CHAPTER III

PRAWN CULTURE AND PEOPLES' MOVEMENT IN CHILIKAA
This chapter discusses the repercussion of the prawn culture on the traditional livelihood of the fishermen in Chilika lake. It highlights how the fishermen are marginalised in the wake of government's policy of encouraging corporate prawn culture projects and non-fishermen's entry into prawn culture in Chilika. The movement against the corporate prawn culture project as well as the non-fishermen's entry into prawn culture in Chilika will be the focus of this chapter. Furthermore, it will analyse how the state responds to the peoples' movement and the increasing private violence that poses threat to human rights of the fishermen.

3.1 CHILIKA

3.1.1 Psysiography

Chilika refers to the Chilika lake and its surrounding area which is situated in the state of Orissa. The Chilika lake is the largest coastal brackish water lagoon in India. It is the largest estuarine lake of Bay of Bengal on the eastern coast of India stretching over the districts of Puri, Khurda and Ganjam in Orissa. It is situated between 19°28' to 19°54' N latitude and 85°05' to 85°38' E longitude. The water spread area of the lake varies between 1165 sq. km during rains and 790 sq. km during the summer. The lake normally covers an area of 1055 sq. km of which 223 sq. km is covered by hills and rocks that lie scattered along the shoreline of north-south side land mass. The lake is about 72 km long from north to south with a mean breadth of about 25 km in the northern portion and 8 km in the southern side. The bedrock of the lake is uneven, the water depth varies between 1.73m and 3.7 m during the rainy season and 0.93 m to 2.6 m, during the summer season.
The lake is separated from Bay of Bengal by a sandy ridge varying between 100 to 300 yards in width with one natural opening near Arkhakuda which permits the flow of water and migration of fish from the sea to the lake. The lagoon is connected with Bay of Bengal by a 35 km long narrow cannel from Satapada to Magarmukh; is being fed by ten rivers, twenty-five rivulets cuts and streams. Rivers like Daya, Ratchima, Barghavi and Kania discharge their flood water into the north-east side. The second opening is an artificial canal dug out known as Palur Canal or Ganjam Canal just from near the confluence of the Rusikulya estuary with the sea. This canal brings tidal ingress into the lake from the southern side.

The lake maintains a sweet-saline eco-system during the year. It becomes sweeter (less saline) between July and December due to inflow of flood water and becomes more saline between January and June due to the ingress of sea water through the mouth of the Magarmukh canal. The 300 meter wide shallow mouth at Magarmukh canal helps in discharging the flood water from the lake as well as it allows the ingress of sea water into the lake. The lagoon is having more than 20,000 hectares of fringe area or littoral zone.

Chilika lake has been identified as wetland of international importance at the Ramsar Convention, 1979 to which the Government of India is a signatory, for facilitating the migration of nearly 132 species of birds from Siberia every winter.¹ The lake is a haven for migratory birds because of its wide shore and the peripheral forest and the islands like Chadaihaga and Kaliijai provide avenues for the food and nesting.

### 3.1.2 Socio-economics

There are 132 villages in and around the eco-system of Chilika lake with a total population of 1.5 lakh. These villages come within the jurisdiction of Ganjam, Khurda and Puri districts. Out of the 132 villages, around one lakh people are dependent on Chilika’s fish resources for their livelihood and inhabitate in 128 villages. Another study points out that the total fishermen population in the area is 10,04,040 out of which 27,200 are active fishermen. Fishermen households are around 12,363. There are villages surrounding the lake where upper caste (non-fishermen) people predominate. Fish worker’s bastis do exist within these villages. The fishermen mostly live in clusters forming villages having few hundred to a few thousand population.

The main criteria to distinguish between the fishermen and non-fishermen is the caste. There are various sub-castes among the fishermen, but all of them are considered to belong to the schedule caste. People belonging to castes like Keutas, Kharatias, Nolias, Gokhas, Kandaras, Kiaris are primarily engaged in fishing activities for their livelihood. People belonging to the caste of Keutas form about 65 percent of the local fishing population. Agriculture has been a secondary occupation for some of them as the majority of the

---

3 These fishermen living in 128 villages are the members of the 65 Primary Fishermen Cooperative Societies and later formed the Chilika Matsuajibi Mahasangha to fight against the non-fishermen prawn culturists.
fishing population have no land, and the little land owned by a few of them is flooded two to three times a year with saline water, rendering it useless to grow anything.\(^6\)

Fishing has been the sole occupation of the fishermen inhabiting the villages surrounding Chilika. In some fish-landing centres the fisherwomen are participate in fish disposal and engage themselves in retail business. The fishermen families are found to live below the poverty line. The per capita income of the fishermen was about Rs. 600/- in 1974. Due to increase in fish price, it rose to about Rs. 1500/- in 1980s\(^7\) and increased to Rs. 3721 in 1990s (Table 3.1)

The study conducted by Dr. Samal points out that per capita income of the fisherman are lower than the per capita of the total state income (Rs. 6767 in 1997-98), whereas higher than per capita state income from primary sector (Rs. 2717). Furthermore, the study points out that around 47 per cent have per capita income below the poverty line.\(^8\)

\(^6\) ibid.
\(^7\) P. M. Mishra, "Chilika Lake as a Major Capture Fishery Resonance of India", in S.H. Ahmad (ed.), *Advances in Fisheries and Fish Production*, (New Delhi), Hindustan Publishing Corporation (India), 1998, p. 184.
\(^8\) Samal and Meher, n. 4, p. 13.
Table 3.1

Caste-wise Annual Net Income of some Fishermen and Non-Fishermen Households in Chilika

(In Rs.)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Castes</th>
<th>Annual per capita net income of the members of sample households</th>
<th>Annual average household net income of members of sample households</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Fishermen</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) Keuta</td>
<td>3894</td>
<td>28560</td>
</tr>
<tr>
<td></td>
<td>b) Kandara</td>
<td>3357</td>
<td>22752</td>
</tr>
<tr>
<td></td>
<td>c) Kartia</td>
<td>2595</td>
<td>16308</td>
</tr>
<tr>
<td></td>
<td>d) Khatia</td>
<td>3827</td>
<td>23760</td>
</tr>
<tr>
<td></td>
<td>e) Tiara</td>
<td>3889</td>
<td>24396</td>
</tr>
<tr>
<td></td>
<td>f) Nolia</td>
<td>4043</td>
<td>24252</td>
</tr>
<tr>
<td></td>
<td>g) Bengali Refugee</td>
<td>3556</td>
<td>23112</td>
</tr>
<tr>
<td>2</td>
<td>Non-fishermen</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) Fishing activity</td>
<td>4878</td>
<td>39180</td>
</tr>
<tr>
<td></td>
<td>b) Salt cultivation</td>
<td>2957</td>
<td>17736</td>
</tr>
<tr>
<td></td>
<td>c) Others</td>
<td>2831</td>
<td>26328</td>
</tr>
<tr>
<td>3</td>
<td>All</td>
<td>3736</td>
<td>26244</td>
</tr>
</tbody>
</table>

Source: Samal & Meher, Socio-Economic Profile of Fishermen of Chilika, Working Paper No. 45, (Bhubaneswar), Nabakrushna Choudhury Centre for Development Studies.

The fishermen carry on fishing in the different sources.\(^9\)

\(^9\) The fishermen in Chilika, practices various methods of fishing in the Chilika Lake which are known as “sources”. These are

(i) Dian fisheries: These cover the uplands or gramatali areas having small receptacles of water. These fisheries are generally situated at a distance approximately 100 to 200 yards from the shore.

(ii) Jano fisheries: These sources come after the Dian i.e. after 100 to 200 years from the store. Here fishing is practiced with enclosers made of bamboos.

