

Establishing Rights on Land & Sea

Challenges facing the Marine Fishing Communities of India

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Background Note to the Presentation/Talk

Introduction

The marine fishing communities of India are quite perturbed by the changes taking place at sea and on land that are affecting their livelihood and threatening their very existence on the coast. At sea, fish resources are threatened by overfishing, marine pollution, entry of a variety of non-fishing commercial activities in the ocean space, climate change, etc. On land, growing urbanization, infrastructure projects, etc., are bringing coastline changes and taking over spaces used by the fishing community for their housing, livelihood, and social activities.

Customary System

Historically, it is the caste system, based on occupational specialization, which provided the marine fishermen with a framework for their access to marine resources and their settlements on the coast. In other words, most of the values, principles, rules and norms arose from the social system that regulated the relationships between different groups in society, rather than by the State and its legal system.

Colonial Era

Even though State laws and a system to administer these laws came up across most of India during the British rule, it was still a partial system as it did not interfere too much in the social sphere, except in elements which were seen as totally opposed to western sensibilities. Since the marine fishing communities lived autonomously close to the sea and their fishing activities took place at sea, out of sight of all land-based authorities, their settlements on shore and the activities in sea, were not brought under state purview and left for self-management. The perception of infinite resources at sea and the availability of long stretches of uninhabited or thinly inhabited coast ensured that there was very little conflict for space and resources with the rest of society and the State. The fishermen were free to explore new fishing grounds on the one hand and form new fishing villages where they found space to their satisfaction.

Independent India

The emergence of India as a new independent nation and the formulation of its own constitution was the starting point for fundamental changes in this state of affairs. The new State was based on the fundamental premise that it would be for the welfare of all those who lived within the borders of the new nation, and it was committed to economic development and social change. However, the new nation, with its limited capacity, could move incrementally on this agenda. The marine fisheries sector would attract its attention mostly in the 1960s when food shortages led to the formulation of the Green Revolution and Blue Revolution strategies.

The development programmes of the GoI and the State Govts, and the subsequent formulation of laws to manage marine fisheries, have now resulted in deep inroads into the functioning of the original system of community managed fisheries, which remain unrecognized in policy and law. The

laws and regulations related to fisheries are fragmented and do are not based on a holistic understanding of fishing and the fishing community.

Current status of state laws and the customary system

The fisheries development schemes of the State have eventually led to reaching the natural limits to fish exploitation and a great deal of competition and conflict over resource sharing at sea. The State system appears to have no clear idea on dealing with this crisis or even any clarity on the objectives of dealing with such a crisis. The customary system, including the customary institutions managing fishing are still active, but their original coherence has been destroyed by the divisions created by new fishing gears, increased mobility of the fleet. It is important to recognize that, even today, all fishermen are part of self-governing groups, even though all of them do not pull together in a common direction. While state regulations in fisheries have importance, they still co-exist with the customary systems of the fishermen, with the latter having a greater level of operational control of the fishermen and the fleet.

As far as the coast and land issues are concerned, there is great competition for space and coastal resources, mostly between the fishing communities and other sectors which have started using the coast or intend to use the coast for various economic activities like Ports, Power Plants, Coastal Roads, Tourism, etc. The fisherfolk who had scope to move across the coast to expand their area as per their own population growth and new opportunities for fishing, are now increasingly trapped in settlements that have limited scope for their own development requirements. Various land laws and environmental laws, which mostly ignore the history of fishing settlements and their space requirements, have created conditions for the fishing community spaces getting encroached an even displacement of whole settlements.

Even on the coast, the customary system continues to have its own hold, despite the assault on it through the use or misuse of State Laws. Even today, the coastal spaces controlled by village communities are subject to internal community controls in terms of use and conflict resolution.

Towards a framework for establishment of the rights of the fishing community

This presentation is meant to discuss the elements of the framework that is necessary for fishing community organisations to formulate their rights and engage in a dialogue with the State and the rest of Society. It will look at the challenges that the community has to overcome and formulate a coherent set of ideas and strategy for this purpose.