

CHILIKA LAKE AND PUBLIC INTEREST LITIGATION

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What happens when the livelihood of a community is threatened by a government policy? What happens when the traditional, customary and exclusive rights possessed by a community since times immemorial are taken away? What happens when the state opens up the resources for big business? Society is not mute. It doesn't take things as they are presented to it. If the state forms a picture of a society through its policies and programs then people, groups affected by such decisions also try to redraw the map of society by questioning such decisions.

This article looks at the interface between state and society, it looks at the role of civil society actors the fishing community and how it questioned the Orissa state government for leasing out the fishery sources to big business. The fishing community maintained that the lease policy had taken away their exclusive rights which they had been enjoying since times immemorial. The fishermen not only started the Save Chilika Movement [Chilika Bachao Andolan] but also filed three litigations in Orissa High Court. The fishing community demanded suspension of the lease policy of 1991 which had allowed big business to enter the Chilika Lake.

HISTORICAL BACKGROUND

Orissa is one of the 29 states situated on the eastern side of India. Chilika Lake is located on the eastern coast of Orissa, stretching over three of its districts- Puri, Khurda and Ganjam. It is the largest brackish water lake in Asia. It is pear-shaped, 64.5 km in length and 18 to 5 km in width. It has a 32 km long mouth known as mucker mukh [mouth], which connects the lake to the Bay of Bengal. ¹ High tides near the mouth drive in the salt water from the sea during the dry months of December to June and with the onset of monsoons the 52 rivers and rivulets bring fresh water into the lake thus giving the lake a unique combination of sweet and salt water. ²

Chilika lake is the largest resting and nesting ground for migratory birds in

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the winter season in the Asian subcontinent. It is one of the hotspots of biodiversity in the country known for some rare, vulnerable and endangered species listed in the IUCN [International Union for Conservation of Nature] red list of threatened animals that inhabit the lake. ³ The Nalaban Island within the Lake has been notified as a Bird Sanctuary under Wildlife Protection Act (1972). The Chilika is also a nesting and breeding ground for highly endangered species, Olive Ridley Turtles, who come all the way from the Atlantic Ocean to the coastal areas of Orissa and the lake for breeding and nesting purposes. On account of its rich Biological diversity Chilika region was designated as a 'Ramsar Site' that is a Wetland of International Importance.⁴ The lake has also been identified as a priority site for conservation and management by India's Ministry of Environment, Forests and Climate Change.

Chilika Lake was 5-6 meters deep but now it has been reduced to 1-1.5 meters. Siltation is one of the important reasons for ecological degradation of the lake, 52 rivers and rivulets carrying silt empty that into the lake. Earlier much of the silt used to flow into the Bay of Bengal through the mugger mukh but with its gradual choking a new channel had to be constructed for free flow of water from the lake to the Bay of Bengal. Decrease in fishery resources and loss of biological diversity have been important matters of concern. The changing ecological character of the lake led the Ramsar Bureau to place the lake in the Montreux record in the year 1993.

Chilika Lake has 132 fishing villages with a total population of about 10 million or so, the surrounding areas have 273 villages. ⁵ Fishing is the main occupation of the people living in fishing villages, it has been passed on from one generation to another. Others living in and around the lake are engaged in activities like agriculture or salt making and other activities related to tertiary sector, they engage in fishing only for self consumption.

Fishing is considered a poor people's job. In India, it is done by people who are at the lowest rungs of caste hierarchy. In Orissa, Keutus, Kariatas, Tiaras, Niaris, Nolias, Gokhas and Kandaras are engaged in fishing; they belong to the scheduled caste community. These fishermen operated on different sources of the lake for centuries and they acquired fishing rights by custom and mutual consent. They passed on their job from one generation to another. Some groups confined themselves to deep fishing and others to catching prawns and crabs. This demarcation of sources and boundaries was by mutual consent. Gradually these people became masters of the lake and became proficient in the manufacture of various types of fishing gears.