(iii) Uthapam fisheries: These refer to fishing in shallow water during the first shower of rain in the month June. When the rain water from the fringe area flows into the lake, fish rushing against the stream are trapped by blocking the rain water flow with certain ridges.

(iv) Prawn khandas: Some area are allotted for prawn capturing only. In the traditional method prawns captured by setting up prawn traps. Whereas in the culturing method fish is cultured or grown and then caught.
They trace their traditional right to fishing in Chilika lake back to the time of Ghulam Shah Qadir when the Afghans ruled Orissa.\textsuperscript{10} During that time, the local chieftains controlled fish resources which were leased to local fishermen.\textsuperscript{11} The same practice was followed during the British rule when Zamindars used to control the fish resources. The Rajas (the rulers of small kingdom) of Khalikote and Parikud had the control over Chilika’s fishery resources. The fishermen used to avail the fishing sources by paying a royalty to the kings, which was known as “Chulimunda”.

In order to improve the conditions of fishermen, the British rule in 1926, started a cooperative store at Balugaon (Balugaon is a small town adjacent to the Chilika lake) to provide fishing nets and other requisites. They set up about 25 fishermen’s cooperatives to lease the fishing sources.\textsuperscript{12}

Chilika became the public property (Government is in control) after the abolition of estates in 1953. From 1953 to 1959 the Anchal Adhikaris (area officers) held the right to lease out the sources of Chilika to the fishermen in open auction on behalf of the Government. During this period some fishery sources like Dian were also given to the non-fishermen.\textsuperscript{13}

\textsuperscript{10} Jeevan Nair, “Fishermen Claim Historical Rights”, Hindustan Times, New Delhi, 22.10.1992.
\textsuperscript{11} ibid.
\textsuperscript{12} ibid.
\textsuperscript{13} Das Committee Report, n. 2, p. 11.
Table 3.2

Fish Catch from Chilika lake (in tonnes) during 1957-65

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Prawn</td>
<td>1119.48</td>
<td>1158.56</td>
<td>1209.17</td>
<td>917.79</td>
<td>920.62</td>
<td>657.00</td>
<td>548.24</td>
<td>1862.53</td>
<td>1028.58</td>
<td>1028.58</td>
<td>28.08</td>
</tr>
<tr>
<td>Fish</td>
<td>3310.97</td>
<td>2313.62</td>
<td>2390.14</td>
<td>1526.73</td>
<td>3886.81</td>
<td>2774.00</td>
<td>3128.72</td>
<td>2584.28</td>
<td>2369.32</td>
<td>2509.39</td>
<td>68.50</td>
</tr>
<tr>
<td>Misc.</td>
<td>25.23</td>
<td>65.70</td>
<td>197.43</td>
<td>159.06</td>
<td>110.50</td>
<td>202.25</td>
<td>142.63</td>
<td>82.38</td>
<td>143.78</td>
<td>123.44</td>
<td>3.42</td>
</tr>
<tr>
<td>Total</td>
<td>4455.38</td>
<td>3837.88</td>
<td>3796.74</td>
<td>2603.58</td>
<td>4861.16</td>
<td>3896.87</td>
<td>392835</td>
<td>3214.90</td>
<td>4375.83</td>
<td>3661.41</td>
<td></td>
</tr>
</tbody>
</table>

Despite the significant fish catch (Table 3.2) from the Chilika Lake, the socio-economic condition of the fishermen are not well off. The major problem of the fishermen of Chilika is indebtedness. Though the government of Orissa since 1953 started regulating of the lease of fishery sources, hardly anything was done to solve the problem of indebtedness of fishermen. Fishermen would borrow from money-lenders to buy boats and fishing nets or even to conduct religious and social ceremonies or finance someone who has fallen ill. The local money-lenders were keen to advance loans to the fishers only on the condition that the borrowers would sell his catch to the money-lenders or his agents. These money-lenders are middlemen and used to supply the fish after collecting from fishermen to the outside markets even as far as to the markets of Calcutta. In this way, the money-lenders not only ensure a regular supply of fish and prawns but also dictate the prices.\textsuperscript{14} Around 90 per cent of the fishermen engaged in capture fishing occupationally related to commission agents who play a major role is shaping the economic life of the traditional fishermen.\textsuperscript{15}

In order to improve the conditions of the fishermen and to provide a fair price for the commodities; on the basis of the recommendation of Prof. A.F. Leid Law, a Canadian expert on fishery cooperatives, the Government of Orissa constituted a two tier Cooperative structure in Chilika, in 1959. Under this dual Cooperative structure, there were Primary Fishermen Cooperative Societies

\textsuperscript{14} Sankar, n. 5, p. 26.
\textsuperscript{15} Samal and meher, n. 4, p.16.
(PFCSs) at the grass root level and an apex body at the top known as the Central Fishermen Cooperative Marketing Society Limited (CFCMS) located at Balugaon. Through this two-tier cooperative structure, the Revenue Department of Government of Orissa first leased out the entire fishery sources to CFCMS through the district collectors of Ganjam and Puri at an annual revenue of Rs. 87 thousand which would increase by 10% annually.

Then the Central Cooperative society would sub-lease them to the Primary Fishermen Cooperative Societies (PFCSs), which were 48 in number at the time of formation and subsequently they are increased to 65. The sources which were not leased to the CFMS were rented on contract through an open auction by the Tahasildars of Puri, Krushanprasad, Banapur and Khalikote. The non-fishermen were permitted to catch fish in these unleased sources during the period from the 1st of March to 31st of July in a year but for consumption purpose only. They had to give in return only a nominal tax known as the “Chulimunda Tax” to the District Collector.¹⁶

The dual cooperative structure of 1959 gave priority and precedence to the fishermen societies in the matter of leasing of fishery sources by recognising the traditional rights of the fishermen. The dual cooperative structure was established with the laudable objectives of a smooth management of fishery sources, marketing the fish catch of the affiliated PFCS in order to protect the fishermen from the unscrupulous traders and to provide the necessary

infrastructural facilities for the member societies, and to meet the working capital needs of the fishermen to buy the necessary fishing equipments.

Over the years the functioning and the operation of the CFMS have become faulty, due to the lack of a clear-cut demarcation of fishing sources in the lake. The apex society did not have the power to enforce the lease conditions. It had became difficult for the apex society to prevent the illegal and unauthorized intrusion into the lease areas. It did not have the power to resolve the disputes over Chilika fisheries. The member societies took the apex society for a ride, violated the terms and conditions of the lease. With the exception of a few, most of the primary fishermen's cooperatives marketed their catch directly through the commission agents bypassing the apex body. In course of time, most of the fishermen cooperative became sick and the CFMCS failed to make their leeway in the management of fishery sources in the lake.\(^\text{17}\)

### 3.2 ADVENT OF PRAWN CULTURE IN CHILIKA

Starting from the late 1970s, the demand for prawn in the international market kept on going. In commercial jargon, marine prawns are called "shrimps" an fresh water one are referred to as 'prawns". Prawns and shrimps are invertebrates. Chilika is famous for a particular variety of prawn known as "tiger prawn". The fishermen of Chilika were engaged in prawn fishing following the traditional method since time immemorial. The salt water of the adjoining sea abounds the water of the Chilika lake during summer while during the rainy season the water is more fresh or less saline. The fishes of

\(^{17}\) Das Committee Report, n. 2, p. 19 and Shankar, n. 5, p. 27.
Chilika swim to the sea to spawn and the juveniles return to the lake to grow. This is a unique characteristic of the fishes of Chilika lake giving them as special distinct taste, for which they are renowned all over the world. Prawn is one of them.

