993, but, as per Notification no.461-Fish / C-V / A-2/90 (Pt. I) dated 3 March 1999, **entered into force only on 8 March 1999. In what follows the term 'Act', unless otherwise qualified, shall mean the aforesaid West Bengal Marine Fishing Regulation Act, 1993.**

The Act is implemented through the following rules/notifications/orders:

- ❑ West Bengal Marine Fishing Regulation Rules, 1995
- ❑ West Bengal Marine Fishing Regulation (Amendment) Rules, 1998
- ❑ Notification No. 3210-Fish/C-V/1A-2/90 Pt.I of 17 November 2000
- ❑ Notification No. 3211-Fish/C-V, dated 17 November 2000, published 28 November 2000
- ❑ Notification No. 3216-Fish/C-V, dated 17 November 2000, published 28 November 2000
- ❑ Order No. 3209-Fish/C-V/1A-2/90 Pt. I, dated 17 November 2000, published 28 November 2000

The Act consists of 25 sections divided into 5 Chapters: Preliminary (I); Regulation of fishing (II); Management and Control of fishing harbours and fish landing centres (III); Penalties (IV); Miscellaneous (V). It, and its allied orders/notifications etc., governs fishing operations off the coast of West Bengal, in the territorial waters of the state (to the extent of 12 NM where 1 NM =1.852 km). Section 2 (1) declares that for the purposes of the Act ‘adjudicating officer’ means the Director of Fisheries West Bengal or any other officer not below the rank of Assistant Director of Fisheries, duly authorised by Notification and ‘appellate authority means the Secretary, Fisheries Department, Government of West Bengal. In order to carry out fishing operations, fishing vessels shall obtain both a licence and registration. The State Government may regulate, restrict or prohibit acts specified in section 4. Section 7 concerns the licensing of fishing vessels, whereas section 9 provides for the registration of fishing vessels. Under section 14 the State Government may, by notification, declare any harbour **as** a fishing harbour and any centre for landing of fish **as** a fish landing centre, and thereupon the management and control of such fishing harbour and fish landing centre shall vest in the State Government. Regulation making powers of the Government are outlined in section 25.

Three things, in Sub-section 2 of Section 4 and in Section 14 of the Act, command our immediate attention. 4 (2) (b) says that the government shall have regard to “the need to conserve fish and to regulate fishing on a scientific basis” and 4 (2) (a) says that the government shall have regard to “the need to protect the interests of different sections of persons engaged in fishing, particularly those engaged in fishing using fishing vessel such as catamaran, country craft or canoe”. Therefore the urgency of scientifically conserving the resources of the sea is spelled out and on the other hand there is a declaration of intent of protecting the interests of ‘different sections’ of fishers and particularly the weaker sections using traditional crafts. But this concern for protection is purely paternalistic; nowhere is there recognition of the concerned people as active agents. Thus Section 14 of the Act that speaks of declaring fish landing centres and vesting their management and control in the State Government, does not utter a word in recognition of existing centres for landing fish being already managed by autonomous bodies of people (the Khotis).

The various rules/notifications/orders give flesh to the concerns expressed in the Act.

The West Bengal Marine Fishing Regulation Rules, 1995, deals with a number of things but focusses mainly on matters relating to registration and licensing of fishing vessels (to be borne in mind that the Act provides that all fishing vessels must have both a registration and a licence (renewable annually). In this context it declares that:

SCHEDULE IV

LIST OF OFFICERS EMPOWERED TO ACT AS AUTHORISED OFFICER IN RESPECT OF REGISTRATION, TRANSFER OF OWNERSHIP, CHANGE OF PRINCIPAL FISHING BASE AND REPLACEMENT OF ENGINE OF FISHING VESSEL

(See rule 3(3) of West Bengal Marine Fishing Regulation Rules, 1994)

- | | |
|---|---|
| 1. For fishing vessels with principal fishing base within the jurisdiction of South 24-Parganas and North 24-Parganas District. | Assistant Director of Fisheries, (Marine), Diamond Harbour. |
| 2. For fishing vessels with principal fishing base within the jurisdiction of Midnapore District. | Assistant Director of Fisheries, (Marine), Contai. |

Note.—In case of change of principal fishing base or transfer of ownership and change of principal fishing base simultaneously, Assistant Director of Fisheries, (Marine), Diamond Harbour or Contai in whose jurisdiction proposed principal fishing base lies shall act as authorised officer.

SCHEDULE V

LIST OF OFFICER EMPOWERED TO ACT AS AUTHORISED OFFICER IN RESPECT OF GRANT OF FISHING LICENCE AND RENEWAL OF FISHING LICENCE

(See rule 4(5) of West Bengal Marine Fishing Regulation Rules, 1995)

- | | |
|---|---|
| 1. For fishing vessels with principal fishing base within the jurisdiction of South 24-Parganas and North 24-Parganas District. | Assistant Director of Fisheries, (Marine), Diamond Harbour, |
| 2. For fishing vessels with principal fishing base within the jurisdiction of Midnapore district. | Assistant Director of Fisheries, (Marine), Contai. |

Today the term Midnapore in the above citation should be read as Purba Medinipur, for it is therein that the entire coastal stretch of the erstwhile Midnapore District falls. Therefore for the fishers of Purba Medinipur, the district with which we are concerned in this study, the Assistant Director of Marines, ADF (M) in short, is the key government officer.

The West Bengal Marine Fishing Regulation (Amendment) Rules, 1998, develops further on the 1995 Rules paying special attention to safety precautions that every ocean going vessel must take. Here we shall mention only one specification, which, having amended the prescriptions in clause (a) sub-rule (1) of Rule 5, reads as follows:

Table

1. *Class of fishing vessel* : Vessel fitted with 30 horse power engine including traditional and non mechanised ones

Fishing Zone

Zone A

Specified area for fishing : Territorial waters up to 15 Km.

2. *Class of fishing vessel* : Vessel fitted with engine of more than 30 horse power.

Fishing Zone

Zone B

Specified area of fishing : Territorial waters beyond 15 kilometres.

Note : (1) Distance in kilometre shown in column 3 of the table denotes shortest distance from shore line.

‘30 Hp engines’ refers to all engines less than or equal to 30 Hp. Thus all traditional boats without engines or with engine capacities up to 30 Hp are ordered to fish within 15 Km while those with higher engine capacities are enjoined to fish beyond 15 km, from the nearest point on the coast. The significance of this stipulation is clear enough, it is to protect the marine resources near the coast from rampage of the mechanized trawlers and gillnetters. The extent of implementation will be dealt with in due course.

The aforesaid Rules, in section 4, go on to make further stipulations regarding fishing gear.

4. The use of Shooting or Behundi or any other bag-net made of mosquito netting cloth for the purpose of catching seedling of marine fish species, including prawn, in the coastal areas, estuarine mouth, canals and creeks including the Sundarban area of the State, shall be strictly prohibited in accordance with the provisions of clause (d) of subsection (1) of section 4 for the purpose of fishing, and the Wild Life (Protection) Act, 1972 (53 of 1972) for the purpose of protection of wild life.

In its quest for defining permissible fishing gear the Rules are assisted by the Order No. 3209-Fish/C-V/1A-2/90 Pt. I already mentioned above. The Order lays down:

Specification of fishing gear to be used in specified area for marine fishing

<i>Specified area for fishing</i>	<i>Class of fishing vessels for plying</i>	<i>Type of gear/mesh size to be used</i>
1. Fishing Zone Zone—A (Territorial waters up to 15 kilometres)	Vessels fitted with 30 horse power engine including traditional and non-mechanised ones.	(i) Gill net not below 25 millimetres mesh (Bar mesh—knot to knot). (ii) Fixed bag net/dol net of mesh size not below 37 millimetres mesh (bar mesh—knot to knot). (iii) Hook and line. (iv) Shore seine/drag net of mesh size not below 25 millimetres mesh (bar mesh—knot to knot). (v) Trap.
2. Fishing Zone Zone—B (Territorial waters beyond 15 kilometres)	Vessel fitted with engine of more than 30 horse power	(i) Gill net not below 25 millimetres mesh (bar mesh—knot to knot). (ii) Trawl-net of standard mesh size fitted with turtle excluder device suitable to the size of trawl-net. (iii) Hook and line. (iv) Trap.

The aforesaid Rules go on to make a further stipulation regarding permissible period of fishing. It stipulates insertion under sub rule 3 of Rule 5 of the abovementioned ***Marine Fishing Regulation Rules, 1995***, the following directive (that has to be read with section 4 of the Act):

The fishing in the areas as aforesaid shall be restricted within the months of July to February and the period within the months of March to June shall be observed as "Closed Season" when there shall be no fishing for the purpose of maintaining conservation measures and scientific fishing in accordance with the provisions of section 4.

The above directives are also aimed at saving the marine bio-resources. We shall later have occasion to comment both on their intrinsic efficacy and the extent to which they have been implemented.

The Notification No. 3211-Fish/C-V, dated 17 November 2000, published 28 November 2000, declares two fishing harbours (FH) and 5 Fish Landing Centres (FLC) in the Purba Medinipur district. Amongst the 5 FLCs declared are Dadanpatrabar and Junput, the two major Khotis that we have looked at in our study. There is also a declaration of 7 other FLCs in the district of South 24 Parganas, but that has little relevance to our study.

Similarly of little direct relevance to this study are the notifications, number 3210 and 3216, that we have had to mention. We shall desist from discussing their contents.

One aspect of Rules relate to dangers on the sea. The ***West Bengal Marine Fishing Regulation (Amendment) Rules, 1998***, introduces the following stipulations:

"Note: Every fishing vessel, mechanised or non-mechanised, shall have on board, while fishing, a transistor radio or such telecommunication equipment as will be prescribed by the State Government from time to time for the purpose of receiving meteorological forecast regarding weather, oceanic hazards and other informative matters";...

(13) All seagoing fishing vessels shall have on board the following appliances/arrangements while on fishing voyage

(a) life-saving and fire-fighting appliances, that is to say,-

- (i) for every person on the boat, there shall be a life jacket, approved by the Mercantile Marine Department
- (ii) there shall be two lifebuoys to be hung on each side of the vessel of which one shall have a self-igniting light to be attached by a lifeline;
- (iii) there shall be a foam-type fire extinguisher in the engine room;
- (iv) there shall be two buckets with sands to put out fire.
- (v) there shall be installed a search and rescue transponder (SART) in the vessel;

The Rules further say:

- (a) all mechanised vessels shall carry one wireless set with channel 16 and alternate two channels in consultation with Central Wireless Wing ;
- (b) all deep-sea fishing vessels shall, in addition to the above-mentioned set, carry Radio Transistor set. Fixed frequency in 08/03 kilometre range shall be allotted;

These rules are observed only in violation. The owners of the motorised vessels, often going 5 Km or beyond into the sea, have not the wherewithal to purchase reliable communications or life saving equipment.

We shall see further to what extent the Rules and Orders stand implemented and how far they have succeeded in achieving their ostensible objectives.

III. COMMUNITY RIGHTS' REGIME

A. THE KHOTI

We have already mentioned the Khoti – almost the central target of this study. The term Khoti is usually translated as ‘fish landing centre’. It is that. But, it is much more. It is a community of fishers and fishworkers coming together, from near and relatively far, at a specific locale on the seashore in order to go about their business. And the business is of course fishing.

Fishing is a complicated activity under any circumstances. It involves the making, maintaining and repairing of boats, procurement and maintenance of requisite nets and other implements, putting together a crew, going out to fish in weather fair and foul, braving the risks of the sea making the catch and coming back. It also involves a lot of other things like freezing, sorting, processing and marketing; but before we go forward to describe some of the main aspects let us point out one important aspect of fish produce in West Bengal and, in our case, the East Medinipur coast.

The bulk of fish that is caught is dried. Of course raw fish is sold. But in terms of the total fishing economics of the region under consideration, the revenue from raw fish constitutes not much more than 15% of the total. About 85% of the gross revenue is from selling dried fish. It is this dried fish from the West Bengal coast that goes to other areas – the West Bengal hills, Assam and other states of the Northeast, to Jharkhand and Chattisgarh. The dried fish that goes to these areas constitutes an important source of essential nutrients for the poor of those areas. Dried fish – which is cheap, keeps for months without going stale and without needing refrigeration – provides the poor with essential nutrients such as protein, B complex vitamins, particularly thiamine, Riboflavin, niacin, B6 and B12, minerals such as iodine and phosphorus and other useful items.

So fishing on the East Medinipur coast is related to an entire chain of activity. After the fish is brought to the shore, the raw fish goes into a separate marketing chain. But the bulk of fish is put out to dry. Therefore when one goes into a Khoti area during the Khoti season, i.e. the main fishing season (roughly from 15 September to 15 March in West Bengal) one is immediately overwhelmed by the odour of fish drying. Large tracts on the beach are set out for fish drying.

But even prior to drying the fish must be sorted (and even raw fish must be sorted out before being actually handed over to the buyer – the vendor or trader). And after sorting the fish is put out to dry. The technology of drying is a fascinating one but we shall desist from dwelling on it here. What is germane to our concerns that in the Khoti area we shall find a whole host of people – mostly women – busily engaged in the process of sorting and drying the fish.

So the Khoti brings together an entire host of people. Fishers who take out boats and crew and catch fish. Sorters and driers; plus vendors and traders; and often shopkeepers, paramedics, and other people doing business within the Khoti area.

The Khoti is there and fully functional for around 6 months and often somewhat more. And all those people are there, going about their business.

This business involves massive cooperation. It also entails conflicts. And here we come to the Khoti's meaning, significance and *raison d'être*. *The Khoti is the fishing community's mode of civic and economic self-organisation; it is coming together by the fishers to ensure cooperation and reduce and manage conflicts.* There are potentials for conflicts everywhere – when the fishers cast their bag nets they are marking out areas of the sea for themselves. There is always the very real possibility of treading on each other's toes. When the fish are brought in to dry, another area of conflict opens up – regarding fish drying zones. Besides, there is the question of settling the wages of the crew, and of course of the sorters and the driers. There is the problem of possible encroachments on another Khoti's area and so on and so forth. Not all conflicts can be avoided and some escalate into a great deal of bitterness. But the very fact that about 39 Khotis continue to function, year after year, on the relatively short stretch of the East Medinipur coast and involving easily more than 50,000 fishworkers, vendors, traders and their staff, and carrying on incredibly bustling activity, proves that the fishers have succeeded in creating a self-organisation that is viable in all senses of the term. Occasionally however, the disputes within the Khoti can escalate to levels that harms its functioning. This has taken place in the present Junput Khoti, where the last Khoti executive committee was elected in 2001 and thereafter troubles within the Khoti prevented the formation of an executive committee until very recently.

Yes, it is the normal thing in each Khoti to elect an executive committee to manage its affairs. And thereby hangs a tale.

Prior to 1998, the Khoti executive committee was not actually elected; the members came together in the annual meeting and a group of members were

chosen to be the executive committee on the basis of consensus. In 1998, the system of formal elections (to be conducted by the govt. officials) was introduced by a circular of the Jilla Parishad (District level Panchayat Body). An apparently democratic measure, it brought in its train politicking and cabal formations along political lines.

B. OF RIGHTS AND WRONGS

While talking to the members of the Dadanpatrabar Khoti the discussion broached on the question of rights of traditional coastal fishers and finally on the nature of rights itself.

Fisherpeople fish. They use the beach to land their fish and process them. When asked whether they have a right to such activities some of them were perplexed. They had not really been asked this question before.

What emerged from the exchange was that we tend not to consider things that we do naturally as matters of right. The question of *right* does not appear at all. The rights' issue arises only when what was once the most natural of all activities is somehow threatened. Then the activity itself and elements that are conducive to that activity tends to get articulated as 'right'.

That is why the issue of rights is inevitably connected with the issue of wrongs. When the beach is threatened, when trawlers destroy fish stock and fishers' nets, it is then that traditional fishers have stood up to voice their demands to a safe coastal and marine environment.

C. THE SCRIPT OF THE STRUGGLE – WHAT THE HANDOUTS SAY

Wading through the omnipresent smell of dried fish you enter the Dadanpatrabar Khoti office. At the rear of the rather large room is a cavernous antechamber. You wonder what it is. If you ask nicely you will find out.

That small room at the back is stacked with documents. You will find newspaper clippings, leaflets, handouts, and of course committee proceedings going back to 1957 or even earlier. The Khoti is old we are told, going back to 150 years. What is more important, Dadanpatrabar indicates an important aspect of community consciousness – written and printed documents pertaining to community self-government and fisherpeople's struggle have been carefully preserved.

. Let us take a glimpse at what some of the recent handouts say.

- ❖ Hand over the coastal land required for fishing and allied activity to the fishers through the fisheries department.
- ❖ Supply kerosene at subsidized rates to the Khotis.
- ❖ Supply adequate diesel at subsidized rates to the fishers
- ❖ Provide knowledge and facilities to enable fishers to carry out advanced fish processing
- ❖ Provide the facilities of Savings cum Relief Scheme to all fishworkers
- ❖ Ban trawling during monsoon seasons
- ❖ Sea to the traditional fishers
- ❖ Ban intensive prawn farming and prawn monoculture
- ❖ Prevent coming up of nuclear power stations in coastal areas
- ❖ Arrange for proper sanitation facilities, rest places and crèche in each and every Khoti
- ❖ Provide waterproof gloves and shoes for women fish sorters

D. RIGHTS, LAW AND THE KHOTI

So we have got a glimpse of vibrant functioning of a Community-Based Organisation of fishers – the Khoti. We have also caught a glimpse of their sense of rights and how that sense has translated into demands. Now how do all these relate to the State and its laws, and how do the latter view the fishers’ self-organisation, activities and demands.

Let us remind ourselves that as per the Rules under the Act the Assistant Director of Fisheries (Marine), ADF (M) in short, at Contai, is the key government officer regarding most of the provisions of the Act and its various rules, orders and notifications.

Whenever the Khoti leaders in East Medinipur speak about governmental authority in connection with their profession they mean the office of the Assistant Director of Fisheries (Marine) described in short as the ADF (M). The Khoti leaders simply call it the ‘marine office’.

“Do you recognise the Khoti regime”, we asked the ADF (M) and his staff. “Of course we do”, was the unambiguous answer.

The ADF (M)'s recognition of the Khotis goes beyond the act of mere recognition. The office extends a certain amount of financial assistance to the Khotis. For example, in all the Khotis surveyed in this study the office provides the salary for at least one paramedic, one sweeper and one guard during the Khoti season. In the larger Khotis, Dadanpatrabar and Junput, the number of personnel provided for is a little more (for example, in both the Khotis the number of government supported paramedics is two). And of course the fishworkers' identity card, which entitles them among other things to the Relief cum Savings Scheme, is issued to the fishworkers on the Khoti's recommendation.

Thus it does appear, that to some extent at least, the authorities accept and recognise the reality of the Khoti regime.

But what is the legal basis of this recognition? The office provided us with a copy of the Notification No. 3211-Fish/C-V that, in exercise of the powers conferred under Section 14 of the Act, recognised 5 out of the 39 Fish Landing Centres (FLC). But declaration of an FLC is one thing and recognising Community based management of the same is something else. For, as we have seen, Section 14 of the Act says that "The State Government may, for the purposes of this Act, by notification, declare any harbour as a fishing harbour and any centre for landing of fish as a fish landing centre, and thereupon the management and control of such fishing harbour and fish landing centre shall vest in the State Government." This seems to preclude community based management of the FLCs. And what about the other 34 FLCs and the Khotis managing them? There did not seem to be any orders/notifications covering these FLCs.

And there are further legal tangles. Although Section 2 (1) of the Act, as we have seen, appears to make the Fisheries Department, Government of West Bengal, the key implementing authority the land on which the FLCs function belong in most cases to the Land and Land Reforms Department. This created a legal imbroglio when, through the aforesaid notification 3211-Fish/C-V, the Fisheries Department recognised FLCs. For, to designate FLCs was to recognise a certain kind of activity on coastal land, over which the Fisheries Department had no custodianship. It is this that has possibly prevented the said Department from issuing further notifications recognising the other Landing Centres. Another zone of trouble are forest lands. Some of the Khotis, e.g. Junput, Baguran Jalpai 1 and 2 operate on designated forest lands. Now, this has led to difficulties with the forest department, although as of the present some kind of informal settlement has been arrived at.