During the colonial period, the British started the policy of leasing out fishery sources to fishermen cooperatives and this became a norm and a policy in the subsequent years also.⁶ After independence and with the abolition of the Zamindari system in 1953 all the fishery sources came under the control of the Revenue Department of the Orissa state government. Faced with the administration of vast fishery sources, the Orissa government at that time invited

A.F Laidlaw an expert from Canada to make suggestions regarding the management of fisheries, who among other things suggested setting up of - Central Fishermen Cooperative Marketing Society [CFCMS]; 25 Primary Fishermen Cooperatives Societies [PFCS] to be associated with CFCMS; and the leasing of all Chilika fisheries to the CFCMS which would then distribute amongst the PFCS.⁷

The recommendations of A F LaidLaw were accepted by the Orissa government which then through its lease policy of 1959 established the principle of leasing out fishery sources to the fishermen cooperatives. The reorganisation of fishery was meant to collect lease money and royalty by forming a network of cooperative societies with an Apex Society, over the whole of the Chilika lake. By doing so the lease policy stopped the auction of the fisheries by the Revenue department.⁸

The non-fishermen living in the vicinity of the Chilika Lake also took to fishing to supplement their income generated from other sources. The close proximity of the sources of the two communities often led to conflicts. The non-fishermen, with time, also started demanding fishing rights in the lake. Notwithstanding these demands the Revenue Department [Orissa government] continued to follow the policy of leasing out the Fishery sources to the Central Fishermen Cooperative Marketing Society (CFCMS).⁹ Slowly and gradually the non-fishermen started demanding fishing rights in the Lake. The fishing community on the other hand, apprehending that the democratically elected government may yield to the demands of the non-fishermen made a written representation to the then Chief Minister, who in turn assured that no change would be made in the lease policy. All this went on for years and decades.

On 31st December 1991 before the lease policy was to expire the government of Orissa came out with a new lease policy which was different from the earlier established norms and practices. It introduced a new classification of 'Capture' and 'Culture' fisheries and gave a share of these resources to the non-fishing communities.

THE LEASE POLICY OF 1991 AND AQUACULTURE FARMING

The lease policy of 1991 introduced: 'Capture' and 'Culture' fisheries; divided 'Capture' sources into smaller size; leased out all 'Capture' fisheries to the CFCMS for 3 years which would in turn lease out to the Primary Fishermen Cooperative Societies (PFCS); suggested 10% increase in the lease value of 'Capture' sources every year; sanctioned each PFCS a 'Culture fishery source for 3 years; leased out rest of 'Culture' sources to the non-fishermen inhabiting the neighbouring villages.¹⁰

The crucial point regarding lease policy of 1991 was that it introduced two categories of fisheries: 'Capture' and 'Culture' and gave a share of 'Culture' sources to the non-fishing communities.¹¹ By introducing and leasing sources for 'Culture' fishery, the government of Orissa, was venturing into prawn/ shrimp

culture (Aquaculture farming), in a big way.

Why was the Orissa government sanctioning prawn culture? The Orissa government was trying to regulate what was going on illegally in the lake for some years. Prawns are in high demand in US, European countries, Japan and North Korea as a result many developing countries started venturing into this business to earn good revenue. India also entered into this business and aquaculture farming took off in the coastal areas.

Prawn ponds [Gherra Bhandi's/ mud embankments] started mushrooming in the Chilika Lake in the eighties. Aquaculture farming fetched quick money because of the short gestation period of the crop. People in and around the lake both fishermen and non-fishermen, started converting their sources into culture ponds. In fact Primary Fishermen Cooperative Societies themselves started subletting their fishery sources [distributed by CFCMS] to merchants and traders. Lack of financial capital to invest in farming, indebtedness and poverty on the one hand and easy money on the other led to subletting of fishery sources to the outsiders in the eighties. With the coming of merchants and traders the balance started tilting gradually in favour of them and they became formidable competitors of fishermen demanding share in the fishery sources.

Orissa's total export of prawn increased from 3243 million tonnes in 1988-89 to 5672 in 1991-92. Prawn production from the Chilika lake increased from 615.9 million tonnes in 1988-89 to 700.0 million tonnes in 1991-92. Prawn Culture increased the revenue of the state government. From the Chilika Lake alone, the Orissa government earned 753.2 lakh rupees in 1988-89 and this revenue increased to 1400.0 lakh rupees in 1991-92.¹²

The subleasing of the fishery sources by fishermen cooperatives led to the emergence of absentee landlords.¹³ These people operated from Orissa's capital Bhubaneswar, Cuttack and Puri and had strong connections with the politicians, bureaucrats and rich people. The entering of this class of people in the culturing of prawns led to the induction of 'mafias' and 'goons', these muscled were needed to protect and safeguards the investments made in the lake. This was an inevitable outcome of the commercialization of fishery resources. The fishing community as well as the non-fishing people living in and around the lake sensed that this development was detrimental to their interest. This development was also instrumental in bringing the two groups together in their fight against commercialization of fishery sources with the state government, even though they came from different social backgrounds and did not intermingle much in their day to day activities.