Prawns can not only be grown by culturing method. Natural growth also occurs. Prawns are used to be captured through “prawn khands” in Chilika. In this method prawn are caught by bamboo traps which are of two types, one is “dhandi” and other is “boja”.

During the period starting from late 1970s, the Government of India encouraged prawn culture because of its sure, easy and high returns. The World Bank and other international financial institutions as well as NABARD stepped forward most enthusiastically, to assist in prawn culture calling it the “Blue Revolution” the revolution for economic upliftment of the Third World countries.18

Prawn culture is regarded as the saviour of the developing countries in view of the fact that it is a short duration crop which yields high returns as well as it commands a fast expanding market. The international financial institutions such as the World Bank, started promoting aquaculture in 1970s by providing loans to governments of Asia and Latin America for development of shrimp ponds. In 1980s the Bank broadened its support to include China, India, Brazil, Columbia and Venezuela.19 During this time prawn culture started in Chilika as well.

---

Various methods of prawns culture:

Traditional
In this type, shrimp seed from natural sources like estuaries, creeks and backwaters is let in through seawater intakes into paddy fields, bherries etc., where they grow for a period of time before harvested. The extensive method is practiced as either perennial or short-term culture in different parts of India like Kerala, Goa, Karnataka, Orissa and West Bengal. The stocking process is automatic, uncontrolled and the growth is with natural food only. The production rate is around 350-840 kg/hectare on an average. In India, there are around 24000 hectares (86% of the total farmed area) under traditional farming yielding around 30,000 tonnes of shrimp annually (67% of annual farm production).

Extensive
This is an improved version of the traditional method. The pond size varies from one hectares to several hectares. The seawater from tidal creek or channel is drawn through sluice gates, screened with fine meshed netting to prevent entry of trash and predatory fish. The shrimp seed is either drawn through the tide of collected and stocked. Stocking density does not exceed one lakh. Organic or inorganic fertilizer is used to manure the pond to increase natural food production. Production rate of 1 to 2 tonnes per hectare per crop is reportedly achieved. Around 18,000 hectares farmed area (25.7% of total farmed area) in the country is under this method.

Semi-intensive method
Better scientific design and close monitoring of culture practice distinguishes this method from the rest. Ponds of 0.5 to 1.6 hectare area having independent inlet and outlet of water, separate feeder and drain canals with screened sluices, artificial aeration in the pond, 10 to 25% exchange of water, use of artificial supplementary feeding are characteristics of this method. The stocking rate ranges from 2 to 5 lakh per hectare and yield per crop ranges from 3 to 10 tonnes. Dry or moist compound feed with 35 to 40% protein content is fed daily. The period of crop is between 130-150 days. At present around 1000 hectares are under this category contributing 8000-9000 tonnes of shrimp annually. The climatic, demographic and economic conditions of India are favorable for this type of scientific shrimp farming. Efforts are on to develop at least 30,000 hectares under semi-intensive shrimp farming to produce 0.25 million tonnes of shrimp annually through 100% export oriented aquaculture investments.

Intensive
This is a hi-tech system, where emphasis is on harvesting of 10-20 tonnes per hectare per crop in 130-140 days, using high density seed stocking, stringent water control, and intensive feeding rate. The shrimp market is susceptible to fluctuations and the fall in prices can adversely affect this type of high investment oriented intensive system, under the Indian conditions.

Source: Gopal Krishna, "Recent Advances in Shrimp Farming in India", in Ahmad (ed.). n. 7, pp. 155-56.
As the development of prawn has high export value, the non-fishermen of surrounding villages of Chilika as well as the outsiders were attracted to the prawn business. These outsiders first indulged in prawn trading. They had easily won over the fishermen by lending them money, in return the fishermen supplied prawns overriding the cooperative society. Gradually, these outsider non-fishermen indulged in prawn culture by illegally taking sublease from the fishermen. The prominent companies engaged in prawn business in Chilika are Suryo Udyog Ltd., Trimurt Exports, Raj Exports Shrimp Ltd., Falcon Marine Exports, ITC, Mathani Group, G.F. Kellener & Co. Ltd.20

In 1984-85, during the Seventh Plan period, in which fishery sector received substantial attention, the Government of Orissa also encouraged the prawn culture in Chilika. It leased out areas on easy terms to the poor fishermen community under the Economic Rehabilitation of the Rural Poor Scheme (ERRPS). The Government of Orissa identified 25,300 acres on the bank of Chilika suitable for prawn culture. Out of this only 300 acres of land were given to the fishing community under the ERRP scheme for prawn culture.21 Under this scheme the targeted groups were provided with resources to construct ponds and other equipments. These identified lands for prawn culture are wastelands, which were covered with the water from Chilika lake. There was no scope for the polluting the Chilika water as the water from the

prawn culture was not allowed to fall on Chilika lake. These experiments were highly successful. It was realized that the yield from prawn culture is much more than traditional culture. When the yield from traditional culture is on an average 400 kgs per acre, the yield from extensive culture varies between 1000 to 1100 kgs per acre. Again the culture method requires much less area when compared to traditional method. The successful experience of prawn culture had attracted the outsiders to get into prawn culture in Chilika.

The Das Committee in its Report pointed out:

"Finding prawn culture to be highly lucrative and profitable with a short gestation period for investment to yield a return, People in and around Chilika as well as outsiders were attracted to culture system of fishery on a large scale. The leased out 'Dian' and 'Uthapani' fishery sources including the upland of 'Jano' fisheries were converted to prawn culture ponds with mud embankment gheries both by the fishermen and non-fishermen communities, sometime in collusion with outside merchants and middlemen in the eighties. Of late, with the introduction of 'pen culture', they have enclosed even the portion of 'Bahar Chilika' alias deeper Chilika with bamboo poles and net for prawn culture. All these have changed the character of Chilika".

To exploit the prawn culture potentialities in Chilika in a systematic way on March 6th 1988, the Seafood Exporters Association of Orissa submitted a memorandum to Mr. N.D. Tiwari, the then Union Minister of Finance and Commerce, pleading that prawn production in Chilika lake can be increased

---

22 ibids.
23 Das Committee Report, n. 2, p. 22.
manifold with the establishment of "aquaculture estates" on the pattern of industrial estates. In the said memorandum it was stated that, the potential 15,333 hectares available as brackish water in the lake could be developed, which would increase the prawn production to 9,500 tonnes per annum. Through that memorandum the Seafood Exporters Association sought the intervention of the Union Finance and Commerce Ministry for allotment of additional central subsidy to the State Government to establish and develop aquaculture estates. They also pleaded for the allotment of government land for prawn culture and proper planning and coordination among various agencies of the State Government.24

On 27th July 1988, the Revenue Department of Government of Orissa, brought out a new lease policy. The remarkable feature of this new lease policy is the 3-year period of lease operation as against annual lease in the past. The total area of fishing sources identified in the district of Puri is 42,822.34 acres and Ganjam district is 511.19 acres.25 Under this 3-year lease policy, the entire fishery sources are leased to the Central Fishery Marketing Cooperative Society, which would have the power to sub-lease the fishery sources to the Primary Fishery Cooperative Societies. By the sub-lease or the sub-leases as the case may be, one was required to operate the fisheries by themselves and have no power to sub-lease further. In the event of such sub-letting, the leasee will forfeit the right to sub-lease and the leasor

24 Times of India, dated 17.03.1992.
shall be competent to enter into and take over the possession of the fishery sources.