But notwithstanding this highly unsatisfactory legal foundation, the ADF (M) has seen it fit to accept the Khoti regime as a viable and functioning management option. Thus all the Khotis in the East Medinipur district consider the ADF (M) as their immediate authority, and the Assistant Director is ex-officio member of each Khoti committee and he himself or his representative is invited to be present at the Annual General Meeting of each Khoti (this was corroborated by the information gathered at the Khoti end). So although nothing in the legal script recognises Khoti governance and management in an unquestionable manner, on the ground the Khotis continue to be accepted.

“Do you think the Khoti should be given clear legal title to the land on which it pursues its activities?” we asked.

The officer and his staff were sympathetic to this demand. They said that this demand had already been advanced by fishworkers’ organisation and some steps had already been initiated in this direction. However, the Land and Land Reforms Department was reluctant and the situation till date was that nothing really effective had transpired.

How far have the stipulations to conserve marine bio-resources been successfully implemented? Are these stipulations adequate for attaining their objectives? We shall be better placed to address these questions after we have looked at the results of our Rights’ Survey.

IV. BACKGROUND INVESTIGATION AND RIGHTS’ SURVEY – ANALYSIS AND COMMENTS

A. THE KHOTIS – BACKGROUND INFORMATION

Before going ahead to the findings of the survey we need to mention certain salient features regarding the the Khoti and its members. In what follows all ‘current’ figures mean those as per records and information for the last full fishing season that came to an end during the spring of 2007. And it needs to be mentioned that, of all the Khotis surveyed, the Dadanpatrabar Khoti was able to provide secure information over the widest range of queries, while the information from Junput tends to be much thinner and rather approximate in nature.

Dadanpatrabar (Kharpai)

As per oral tradition the Dadanpatrabar Khoti goes back to about 150 years. Like all other Khotis it started off as a small fishing camp and grew, acquiring impressive proportion in the recent decades. Its current member strength is 4008.

Of the 4008 Khoti members 3556 are males and 452 females.

Among the population the Bengali Hindus constitute the overwhelming majority, >96%, while Muslims, Santhals and Telugus make up the rest.

Caste Composition: Bengali Hindus		
Caste	Number	%
Rajbanshi	1655	41.29
Namashudra	350	8.73
Jele Kaibarta	50	1.25
Chashi Kaibarta	1757	43.84
Brahmin	60	1.50
Total	3872	96.61

The Rest		
Religion	Number	%
Muslim	36	0.90
Santhal	50	1.25
Telegu	50	1.25
Muslim	36	0.90

The occupational divide is as follows:

. Khoti Population:			
Category	Male	Female	Total
ALL	2576	1432	4008
Fishing	1000	0	1000
Traders	30	0	30
Traders' employees	270	0	270
Sorting, Drying, Cooking, Packing, Net Repairing	1080	1400	2480
Sundry activities	196	32	228

The Khoti organisation has employees.

Khoti Employees:

Category	No.
Medical Assistant	2
Office Assistant	2
Chowkidar	4
Dhaki Dhuli	4

Interestingly enough, a certain number of local professionals/self-employed who have close professional relationship with the Khoti, are deemed members. They are:

Occupation	Number
Private Doctors	2
Barbers	2
Telephone Booths	2
Power suppliers (Generator Owners)	2
Lathe Machinist	3

Of the 1600 Fishers, only 125 are boat owners, called Laya. These are the chief fishers who command the crew on the sea and call the shots in the Khoti. In the

Khoti democracy, as we shall see later, everyone is equal but Layas are *more equal than others*. Currently there are about 150 boats in the Khoti, of which 82 were motorised and 68 Non-motorised. Most of the motorised boats are 1 cylinder boats of 8.5 Hp and others are 2 cylinder of 20 Hp. The boats do not go into the sea to a distance of more than 5 km from the nearest point on the coast and usually keep within 3 km.

95% of fishing activity is with the use of Behundi (Bag net) of mesh size 8 mm (cod end). And 5% is with the use of Gill nets of mesh size 8-40 mm.

There were 175 vendors, of whom 30 are female. But vendors are not Khoti members.

The income figures are as follows:

A Laya has 5 to 7 crew members, which includes 1 navigator (majhi). During the full fishing season (6 months, roughly from September to February) the navigator is paid at the rate of Rs. 2500 per month plus rations. The other crew members are paid Rs. 2000 per month plus rations. Sorters and driers are paid Rs. 1000 per month plus rations. The income of the Laya himself is a complicated affair, and we shall come to this issue only after we have waded through information from all the other Khotis.

Women sorters/driers had to face great difficulty because they often had to bring their infants to their workplace and there was no crèche or similar facility to take care of their children. Often the women had to work with infants on their laps. Moreover there were rather inadequate latrine facilities for women.

The overall formal educational status of the Khoti members leaves much to be desired. While 90% were signature literate, only 40% were literate in any meaningful sense. Among the 4008 Khoti members there were only about 40 who had passed the Secondary Level (10 +) Examinations, 15 had qualified the Higher Secondary (12 +) and there were only about 6 graduates.

The Khoti has an executive committee to take care of the Khoti management. The general Khoti administrative structure is as follows:

Status	Number	Male	Female
President	1	1	---
Secretary (Barua)	1	1	---
Assistant Secretary	1	1	---
Treasurer	1	1	---
Executive Committee Member (with voting right)*	15	14	1
Executive Committee Invitee Member (without voting right)	15	13	2
General Member	4008	2576	1432
*Executive Committee has a representative of local Panchayet as its member			

There is a general government sponsored cooperative open to all members but what is significant is that there is also a cooperative consisting entirely of women members. The details of this Women's Cooperative are as follows.

CBO	Establishment	Membership	Main Purpose
Maa Sarada Mahila Marine Fishermen Cooperative	1991	357	1. Organising the women members for self-employment & Income generation through sorting-drying and if possible through other activities 2. Receive and distribute benefits provided by government 3. Members' welfare

Junput

As per oral tradition the Junput Khoti goes back to the beginnings of the colonial period, or perhaps even earlier.

The number of members in the Junput Khoti totaled 4800. Of these 1500 are female and 3300 male. The four Khoti leaders interviewed were unable to provide exact figures but were unanimous regarding the following approximate figures that they provided.

About 70% were Hindus and the rest Muslims. Among the Hindus the majority belonged to the Jele Kaibarta, Chashi Kaibarta and the Mahishya castes. About 1300 were involved in actual fishing and among these there were 120 Layas. About 1800, of which the majority were males, were involved in sorting and drying. About 400 were large wholesale traders and about 700 were employees of

these traders. The rest, about 600, were fish vendors who were members of the Khoti.

The Khoti employs 2 Medical Attendants, 1 Sweeper, 1 Nightguard and 1 Peon.

The total number of boats employed is 200 of which about 170 are motorised and the rest non-motorised.

The average boat size here is larger than in Dadanpatrabar and measure up to 9 metres LOA. All boats have 2 cylinder engines, of 20 to 28 Hp. The boats go much further, up to 20 Km into the sea during the full season.

The Behundi overwhelmingly dominates fishing activity.

One significant thing about Junput Khoti is that while women are mostly sorters and driers, a small percentage of women also indulge in 'from the shore' fishing, employing *Kathi jaal* and *Shaula jaal*.

There is a fifteen member executive committee, as is the rule for all large Khotis, with 2 women committee members.

There was a general cooperative as well as one exclusively for women. There were 56 women's Self Help Groups (SHG) of which 30 functioned on local initiative and 26 were born due to an NGO initiative (*Kajla Janakalyan*). There were no separate women's latrine at the workplace but SHG efforts had led to construction of hygienic latrines at many fishworkers' homes.

Haripur Khoti

This is a relatively new Khoti, fully functional from 1982. It was created by fishers belonging earlier to Junput and other large Khotis nearby. The fishers at Haripur say that for fishing purposes the Haripur beach is the finest in Purba Medinipur District.

The total number of present members is 1150 of which 375 are women. 75% of the members are local – i.e. from Haripur and adjoining villages – and rest are from within 15 Km. 1141 are Bengali Hindus and the rest are Muslims. 75% of the Hindus are from the Rajbanshi caste (which includes both Jele and Bagdi) and 25% belong to other castes.

The number of Layas or boat owning fishers is 120. The following table gives the occupational distribution among Khoti members of both sexes.

<u>Khoti Population:</u>			
Category	Male	Female	Total
All	775	375	1150
Fishing (Layas + crew members)	520	0	520
Sorting and Drying	125	375	500
Vendors	16	9	25
Other activities	80	25	105

To be noted that vendors are members of the Khoti.

The Khoti employs only 1 Medical Attendant and 1 guard.

There are a total of 120 boats of which 50 are non-motorised and the rest (70) are motorised. The motorised boats are all 2 cylinders of 14 to 22 Hp. The boats here are significantly smaller than at Junput and the number of crew, excluding the Laya himself, is never more than 4.

The fishing gear used is almost exclusively Behundi.

The payment for the Majhi (navigator) is Rs.2500 – Rs.3000 plus rations per month for the 6 months of the fishing season and Rs. 2000 – Rs. 2500 plus rations for the other crew members. The payment for the sorters/driers is around Rs. 1700 per month. However, sorters are often women from the Laya's family in which case the question of monetary payment does not arise. The interviewees from the Haripur Khoti told us that employing family members as sorters is now becoming a highly favoured option given increasing decline in the Laya's income.

Once again, as in Dadanpatrabar, it was reported that women sorters/driers had to face great difficulty because they often had to bring their infants to their workplace and there was no crèche or similar facility to take care of their children. Often the

women had to work with infants on their laps. Separate latrine facilities for women did not exist.

The Haripur Khoti, as is the norm for all small Khotis, has a five member executive committee. But there are no women committee members.

There were two cooperatives, one of them exclusively for women. However, the women's cooperative was yet to receive government subsidy.

Baguran Jalpai 1 and 2

Baguran Jalpai emerged as a full-fledged Khoti during the early 1980s. About 3 years later another Khoti was born so that by 1987 there were two Khotis Baguran Jalpai 1 and 2 (hereafter referred to as BJ 1 and 2).

Both are small Khotis, BJ 1 has a total of 550 members of whom 220 are women and BJ 2 has 353 members of whom 111 are women. About 30% of the members in BJ 1 are Muslims and the rest are Bengali Hindus. BJ 2 has no Muslim member. In both Khotis the bulk of Bengali Hindu population consists of the traditional fishing caste of Jele Kaibarta. The next most populous caste is the *Chashi Kaibarta* (traditional cultivators). Other castes constitute a small minority.

BJ 1 has 46 Layas and BJ 2 has 47 Layas. The following table shows occupational distribution among Khoti members.

BJ 1 Khoti Population				BJ 2 Khoti Population			
Category	M	F	Total	Category	M	F	Total
All	330	220	550	All	242	111	353
Fishing (Layas + crew members)	276	2	278	Fishing (Layas + crew members)	215	2	217
Sorting and Drying	39	200	239	Sorting and Drying	18	98	116
Vendor	1		1	Vendor	1		1
Other activities	14	18	32	Other activities	8	11	19

The striking thing is that in both we have a couple of women who go out to fish; something though not unheard of in Purba Medinipur, is nonetheless pretty rare.

There is 1 Medical Attendant to look after both the Khotis. The Khotis have 1 Guard each.

The pay of the Majhis and other crew members is the same as in the case of Haripur. In BJ 1 and 2 the pay for sorters/driers, we were told, was Rs. 1200 per month plus rations but we were also told in BJ 2 that in case of daily payment the rate varies widely. However in BJ 1 a standardized pay of Rs. 70 per day is followed. Of course the Layas often engage members of their own family in the work in which case the question of payment does not arise.

One important feature in these Khotis is increasing trend of share or partnership fishing. The Laya does not hire his crew but goes out to sea with fishers with whom he has entered into a partnership agreement. He has no problem with sharing his profits when the partners are prepared to share in case of loss. The significance of this will become apparent in the following section on Laya's income.

Of the 46 boats in BJ 1 only 19 are motorised and of them 17 are 2-cylinder boats and 2 are 1-cylinder boats. Of the 47 boats in BJ 2 31 are motorised. In both the Khotis 2-cylinder boats range from 22 to 28 Hp. The boats are of middling length and are usually not more than 8 m LOA.

Both the Khotis, as is the norm for all small Khotis, have five member executive committees. But there are no women committee members.

BJ 1 has a combined Cooperative of men and women with a total membership of 150. This Cooperative is government subsidised and was formed in 2002. BJ 2 does not still have a Cooperative.

The Layas' Income

Each time a Laya was questioned about his income he would say that with all the costs that go into fishing and the interest that he has to pay on his loans he has very little left to take care of his and his family's needs.

So unlike in the case of the Majhi, the other fishing crew or the sorters/driers, the Laya's income has remained an unknown quantity. But it was estimated on the basis different cost components that a Laya's cost of operation over the 6 month full fishing season could amount to around Rs. 150,000 – this includes the costs of the entire fishing operations, payment to sorters/driers, and the costs of repairing boats and nets. So it is quite clear that the Laya earns at least that amount plus whatever is needful to survive with his family. But the Layas pointed out that it was getting difficult even to break even nowadays, let alone make a good profit.

For, very often the Laya has to take loan; this is either to repair his boat and/or net meet any other emergency expense he or his family has incurred. Since, generally speaking, there are no institutional loans available, the Laya has to take loans from private usurers and the rate of interest, it was learnt, was 4% per month. Even at simple interest this would amount to an interest amount almost equal the principal in two years. Most of the Layas we interviewed were debtors and their chief concern seemed to be getting freed of their loans.

And very often the Laya has to take *dadán*, which is advance payment from the wholesaler, at the beginning of the full fishing season. Once that advance is taken the Laya must sell his entire catch to that particular wholesaler, even if he thinks he could have got a better bargain if he sell his catch elsewhere at a better price. And often enough the *dadán* giver is also the usurer, which further complicates things for the Laya.

And the catch per trip has been declining down the years. The Fisheries Department, Government of West Bengal, often boasts of record catch in a particular year. But that, even if the figures are true, is the overall catch and is the product of the total number of trips multiplied by the number of boats engaged in fishing (and includes the catch by trawlers and gillnetters). As the coastal fishing population and number of mechanized boats continue to increase the overall catch continues to be impressive. But at the individual fisher's end the catch is going downhill. At each Khoti we surveyed the standard complain was that the sea was getting poorer down the years and a large number of fish species, abundant even a decade ago, were no longer to be found. The interviewees at Junput reported that Hilsa, Ribbon Fish, *Bhola*, and larger varieties of *Tampra* had become rare. BJ 1 and 2 had the same thing to say regarding the following varieties: *Pomfret*, *Padre*, *Guchia*, *Topse*, *Karua*, *Baul*, *Kajol* and *Chandani*.

It is this that has led fishers to prefer the partnership mode of fishing as against going it alone with hired crew. For, partnership allows sharing of losses as well as profits – if any.

The above tables disclose a great deal but perhaps mere display of items fail to bring out the real angst of the traditional coastal fishing community of West Bengal. As the non- or poor availability of so many social security/benefit schemes show, this is a marginalized community under very real threat. The Layas are not well off but their employees are in a far worse condition. The sea, the traditional life support of this community, continues to be impoverished by large-scale pollution loads and commercial trawling. Fishers at BJ 1 and 2 reported shoals of dead turtles – victims of trawl nets – floating during September to November, a few kilometers off the coast. A more pointed narrative of the fishers' perception of their problems and threats will emerge from the survey findings, to which we now turn.

B. THE RIGHTS' SURVEY

The objective of the survey has already been mentioned along with the essential approach taken towards carrying it out.

The following are salient features of the survey findings, fortified by analysis of the data and results of preliminary investigations. All the percentage figures have been rounded off to the nearest integer. While going through the survey findings the reader would do well to consult the relevant Annexures.

1. THE INTERVIEWEES (Annexure I)

Covering a wide cross-section.

- ❑ Fishers and fishworkers under survey were chosen from diverse occupations related to fishing. They were *Jalias* (fishing crew/net casters), *Layas* (boat owners), *Bachhunis* (sorters), driers, Vendors etc.
- ❑ Number of males and females interviewed was 31 (52%) and 29 (48%) respectively.
- ❑ 88% of the interviewees were Hindu and 12% were Muslim.
- ❑ A wide variation is discernible in the social identities of the interviewees. The Hindu fishers belonged to 10 castes, while the Muslims were from two broad castes.

- Rajbongshi, Kaibarta and Bagdi are fishers by caste. They add up to 33% of the total.

2. CONCEPTION OF COMMUNITY (Annexure II)

Occupational identity gets the highest preference.

- All the interviewees identified themselves as members of fishing community. The question why he or she deems himself or herself a member of the community evoked three types of responses. 65% of the interviewees felt that they are members of the fishing community because of their occupation. 32% said that they are members of the fishing community because fishing or allied activities constituted their traditional family occupation. Only 3% held themselves as members of fishing community because they were fishers by caste.

The above seems clear enough. But unfortunately the matter gets complicated as soon as we move on to the next query.

- Eight response options were given to the fishers under survey to assess their perception regarding who should be considered a member of the fishing community. As can be seen from the annexure the responses to the options have been in general overwhelmingly positive. Although it has been verified that the surveyors have recorded their findings faithfully, interpretation of the results remains problematic. Let us see why this is so.

The exact query posed was:

S/he is a member of the fishing community who –

- a) catches fish
- b) is a fisher by caste
- c) is a fisher by occupation
- d) is a member of a fisher family
- e) is a fish seller
- f) is a fish sorter or drier
- g) is a Member of the Khoti
- h) Lives in a fisher village

There has been an overwhelmingly high positive response to all the options. One wonders whether the interviewees really reflected on the logical import of the options. For, to consider someone to belong to the fishing community just because he is a member of a fisher family (even if he has an entirely different occupation) does not seem to reflect a considered opinion. But it is possible that the interviewees have a somewhat too inclusive or perhaps less defined conception of a community. It is also possible that the surveyors failed to communicate exactly what was being asked. However, a much less overwhelming positive response to *h*, i.e. to whether a person may be considered to belong to the fishing community if he lives in a fisher village, shows some amount of discernment at work.

Nevertheless there have been some striking responses. One female sorter (Junput Khoti) flatly refused to take caste into consideration in deciding whether or not a person belonged to the fishing community. Moreover, she emphatically stated (in the presence of the principal investigator) that considerations of occupation rather than of caste were relevant in deciding whether a person was a fisher or not.

Similarly, when questioned whether or not 'one who caught fish' belonged to the fisher community, most fishers responded positively. But one fisher, who answered in the negative, clarified that although fishers caught fish, not all those who caught fish could be called fishers and that only those who traditionally pursued fishing as a mode of livelihood could be called a fisher. This response was based on a logical analysis of the import of the option. Significantly, the person who answered in this manner is a community leader; he is the President of the Haripur Khoti.

3. PERCEPTION OF CLAIMS: FISHERIES (Annexure III)

Rights are recognised, even if there are problems in exercising them.

- *All* those interviewed said that they have a right to catch, process and sell fish. But there was wide variation in their response to the question as to who had given them this right.
- Thus 35% responded in the affirmative when asked if law bestowed their right, 37% responded in the negative and the rest 28% pleaded ignorance.