It was in this social and economic setting the government of Orissa made an agreement with Tata's for a semi-intensive prawn culture project called Integrated Shrimp Farm Project [ISFP] in 1986. The project was allocated 1400 hectares of land in Chilika Lake for a period of 15 years. The government of Orissa was given 10% share in the deal. The project was opposed by the Janata Party which was in opposition at that time but when it came to power in the

same year it continued the project by changing its name from Integrated Shrimp Farm Project to Chilika Aquatic Farms Ltd. [CAFL]. The state government increased its share this time from 10% to 49% ; Tata Iron and Steel Co. Ltd. [TISCO] -30% share; Tata Oil Mill Ltd [TOMCO] - 18% Otto India Pvt. Ltd. -3% share.

The Tata's contemplated the creation of an artificial lake inside Chilika by forming embankments which in turn were to be divided into small ponds for culturing of prawns. Some important features of the project included -

- 300 ha prawn farm inside Panasapanda, Chilika lake - to produce 1500 million tons of prawn every year;
- Hatchery near Puri - to produce 200 million post larve prawn seeds;
- Prawn feed mill producing - 4000 million tones feed;
- Processing unit on Bhubaneswar- Puri road - to process 2000 million tons of prawns for export.

The project promised jobs to the local people in the project. ¹⁴

SAVE CHILIKA MOVEMENT

Poverty of the fishermen, the entry of Tata's and other corporate bodies in the lake and the lease policy of 1991 created conditions for the civil society actors to assert themselves and stop the developments that were detrimental to their interests and the lake. The civil society assertion in the context of these developments took two forms - form of a movement and litigation in the Orissa High Court. In both these forms the civil society actors challenged the Orissa government and its policy with regard to fisheries in the lake.

Save Chilika Movement was launched to protect the lake and its resources from commercial exploitation by big businesses. Chilika Aquatic farms Ltd. envisaged by the Tata's in one part of the Lake [Panaspanada in Puri district] was the centre of the attack in the movement. It raised three important questions- To whom does Chilika Lake belong? ; If Multinational Corporations or big businesses enter into the primary sector of the economy then where will the producing sections of the society, the artisans, peasants, fishermen and others go? What is the priority of the state welfare of its people or to earn foreign exchange? ¹⁵

Along with social and economic issues, the movement also took up legal and ecological questions as well. It expressed that -chemicals would affect long term availability of fish in the lake; that the embankments for prawn culture would obstruct the movements of fish and prawn for brackish water in the sea during the breeding season, which in turn would affect the natural regeneration of prawns; and that there was a threat of flood and water logging due to construction of the embankments.

The movement also highlighted that the Chilika Aquatic Farms Ltd. project had gone ahead without Environment Impact Assessment; that the land leased

out to the project was a reserved wetland of international importance under Ramsar Convention, (1971); that the land came under the Coastal Zone Regulation Act, a legal regime established by the Union government to protect the coastal areas. Thus along with social and economic issues, environmental issues also became a subject matter of concern, the project violated several environmental legal regimes.

The Save Chilika Lake Movement thus interrogated the policy of commercial use of natural resources, the development pattern followed by the State and how these policies were detrimental to the interests of the poor and marginalized sections of the society and to marine ecology. Instead of commercial use of natural resources the movement demanded that the locals should have control over the sources of the lake.

Save Chilika Movement was a people's movement and was launched by Chilika Matsyajibi Mahasangha in January 1992, an organisation working for the interests of fishermen in 132 villages of Chilika. In their endeavor the fishermen were supported by many others even when they were not directly affected by the issue. The fishermen were joined by non-fishermen living in the vicinity of the lake. As pointed out earlier the non fishermen had started fishing in the Lake in order to supplement their income from other sources. They too felt that Tata's project was detrimental to the interests of poor people.

In their resistance fishermen and non-fishermen were joined by the students of Utkal university (Bhubaneshwar); journalists and other intellectuals of the Oriya society. The movement was confined to Bhubaneshwar, Cuttack, and Puri. In the course of the movement many students groups and organisations were formed like, 'Meet The Students' (MTY) a group of active students from the Utkal University who had alternate view of development and politics, 'Chilika Suraksha Parishad' was created to bring awareness among the people particularly in Bhubaneshwar, Cuttack and Puri.¹⁶

Several organisations extended their support to the movement like 'Ganatantrik Adhikar Suraksha Sangathan' and 'Orissa Krushak Mahasangh' (Center of Ecology and Environment), 'Chilika Suraksha Parishad'. These organisations worked at the state level to promote awareness among the people about the harmful effects of the project.