As stipulated in the above policy, the PFCS are not allowed to sub-let the sources. But in reality they have broken the rules and indulged in sub-letting. According to an estimation made by the fact finding committee as many as 42 PFCS have sublet their sources to third parties like non-fishermen or merchants, during 1988-91. The Fact Finding Committee (Das Committee) appointed by the Government of Orissa under the direction of Hon'ble High Court of Orissa pointed out some of the causes for the violation of the rules of sub-letting by the PFCS are:

(a) The Central Fishermen cooperative Society had no enforcement power and manpower to prevent the violation of its rules.

(b) The onset of culture fishery in the lake in the eighties has provided a fillip to subletting. Culture fishery requires heavy capital investment, which neither the societies nor the poor fishermen could afford to undertake for themselves. Alternatively, they were given temptations by the non-fishermen and merchants to part with their fishery rights for an exorbitant sum of money.

(c) The Central fishermen Cooperative Marketing Society had failed in providing proper marketing of fish and prawns of the PFCS and providing working capital needs of the fishermen, which attracted the non-fishermen traders to come forward. Sub-leasing has been done mostly out of
compulsions like a heavy age old burden of fishermen. They sublease because they are attracted by a huge lease rent obtained from the prawn culturists.

(d) The 3 years lease operation starting from 1988 seems to have provided an additional opportunity to PFCS for sub-leasing because there is no need for renewing the lease every year.26

The advent of prawn culture, the weaknesses in functioning of the fishermen cooperatives and the involvement of the outsider traders in dealing with the fishermen directly were the main cause of subleasing. In due course of time the outsiders established their dominance by taking advantage of the weakness in the functioning of the cooperative societies and financial burden of the fishermen. These acts of sub-leasing to the non-fishermen had given further boost to the prawn culture in Chilika traditional fishery sources between 1988-1992 illegally. The total capture fishery sources converted to prawn culture during 1988-1992 has been reported to be 20,000 acres.27 It is here pertinent to mention that at no point of time prawn culture was practiced in Chilika until 31.12.1991 when the government policy allowed it.

---

26 Das Committee Report, n. 2, pp. 31-32.
27 Panda, n. 25, p. 10.
The above table shows that the magnitude of Chilika’s prawn exports has increased over the years but with some exceptions. There is a minor decline in exports during 1987-88 as compared with those of 1986-87 and a sharp decline in 1990-91 but from the subsequent year it has steadily increased. This is because of the government policy of promoting prawn culture in the Lake. Exports from the culture source has increased over the years. The export from capture source is more than that of culture source during 1986-
87, but subsequently production from culture sources has overtaken the capture sources.

It is because prior to 1988-89, the prawn culture has not been taken up with the encouragement by the Government of Orissa. But since 1988-89 the export from culture source took up and far exceeded the export from capture sources. It can be observed from the table that in the year 1992-93, the export from culture source is more than double the capture sources. The values of export has increased over the years continuously.

3.3 OUTSIDER’S ENTRY INTO CHILIKA:

Since the returns from prawn culture are high, big and influential people outside Chilika are attracted to prawn culture in Chilika and pressurised the government in this regard.

In 1990, the Government of Orissa constituted a Cabinet Sub-committee to find out the potentiality of prawn culture in Chilika. The then District Collector of Puri who was a member of that Committee recommended that a huge amount of foreign exchange can be earned through prawn culture in the Chilika lake. On the basis of that recommendation, the Government of Orissa on 30th December, 1991 announced a new lease policy for the lease of fishery sources in Chilika. The 1991 new lease policy for the first time declared 40 percent of the total fishing sources are suitable for prawn culture.

28 Quoted in Raktambu Chilika a booklet published in Oriya, by MASS, (Monabika Adhikar Surakhya Sangathan), a non-funded NGO, (Bhubaneswar), July 1999, p. 3.
which would be leased out to the non-fishermen. The rationale behind this policy of accommodating the non-fishermen is that, since the investment made in prawn culture is very high the fisherman can not invest. The government wanted this investment should come from non-fishermen.

The new lease policy, which was announced on 30th December 1991, came into effect from 1st January 1992. The main and the relevant features of the policy are as following:

(i) Capture fishery sources (27019.35 acres being the 60% fishing sources) would be leased to the Central Fishermen Cooperative Marketing Society for 3 years and the lease value should increase by 10% each year. The Central Fishermen Cooperative Marketing Society can sub-lease to primary fishermen societies. For the better management, the capture fishing sources may be divided into convenient operational sizes.

(ii) Each primary society may be given a viable culture fishery sources on the upset price of Rs. 800/- per annum with 10% increase in the upset price each year.

(iii) The rest of the culture fishery sources may be divided into convenient sizes by the collector and may be leased to societies or organisations formed by the people of the neighbouring villages who are not members of primary societies of fishermen. On the upset price of Rs. 800/- per annum with 10% increase in the upset price each year.

ibid.
(iv) The primary society of fishermen or the society of non-fishermen cannot further sub-lease the sources.

The 1991 lease policy though recognised the traditional rights of the fishermen but for the first time gave the non-fishermen right to the fishery sources in Chilika. Secondly, legally it introduced the prawn culture in Chilika lake which would be the main area of confrontation between the fishermen and non-fishermen in the years following. Though the prawn culture was introduced in order to augment the potential foreign exchange, the distinction between capture and culture fisheries was ambiguous and they were not defined clearly. Again the power conferred on the District Collectors and other revenue officials under the lease policy were unguided and arbitrary. Under this policy the non-fishermen can take the lease of the culture fishery sources but since a clear-cut demarcation was not made, it had been easy for the non-fishermen to get the lease of the traditional capture fishery sources and convert them into culture fishery by taking the advantage of the loopholes of law.

Against the principles of settlement of fishery sources in Chilika contained in the Lease Policy of 1991, 36 Primary Fishermen Cooperative societies filed a Writ Petition in the High Court of Orissa. The case was heard by a Division Bench consisting of the Honorable Chief Justice B.L. Hansaria and the Honorable Justice B.N. Das. The High Court of Orissa appointed a fact finding committee headed by Mr. G.S. Das to study various issues pertaining to the aquaculture in the Chilika lake. The Committee headed by Mr. G.S. Das submitted its report on 16th August, 1993. On the basis of the Das
Committee's report upholdring the 1991 Lese Policy the Honourable High Court observed that:

1. "Granting of the fishing rights to the non-fishermen as contained in the policy was a desirable stand as it takes care of the livelihood of the non-fishermen, which is also important as taking care of the livelihood of the fishermen. The mere fact that the non-fishermen do not belonging to a caste which has not accepted fishing as profession can not be ground in the changed circumstances to treat them as outsiders for the purpose of conferring the right to fish in Chilika".\(^\text{30}\)

The High Court recognized the right of the non-fishermen and refused to acknowledge that the 1991 lease policy is tilted towards the non-fishermen at the cost of the fishermen. Secondly, the Hon'ble High Court directed the Government to "clearly demarcate the areas of capture and culture fisheries and prevent the conversion of capture fishery sources to culture sources".\(^\text{31}\)

The Government of Orissa after considering the directions of the High Court of Orissa, revised the guidelines which regulates the settlement fishing in Chilika sources from 01.01.1994. One of the important factors of this policy is that the government has tried to clearly distinguish between capture sources and culture sources. The important features of this revised policy are::

---

\(^{30}\) Kholamuhana Primary Fishermen Cooperative Society vs. State of Orissa, AIR 1994, Orissa, 191 para. 95.

\(^{31}\) ibids, para 104.
1. Capture fishery sources in Chilika mean the traditional sources like Jano, Dian, Uthapani but do not include

(a) the areas given for prawn and fish culture

(b) the areas conserved for migration and as migratory path of fish and prawn and their juvenile.

2. No changes in the leasing process of the capture fishery sources.

3. The traditional extensive method of prawn culture is explicitly recognised as distinct from all other methods namely intensive, semi-intensive methods.