- 42% of the interviewees believed that some government order has given them the right to fisheries, while 27 % did not subscribe to the idea. The rest (32%) had no idea on that score.
- A whopping 92% of the interviewees said that they had acquired this right by traditional practice. The idea was not accepted by 5% and the rest (3%) pleaded ignorance.
- Again 85% of the interviewees held that the Khoti Committee had awarded their right to fisheries, while 13% differed with it and 2% knew not what to say.
- To the question whether the Panchayet (Rural Self Government) sanctioned their rights to fisheries, 62% answered in the affirmative. 18% did not accept this and the rest (20%) were not sure.
- Asked regarding the period in a year during which they enjoy their rights regarding fishing and related activities 68% of the fishers said that they enjoy the rights throughout the year while 32% limited this period to the permitted fishing period, i.e., July to February in West Bengal.
- 75% held that their rights are recognised by other neighbouring fishing communities, while only 15% felt these rights recognised by other non-fishing communities. 13% expressed their ignorance in this matter.
- Asked if the government recognises their rights, 77% of the fishers responded in the affirmative, 15% in the negative and 8% claimed ignorance.
- Fishers who said that the government recognises their rights were further asked to explain what in their view were evidences of this recognition. The responses to this were diverse.
- 78% believed that issuance of fisher ID Cards by the Fisheries Department bears testimony to this recognition. 28% and 13% attributed the governmental recognition to issuance of boat licenses and boat registration numbers respectively. 11% saw membership of registered fishers' cooperatives as means of this recognition. 17% held 'Relief cum Savings' schemes as indicative of governmental recognition. For 11% of responding fishers Govt. recognition manifested itself through loan offers. 4% held that

government assistance in providing boot and gloves for sorters and driers is indicative of recognition. 11% and 2% attributed this recognition to government and Supreme Court orders respectively. Khoti membership was cited as a mode of governmental recognition by 9% of the responding fishers.

What is important here is to note that the overwhelming majority of the fishers and fishworkers believed that the authorities recognise their fishing claims.

Next the interviewees were asked to comment on the problems encountered in exercising their rights to fisheries. Here the responses were many and varied.

- ❑ Lack of infrastructure like proper roads, proper and adequate fish sorting and drying space, transportation of dry fish, market access for wet fish, rest rooms, toilets, crèche and necessary medical facilities including female medical attendants were mentioned.
- ❑ Lack of preparedness to cope with natural disasters was mostly mentioned among other problems. It included lack of early and effective warning system, wireless communication, land-based signal, protective measures to protect dry fish from rains and squalls etc.
- ❑ Financial problems mentioned included dearth of resources to directly access the market, resources to procure and repair boats and nets etc.
- ❑ The problem of getting a fair price.
- ❑ The number of Fishworkers was increasing while the quantity of jobs was shrinking. Some fishers also reported diminishing amount of catch as a problem confronting their livelihood.
- ❑ Non-availability of subsidies on diesel and kerosene made it difficult to procure fuel for both sea-bound fishing crafts and fishing related work after dusk.
- ❑ The putting-out system, i.e. the system of giving money in advance to the fishers by traders to get the fishers sell their catch *only to them* at relatively low price.

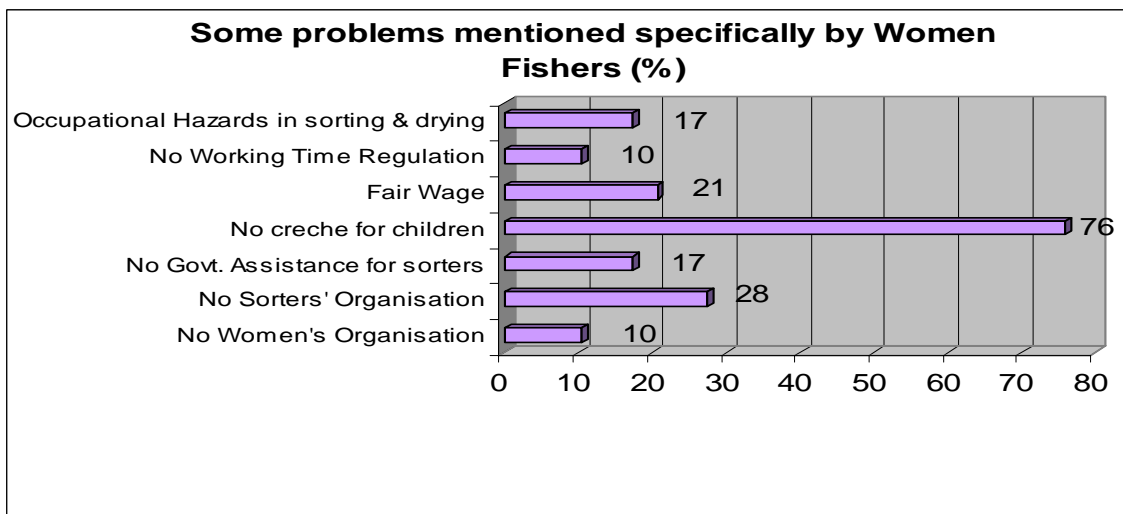
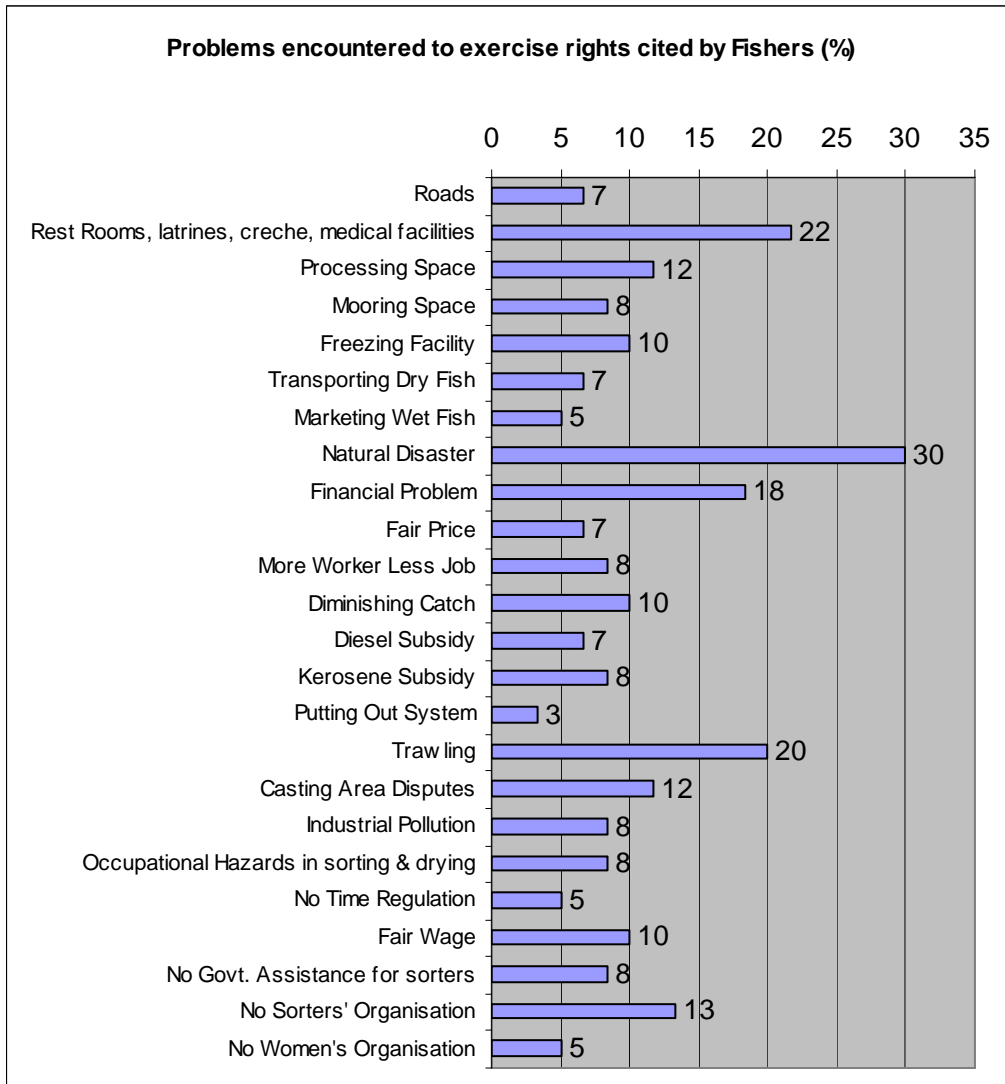
- Trawling, both national and foreign.
- Intra- and inter-Khoti disputes over the net casting area.
- Pollution from industries, effluents and emissions.

Women fishers, almost exclusively sorters and driers mentioned another group of problems. These are:

- Occupational hazards like frequent fish bone prick injuries
- No protection from the scorching sun
- No crèche to look after their children
- No separate toilet
- Lack of fair wage
- Lack of fixed working hour
- Problems in protecting their life and livelihood in the absence of separate sorters' organisation and women's organisation.

What immediately strikes the eye in this section is the richness and variety of response. In order to expose the reader immediately to the details thereof the relevant charts are imported directly into this write-up.

The charts speak for themselves.



4. PERCEPTION OF CLAIMS: COASTAL LAND (Annexure IV)

They have a part; they want the whole.

- 90% of fishers and fishworkers surveyed declared that they dwelled on the coast in the fishing / fish processing season
- Only 7% of the fishers opined that they have legal rights to the land where they live while fishing. 15% said that they did not have such rights. While 78% held that they had partial rights.
- Only 3% of fishers interviewed said that they have right over the land where they repair nets, boats etc. while another 3% held that they had no such right. But the overwhelming majority (94%) considered that they had partial rights.
- A still smaller proportion of fishers (2%) held that they had legal right over the land where they process and store fish. 17% of them said that they had no such right, while 81% held that they had only partial rights.
- The fishers' did not view their claim to the coastal land was in the nature of a legal title given by the government. A majority of the fishers (54%) felt that governmental recognition of their land rights was manifested through the activities and behaviour of the government and its officials – who allow and do not oppose the fishers' activities on coastal land. 42% think that their rights to the land on which they live and work for fishing and related activities are enshrined in Panchayet (rural self government) records as they collect professional tax from them. Only 4% of the fishers thought that their right over the land is bestowed by the authority of the Khoti Committee.

The above information should be understood in the light of the fact, that in the community that has been studied, the general level of formal education is low. In the pre-survey investigation that we conducted we found that at Dadanpatrabar Khoti (in early February 2007), although 90% could sign their names only about 40% could be considered literate in any meaningful sense. Of 4008 Khoti members only 40 had qualified the 10+ exams, only 15 had 12+ qualifications and there were not more than 6 graduates. The literacy levels were lower among women though figures proved hard to come by. We were unable to collect exact educational data from other Khotis but in general there appeared no grounds to suspect that the situation there was significantly better.

Hence often a fisher would not understand the exact meaning of *patta* (title to land) and easement rights. So when asked questions about claims to land they used or

occupied, the questions had to be rendered meaningful through various examples. But what stood out in their answers and what has been reflected in the survey results was that most felt that they had some kind of right to the land where they dwelled and which they used during fishing and related activities and there was some amount of governmental/administrative recognition of their rights to the land. This feeling of theirs was corroborated by what the authorities admitted to the investigators – that Khoti government and Khoti activity was recognised by the government through the ADF (M) office.

During our survey we quite often came across a more forceful opinion – often from persons prominent in the local fishworkers’ movement but also from humbler persons – that the Khoti should be given clear legal title to the land on which it stood and which it used. They also said that this opinion had been put forward as a demand to the authorities – meaning of course the ADF (M) office. The attitude of the office to this demand has already been mentioned in an earlier section on the ‘**Authorities Recognition** of Fishers’ Rights and practices as enshrined in the Khoti’. We have already seen this demand mentioned in the handouts and we shall see that this demand gets prominently mentioned when the surveyors asked their subjects about what demands had been raised in the fishworkers’ movement.

5. PERCEPTION OF CLAIMS: MARKET ACCESS (Annexure V)

They want easier, fairer and direct access

Not all fishers sell fish. Fish is sold mainly by Layas (Boat Owners) and by small individual fishers. Layas who take *dadan* (money advance) sell fish to the dadan giver, otherwise may sell fish directly to any wholesaler they see fit.

Of those interviewed

- 54% said they sell fish.

Fishers sell their catch (raw and dry fish) directly to the market or indirectly through intermediaries. The intermediaries are small raw fish vendors, raw fish depot owners and dry fish traders.

- Of the fishers who sell fish directly in the market 50% sell both dry and raw fish, 36% sell only raw fish and 14% traded dry fish alone.

In the case of selling through intermediary traders

- 79% of fishers sell both raw and dry fish, while 21% said that they sell only dry fish.

Both direct and indirect sale entails problems for fishers.

- In case of direct sale 59% of those interviewed said time was a big constraint,
- 84% held dearth of monetary resources posed problem in accessing the market
- 59% pointed to problems of transportation
- 50% of the fishers complained about shortage of manpower.
- Apart from this a common complain of direct sellers was lack of freezing facilities, which compelled them to sell cheap.

Problems of indirect sale or sale through intermediary traders as reported by fishers were:

- Lower price due to intervention of intermediary (65% say this): Lack of market access makes fishers dependent on intermediaries, who pay lower price to the fishers.
- Lower price due to acceptance of advance payment from intermediary traders (**100%**); **Fishers, more often than not, have to accept advance payments from intermediary traders before the season to foot fishing expenses. This makes the intermediary trader exclusive claimant of their catch, thus lowering its price.**
- Irregular sale (55%): Irregular sale due to dependence on intermediaries is another problem mentioned by the fishers.
- A common complain of the fishers against intermediary traders has been of cheating them of their right to reasonable and fair prices.

Mainly three kinds of suggestions were given by the fishers as possible solutions to their problems of market access.

- 52% of fishers surveyed opined that the problems could be overcome through government assistance;
- 45% suggested fishermen's cooperatives as a possible means to address the problems; and
- 33% saw a way out of these problems through procurement of loans from financial institutions.

It should be re-emphasised here that taking advance from big wholesalers has been seen by all interviewed as imposing an unwelcome bondage. The advancer not only pays a lesser price, the contract with him prevents the fisher from selling any part of his catch to any other buyer. An incident needs to be mentioned in this context.

Among those interviewed at the Junput Khoti was one wholesale trader. (It is an important fact about the Junput Khoti that a large number of Khoti members are wholesale traders). When the trader was asked about the desirability of governmental or institutional loans in alleviating his monetary difficulties, he answered that they were welcome. However, he added a caveat. He said that if *layas* get such loans then they this would put them outside his control. (In the course of our investigations we heard that one of the chief ills troubling the Junput Khoti is that it has come under the control of the wholesale traders).

6. PERCEPTION OF CLAIMS: SOCIAL SECURITY AND BENEFIT SCHEMES (Annexure VI)

Are there schemes? Where are they?

Before looking at the responses to the survey questions regarding Social Security and Benefit Schemes it would be pertinent to take a view of the responses received during visits to the Khotis for purposes of general investigation. The following table, which encapsulates the responses given by Khoti members, should provide a context for a better appreciation of the responses to the survey questions.

Social Security / Benefit Schemes:

Scheme	Nature & Benefits	Status	Remarks
Old Age Pension	Monthly Pension of Rs. 300	Not available to fishers due to Panchayat favoritism	Old fishers to be enlisted for the benefit.
Accident Insurance Coverage	Full: Rs. 30,000 from Block Administration Rs. 50,000 from Benfish Partial: Rs.15,000 – Rs.25,000	Not effective	The mechanism should be made easily operable and effective.
Relief cum Savings	Rs. 600/- per year from Beneficiary and Rs.600/- per year from Government Total Return Rs. 1,200/- per year. Presently 7,000 in East Medinipur and 3,000 in 24 Pgs avail of this scheme	Inadequate	Both extension in number and enhancement in amount is needed.
Medical Assistance	First Aid, Bleaching powder, Halogen Tablet, Phenyle, ORS	Very inadequate	Needed - Upgradation of local Primary Health Centres, Ambulance service, Female Medical Attendant
Medical Insurance	Provision of medical treatment benefits	Does not Exist	Necessary
Plantation/ Social Forestry	For income generation and environmental protection	Yet to be available to fishers in general	Hopefully the Forest Dept. will take up the matter
Provision of Working Capital	Protection from putting out system	Yet to be available to fishers	Govt. should arrange with banks through Khoti Committee
Govt. supported Marine Fishing Cooperatives	Subsidies for boats, engines and nets	Only Boat Owners get the benefits	Should be extended to non-owners
Crèche and Education Schemes	Crèche needed for children of working fisher women. Schools needed for children of fisher families.	No crèche. Children of fishworkers who have to be brought in with their parents to the Khoti during the full fishing period miss out on their schooling during that period.	The issue of crèches and schools should be taken up seriously.

During the Survey the fishers and fishworkers were interviewed regarding Insurance, Relief cum Savings Scheme, Old age pension, Widow Pension, National Rural Employment Guarantee Scheme (NREGS), Kerosene Subsidy, Diesel Subsidy and Govt sponsored cooperatives, all the schemes that are *supposed to be available to fishers and fishworkers as per pronouncements by government authorities*. The questions were of two kinds, one pertained to the degree of availability and the other to their impact on the community. However, among all these supposed to be available schemes, **only three** – namely, ‘relief cum savings’, insurance and fishworkers’ cooperatives are actually within the reach of the community under survey.

i) Availability

As regards the ‘relief cum savings’ scheme, it is evident from the chart below that 97% of those surveyed felt that the scheme was available, 3% felt that it was moderately available and none felt that it was not available. With regard to Insurance 25% felt that it was available, 15 % felt that it was moderately available and 25% felt that it was not available. And as regards govt.-sponsored cooperatives 37% felt that it was available, none felt it was not available but an alarming 63% felt that it was not available. This is deeply significant and we shall have occasion to comment on it.

ii) Impacts

Schemes that are unavailable have been categorized as having no impact.

As regards relief cum savings one can see that 92% feel that its impact is good, 8% feel that its impact is fair and that none consider its impact to be bad. In the case of insurance 30% feel its impact to be good, 70% feel its impact to be fair and none describes its impact as bad. In the case of Govt. sponsored cooperatives 37% find its impact to be good, 63% finds its impact to be bad and none finds its impact to be fair. This data regarding the cooperatives mirrors the availability data.

7. COMMUNITY DEMANDS AND ACTIONS TO SUPPORT CLAIMS

Of lives, livelihoods and the environment

Before looking at the responses to queries regarding community perception of demand and action to support claims it would be opportune to look at what the fishers reflected about the threats and problems facing them, reflections that were articulated to the investigators during their pre-survey visits to the Khotis and presented here in a tabular form.

Problems/Threats and their Remedies:

Threats	Remedies	Remarks
Natural Calamities	Warning and Rescue	Inadequate. All sea going boats should be provided with wireless communication system. Life saving equipments. Rescue stations should be more in number and nearby
Depletion of Fish	Sustainable Fishing Pollution free environment	Number of boats and types of gears should be controlled with stricter restriction and prohibition on more aggressive and harmful ones.
Invasion of Trawling	Strict implementation of trawl ban	Uniform period ban. Stronger enforcement.
Big Projects (NPP, TPP, Chemical and other toxic industries, Tourism)	Strict implementation of CRZ and other environmental norms	Very weak environmental governance. Coastal zone management authority virtually non-existent.
Mosquito nets provided by Panchayet and Block Authorities	Adherence to environmental norms by govt. authorities	Another example of weak environmental governance. The govt. departments do not try to implement regulations.
Eviction	Land Titles	Though the fisheries dept. has done infrastructure development on these lands – the land title does not belong to them let alone to the fishing community.
Non-availability of social security / benefit schemes	Direct access of community bypassing Panchayet and Govt. bureaucracy	There should be quota for coastal fishers in general social security/benefit schemes. In case of community specific schemes there should be true implementation and enhancement of items and scope.

The following demands were articulated in response to survey questions.