Orissa Krushak Mahasangh, linked the issue of livelihood with environment and held that sustained supply of fishery resources is possible only by protecting the ecology of the lake. It took strong position against Tata's and the hi-tech Prawn culture. It maintained that Chilika is a communal property and the government was changing the nature of this property by leasing out land for prawn culture to outsiders.¹⁷

Orissa Krushak Mahasangh also held that permanent constructions were illegal under irrigation law and they were obstructing the free flow of flood water from the lake to the sea. It also held that constructions will jeopardize the customary rights of fishermen once for all.¹⁸

Organisations like Orissa Krushak Mahasangh lifted the local issues and brought them to the centre stage of state politics and also managed to attract the attention of the parliamentarians. On 13th May 1992, 21 MPs wrote a letter to the then Prime Minister asking for an immediate intervention in restraining the Tata's from executing the Project.¹⁹ A memorandum was also sent to the Environment and Forest Minister. A conference was held at Delhi in July 1992, in which besides others members of Parliament from Odisha and representatives of Odisha Krushak Mahasangh also participated and a decision was taken that in order to proceed the project must obtain environmental clearance from the Union Ministry of Environment.

FIAN, an environment and human rights organisation of Germany also intervened in support of the Chilika Andolan by writing letters to the Prime Minister and the Chief Minister, demanding withdrawal of the project. The World Wide Fund for Nature, New Delhi organised a meeting on the issues related to Chilika in December 1992.

With so much pressure coming from different corners the then Union Minister for Environment Mr Kamal Nath intervened and issued an order putting a ban on the project till an environment impact assessment was conducted. WAPCO (Water and Power Consultancy Services) which conducted an environment assessment on behalf of the Tata's gave a clean chit to the project and held that the project was environment friendly. The report was criticised by the actors in the movement the Union Ministry of Environment assigned the work to another body. A three member committee which was established by the central government conducted an enquiry and concluded that water quality of the lake might get affected by the effluents discharged by the prawn ponds in the lake. And there upon project was brought to a halt. However, the Orissa government and the Tata's were emphatic that the project was good as it had the potential of earning good foreign exchange for the state. They dubbed the movement as a brainchild of some intellectuals.

The modus operandi adopted in the Chilka Bachao Andolan revolved around meetings, gatherings, ghearoes holding seminars, creating public opinion and awareness, raising issues in the state legislature and the parliament. The other modus operandi adopted by fishermen included filing of Public Interest litigations in the Orissa High Court. Three Public Interest Litigations were filed, in 1991, by three fishermen cooperatives -Uttar Chilika,²⁰ Kholamuhana²¹ and Gajapatnagar - and they were supported by thirty six other cooperatives. These litigations were against the lease policy of 1991, which the fishermen alleged had taken away their customary and exclusive rights to fishing.

FISHERMEN COOPERATIVES AND LITIGATIONS.

Since the three petitions dealt with the same issue, the lease policy of 1991, they were taken together by the court and a single committee was established to investigate the claims of fishermen and the orders passed by the court were

applicable to all the three cases.

The petitioners [fishing cooperatives] maintained that the lease policy of 1991 –

- De-recognised ‘the traditional and customary rights of fishermen to exclusive fishing in the lake’.²² by giving away a share of culture sources to the non-fishing communities
- Invited big business houses to invest in aquaculture farming;²³
- Bifurcated traditional capture sources into smaller units. Fishermen cooperatives maintained that the traditional sources were formed centuries ago naturally on the basis of factors like soil, content, sloping of the area, nearness to the lake rainfall and capacity to hold water and hundreds of families were attached to the source and earned their livelihood. They therefore held that bifurcation of sources into smaller units would jeopardize their source of livelihood. They also maintained that the government was creating smaller units sources to favour the non -fishermen, or the corporate houses;²⁴
- Was profit oriented and ecologically unsustainable. The cooperatives maintained that construction of large scale embankments for prawn culture obstruct the movement and migration of juvenile fish to the sea, which would lead to diminishing of the fishery resources;²⁵
- Undermined the interest of fishermen and led to large scale unemployment and starvation. The fishermen maintained that their lives are intertwined with the lake. ‘Chilika is their life. In childhood they helped their fathers and elder brothers in the fishing operations like loading of provisions and unloading fish. In adult -hood braving the fierce sun and the fury of nature during the rainy season they catch fish. In old age they mend the nets, collect twigs for firewood and then wither away to oblivion’.²⁶
- Is contrary to the provisions of Article 46 of the Indian constitution which deals with promotion of educational and economic interests of scheduled castes, scheduled tribes and other weaker sections.
- Violated- Article 14 of the Indian constitution [which deals with right to equality], Article 19 (I)(g) [which deals with right to freedom, specifically with right to practice any profession, or to carry on any occupation, trade or business] and Article 21, [dealing with protection of life and personal liberty.]²⁷