4. The traditional extensive method of prawn culture is explicitly recognised as distinct from all other methods namely intensive, semi-intensive methods.

5. A task force shall be made to maintain peace and to keep the lake free from the clutches of the outsiders and unauthorized persons and to check that the fishery sources are operated by the people who are legally entitled to do so.

6. The area for prawn culture and conservation for nursery and grazing grounds of the prawn and fish juveniles already identified, shall be
demarcated in consultation with the department of fisheries subject to every three years.\textsuperscript{32}

The Government of Orissa, vide the Government order No. 23240 dated 23.5.1994 made some additional changes in the above settlement policy. These changes are:

(i) The remaining culture sources may be leased to the societies or organisations formed by people not belonging to PFCS.

(ii) The conversion done till the High Court Judgment day can be continued only if they are not prohibited areas as given in the settlement.

(iii) The lese year in case of culture fishery is from 1\textsuperscript{st} July to the 30\textsuperscript{th} June of the next calendar year.

(iv) The lease year in case of culture fishery is same as that capture fishery.

(v) The R.D.C. will hear appeals against the orders of Collectors in settling lease of Chilika fisheries of all types.\textsuperscript{33}

The Government intervention in the management of Chilika's fishery sources since 1953, after the abolition of the Zamindari system had recognised the

\textsuperscript{32} Government of Orissa, Department of Revenue, Revised Principles of Settlement of Fisheries in Chilika Lake, 1\textsuperscript{st} January, 1994, p. 8.

\textsuperscript{33} Government of Orissa, Department of Revenue, Office Order No. 23240, dated 23.5.1994, pp. 2-8.
traditional rights of the fishermen. Furthermore, the settlement policy enunciated by the government in 1959 went a step further by recognising the traditional rights of fishermen but also recognised the rights of the fishermen to manage their resources by themselves through the establishment of two-tier cooperative structure (page 94-95). But the policy of 1959 could not be continued for a longer period because of the development of prawn as high foreign exchange earner, the encouragement of shrimp culture by UNDP, FAO (page 69); and the favourable response of the central and state governments reflected in the change of policy in allowing the non-fishermen and the outsiders to do prawn culture in Chilika.

3.4 CORPORATE PRAWN CULTURE PROJECTS IN CHILIKA

The Government of Orissa, not only allowed the prawn culture by the non-fishermen in 1991 lease policy on the sources earlier reserved for the traditional fishermen, but prior to that in 1980s the government permitted the corporate firms to set up prawn culture farms in Chilika. The Indian corporate giant the “Tatas” are one of them. The lure of foreign exchange associated with prawn culture drew the attention of the Tata Company to undertake semi-intensive prawn culture in Chilika by forming a Company the “Tata Aquatic Farms Ltd.” In 1986 the then Government of Orissa, through Orissa Maritime and Chilika Area Development Corporation had entered into an agreement with Tata Aquatic Farms Ltd. and leased out 600 hectares of land

to this farm for a period of 15 years.\textsuperscript{35} The entire 600 hectares of land was to be taken at the village Panasapada which is on the edge of the Chilika Lake. The project was meant for the cultivation and export of the tiger prawn to the American and Japanese markets. The project was to be set up with the financial assistance to the tune of Rs. 10.5 crores from the financial institutions whereas Rs. 3.5 crores to be raised by the promoters as the promoters equity. The promoters were the Tata Iron and Steel Company (TISCO), Tata Oil Mill Co. Ltd. (TOMCO) and the Government of Orissa with a token of 10% stake.\textsuperscript{36}

This project was negotiated by the then Chief Minister of Orissa Mr. J.B. Patnaik and Mr. Russy Mody. It witnessed strong opposition from the then leader of opposition in State Legislative Assembly, Mr. Biju Patnaik, who declared that the Tatas were the robbers looting the state's scarce resources. He even took a vow that "if his Government comes to power he would scrap the project"\textsuperscript{37} and the Tata's Prawn Culture Project became an election issue during the state assembly elections in 1989-90.

Because of the strong opposition, the project could not take off. In February 1990, the Janata Dal came to power and Mr. Biju Patnaik became the Chief Minister of Orissa. The Tatas prawn culture project took a new turn. The new government revised the terms of negotiations and turned the project into a

\hspace{1cm}\textsuperscript{35} Times of India, New Delhi, 02.03.1992.
\textsuperscript{36} Business and Political Observer, New Delhi, 19.02.1992.
\textsuperscript{37} ibid.
joint venture company of Government of Orissa and the Tata group and the firms had been renamed as “Chilika Aquatic Farms Ltd.” (CAFL).

3.4.1 The Chilika Aquatic Farm Ltd. (CAFL)

The Chilika Aquatic Farms Ltd. is an integrated shrimp farm project to develop the shrimp farm in the vicinity of Chilika lake near village Panaspada in Puri district. The site is bounded by Chilika lake on the west and Bhubania river on the east. Chilika lake borders the site on the north-west and Modiratha village on the north-east. The integrated shrimp farm project comprises four units:

(a) Shrimp farm – 400 hectare land area (300 hectare pond area) to produce, 1500 MT per annum.

(b) Shrimp Hatchery – 200 million PL-20 per annum (near Puri).

(c) Shrimp Feed Mill – To be established in due course.

(d) Processing plant – To process 1500 MT of shrimps for exports initially on a leased out plant (on Bhubaneswar-Puri road).\(^{38}\)

MAP 3.2: Location map of shrimp farms belonging to Chilika Aquatic Farm (Ltd.).

Note: 1, 2...6 are rearing ponds.
The capital expenditure of the project was estimated about Rs. 1585 lakhs with working capital of Rs. 415 lakhs at 1991 prices. The entire production of the firm would be processed and exported. The annual turn over from the farm is of Rs. 3000 lakh.

The Chilika Aquatic Farms Limited has following equity percentage and participation pattern:

(a) Government of Orissa - 49%
(b) Tata Iron and Steel Co. Ltd. (TISCO) - 30%
(c) Tata Oil Mill Co. Ltd. (TOMCO) - 18%
(d) Otto India Private Ltd. - 18%

(Source: Chilika Aquatic Farms: Breeding New Wealth for the Nation – A Booklet, Published by Chilika Aquatic Farm Ltd., Bhubaneswar, undated).

The 6 square km land was taken on lease for the project, have been identified on Revenue Records as “Rakhita Anabadi” meaning fallow, inhabited wasteland. The company’s argument is, to convert this wasteland into a “wealth-land” and earn a minimum of Rs. 30 crores in foreign exchange.  

There are 15 villages within 5 kms from the project site namely, Panaspada, Siara, Jadupura, Bhagabanpur, Gopinathpur, Gombari, Anandpur, Haripur, Gerapur, Tua, Golapur, Sonbandhapur, Gola, Ponada and Sabakpur. As envisaged by the project report the benefits from the project which would have come to the people of these villages proposals are:

---

39 *Chilika Aquatic Farms: Breeding New Wealth for the Nation – A Booklet, Published by Chilika Aquatic Farm Ltd., (Bhubaneswar), undated.*
Direct Employment

As per the company's claim the project would be having 120 persons directly employed and about 580 on contract basis. There would be many opportunities of employment in transport, storage and marketing sectors. In addition, the project would have created good opportunity of self-employment in aquaculture practices for skilled and semi-skilled population of this area. The project would directly augment, the Orissa government's programmes of Economic Rehabilitation of Rural Poor (ERRP).\textsuperscript{40}

Extension Services

Provision for extension services is an integral part of the project. Under this programme 15 million shrimps of PL (Post Larval) would be initially distributed to the local small farmers along with the technical advice. The on job training to the farmers would be provided. This transfer of know-how would be able to double the yield of shrimp farmers. Marketing facilities had already been provided to the local farmers at fair market prices at the site itself, eradicating the involvement of the middlemen. In this way, the per capita income was likely to be increased by about 30 to 35%.\textsuperscript{41}

Healthcare

Healthcare facilities were also envisaged for the local people. Provision for an ambulance van with all emergency equipments, medicines along with the

\textsuperscript{40} WAPCOS, n. 39, p. 56.
\textsuperscript{41} ibid, p. 55.
male/female doctors was planned. About 200 families were likely to be benefited by these extension services.\textsuperscript{42}

This ambitious joint venture project which envisaged Rs. 30 crore foreign exchange earning per annum was later withdrawn due to the peoples' movement (details in pp. 125-139).