- ❑ Patta on land on which we work
- ❑ Put a stop to intensive prawn-farming in coastal area
- ❑ Stop tiger prawn projects
- ❑ Ban trawling
- ❑ Stop foreign trawling
- ❑ Put a stop to trawling during monsoons
- ❑ Stop destruction of sand dunes
- ❑ Stop destruction of beach vegetation
- ❑ Protect coastal environment
- ❑ Protect the rivers from industrial pollution
- ❑ Protect the sea from any kind of pollution
- ❑ Kerosine and diesels at subsidised rates
- ❑ Old age pension
- ❑ Work for sorters throughout the year
- ❑ Proper crèche for children of women workers (sorters and fish processors)
- ❑ Proper latrine for sorters and fish processors
- ❑ Adequate Resting Places for Women workers
- ❑ Repairs of roads
- ❑ Building of good roads
- ❑ Creating separate cooperatives for women
- ❑ Ban Mosquito Nets
- ❑ Stop construction of nuclear reactors on the coast
- ❑ Make provision for ice-factories

The above is a list of demands. There are many more. But these are the commonest that came up during the survey when the interviewees were asked about the demands raised by the fishworkers at different times.

The demands are familiar to anyone acquainted with the fishworkers' movement in India and are also to be found in the campaign material of the struggle that we scanned. But what is important is that most of those surveyed could come up with examples with the demands with at most a very little prompting. This is one area where one feels that the movement has struck somewhat deep roots.

The mention of nuclear power plants has of course more recent connotations and has to do with the proposal of setting up a cluster of reactors at Haripur and a somewhat earlier proposal of setting up a nuclear power station in the Sunderban area. Very strong feelings could be seen to surface when the interviewees voiced

their opposition to setting up of nuclear power plants in the coastal areas. The issue of nuclear power plants could be seen to be conjoined in the minds of the interviewees with the urgency of protecting the coastal and marine environment from any kind of pollution. Not only did they oppose setting up of polluting industries and tourism on the coast but also spoke vociferously against pollution of rivers, for, they argued, it is through the rivers that the pollutants reach the sea. Repeatedly the interviewees speak with deep melancholy of declining fish catch and the declining incomes and when asked they blame trawling and various sorts of pollution for their ills. What is significant is that these complaints, demands and arguments were voiced not only by the more formally educated interviewees but also by many sorters (almost all women), with very little or no formal education.

The women interviewees (mostly sorters and fish processors) were often vociferous about demands for resting places, crèche for children and of course proper latrines.

Next the interviewees were asked about the steps taken by fishworkers' organisations to realize the demands. Almost everyone interviewed were seen to be knowledgeable about such steps as preparing charters of demands, organizing local meetings, local rallies / street Meetings, deputations at Block Development Office, Coastal Padayatra, organizing meetings at the district headquarters at Contai and many were seen to know about deputations and National Meetings at the National Capital, Delhi.

8. COMMUNITY RIGHTS REGIME (Annexure VII)

The Khoti is good. But it could be much better.

- The Khotis are generally perceived as beneficial to the community as protectors of fishing and allied rights (100% fishers interviewed subscribes to this).
- A major role perception of the Khotis is dispute resolution (98% holds this).
- Next comes the Khotis role as caterers of community benefit services (85% mentions this).
- Accrual of economic benefits from Khotis is rather low in fishers' perception (only 33% subscribe this). Here of course, as questioning of the surveyors elicited, the fishers and fishworkers often understood 'economic benefits' as direct monetary gain and their response was dictated by that understanding.

- The fishers appeared to be more or less satisfied with the Khoti regime with only 15% opining otherwise.
- But this satisfaction seems to be qualified as 88% of the fishers interviewed said that there are scopes for improvement of the regime.

Further survey queries brought out a host of means suggested by the fishers for improvement of the Khoti regime. These suggested means are given weight according to the percentage of fishers subscribing to each of those.

- Accrual of land rights appeared to attract the highest (28%) concern of the fishers.
- 27% of the fishers wanted Government Supervision on Khoti affairs.
- 15% of fishers interviewed raised the issue of more Government assistance in Finance and Infrastructure.
- Framing of better and effective rules was mentioned by 13% fishers
- 22% spoke of strict implementation of rules.
- Sincere discharge of responsibilities by the Khoti management was suggested by 10%.
- Another 10% pleaded for better moral character of the leaders.
- More active role of the Khoti leaders and capacity building of managers has been the concern for 15% and 12% of the fishers respectively.
- Better dispute management was suggested as a means to improve Khoti regime by 18%. Practice of collective leadership was mentioned by 17%.
- The need to address problems of women fishworkers has been mentioned by 3%, all of who are women.

That the issue of Land Rights should appear in suggestions to improve the Khoti regime seems interesting. We have seen in the section on **Rights to Coastal Land** that the overwhelming majority felt that they had at least partial rights to the land on which they dwelled and which they used during the fishing season. But partial rights also means a certain amount of absence of rights. We have also seen that some said that the Khoti should be given clear legal title to the land on which it stood and which it used. It is therefore understandable that the suggestion for improvement that has the highest votes is one concerned with land rights.

But claiming land rights from the government does not really amount to asking for real autonomy. Quite the reverse. We see that the next highest votes (27%) is received by Government Supervision on Khoti affairs. Now add to this the following concerns – more Government assistance in finance and infrastructure,

framing of better and effective rules, strict implementation of rules, sincere discharge of responsibilities by the Khoti management, better moral character of the leaders, more active role of the Khoti leaders, capacity building of Khoti managers and practice of collective leadership.

One look at the concerns immediately brings out dissatisfactions and tensions within the Khoti and explains why governmental supervision is sought. Somehow, in this case, the more remote authority is seen as more beneficial and effective than the nearer Khoti authority.

Many of those who offered criticisms/suggestions are women and among women many spoke of stricter implementation of rules, better moral character of Khoti leaders, the need for governmental supervision etc. But two out of twenty-nine women have specifically mentioned what are purely women's demands – 1) More recognition and opportunities for women's voice and 2) Solution of the problems of women. Now 2 out of 29 is only about 7%, but as regards its import one should not be deceived by the relatively low figure. We shall have more to say about this later.

9. COMMUNITY PERCEPTION: RIGHTS & RESPONSIBILITIES (Annexure VIII)

Of Rights again, and the Responsibilities that go with them

The fishers appeared to be almost unanimous in demanding different rights to protect and enhance their livelihood. The right issues voted by them were:

- ❑ Fishing Rights;
- ❑ Right to other fishing related activities;
- ❑ Right to the land to reside and carry on livelihood practices;
- ❑ Right to a clean, sustainable and productive environment;
- ❑ Prohibition of trawlers and other harmful gears;
- ❑ Exclude immigrant fishers from fishing activities unless they abide by the community (Khoti) regime; but if they do then they are welcome as members.
- ❑ Right to access market and get reasonable returns;
- ❑ Right of protection from money lenders and advance payers.

Each of these demands was mentioned by 95% to 100% of fishers under survey.

We have already seen the demands voiced by the fishers and fishworkers. Many of the same themes are repeated when they were asked about the responsibilities that ought to be taken up by them to protect the coast and coastal waters. But before moving on to what the fishers and fishworkers viewed as their responsibilities it would do well if we dwelled on the Khoti members' awareness of existing legal rules and restrictions, reflections that were recorded during earlier visits and presented below.

Restrictions in vogue:

Rules / Restriction Regarding	Nature of Restriction	Remarks
Fishing during certain periods	Total ban on fishing from March to June	1. Does not match with other adjacent states. They come and fish here during the ban period. 2. Many trawlers and mechanised boat owners violate the ban
Mosquito Net	Total ban	1. Used in charpata (fixed shore seine), and 2. Small bagnets to catch prawn seedlings 3. There is a tendency among the fishermen to go for smaller mesh size nets as the catch is dwindling
Trawling	To operate 15 Kms. beyond the coast	1. Generally they start operating well within the restricted area
Boat Registration / License	All operating fishing boats have to be registered and have annual license.	1. Generally abided
ID card of Crews	All crews aboard sea going fishing boats must have ID Cards issued by Marine Fishing Department	1. Generally abided
Insurance	All crews aboard sea going fishing boats must have Insurance Coverage	1. Benfish (A Government Organisation), has provides for this insurance coverage for all card holder fishers
Shark, Ray, Turtle Ban	These species are banned for fishing	1. They get caught as bycatch

During the survey the fishers and fishworkers provided a comprehensive list of their responsibilities to ensure the following.

- ❑ Banning Mosquito Nets;
- ❑ Restricting Trawling;
- ❑ Stopping intensive Prawn Culture;
- ❑ Stopping Harmful Tourism;
- ❑ Protection of Beach Vegetation; Enhancing Beach Plantation;
- ❑ Prevent Erosion by building Dike;
- ❑ Prevent selling of sand from beaches;
- ❑ Protect sand dunes;
- ❑ Prevent General Pollution;
- ❑ Work for general Conservation;
- ❑ Prevent Vehicle on Beach;
- ❑ Prevent Factories / SEZs;
- ❑ Proper Waste Management including Fish Waste; Ban Nuclear Power Plant;
- ❑ Observe Fishing Ban; Compliance of Environmental Regulations;
- ❑ Ban Polybags;
- ❑ Ban Harmful Constructions;
- ❑ Prevent Chemical Fertilisers & Pesticides from Agriculture;
- ❑ Develop Community Vigilance.

Once again an awareness of peril and reasons thereof.

But, certain tensions emerged while responding to the questionnaire, tensions that could not be captured in the responses, which were restricted by pre-settled options. But the surveyors did note down additional inputs and therefore we have one female sorter, when questioned about rights, giving vent to her frustration that all these pertain to males. Another female sorter stated that women should have a committee of their own (the reference is to the Khoti executive committees, which, as we have seen, are overwhelmingly male-dominated). Normally this response should have been incorporated in the section on the Community Regime, but it is significant that it came during the queries on Rights and Responsibilities and was accommodated by the surveyor concerned in that section.

IN LIEU OF AN EPILOGUE

A. LAW. AND THEN?

We have seen that the Rules to the West Bengal Act direct banning of any kind of fishing activity between March and June. Following this directive a blanket ban on coastal fishing between 1st March and 30th June has been imposed each year since 2005. This is the maximum ban period in any coastal state in India.

The assumption behind the ban is that most fish species breed during the aforesaid period. However, the ban is violated widely. The chief transgressors are the mechanized boats indulging in large scale commercial fishing. But there is a section of the traditional coastal fishers who also violate the ban. In fact many of these traditional fishers also violate the strict ban on mosquito nets. What is really grotesque is that mosquito nets are being provided by the Block and Panchayet authorities.

What we have here is something pretty close to the ‘Tragedy of the Commons syndrome’. Common resources are best preserved when everyone abides by the norms. But when some start violating with impunity, the norm abiding others start feeling that since violators and destroyers go unpunished, and in effect are rewarded by larger catch, it is foolish to abide by the rules. So traditional capture fishers have also started violating the law. The problem is aggravated by the fact that, with catches and incomes declining as we have seen, there is a very real temptation to transgress. One could see fishing continuing in late April, when the Khoti season was long over. When asked why they were violating the law the fishers, somewhat shamefacedly, pointed out that they direly needed the money and after all, local trawlers as well as vessels from Orissa, Andhra, Bangladesh and Thailand continued their prowl on the coastal waters of West Bengal, paying little heed to her ban.

But the fact remains that many, in fact most, desisted from fishing during the ban period. We shall come back to this below.

In passing let us mention the relevant Central Regulation.

There is a Central notification each year for uniform fishing ban in the Exclusive Economic Zone (EEZ) contiguous to each coastal state when the states too impose simultaneous ban in the territorial waters.

This ban period is: 10th June to 15th Aug. in the west coast, whereas it is from 15th April to 31st May in the East coast.

However, very recently the ban period has been reduced, diluting whatever gains that were expected to ensue to marine fish stock from the ban.

The current order of the Ministry of Agriculture, Department of Animal Husbandry, dated 10 April 2007, declares a fishing ban period from 15 April to 31 May for the East Coast and 15 June to 31 July for the West Coast.

A Few words on Fishing Bans

The fishing ban period should be the breeding period of major commercial fishes. Generally monsoon is considered to be the breeding season of many fish species. But considering the peculiarity of the TWO monsoons in the South Indian states of AP, Tamilnadu, Kerala, Karnataka and Goa, together with the very special characteristic of the largest mangrove and the deltaic-estuarine ecosystem in West Bengal and Northern Orissa coast hosting many varieties of fishes, different from other coastal area, the concept of “uniform monsoon ban” is not really useful.

Therefore, for optimum result, the ban on catching a particular species should be considered only in the corresponding breeding period of the species by restricting the use of the particular net/gear targeted to that species together with ban on sale of the same in the stipulated period. This can be implemented by monitoring the wholesale fish markets. *Incidentally, one such directive has come into being very recently in West Bengal.* This directive, No. IFP 119/50 dated 06.06.2007, issued by the Director of Fisheries declares that selling Hilsa fish below 500 gm weight would be deemed an offence punishable and action taken under the Fish Dealers’ Licensing Order, 1996 Clause 11 (i) (e) and clause 11 (2).

A blanket ban for FOUR months at a stretch is not advisable without providing for livelihood assistance (as compensation) to the subsistence fishers, women fish workers and manually operated boat owners and workers living below poverty line (BPL).

B. ANOTHER COMMUNITY REGIME – A TALE OF CORRUPTION

As a method of economic welfare about 18 cooperative societies have been formed among the fishers of East Medinipur district between 2002 and 2005.

However initially the cooperative societies were overwhelmingly male. The male members were reluctant to admit women members. Women workers have been demanding cooperatives of their own but these have been extremely slow in emerging. But there was another obnoxious side to these cooperatives.

We have already seen that 63% of those surveyed felt that the govt. sponsored cooperatives were not available. This may seem strange for there were such cooperatives in all the Khotis surveyed. But underlying this statement of non-availability is a very unfortunate reality.

The Cooperatives (which are under *Benfish*) are ridden with corruption. Our investigations suggested *that the subsidy and loan given by the government for a cooperative* is actually embezzled by an unholy nexus consisting of the loan taker, corrupt officials and local politicians. The cooperatives have thus fallen prey to the machination of local politicians and government officials and have ultimately become an instrument for amassing benefits by a few unscrupulous elements. This has generated tremendous bad blood, dealing a severe blow to the fishers' movement. The much touted and cherished idea of community right has been shattered by the malpractice of these cooperatives backed by very active participation and patronization of the concerned govt. department. There is little wonder that few fishworkers expressed much faith in cooperatives.

C. THE PROMISING AND THE TROUBLING

There is much to admire in the fishworkers' movement in West Bengal (and in India).

We have already seen that most fishers observe the fishing ban. At BJ 2 many Khoti members said that they not only respected the ban but also doing so had resulted in some increase in fish catch in recent years. But they also said that many often defied the ban. Members of both BJ 1 and 2 Khoti were vociferous in their demand that trawling should be stopped; it was according to them the most important reason for the decline of marine fisheries resources. (Their voice found

an echo in the ADF (M) office at Contai, where an officer expressed the same opinion).

This strict adherence to environmental norms is the basis of an antidote to the 'Tragedy of the Commons' syndrome.

But as the above narrative should indicate, there are grave problems besetting and indeed imperiling the community regime and raises fundamental questions about the issue of rights.

First, the strict adherence to norms by some cannot continue indefinitely in the face of repeated and unpunished violations by others. Those who take their responsibilities seriously need to be rewarded in some way and violators brought to book. The rights of the community to a rightful share of nature's goods can only be ensured when transgressors of those rights are deprived of their impunity. It is this alone that can prevent ultimate devastation of common resources. There is little sign that the State is doing any positive thinking in this regard.

To come to the question of rights within the Khoti, the issue of women workers in the Khoti is certainly a serious one. Women are grossly underrepresented in the Khoti executive committees in all the Khotis surveyed. We have already seen how men have been extremely reluctant to admit women into the cooperatives and how these have been extremely slow in emerging. Women workers' demands of crèche, proper latrines near their workplaces and restrooms have not emerged. And the women have very genuine grievances about their pay and we have seen how some of them have expressed their frustration. The gender issue is a very real one in Khoti governance. We shall take the opportunity here of expressing our view in this matter.

We have seen above that two out of twenty-nine women have specifically mentioned what are purely women's demands – 1) More recognition and opportunities for women's voice and 2) Solution of the problems of women. We have also said that although 2 out of 29 is only about 7%, one should not be deceived by the relatively low figure to underestimate the significance of their demands.

Actually while the women surveyed readily voiced their opinions there was very often, when discussing Khoti governance, a detectable mood that such issues were in the control of employers/males. For the Khoti is male dominated, and most of the women surveyed are sorters employed by their male employers. There is here

an underlying sense of non-belonging, of being marginalised and being given a raw deal. Therefore much seems to have remained unsaid. A sorter when asked about how to improve Khoti governance, said “I am a woman; I have little idea of such things.” Thus absence of articulated criticism or clear response does not necessarily imply that there are no grievances. On the contrary they can indicate a very fundamental problem, a sense of impotence and futility. It has appeared to the investigators that something of this sense was prevalent among many of the women who had been interviewed.

Another serious shortcoming of Khoti democracy is something that we have already mentioned. In the Khoti it is the Laya who calls the shots. Thus male domination is complemented by Laya domination over employee members. The Khoti is essentially an institution run by the Layas. This is to some extent inevitable, for it is the Layas who are the boat owners, employers and entrepreneurs. The executive committee of the Khoti that gets elected is Laya dominated. During the elections of the executive committee everybody has equal votes but once again in actuality the employee members are, more often than not, compelled by the employers’ decisions.

In Junput Khoti the situation is different, but for the worse. The present Committee is dominated by the traders, resulting, we are told, in general disregard of fisher interests.

Nothing in human society can be perfect, and indeed the quest for perfection can often be a mistaken and dangerous one. But it is in human nature to try to solve problems as they come up or are discerned. The state of the coastal fishing community in West Bengal is an unfolding tale of achievements and pitfalls. The study has tried to view the process, problems and proposed solutions in all their complexity and dynamism. However, the fate of the community depends to a great extent upon processes and events beyond the control of its members. If the harm that is being inflicted upon our environment continues, the sea will cease to yield and the traditional community of fishers and fishworkers cease to exist.

D. SUGGESTIONS FOR ALTERNATIVE FISHERIES AND COASTAL RESOURCE MANAGEMENT MEASURES

Sea resources are under severe stress broaching on depletion.

The sea is the under assault from

- Destructive fishing gears
- Overcrowding of fishing vessels of different categories, particularly ill-regulated mechanized boats, in the territorial waters and the contiguous EEZ area resulting in overfishing in that zone
- Pollution from all sources ultimately finding their way to the sea.

International bodies and national governments are worried.

The Indian government is trying to impose management measures (like seasonal ban on fishing, creation of marine protected areas and ‘no fishing zones’, ban on catching certain species etc.) through administrative orders.

But as history has shown time and again, coastal and marine conservation cannot simply be implemented by fiat. Something as vast and complicated as environmental conservation cannot simply be achieved through policy announcement, bureaucratic pen pushing and administrative policing.

It has already been pointed out that our laws and rules tend to be based on the principle of preclusion and exclusion of the people. And that is the fundamental reason why they end up being useless.

In the case of the marine environment there is a large and vibrant community that is dependent for its existence on natural yield of the sea. Moreover the community is the repository of an immense amount of information about the coastal waters and its perils. Therefore this community of traditional coastal fishers must be brought in to the centre stage of coastal / marine conservation planning process and implementation, and coastal and marine management should be done with the full and active partnership of this community and its organisations.

And the government must be prepared to act against the major violators – the mechanized sector that enjoys serious political and economic clout.

However, even the task of policing the coastal waters is better achieved through the help of the traditional fishing community.

Therefore a participatory management or co-management regime involving the community and involving strict surveillance both on sea and wholesale markets may yield better results.

However, the weakened and imperilled state of the present fishing community – torn again by many contradictions – raises the need for empowerment through legislation, education and training to achieve requisite competence. For, after all is said, it is the only community that has a real existential stake in protecting the coast and the sea.

Total ban on trawling could be an ideal option, but it is unlikely to be seen as a politically feasible step. Instead a strict restriction on trawling in different seasons, restriction on number of fishing trips in a particular period, ban on night trawling, bottom trawling etc. could be considered.