The petitioners held that since independence all the lease policies took care of their interest but the lease policy of 1991 de-recognized their exclusive fishing rights in the Lake and was biased heavily in favour of the commercial interests. The fishermen maintained that the new policy is ‘derogatory and contrary to the provisions of Article 46, which deals with promotion of educational and economic interests of scheduled castes, scheduled tribes and other weaker sections. It

violated the constitutional rights enshrined in Articles 14 (dealing with right to equality); 19 (I) (g) (dealing with right to freedom, specifically with right to practice any profession, or to carry on any occupation, trade or business) and 21 (dealing with protection of life and personal liberty). They maintained that the new policy was neither reasonable nor in the interest of the public and 'gave unfettered powers to government functionaries to indulge in nepotism and favoritism.'²⁸ The petitioners requested the court to declare the lease policy of 1991 as- 'illegal, unconstitutional and void' and requested the court to pass orders (writ of mandamus) to the state authorities so that it protects 'the traditional, customary and exclusive rights' of the fishermen as well as the old sources.

G S DAS COMMITTEE

The Orissa High Court, in its order on 26th April 1993, appointed a committee to look into the issues raised by fishermen cooperatives in response to the litigations filed by fishermen cooperatives.²⁹ The committee was asked to find out answers to following questions - What have been the traditional rights of the fishermen in the Chilika Lake? What have been the traditional rights of non-fishermen? How many non-fishermen [living in the vicinity of the lake] have taken to fishing? Have the PFCs sub-leased their fishery sources? Have the traditional sources of the lake been converted into prawn sources? Have mud embankments been constructed by the PFCs inside Chilika? Would culturing of prawn affect the ecology of the lake? What has been the role of the mafia in the fishing trade and who has engaged them?

After making the enquires, the committee in its report stated that-

- The fishermen have been enjoying traditional rights to fishery sources;³⁰
- The non-fishermen have also been enjoying fishing rights but on a 'limited scale' and not in the same way as they are enjoyed by fishermen.³¹
- Sub-letting of fishery sources started in the eighties with the prawn culture. Non-fishermen and the PFCs converted traditional fishery sources into prawn culture ponds by themselves or by subletting to the third parties.³²
- There were massive encroachments of fishery sources by non - fishermen and outsiders and corporate bodies too entered into the business of prawn culture.
- The subletting of fishery sources by PFCs and non-fishermen led to construction of embankments and the induction of 'mafia in the lake. The committee held 'that mafias have become the real monarch and determine the fate of the poor fishermenthey symbolise encroachments and all acts of illegalities in the lake area, terrorise the local people and want to have a grip over the fishery sources. Though responsible partly for the coming of mafias both fishermen and non fishermen want to free the lake from the clutches of the mafias.'³³

- Large scale and unrestricted manner in which prawn culture is happening has marginalised the interest of the traditional fishermen as their traditional rights to fishing have been usurped by the non-fishermen and outsiders.³⁴
- The distinction between 'Capture' and 'Culture' is 'arbitrary' and 'ambiguous'.
- The adoption of extensive and intensive fishery in the Chilika Lake would lead to massive degradation of the ecosystem of the lake.³⁵
- Semi intensive; intensive and supra intensive (ultra intensive) methods of culturing prawns are harmful, the traditional extensive method is the least harmful method³⁶
- Environment Impact Assessment should be conducted by a team of experts and scientists so as to get the picture of the costs (both private and social) and benefits (both private and social) involved in aquaculture farming.
- The lease policy of 1991 was faulty as there was no ingrained mechanism within it to prevent subletting, illegal encroachment and 'mafia raj' in the lake.