\textbf{3.5 THE PRAWN CULTURE AND ITS REPERCUSSION}

The fishing activity has increased significantly over the years in Chilika. With the popularity of prawn culture many outsider non-fishermen have entered the occupation of fishing. There has been enhanced efforts to cultivate prawn in Chilika.

\begin{table}[h]
\centering
\begin{tabular}{|c|c|}
\hline
\textbf{Year} & \textbf{Export as a percentage of the total export from Orissa (1986-93)} \\
\hline
1986-87 & 25.87 \\
1987-88 & 29.81 \\
1988-89 & 23.86 \\
1989-90 & 25.98 \\
1990-91 & 20.21 \\
1991-92 & 19.39 \\
1992-93 & 19.22 \\
\hline
\end{tabular}
\caption{Export of prawn from the Chilika area as a percentage of the total export from Orissa (1986-93)}
\end{table}


\textsuperscript{42} ibid.
From the above table it can be analysed that when there is an optimum fishing effort and the fishing activity goes beyond a certain level, the resources got depleted. The prawn catch from Chilika as well as the export of prawn from Chilika as a percentage of the total export of prawn from Orissa are declining over the years (Table 3.4). As the intensive, semi-intensive prawn culture methods are adopted in Chilika, selected species of Black Tiger Prawns are raised. The wild collection of those specific seeds leads to unfavourable impact on bio-diversity. There has been hardly any diversification in species of prawns or alternate crop system involving different prawn species culture in different years.

The National Environmental Engineering Research Institute (NEERI) which submitted its report on April 25, 1995 before the Supreme Court in the case of S. Jaganath vs. Union of India, relating to coastal aquaculture, has observed that, “the exploitation of natural prawn seed resources is increasing especially in West Bengal, Orissa, and Andhra Pradesh. Large quantities of seeds are discarded by the seed collectors because their value is insignificant. In Chilika while collecting prawn seeds, the seed collectors while keeping the records of black tiger prawn and other valuable prawn species and discard other seeds resulting in the reduction of the number of other prawns, fishes etc. The practice of this creates an ecological imbalance in the lake Chilika.43

43Quoted in the Judgement of Honorable Supreme Court of India in the case of S. Jaganath Vs. Union of India, (1997) 2, Supreme Court Cases, p. 127.
There are reports of illegal conversion of traditional fishery sources such as Dian, Uthapani and Jano into prawn culture. According to the report submitted by the District Collector, Puri, the actual number of traditional fishery sources of Chilika which have been converted is about 206.\textsuperscript{44} There were creation of 61 new culture sources in the fringe areas of the lake during the period between 1988 and 1992. Although officially it was maintained that none of it has been leased out, the District Collector of Puri in an interview to the fact finding committee appointed by the High Court of Orissa, admitted of leasing out 18 sources from 61 sources.\textsuperscript{45}

The social repercussion of prawn culture is manifested in the growing conflict between the traditional fishermen and non-fishermen. The grievances of the traditional fishermen related to they being deprived of their traditional income due to the conversion and intrusion of the non-fishermen. The reduction of the area reserved for the traditional sources of fisheries results the decline of employment opportunity for the local fishermen in the fishing sector of Chilika.

The task force constituted by the government of Orissa, in its report observed that a slow but a gradual process is taking place to marginalise small fishermen when the prawn culturists obtain these sources.\textsuperscript{46}

The prawn culture perpetuated social and economic inequality in the villages in and around Chilika. The fishermen and the non-fishermen who are

\textsuperscript{44} Das Committee Report, n. 2, pp. 37-38.
\textsuperscript{45} Ibid, p. 38.
\textsuperscript{46} Government of Orissa, Report on Task Force no. 1, on Prawn Culture, Constituted under Revenue and Excise Department Resolution No. 43879, dated 05.10.1995, p. 4.
engaged in prawn culture have become better-off than those who remained unaffected by the prawn culture. The study conducted by Dr. Kishore Samal points out:

"Due to shrimp culture, clandestinely during 1980s and extensively after legalisation by the 1991 lease policy, the expenditure of the non-fishermen particularly in some villages of Krushnaprasad block on wine, opera, consumer durables and construction of pucca houses has increased rapidly... Even the local people called the village Gamhari as 'Punjabi' and 'Talatola' as 'New Delhi' for their prosperity owing to Shrimp dollar!".47

The prawn ponds are constructed right on the bank of the creeks without leaving any space for drainage of flood water. It has been observed that the embankment will stop the water drainage flowing into Chilika from the rivers Daya, Bhargavi, Luna and Kania. A survey report of the then Chief Irrigation engineer, Sh. Banavihari Das finds that about 35,000 acres of cultivable land in this area will remain inundated for long periods due to back water effect of flood water.48

For the purpose of prawn culturing large scale construction of gheribandhas made either by mud embankment or bamboo fencing with net enclosures are taken up. The total area under gheribandhas was estimated to be around 2610.56 hectares during 1993.49 The construction of the gheribandhas

---

47 Samal & Meher, n. 30, p. 12.
49 Panda, n. 24, p. 11.
hinders the free flow of water, movement of boats and the fishermen's access to the lake.

The adverse impact of prawn culture on the local habitat is seen in the rising trend in transfers of agricultural land to prawn culture. In the area adjacent to Chilika lake that comes under Khallikote tehsil, both agricultural and non-agricultural lands have been converted into prawn fields on a large scale. In Khallikote tehsil, there were about 132 cases filed in 1995, under Section 8 of Orissa Land Reform Act for shifting the farming before the concerned authority. Some paddy lands along the nearby areas of Chilika lake have been lost on account of prawn farming. The primary impact of transfer of agricultural land into prawn ponds reduces the food grain production. Secondly, due to heavy use of chemicals, the land becomes barren and incapable of supporting agricultural production in future. As the experience of Thailand and Philippines show the shrimp farms which were left behind, the cultivation is no more possible.

Apart from adverse impact of prawn culture on the environment, the fishermen villages in Chilika witness the presence of mafias and more often the occurrence of violence emanating from the proliferation of prawn culture. The mafias were brought to Chilika area by the prawn cultirists to terrorise

---

51 ibid.
and evict fishermen who declined to shift from their traditional homeland. There were many instances of attacks on fishermen (Details pp. 154-158). The fishermen of Chilika allege that the non-fishermen usually steal their nets, boats and other fishing materials from the coast of Chilika during the night hours.\(^{53}\) There are large-scale illegal encroachment of Government land in the Chilika area. The area of the government land leased out for prawn culture is 21,018.10 acres but there are unauthorised and illegal encroachment on government land which comes to be around 22383.29 acres.\(^{54}\)

**Table 3.5**

*Land Encroached for Prawn Culture.*

<table>
<thead>
<tr>
<th>The villages near Chilika (under the Tahasil of Khallikote)</th>
<th>Extent of land encroached in acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Pryagi</td>
<td>240.783</td>
</tr>
<tr>
<td>2. Palwe</td>
<td>10.460</td>
</tr>
<tr>
<td>3. Bhramarkudi</td>
<td>27.000</td>
</tr>
<tr>
<td>4. Chilika Hrada (proper lake)</td>
<td>71.589</td>
</tr>
<tr>
<td>5. Samalanazi</td>
<td>102.585</td>
</tr>
<tr>
<td>6. Chilika</td>
<td>195.245</td>
</tr>
<tr>
<td>7. Gopakuda</td>
<td>7.945</td>
</tr>
</tbody>
</table>


\(^{54}\) Government of Orissa, n. 47, p. 22.
Table 3.6

Land Leased for Prawn Culture.