The single major step that could bring about a sea change in fisheries management is to introduce “Aquatic Reforms” in the line of land reforms by giving **non-transferable community ownership of the sea** to the traditional coastal fishers (as custodians). The whole approach must be based on the principle of “Sea to the Fisher” as “Land to the Tiller”.

Notes and References

1. The soil morphological table has been lifted from pp. 64-5, *Biodiversity Strategy Action – West Bengal*, in National Biodiversity Strategy and Action Plan, Executive Agency Ministry of Environment and Forests, Government of India, Technical Implementing Agency Kalpavriksh, through a Technical and Policy Core Group, Administrative Agency Biotech Consortium India Limited, India, 2005 (CD version)
2. Source <http://dahd.nic.in/Agenda%20of%20fourth%20meeting/Annexure%20III.htm>. It was already 1.59 lakh tons in 2002. See ‘A Review of the Marine Fisheries of West Bengal during 2002’, Report prepared by P.L. Ammini and Latha L. Khambadkar, C.M.F.R.I., Cochin and Bijoy Krishna Burman, Contai F.F. of CMFRI, Contai, published in Mar. Fish. Infor. Serv. T&E Ser, No. 180, 2004
3. This is, perforce, an approximate figure, for the investigators failed to find reliable data on the score, and the figure was arrived at through questioning the Fisheries Department Office at Contai, and checking it against other, more informal estimates.
4. *Marine Small Scale Fisheries in West Bengal An Introduction*, Bay of Bengal Programme for Fisheries Development, Madras, India, November 1990, p.3
5. Ibid. p. 4

ANNEXURE I

THE INTERVIEWEES:

Fishers under survey were chosen from diverse occupations related to fishing. They were *Jalias* (fishing crew/net casters), *Layas* (boat owners), *Bachhunis* (sorters), (driers), Vendors etc.

Number of male and Female fishers interviewed were 31 (52%) and 29 (48%) respectively. [Fig. 1]

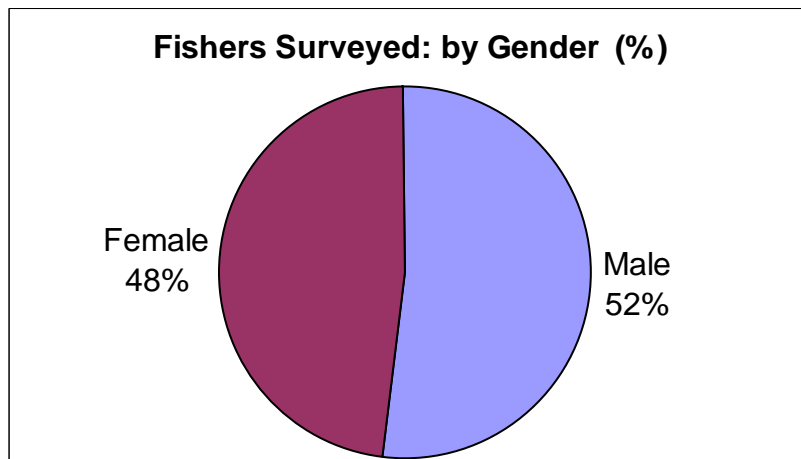


Figure 1

88% of the fishers interviewed was Hindu and 12% was Muslim.[Fig.2]

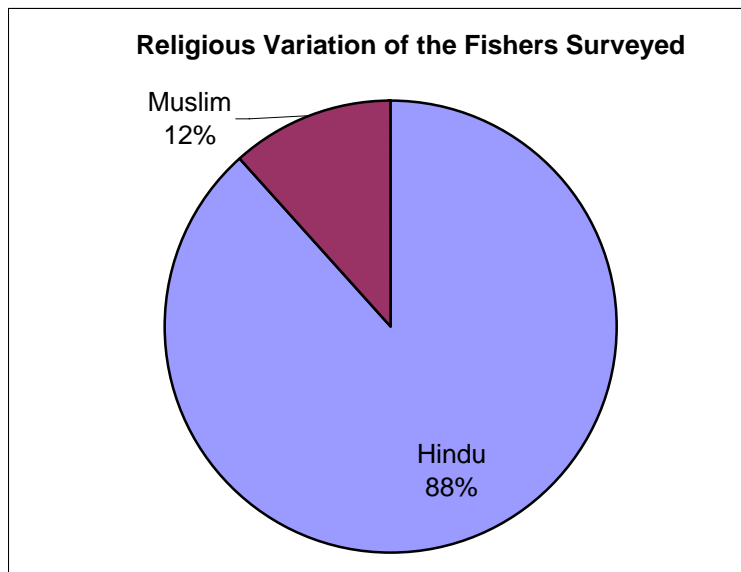


Figure 2

The ethnic composition of the fishers interviewed has been wide. The Hindu fishers belonged to 10 castes, while the Muslim were from two broad castes. [Figure 3&4]

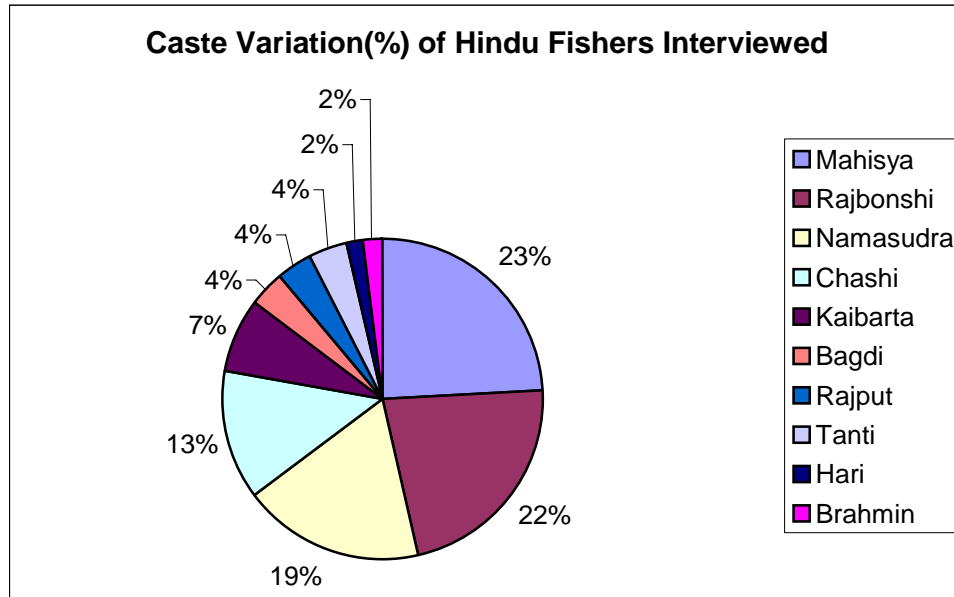


Figure 3

Rajbongshi, Kaibarta, Bagdi are fishers by caste. So those who are fishers by caste add up to 33% of the total.

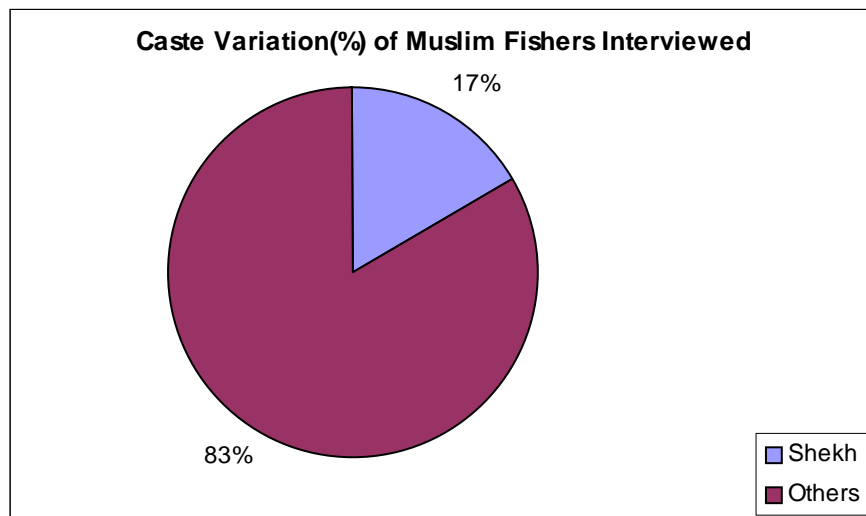


Figure 4

ANNEXURE II

CONCEPTION OF COMMUNITY

All those interviewed identified themselves as members of fishing community. As to the question why he or she deems himself or herself a member of the community brought three types of responses. 65% of the fishers felt that they are members of the fishing community because they are fishers by profession. 32% said that they are members of the fishing community because fishing is their traditional family profession. Only 3% held themselves as members of fishing community because they were fishers by caste. [Fig. 1]

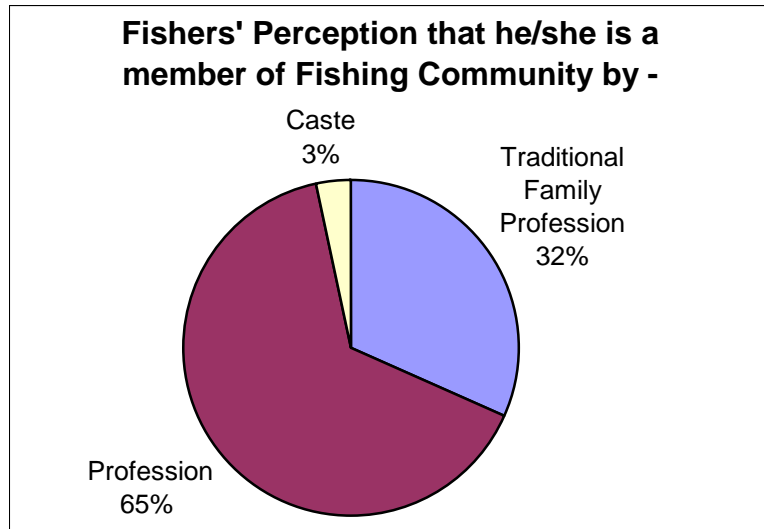


Figure1

Eight response options were given to the fishers under survey to assess their perception regarding who should be considered a member of the fishing community. High positive response on mutually negating options suggests that either the distinctiveness of the options could not be posed before the interviewees or they failed to conceive the import of different options. However, it is felt that the community conception is not too clear among the fishers. [Fig. 2]

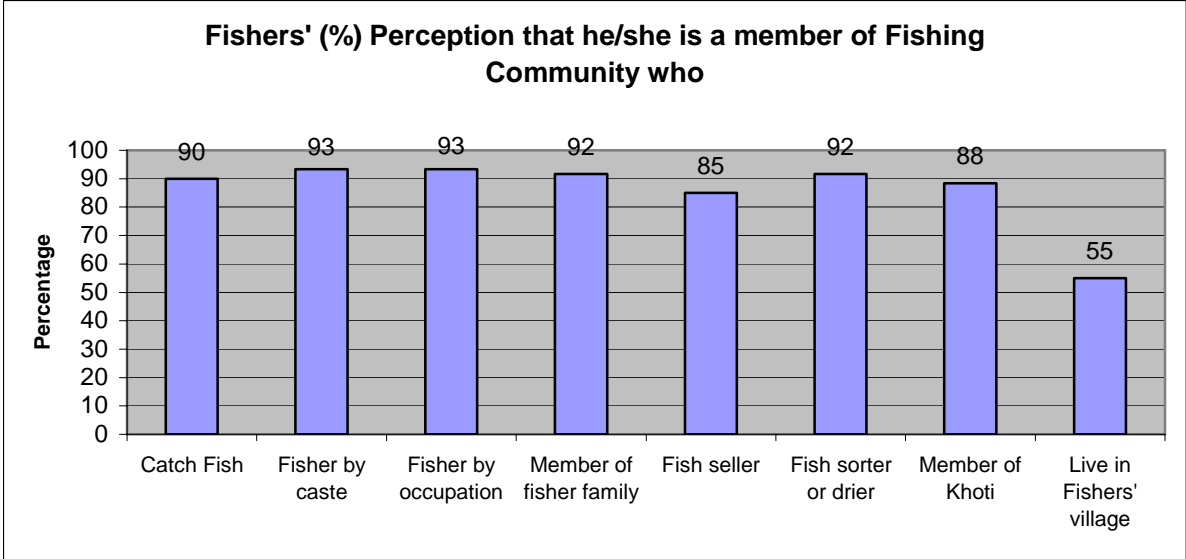


Figure 2

ANNEXURE III

PERCEPTION OF CLAIMS: FISHERIES

All those interviewed said that they have a right to catch, process and sell fish. But there was wide variation in their response to the question 'who gave them this right?' [Fig. 1]

Thus 35% of the interviewees' response was affirmative when asked if law bestowed their right, 37% response was in the negative and the rest 28% pleaded ignorance.

42% believed that some government order gave them the right to fisheries, while 27% did not subscribe to the idea. For the rest 32% there was no clear conception.

A whopping 92% said that they acquired this right by traditional practice. The idea was not accepted by 5% and the rest 3% could not take a position on this.

Again 85% held that their right to fisheries could have been awarded by the Khoti (fish landing center) Committee, while 13% differed with it and 2% knew not what to say.

To the question whether the Panchayet (Rural Self Government) sanctioned their rights to fisheries 62% interviewed answered in the affirmative. 18% did not accept this and the rest 20% were not sure to subscribe to either.

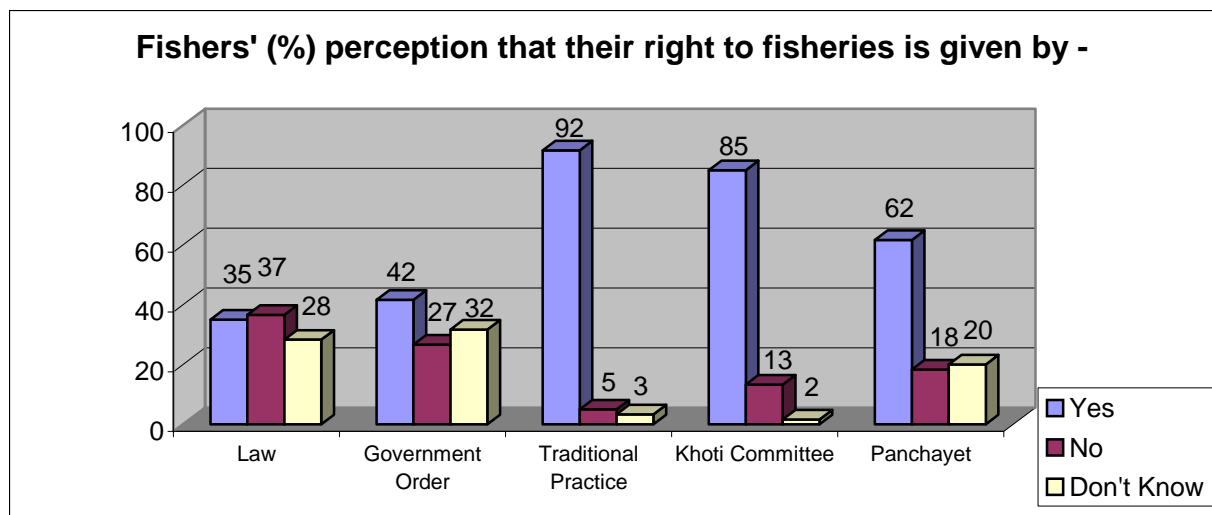


Figure 1

Asked regarding the period in a year during which they enjoy their rights regarding fishing and related activities 68% of the fishers said that they enjoy the rights throughout

the year while 32% limited this period to the permitted fishing period, i.e., July to February.[Fig. 2]

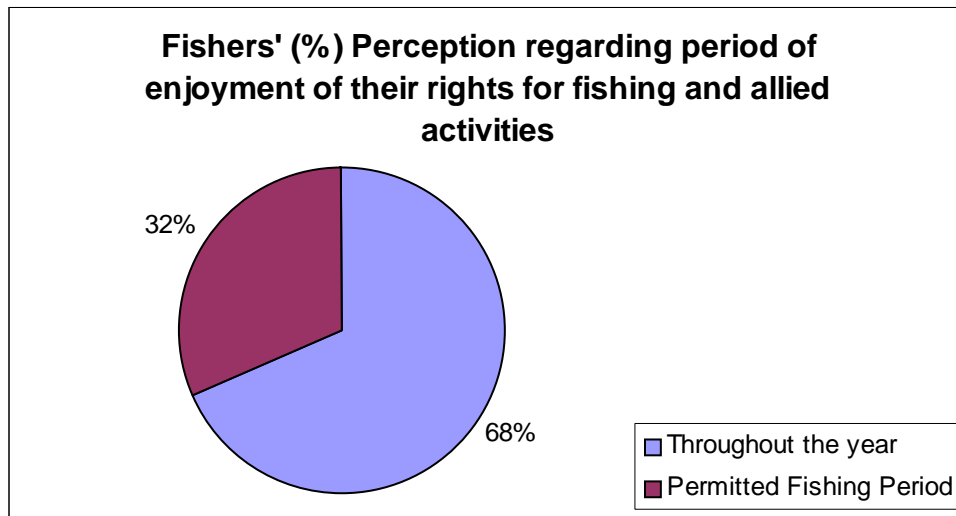


Figure 2

75% of those interviewed held that their rights are recognised by other neighbouring fishing communities, while only 15% felt these rights recognised by other non-fishing communities. 13% did not have any idea in the matter. [Fig. 3]

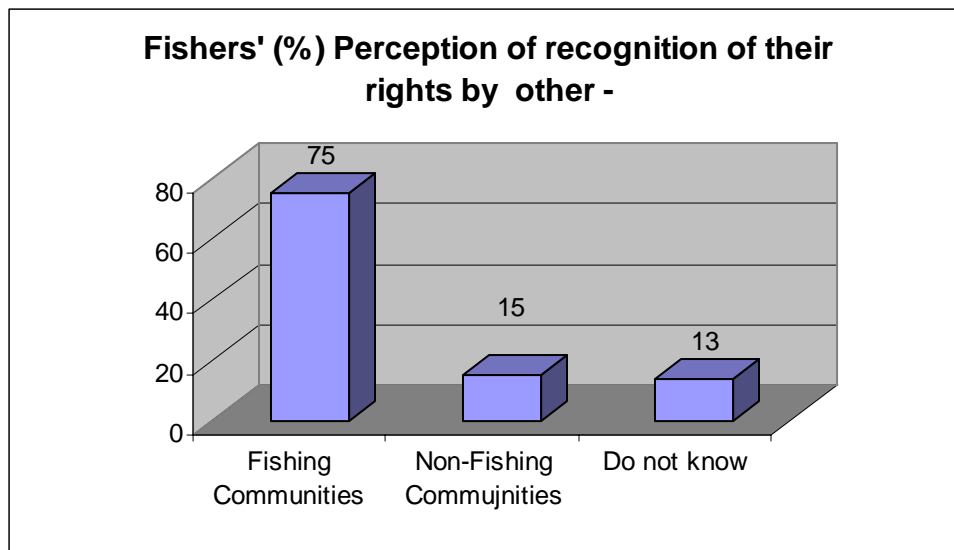


Figure 3

Asked if the government recognises their rights 77% of the fishers responded in the affirmative, 15% in the negative and 8% pleaded ignorance. [Fig. 4]

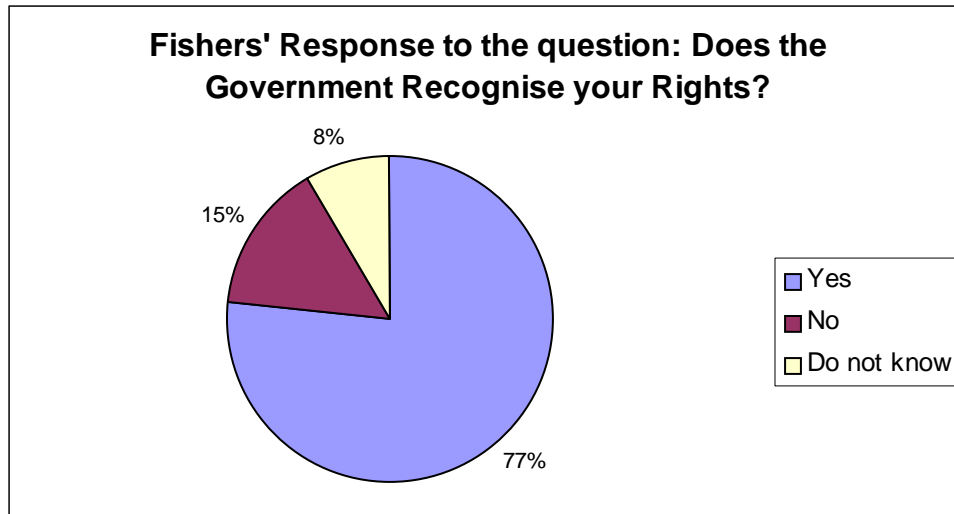


Figure 4

Fishers who said that the government recognises their rights were further asked to tell how do they feel that the government recognises their rights. The responses to this were diverse. [Fig. 5]

78% believed that issuance of fisher ID Cards by the Fisheries Department bears testimony to this recognition. 28% and 13% attributed the governmental recognition to issuance of boat licenses and boat registration numbers respectively. 11% saw membership of registered fishers' cooperatives as means of this recognition. 17% held 'Relief cum Savings' schemes indicative to governmental recognition. For 11% of responding fishers Govt. loan offer constituted the recognition. 4% held that government assistance in providing boot and gloves for the sorters and driers has been the recognition indicator. 11% and 2% attributed this recognition to government and Supreme Court orders respectively. Khoti membership was cited as a mode of governmental recognition by 9% of the responding fishers.