COURT JUDGEMENT

After examining all the issues related to the case, the court came to the conclusion that-

- There is no dispute with regard to the fishing rights of fishermen; they have been enjoying rights since times immemorial in the lake.
- The traditional rights of the fishermen have not been sacrificed in favour of the non-fishermen because all the capture fisheries have been leased out to the CFCSs except some culture fishery sources which have been given to non- fishermen and outsiders. The court, thus rejected the contention of the fishermen that the lease policy 'has sacrificed the traditional rights of the fishermen and sounded death knell for fishermen.'³⁷
- Although non-fishermen did not enjoy this right traditionally, they did take up fishing illegally to fulfill their hunger needs. Therefore the court held that non- fishermen living in the vicinity of the lake should be given rights over some sources. It held that 'caste barriers broke, under the impact of hunger, people who abhorred fishing taking it to be an occupation of lower status groups took recourse to it to satisfy their pangs of hunger.'³⁸ The court maintained that it's time to give legal sanction to their activities in order to prevent 'mafia raj' and animosity between the fishermen and non- fishermen. The court held that the presence of 'mafias' and 'goons' in the lake was affecting both fishermen and non- fishermen.
- The court held that Intensive, semi- intensive and supra- intensive

methods of prawn culture are harmful and are destroying the ecology of the lake. The court also maintained that contribution of culture fisheries to state exchequer cannot become the basis for continuing such a policy.³⁹ 'Revenue cannot be earned by sacrificing larger interests of the people. A balance has to be struck between gains to the state and loss to the society.' It also held that prawn culture cannot be stopped completely, it could be accepted by 'pruning, trimming, and dressing'.

The court thus banned intensive, semi intensive and supra intensive methods of prawn culture. It accepted a method which would not stress the environment. Through this judgment the court halted the construction of the Tata's project, which was in mid way. But it rejected the contention of the fishermen that the lease policy had sacrificed the traditional rights of the fishermen. The court also did not question the rights of non-fishermen living in the vicinity of the Lake rather recognised that some legal sanction be given to their illegal fishing activities so as to prevent bad blood between fishing and non fishing communities.

Tata's were driven away by the court order but smaller shrimp farms mushroomed illegally, causing problems to the local fishermen and others. The administrative agencies could not have been blind to these new developments.

S. JAGANNATHAN CASE

In December 1996, another Supreme Court judgment came which banned prawn culture in the coastal areas including the Chilika Lake. This judgment was given in *S. Jagannathan v. Union of India* case,⁴⁰ It was a Public Interest Litigation filed by S. Jagannathan, Chairman of the Gram Swaraj Movement, a voluntary organisation working for upliftment of the weaker sections of society. In this case the petitioner, S. Jagannathan, demanded the enforcement of Coastal Zone Regulation Act (CRZ) (1991) and that intensive and semi- intensive prawn culture be stopped in ecologically fragile coastal areas. The Commissioner of police and the District Magistrate/ Collector were directed to enforce the order and close, demolish all aquaculture industries; shrimp culture ponds by March 31ST 1997. The two major court orders (*Chilika Lake case* & *S. Jagannathan case*), banned intensive, semi- intensive and supra- intensive prawn culture.

TO CONCLUDE

The Chilika case reflects struggle between various sections of the society for fishery resources. The fishing communities are struggling because it is a question of their survival, whereas for others it is a question of profit. Smaller shrimp farms continue to thrive in the region. Embankments heavily cover the region. "Mafia's and goons" continue to control the Lake. People continue to hold demonstrations and marches.

Fishermen say that 'If we see the Lake from outside we cannot see the embankments but if we go inside we will find that the lake is divided into big

ponds where aquaculture farming is going on and 1/3rd of the lake is occupied by the outsiders and their mafias. They also say that fish catch by the fishing community has declined but this doesn't show in the total fish catch because this is mainly captured by mafias. And that their contribution to income that is generated by the Revenue department is very little. Clear demarcation of the sources continues to be a big problem. Fishing community believes that another big movement is needed to protect the lake and fishermen's interest'.