<table>
<thead>
<tr>
<th>Some of the villages near Chilika (under the Tahasil of Khalikote)</th>
<th>Extent of land leased for prawn culture in acres</th>
<th>No. of legal cases instituted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Laxmanpur-Bhimpure</td>
<td>142.8</td>
<td>245</td>
</tr>
<tr>
<td>2. Bharamarakudi</td>
<td>6.250</td>
<td>5</td>
</tr>
<tr>
<td>3. Sabulia</td>
<td>5.000</td>
<td>4</td>
</tr>
<tr>
<td>4. Chilika</td>
<td>90.3</td>
<td>135</td>
</tr>
<tr>
<td>5. Gopakuda</td>
<td>11.7</td>
<td>23</td>
</tr>
</tbody>
</table>


Voices against these harmful impact of prawn culture in Chilika were raised in various forums like the debates and discussions in the Orissa Legislative Assembly and in the High Court of Orissa. A powerful mass movement emerged under the banner of Chilika Bachao Andolan. Apart from involving the local fishermen; it also involved the students, intellectuals and social workers outside Chilika.

3.6 PEOPLES' MOVEMENT IN CHILIKAJA

The fishermen of Chilika have been protesting, whenever there is a threat to their livelihood. During 1958-59, the fishing agents of West Bengal pressurised the Government of Orissa to take lease of fishing sources in the
Chilika lake. The fishermen of Chilika unitedly showed their strength and resisted that move. The establishment of two-tier cooperative structure in 1959 further strengthened the unity among the fishermen because, in order to take lease of the fishing sources from the Central Marketing Cooperative Society, one need to be a member of a Primary Fishermen's Cooperative Society.

During later 1970s, around 46 families allegedly Bangladesh refugees with the permission from the Government of India started living in the Chilika lake area. These families gradually started their dominance in the fishing business, though they did not have any right to take lease. In order to remove these refugees, in 1984 around 20 thousand fishermen assembled at Balugaon and were successful in removing these refugees. In this occasion it was decided, that 990 fishermen families living in 128 villages Chilika lake area would form an organisation named "Chilika Matsyajibi Mahasangha". The "Chilika Matsyajibi Mahasangha" is the only organisation of the fishermen that spearheaded the movement against prawn culture in the Chilika lake which will be discussed in subsequent pages.

The peoples' movement against the prawn culture in the Chilika lake threatening the livelihood of the fishermen can be categorised into two phases. The first phase was the movement against the "Tata Aquatic Farm" and subsequently the joint venture project Chilika Aquatic Farms Ltd. The

---

55 Biranchi Behera, "Save Chilika Movement: Many Turns, Many Loopholes", (Translated from Oriya language), Nayak (ed.), n. 16, p. 15.
second phase is the fishermen movement against non-fishermen's and the outsiders engaged in prawn culture in Chilika.

3.6.1 Movement against Chilika Aquatic Farms Ltd.

The movement against the Tata Aquatic Farms Ltd., was spearheaded by the former Chief Minister of Orissa Mr. Biju Patnaik who was the then leader of opposition in the State Legislation Assembly. Subsequently, in December 1990, the Government of Orissa under the Chief Ministership of Mr. Biju Patnaik decided to lease 6 sq. kms of land to the joint-venture prawn culture project of the Tatas and Government of Orissa with a new name the "Chilika Aquatic Farms Ltd."

The "Chilika Aquatic Farms Ltd." was given advance possession of 925 acres of land by the government in Panaspada and Siar villages in early 1991. The Matsyajibi Mahasangha which is the apex organisation of fishermen cooperative societies protested against the Government's move. According to the fishermen's organisation, the Government's move may trigger off migration from 32 fishermen villages, as fishing would be suspended due to the prawn project. It was alleged that the project had blocked the passage of villagers in Chilika lake for fishing.

The fishermen's movement against the Tata Project was further strengthened by the initiatives of a batch of students from the Utkal University.

---

56 Times of India, New Delhi, 05.05.1994.
57 Times of India, New Delhi, 02.03.1992.
Bhubaneswar who were accompanied by environmentally conscious persons like Dr. Bhabagrahi Panigrahi, Sh. Pradyumna Bala, Er. Chitaranjana Das. These people under the banner of “Meet the Students”, joined the anti-Tata movement of the Matsyajibi Mahasangha on 13\textsuperscript{th} August 1991. A series of meetings under the auspices of Matsyajibi Mahasangha were held in the areas which would be directly affected by the Tata project.

In September 1991 on the verge of the expiry of the first-term of the three years lease policy introduced in 1988; it was decided to apprise the Government not to renew the three-year lease policy and to pressurise the government to withdraw from the prawn culture project. In this endeavor the Matsyajibi Mahasangha decided to march to the State Legislative Assembly which was in session. On 20\textsuperscript{th} September 1991, around 8000 fishermen of Chilika came to Bhubaneswar and sat on dharna in front of the State Assembly which was in session. Apart from the members of the “Meet the Students”, (activists) intellectuals and other like-minded people also joined the demonstration. Mr. Surya Narayan Patro, the then Minister of State for Fisheries, listened the grievances of the demonstrators. The Minister assured the fishermen that not even an inch of Chilika would be leased out to the Tatas. In response to the peoples’ dharna, Government of Orissa constituted a House Committee under the Chairmanship of the Chief Minister including

\textsuperscript{58} Upadhaya, n. 15, p. 34.
\textsuperscript{59} Behera, n. 20, p. 26.
the MLAs from Khurda, Brahmagiri, Chilika and Chhatrapur and the representatives of the Matsyajibi Mahasangha.  

On 15th January, 1992, at a meeting of the representatives of fishermen villages in Gopinathpur village, it was decided to involve the intellectuals and social activists from outside Chilika area in order to have a broad-based movement, and formed the "Chilika Bachao Andolan". With a 55 member executive committee from among local fishermen, Mr. Govinda Behera of Gopinathpur was elected as the Convenor, Mr. Chitaranjan Sarangi of the "Meet the Students" and the former Revenue Minister Mr. Banka Behari Das were associated.

The Chilika Bachao Andolan started mobilizing the masses against the state government's action of giving land to Tatas proposed project. Within a short time, with the able leadership of Mr. Govinda Behera, the Convenor of the Chilika Bachao Andolan, it involved the school students and youths in agitation. To oppose the entry of the Tatas, the fishermen imposed "Janata Curfew" have threatened to demolish the structures of the project which were constructed on the proposed land area in Chilika.  