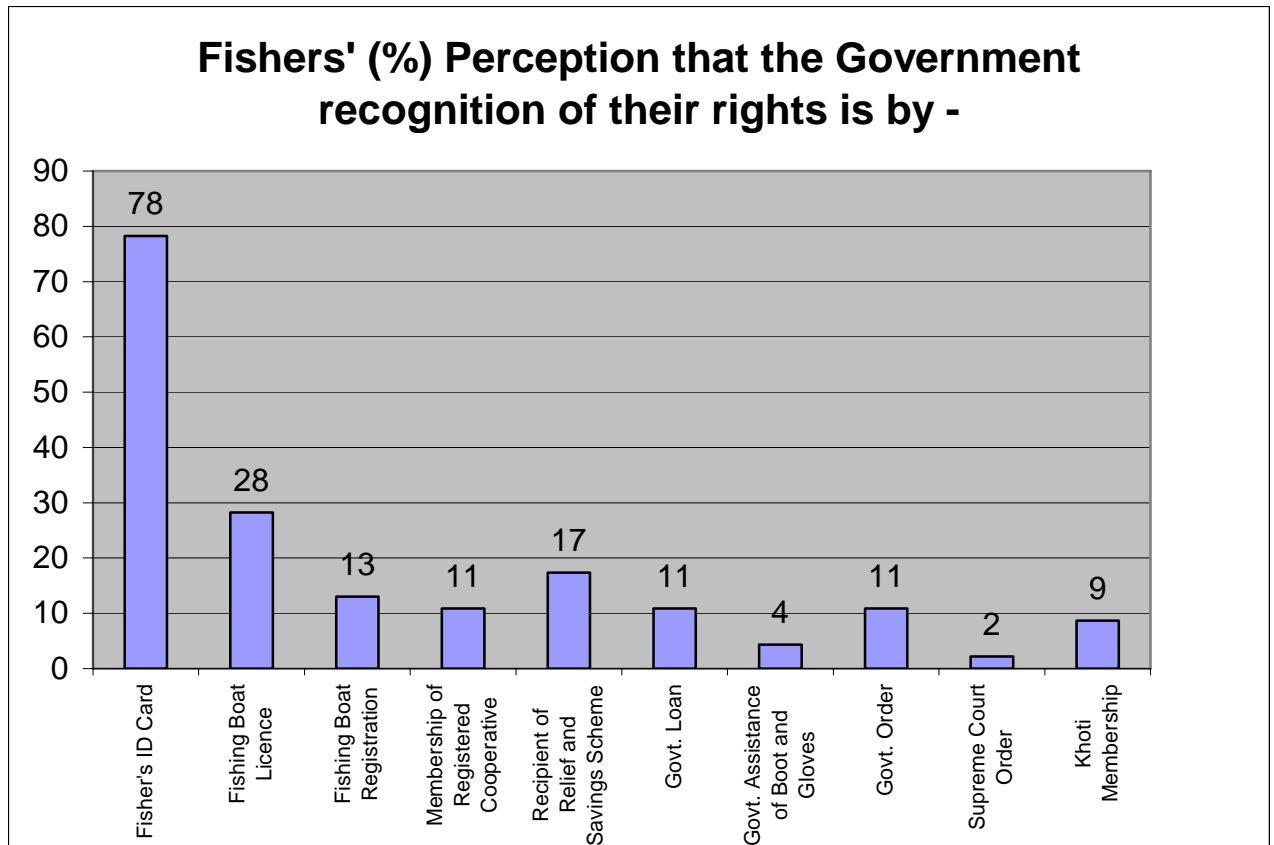


Figure 5

The problems encountered in exercising their rights to fisheries are many and range over different areas.

Lack of infrastructure like proper roads, proper and adequate fish sorting and drying space, transportation of dry fish, market access for wet fish, rest rooms, toilets, crèche and necessary medical facilities including female medical attendants were mentioned.

Lack of preparedness to cope with natural disaster was mostly mentioned among other problems. It included lack of early and effective warning system, wireless communication, land-based signal, protective measures to protect dry fish from rains and squalls etc.

Financial problems mentioned included dearth of resources to directly access the market, resources to procure and repair boats and nets etc.

Fair price was another concern expressed by some of the fishers.

A number of fishers mentioned that a crisis was felt because the number of Fishworkers were increasing while the quantity of jobs were shrinking. Some fishers also reported diminishing amount of catch as a problem confronting their livelihood.

Non-availability of subsidies on diesel and kerosene made it difficult to procure fuel for both sea-bound fishing crafts and fishing related work after dusk.

A few fishers mentioned the putting-out system, the system of giving money in advance to the fishers by traders to get the fishers sell their catch only to them at relatively low price as a problem.

Trawlers, both national and foreign, were mentioned by many fishers as a bane for traditional fishing.

Intra and inter Khoti disputes over the net casting area was mentioned as a problem by some of the fishers.

Pollution from industries, effluents and emissions, was also mentioned as a menace to the fishers' livelihood practices.

Women fishers, almost exclusively sorters and driers, commonly mentioned occupational hazards like frequent fish bone prick injuries, no protection from the scorching sun, no crèche to look after their children, no separate toilet. They complained of lack of fair wage and lack of fixed working hour. Most importantly they mentioned that they were facing problems to protect their life and livelihood in the absence of separate sorters' organisation and women's organisation.

Problems confronting their scope to exercise their right to livelihood as mentioned by percentage by fishers in general are given in **Figure 6**.

Percentage of women fishers mentioning different problems specific to their livelihood practices are mentioned in **Figure 7**.

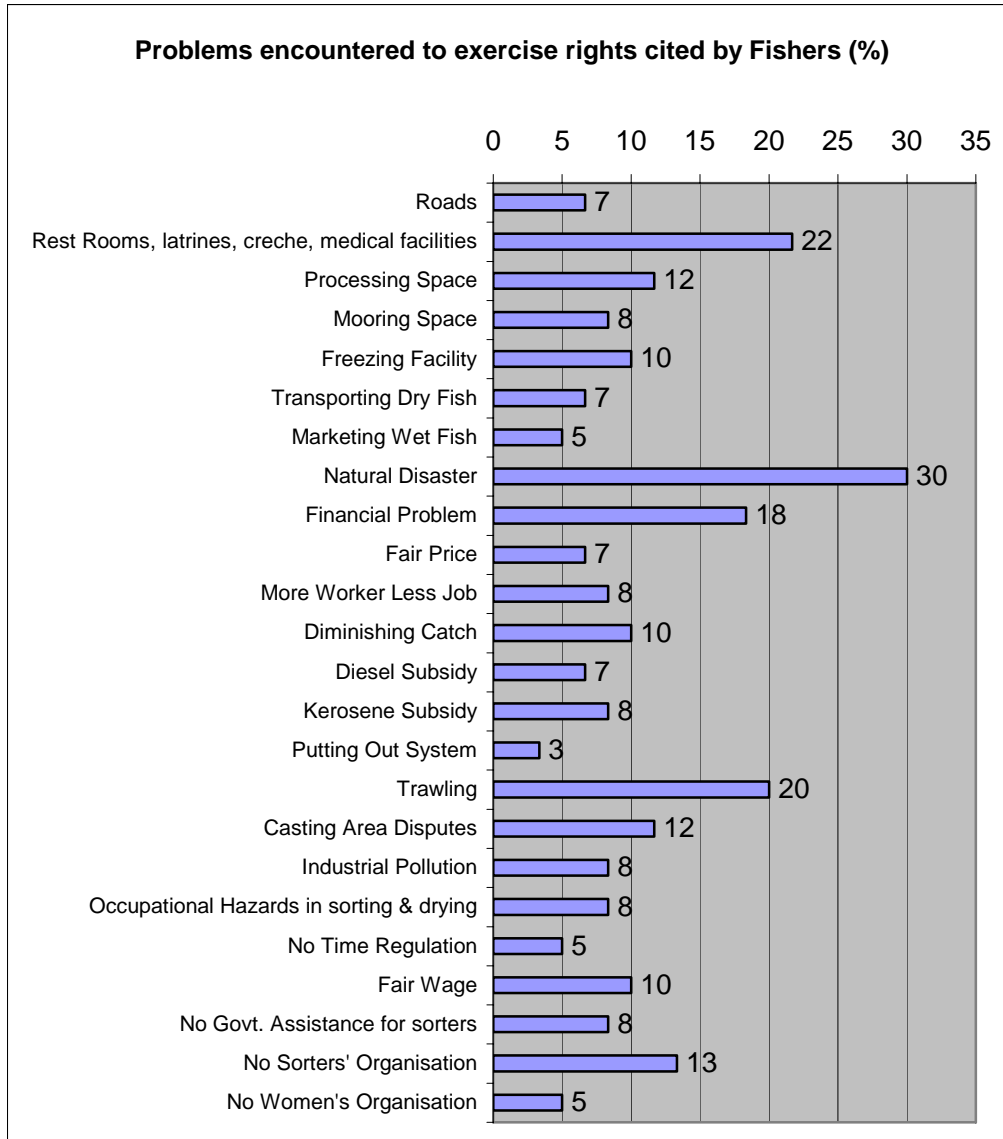


Figure 6

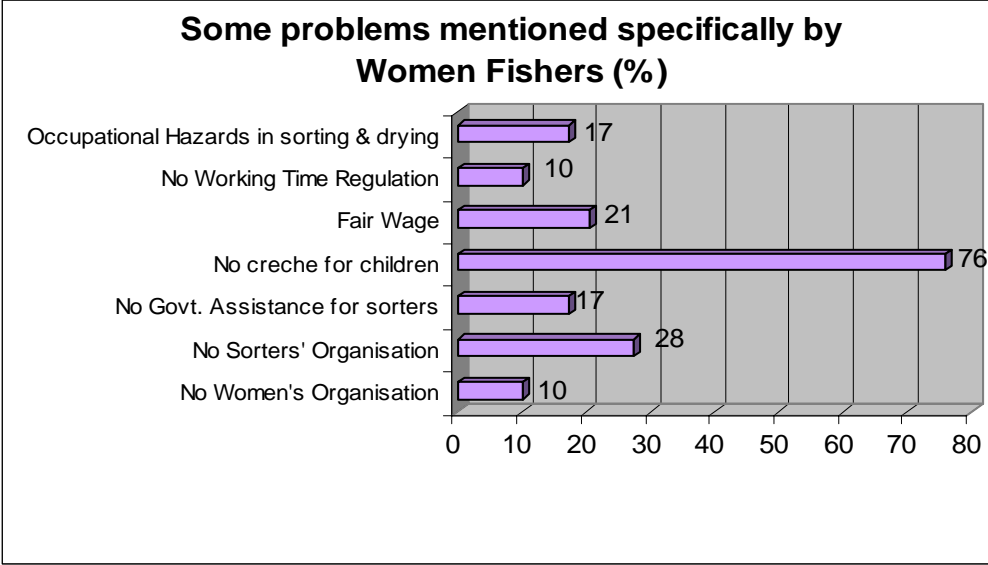


Figure 7

ANNEXURE IV

PERCEPTION OF CLAIMS: COASTAL LAND

90% of fishers under survey live by the coast in the fishing / fish processing season.
[Fig.1]

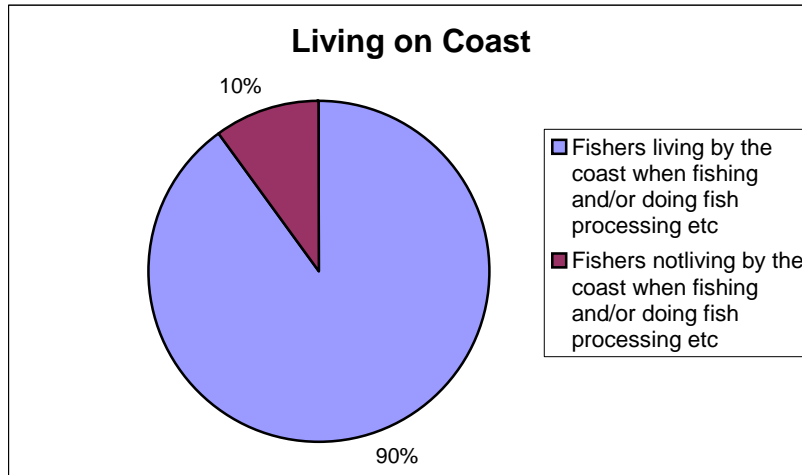


Figure 1

Only 7% of the fishers opined that they have legal rights over the land where they live while fishing. 15% said that they did not have such rights. 78% held that they had partial rights. [Fig.2]

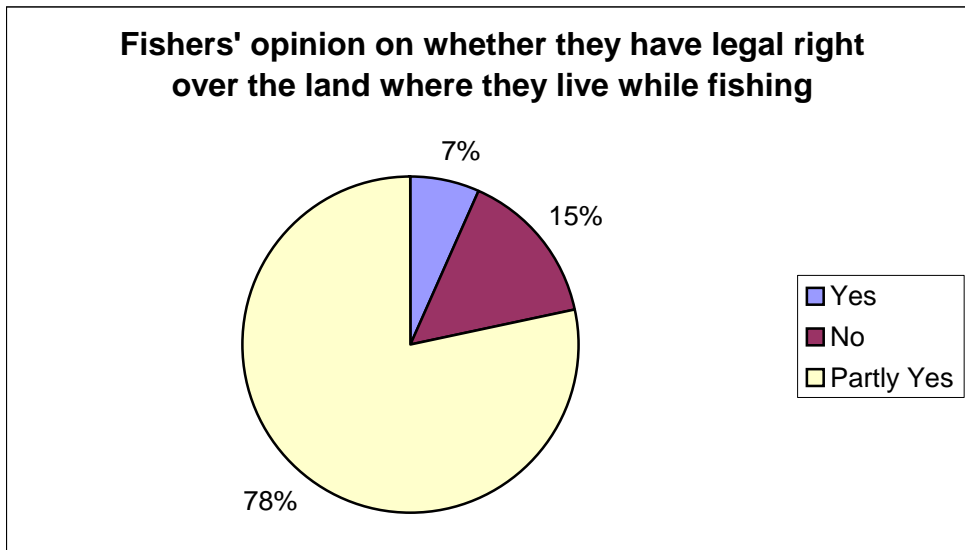


Figure 2

Only 3% of fishers interviewed said that they have right over the land where they repair nets, boats etc. while another 3% held that they had no such right. But the overwhelming majority (94%) considered that they had partial right. [Fig. 3]

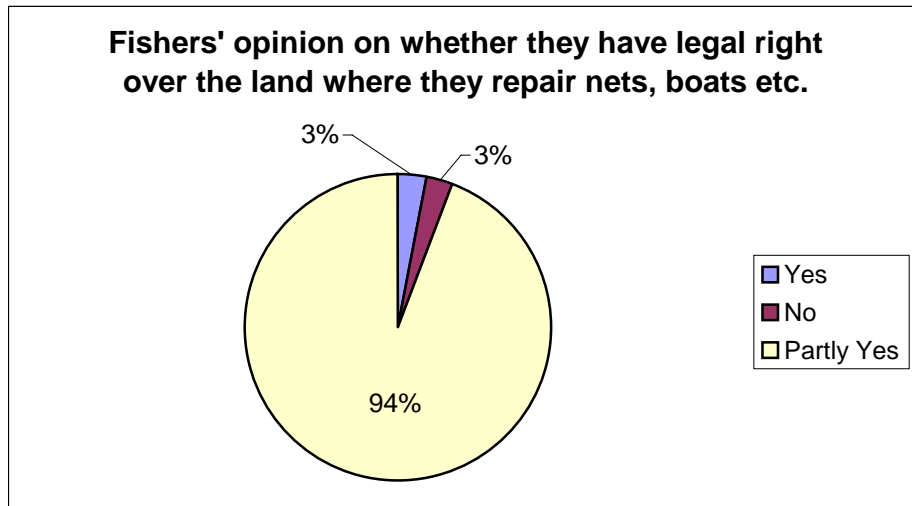


Figure 3

A smaller percentage of those surveyed (2%) held that they had legal right over the land where they process and store fish. 17% of them said that they had no such right, while 81% considered to have partial rights.

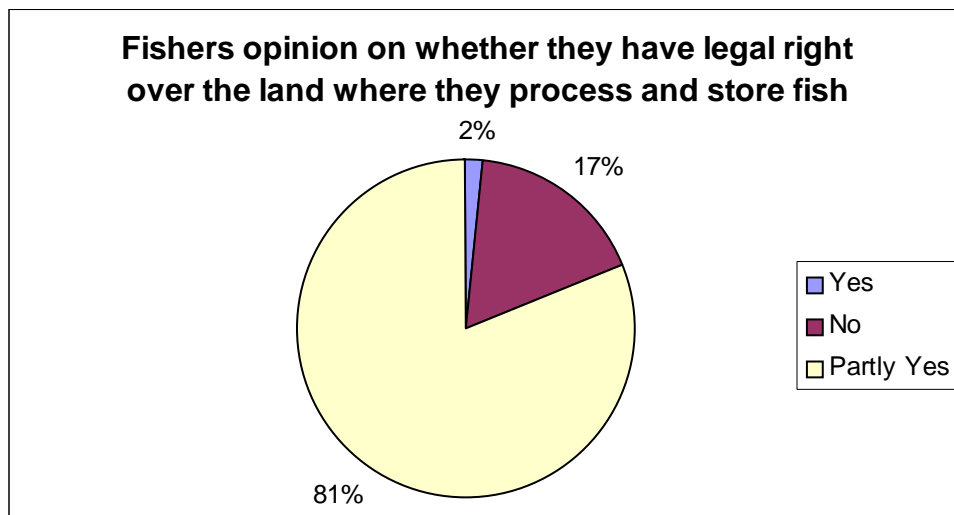


Figure 4

The fishers' perception regarding the recognition of their rights to land fell much short of any kind of legal title given by the government. A majority of the fishers (54%) felt the recognition of their land rights in the activities and behaviour of the government and its officials that take into account and do not go against the fishers land based activities. 42% of the fishers think that their rights to the land on which they live and work for fishing and related activities are enshrined in Panchayet (rural self government) records as they collect professional tax from them. Only 4% of the fishers thought that their right over the land is bestowed by the authority of the Khoti Committee.