Notes

1. Chilika Lake- Asia's Largest Brackish Water Lagoon, <https://www.chilika.com>
2. Ibid.
3. IUCN – The International Union for Conservation of Nature “is an international organisation working in the field of nature conservation and sustainable use of resources. It is involved in data gathering and analyses, research, field projects, advocacy and education.”
4. Ramsar Convention is an International treaty, which provides the framework for international cooperation for the conservation of wetland habitats, which have a unique eco-system. It was signed in 1971 in Iran. Sixty-Six countries are members of this convention. The wetlands are among the world's most productive environments.
5. Chilika Development Authority.
6. The Writ petition no. 5643 of 1992, filed by Uttar Chilika Primary Fishermen Cooperative Society, p 15.
7. Ibid., 18
8. Letter by Under Secretary to Government Revenue Department addressed to Collector of Puri and Ganjam, dated 29th August 1959. See the Annexure attached with the writ petition (no. 5643 of 1992), Op.cit., p. 58.
9. See, G. S. Das, Fact Finding Report On the Chilika Lake, 12th August 1993, p. 36
10. Letter of the Revenue and Excise Department of Orissa to the Collector of Puri and Ganjam dealing with the Principle of settlement of fisheries in Chilika Lake , 31st December 1991.
11. Ibid., p. 1
12. See, G. S. Das, Fact Finding Report On the Chilika Lake, 12th August 1993, p. 61-62.
13. Ibid.,
14. Tata's secret project - India Environment Portal | News, reports ... <http://www.indiaenvironmentportal.org.in>
15. See some of the pamphlets written by Banka Behari Das- “Environmental Movement in Orissa”, “Prawn Culture in Orissa”, “Prawn Culture -A demon on the Coast”, “Chilika: The Nature's Treasure. Will it be allowed to die?” Banka Behari Das was a member of the Parliament with a socialist vision. He is no more.
16. Banka Behari Das, “Environmental Movement In Orissa.”

17. Pamphlets by Orissa Krushak Mahasangh, Prawn Culture in Orissa, Prawn Culture - A demon on the coast; The year of publication is not mentioned.
18. Pamphlet by Orissa Krushak Mahasangh, Chilika Nature's Treasure: Will it be allowed to die, p. 12
19. Ibid.
20. Uttar Chilika Lake PIL was supported by eighteen other fishermen cooperatives, these are- Mangala Primary Fishermen Cooperative Society, Jadupur Primary Fishermen Cooperative Society, Gopinathpur, Bagdevi, Pollangeswari, Choubardev, Arakhakuda, Jageswari, Mahisa, MaaBhargabi, Berhampur, Baradi, Chandidevi and Taradevi Primary Fishermen Cooperative Society. All these cooperative societies are situated in Puri. The petition runs in to 118 pages, out of which 46 deals with the issues involved in the petition and the rest are annexure to support their claims.
21. The writ petition filed by Kholamuhana Primary Fishermen Cooperative Society was supported by 7 other fishermen cooperative societies, these are – Trinath Dev Primary Fishermen Cooperative Society (Puri), Alandpatna Primary Fishermen Cooperative Society (Puri), Kesipur (Ganjam), Gatapada (Ganjam), Rambha (Ganjam), Kanaka Durga (Ganjam) and Mahamaya Primary Fishermen Cooperative Society (Ganjam). The petition runs into 82 pages, these pages deal with issues involved with the case.
22. Writ petition no. 5643, 1992, filed by Uttar Chilika Fishermen Cooperative Society, p. 26

23. Ibid, p. 31
24. Ibid., p. 32
25. Ibid., p.30
26. Ibid., p. 28
27. G. S. Das, Committee Report on the Chilika Lake, p. 1-3
28. Ibid., p. 29
29. The committee included seven members; Prof. G S Das was appointed as the chairperson, from Utkal University; Dr.K V Rama (Joint Director, Zoological Survey Of India), B B Mishra (Advocate, Representative of Fishermen), Bhimsen Sahu (Advocate, Representative, of non- fishermen), R N Mullick (Director of Fisheries, Orissa), Dr. K P Biswas (Joint Director fisheries cum Authorised Officer of the C F C M S, Balguan.) and P Samal, (Collector,Puri).
30. G. S. Das, Committee Report on the Chilika Lake, pg. 34 & 36
31. Ibid
32. Ibid, p. 29- 33
33. Ibid, p. 64
34. Ibid, p. 64
35. Ibid, p. 59
36. Ibid, p. 59
37. AIR, 1994, Orissa, pg. 206, para 56
38. Ibid, p. 206, para 54

39. Ibid., p.212, para 84 & 85
40. S. Jagannath vs Union Of India & Ors on 11 December, 1996



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