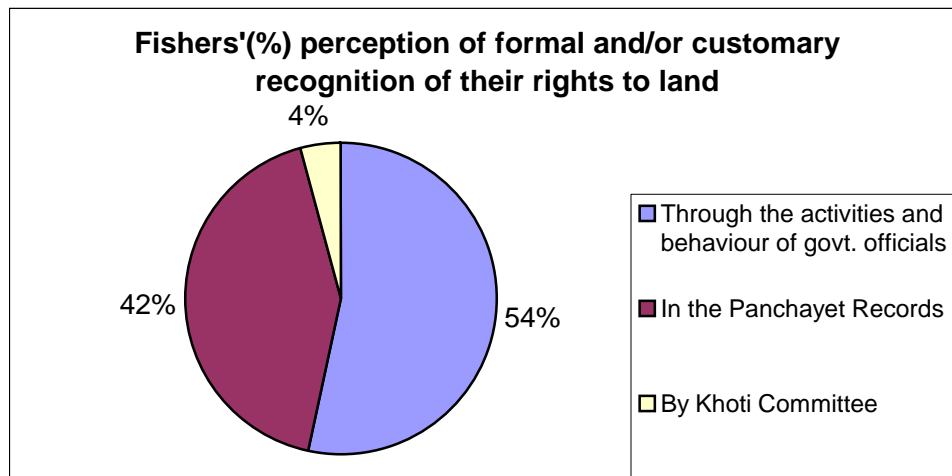


Figure 5

ANNEXURE V

PERCEPTION OF CLAIMS : MARKET ACCESS

Not all fishers sell fish. Fish is sold mainly by Layas (Boat Owners) and sometimes by sorters, driers or small individual fishers. Of the fishers interviewed 54% said they sell fish (**Fig.1**)

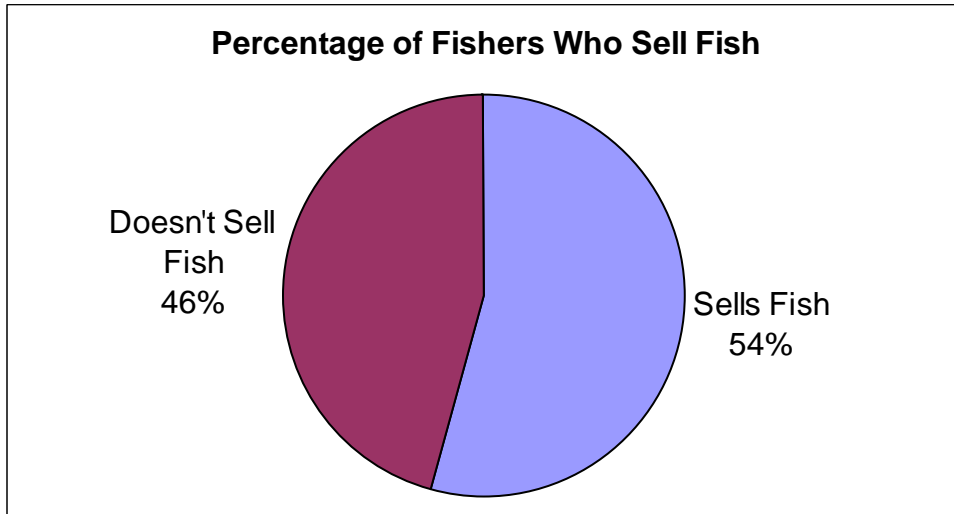


Figure 1

Fishers sell their catch (raw and dry fish) directly to the market or indirectly through intermediaries. The intermediaries are small raw fish vendors, raw fish depot owners and dry fish traders.

Of the fishers who sell fish directly in the market 50% sell both dry and raw fish, 36% sell only raw fish and 14% traded dry fish alone.(**Fig. 2**)

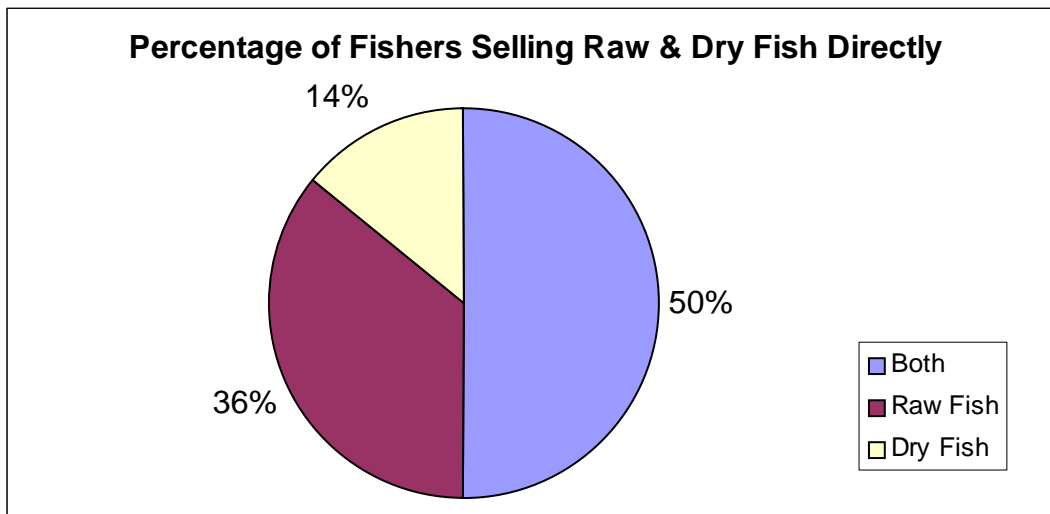


Figure 2

In the case of selling through intermediary traders 79% of fishers sell both raw and dry fish, while 21% said that they sell only dry fish. (Fig. 3)

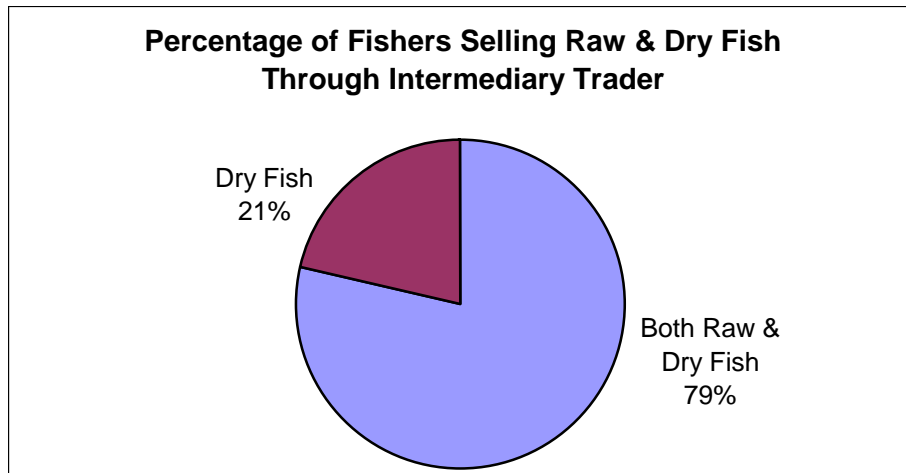
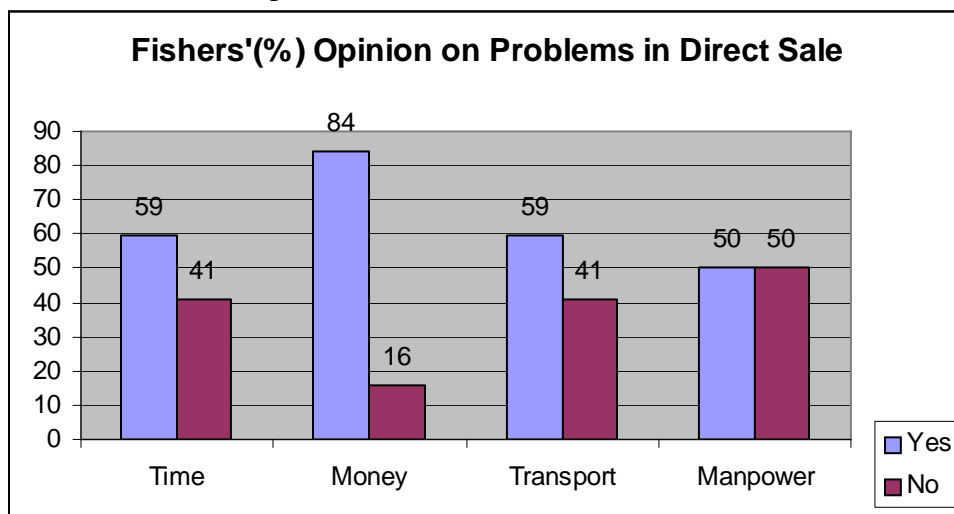


Figure 3

Both direct and indirect sale entail problems for fishers.

In case of direct sale 59% said time was a big constraint, 84% held dearth of monetary resources posed problem in accessing the market, 59% pointed to problems of transportation, while 50% of the fishers complained about shortage of manpower. Apart from this a common complain of direct sellers was lack of freezing facilities which compelled them to sell cheap.



Problems of indirect sale or sale through intermediary traders as reported by fishers by percentage were (**Fig. 4**)-

- Lower price due to intervention of intermediary (65%): Lack of market access make fishers dependent on intermediaries, who pay lower price to the fishers.
- Lower price due to acceptance of advance payment from intermediary traders (100%): Fishers more often than not have to accept advance payments from intermediary traders before the season to foot fishing expenses. This makes the intermediary trader exclusive claimant of their catch, thus lowering its price.
- Irregular sale (55%): Irregular sale due to dependence on intermediaries is another problem mentioned by the fishers.

A common complain of the fishers against intermediary traders has been of cheating them of their right to reasonable and fair return.

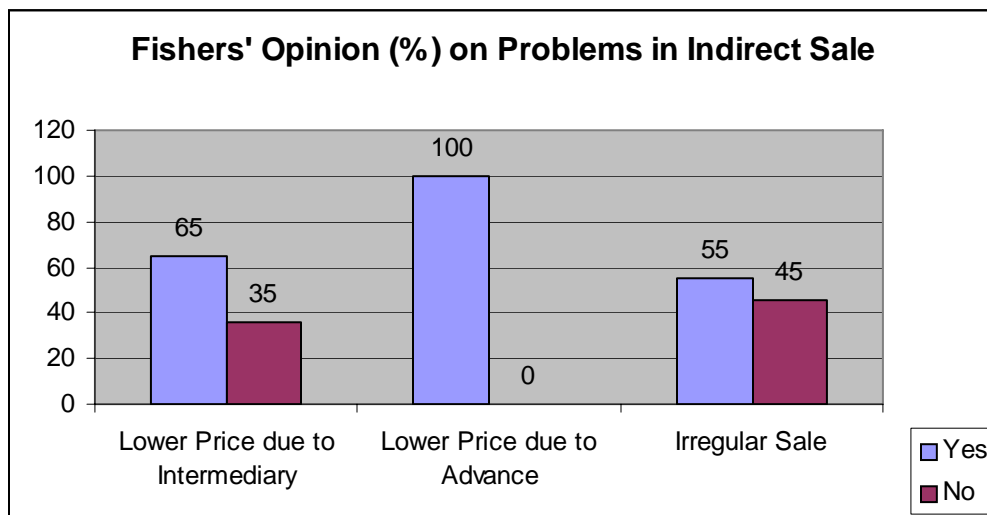


Figure 4

Mainly three kinds of suggestions were given by the fishers as possible solutions to their problems of market access (**Fig. 5**) –

- 52% of those surveyed opined that the problems could be overcome through government assistance;
- 45% suggested fishermen’s cooperatives as a possible means to address the problems; and
- 33% saw a way out of these problems through procurement of loans from financial institutions.

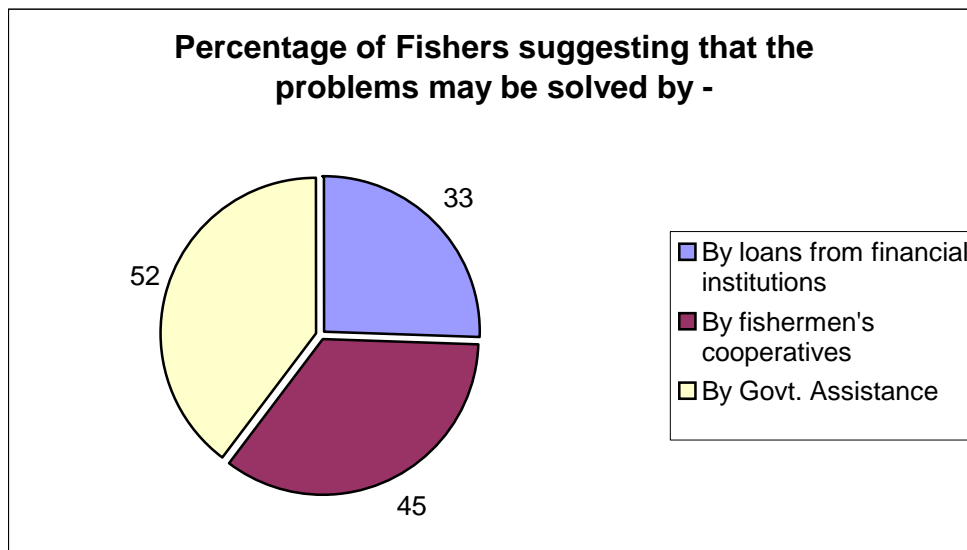


Figure 5

ANNEXURE VI

PERCEPTION OF CLAIMS: SOCIAL SECURITY AND BENEFIT SCHEMES

The fishers and fishworkers were interviewed regarding Insurance, Relief cum Savings Scheme, Old age pension, Widow pension, National Rural Employment Guarantee Scheme (NREGS), Kerosene Subsidy, Diesel Subsidy and Govt sponsored cooperatives, all the schemes that are supposed to be available to fishers and fishworkers as per pronouncements by government authorities. The questions were of two kinds, one pertained to the degree of availability and the other to their impact on the community. However, among all these supposed to be available schemes, only three – namely, ‘relief cum savings’, insurance and fishworkers’ cooperatives are actually within the reach of the community under survey.

As regards the ‘relief cum savings’ scheme, it is evident from the chart below that 97% of those surveyed felt that the scheme was available, 3% felt that it was moderately available and none felt that it was not available. With regard to Insurance 25% felt that it was available, 15% felt that it was moderately available and 25% felt that it was not available. And as regards govt.-sponsored cooperatives 37% felt that it was available, none felt it was not available but an alarming 63% felt that it was not available. [Figure 1]

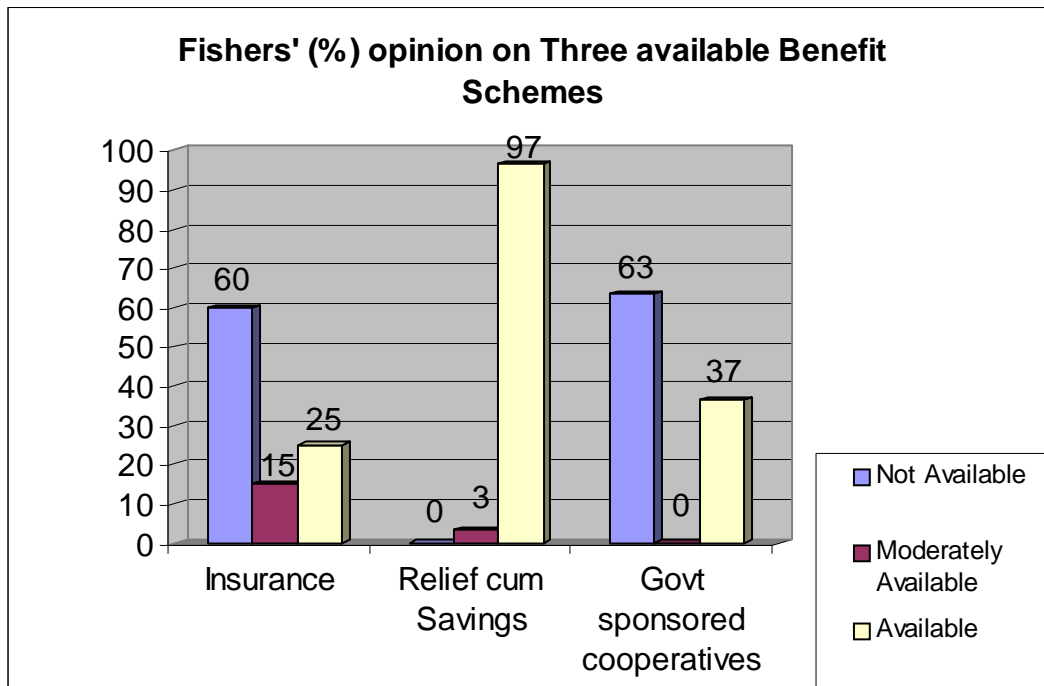


Figure 1

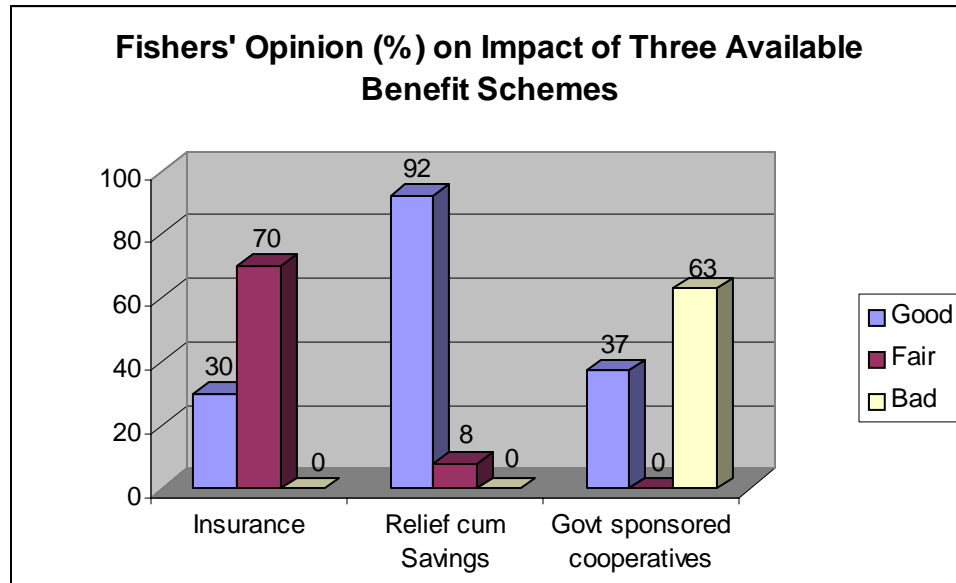


Figure 2

Impacts

Schemes that are unavailable have been categorized as having no impact.

As regards relief cum savings one can see that 92% feel that its impact is good, 8% feel that its impact is fair and that none consider its impact to be bad. In the case of insurance 30% feel its impact to be good, 70% feel its impact to be fair and none describes its impact as bad. In the case of Govt. sponsored cooperatives 37% find its impact to be good, 63% finds its impact to be bad and none finds its impact to be fair. This data regarding the cooperatives mirrors the availability data. [Figure 2]

ANNEXURE VII

COMMUNITY RIGHTS REGIME

The Khotis are generally perceived as beneficial to the community as protectors of fishing and allied rights (100% fishers interviewed subscribes to this). A major role perception of the Khotis is dispute resolution (98% holds this). Next comes the Khotis role as caterers of community benefit services (85% mentions this). Accrual of economic benefits from Khotis is rather low in fishers' perception (only 33% tells this). [Fig. 1]

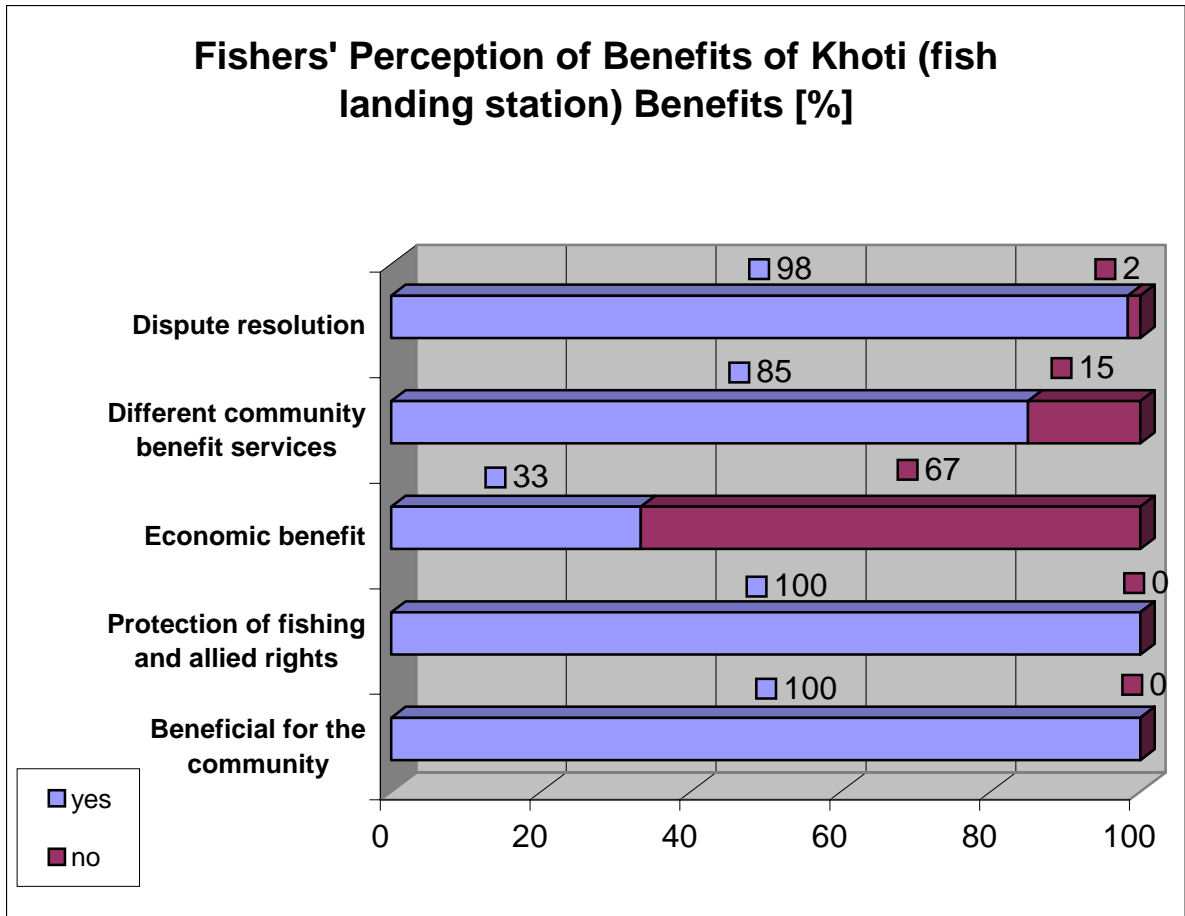


Figure 1

The fishers appeared to be more or less satisfied with the Khoti regime with only 15% opining otherwise (Fig. 2).

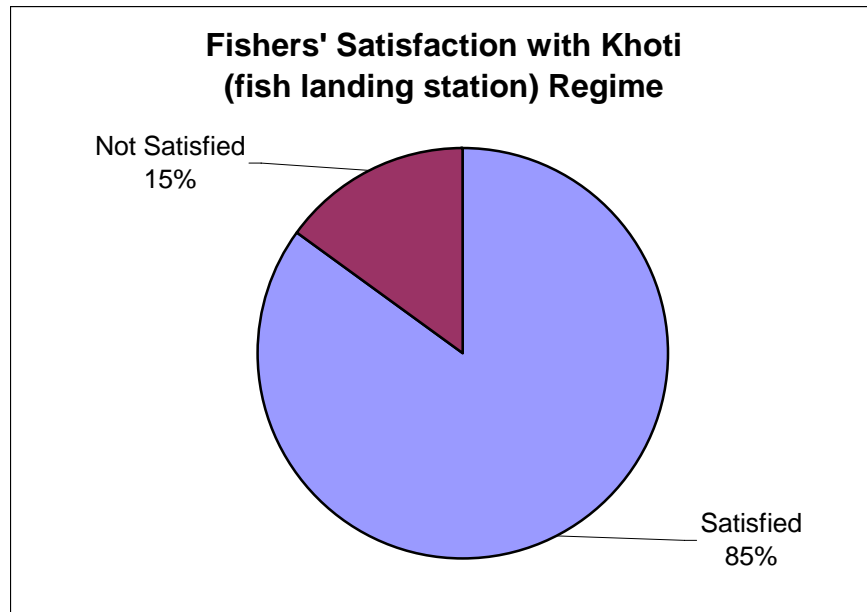


Figure 2

But this satisfaction seems to be qualified as 88% of the fishers interviewed said that there are scopes for improvement of the regime.

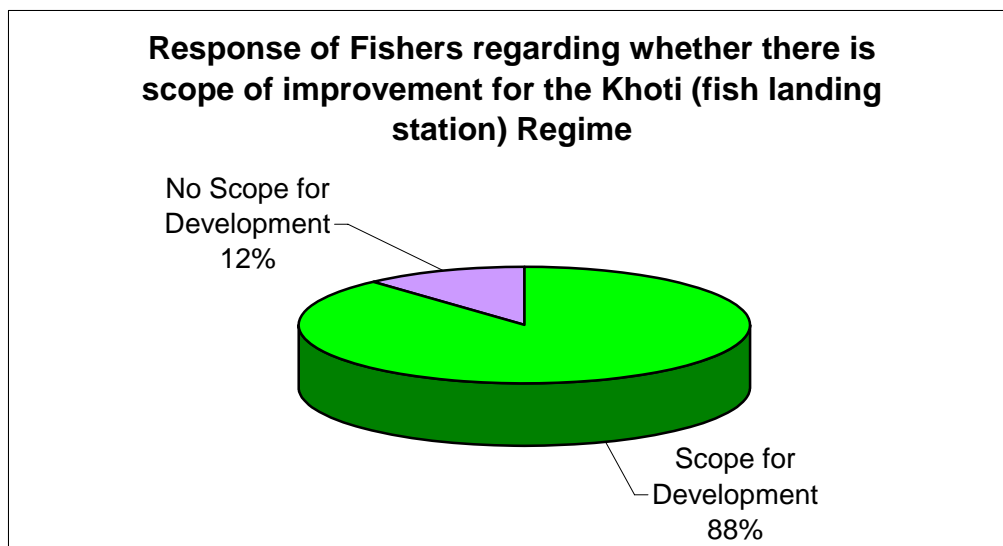


Figure 3

Further survey queries brought out a host of means suggested by the fishers for improvement of the Khoti regime. These suggested means are given weightage according to the percentage of fishers subscribing to each of those. (Fig. 4)

Accrual of land rights appeared to attract the highest (28%) concern of the fishers. 27% of the fishers wanted Government Supervision on Khoti affairs. 27% of the fishers wanted Government Supervision on Khoti affairs. 15% of fishers interviewed raised the issue of more Government assistance in Finance and Infrastructure. Framing of better and effective rules was mentioned by 13% fishers, while 22% spoke of strict implementation of rules. Sincere discharge of responsibilities by the Khoti management was suggested by 10%. Another 10% pleaded for better moral character of the leaders. More active role of the Khoti leaders and capacity building of managers has been the concern for 15% and 12% of the fishers respectively. Better dispute management was suggested as a means to improve Khoti regime by 18%. Practice of collective leadership was mentioned by 17%.

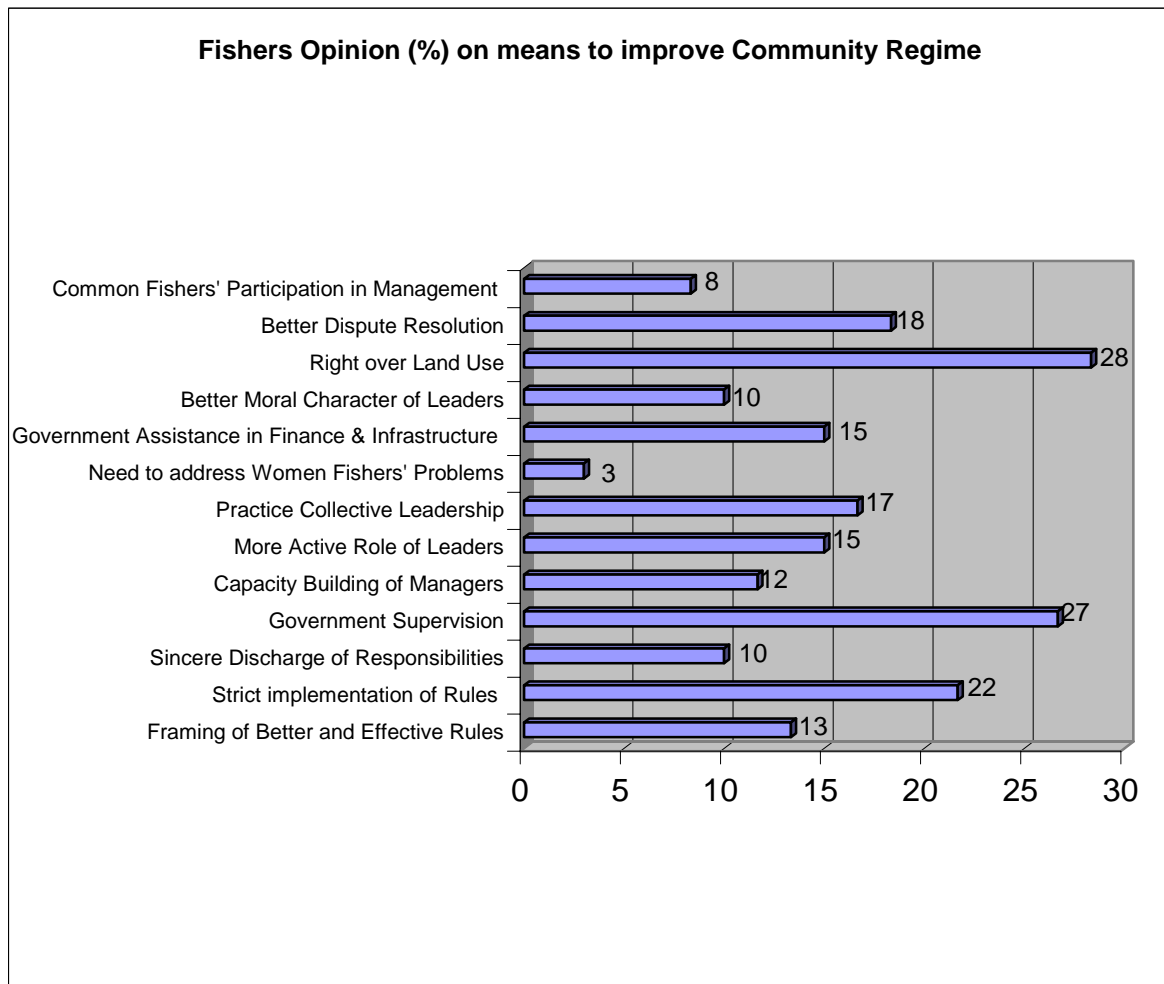


Figure 4

ANNEXURE VIII

COMMUNITY PERCEPTION:RIGHTS & RESPONSIBILITIES

The interviewees appeared to be almost unanimous in demanding different rights to protect and enhance their livelihood. The right issues were: Fishing Rights; Right to other fishing related activities; Right to the land to reside and carry on livelihood practices; Right to a clean, sustainable and productive environment; Prohibition of trawlers and other harmful gears; Exclude immigrant fishers from fishing activities unless they abide by the community (Khoti) regime; Right to access market and get reasonable returns; Right of protection from money lenders and advance payers. Each of these demands were mentioned by 95% to 100% of fishers under survey. (**Fig. 1**)

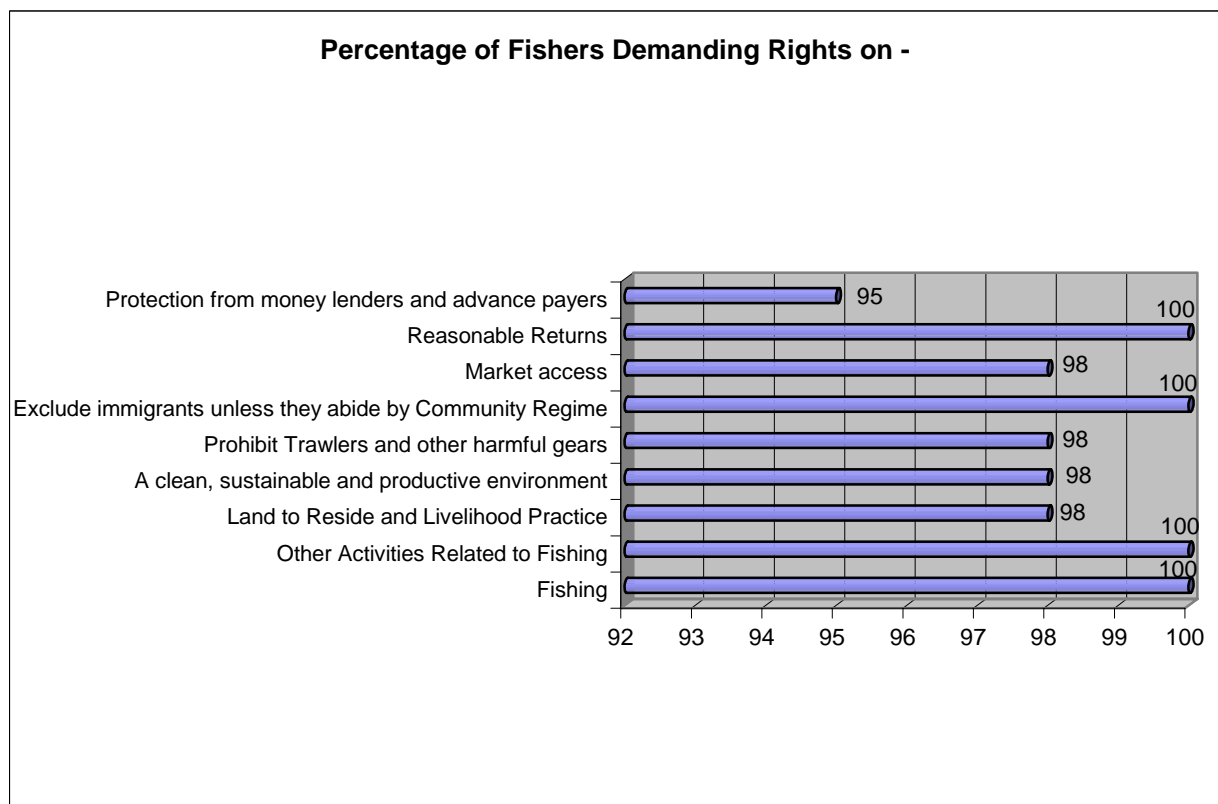


Figure 1

Fishers and fishworkers seemed to be fairly knowledgeable of different harmful factors damaging the coastal resources. The responsibilities that ought to be taken up by them to protect the coast and coastal waters as mentioned by the fishers have been –

Banning Mosquito Nets; Restricting Trawling; Stopping intensive Prawn Culture; Stopping Harmful Tourism; Protection of Beach Vegetation; Enhancing Beach Plantation; Prevent Erosion by building Dike; Prevent selling of sand from beaches; Protect sand dunes; Prevent General Pollution; Work for general Conservation; Prevent Vehicle on Beach; Prevent Factories / SEZs; Proper Waste Management including Fish

Waste; Ban Nuclear Power Plant; Observe Fishing Ban; Compliance of Environmental Regulations; Ban Polybags; Ban Harmful Constructions; Prevent Chemical Fertilisers & Pesticides from Agriculture; Develop Community Vigilance.

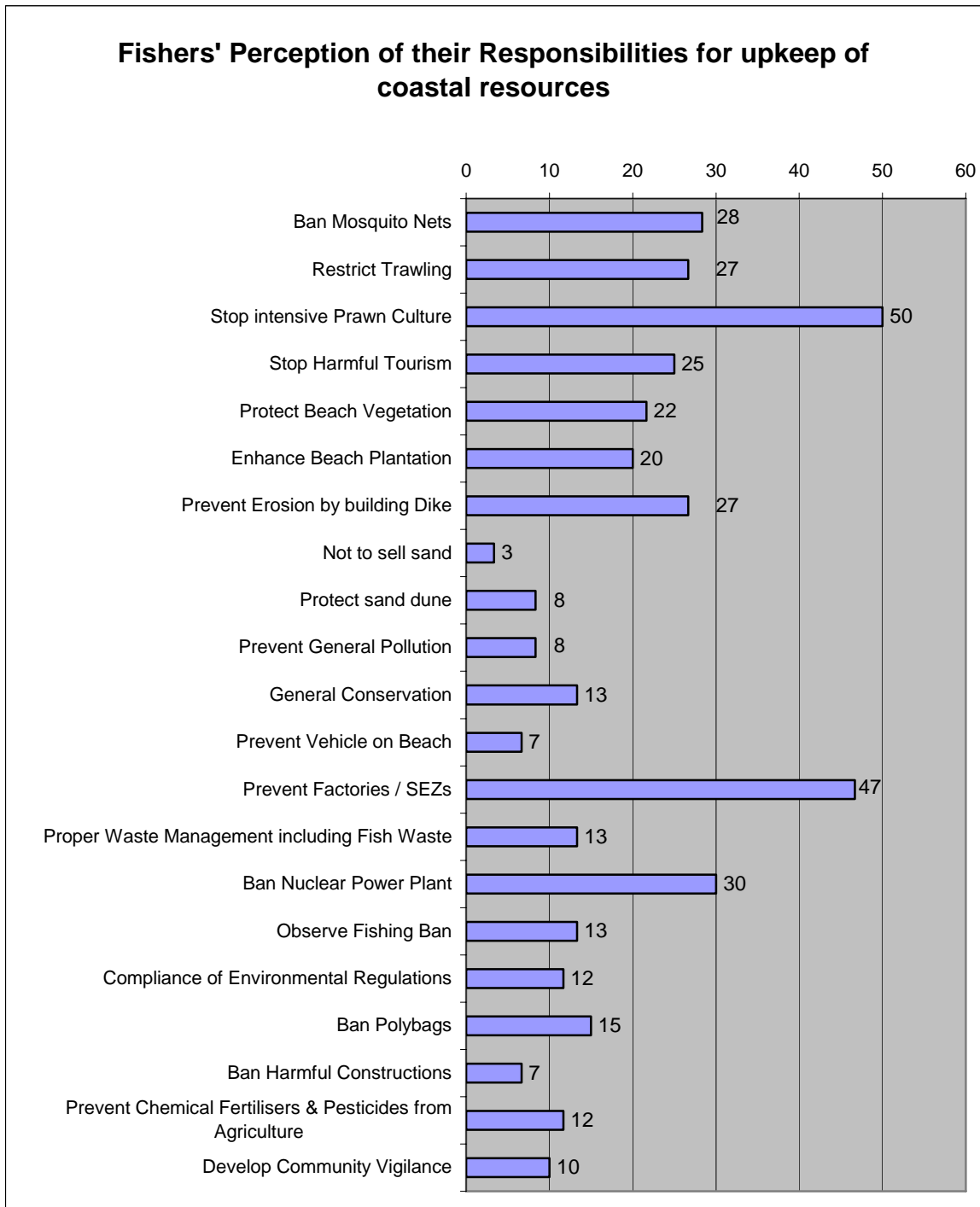


Figure 2

The weightage by percentage of fishers mentioning each of the responsibilities is shown in (Fig. 2)