On January 22rd, the fishermen raised objection in the Court of Revenue Divisional Commissioner, Cuttack against the advance possession of land given to the project by the Orissa Government. On 2nd February, a stay order

---

60 Upadhaya, n. 16, p. 34.
61 Behera, n. 20, p. 28.
was obtained from the Revenue Divisional Commissioner who ruled the advance possession as void. The Revenue Division Commissioner, Northern Division, Cuttack instructed the Revenue Inspector not to allow the Chilika Aquatic Farm to go ahead with any construction work, even though advance possession was given to them. Even the commissioner instructed the state government to reconsider its decision.⁶²

The agitation picked up momentum on February 16th when around 2000 people consisting of fishermen, non-fishermen, youths, students and intellectuals led a procession to the project occupied Chilika water lands and in a defiant gesture hoisted green flags to make their occupation of the territory.⁶³ The entire fishermen villages showed their unity in the agitation. On March 25, 1992, the members of the Chilika Bachao Andolan set up a check gate at Gopinathpur village to obstruct the movement of Tata vehicles to the project site. The activists of the movement did not move out of the site and started demolishing the embankment. The Government deployed a battalion of 11 police platoons to stop the march.⁶⁴ On March 28, in order to stop the people from demolishing the embankments, the police resorted to lathi charge and repressed the members of the movement. In spite of such fierce repression, the people continued with the act of demolishing the embankment.

⁶² Times of India, New Delhi, 02.03.1992.
⁶³ ibid.
⁶⁴ ibids.
On 13th September 1992 around 500 people assembled at Panaspada near the project site. Persons like Mr. Banka Bihari Das, Mr. Gangadhar Panigrahi, Abhay Singh articulated the need for going in a padayatra in order to mobilise more people in the movement. During 30th September to 10 October 1992, a group of the around 20 youth members of Chilika Bachao Andolan organised a padayatra-cum-boat yatra and covered all the fishermen villages around Chilika.

The padayatra-cum-boat yatra began on 30th September 1992 from Bhagamunda in Krushnaprasad block with a core group of 22 students and young men led by Mr. Chaitarangan Sarangi, a social activist and a prominent member of the “Meet the Students”. The group included Mr. Ramakant of Baleswar, a 25 year old post graduate student, Mr. Lalatendu Mohanty, a graduate student belonging to Kapileswar village near Chilika lake and Mr. Bhagambar Patnaik, a high school teacher. There were also three women padayatris including Ms. Swarnalata Patnaik, a social activist. They traveled from village to village and held small meetings wherever they could and tried to educate the people on how to fight for and protect their rights.

The padayatris were getting good responses from the villagers. In influenced by the padayatris. Ms. Bijay Laxmi Barik of Garmundia village: who is to which the vice-chairman of Krushnaprasad Block offered to go on a hunger strike against the Tata project. The padayatris apprised the villagers, how

---

65 Upadhaya, n. 16, p.34.
their livelihood would be affected by commercial and large-scale prawn culture. The ten day long padayatra generated adequate public opinion among the fishermen villagers and the villagers mostly the fisherfolks responded well to the padayatris.67

Role of the peoples' representatives, elites and activists

The movement against the Chilika Aquatic Farm though was started by the Matsyajibi Mahasangha was widely spread by the involvement of the outsiders. The movement was also supported by the peoples' representatives.

On 12th September 1992, three organisations the Orissa Krushak Mahasabha, the Orissa Matsyachasi Sangha and Matsyajibi Mahasangha held a joint Convention at village Satpara and resolved to take the movement to all the villages around the lake. The convention was presided by Mr. Shivaji Patnaik, CPI (M) Member of Parliament representing Bhubaneswar Constituency. It was attended by more than 200 village chiefs, sarapanchas and ward members.68

The Convention resolved to hold an agitation before the District Collector's office at Puri demanding the cancellation of the lease to the Tatas for prawn culture. Subsequently several other public meetings were organised by the Convention at Krushnaprasad, Balugaon and other places around the lake.

67 Ibid.
The Convention expressed grave concern over the possible danger to the biggest lagoon of Asia and adverse economic repression of the project on the livelihood of the fishermen.

Mr. Nilamani Routray, former Chief Minister of Orissa and the then Union Environmental Minister in V.P. Singh Government urged the Chief Minister, Mr. Biju Patnaik, to advise the Tatas to abandon the project. Mr. Routray quoted the observations of the centre "that the project, involving massive construction activity, would have significant environmental implications and effect on the livelihood of the traditional fishermen". 69

Mr. Loknath Chowdhury, the then CPI Member of Parliament had lent his support to the agitation and took up the matter with the highest authorities urging them to restrain TISCO from extending its area of operation to Chilika. Mr. Chowdhury in a letter to the then Union Commerce Minister, Mr. P. Chidambaram tried to show how local seafood exporters, particularly in the small-scale sector, will be hit by the entry of a large house like the Tatas which will corner the export business. 70

On 13th May, 1992, a letter signed by all the 21 Members of Parliament representing Orissa was sent to prime minister Mr. P.V. Narasimha Rao, requesting his intervention in order to restrain the Tatas from going ahead with the project. 71 A memorandum was also sent to the Union Minister for Environment and Forest apprising the environmental consequences of the

70 Srimoy Kar, Indian Express, New Delhi, 12.05.1992.
proposed project. Mr. Banka Bihari Das in a series of letters to the Union Environment Minister, Mr. Kamal Nath requested him to intervene in the matter.\textsuperscript{72}

The issue of prawn culture project had been debated in the Orissa State Legislative Assembly on a number of occasions. The issue of the prawn culture project has been the concern of the six assembly constituencies within Chilika and its periphery. These constituencies are Brahmagiri, Khalikote, Chhatrapur, Puri and Khurda. During 1986 and 1988, when the Government of Orissa under the Chief Ministership of Mr. J.B. Patnaik decided to lease land to the Tata project, most of the opposition candidates who were expecting the tickets from the Janata Dal in the forthcoming Assembly elections due in 1990, were opposing the Tata project in order to show solidarity with the leader of opposition in the Orissa Legislative Assembly Mr. Biju Patnaik who had then opposed the Tata’s prawn culture project.

On the February, 1992 a news report titled "\textit{Tata’s illegal income from prawn culture in Chilika}" published in "Pragatibadi" an Oriya daily newspaper which revealed many facts including Tata’s unauthorised embarkment construction and prawn rearing. This created a furore in the Orissa Legislative Assembly.\textsuperscript{73} Seventeen M.L.A. cutting across party lines demanded an answer from the Chief Minister. On 12\textsuperscript{th} March 1993, a hot debate took place between the Chief Minister and MLAs from his ruling Janata Dal regarding the project’s

\textsuperscript{72} \textit{The Samaj}, (The Oriya Daily), Cuttack.
\textsuperscript{73} Behera, n. 20, p. 28.
possible environmental impact on the country's largest brackish water lake. During the Question Hour in the Assembly, Mr. Ramkrushna Patnaik, a senior leader of the ruling party, had a sharp exchange of words with the Chief Minister on the subject, as he asked why the Tatas were leased out 600 hectares in the Chilika area for the project from an area of 4190 hectares earlier earmarked for brackish water prawn cultivation by small farmers under the ERRP Programme. Answering to that question, the Chief Minister replied that, it is a government owned company where the Tatas are the minority share holders. The Tatas are there in the capacity of advisors and technical consultants. Regarding the environmental impact, the Chief Minister replied that, the matter was under review to find out whether it would be beneficial in the state's interest.

The movement against prawn culture project received wide support from the environmentally conscious intellectuals of Orissa as well as from outside Orissa. Dr. Anil Agarwal, Director of Centre for Science and Environment, New Delhi in expressing his concerns held that the Tata project would destroy the lake's eco-system and take away the livelihood of thousands of poor fishermen dependent on it for generations.

The environmental activist and the leader of the Himalayan Bachao Andolan, had expressed his solidarity with the Chilika Bachao Andolan. In a letter to

\[\text{\cite{74} The Economic Times, New Delhi, 13.3.1993.}\]
\[\text{\cite{75} ibids.}\]
\[\text{\cite{76} Times of India, New Delhi, 27.11.1992.}\]
Mr. Banka Bihari Das, the leader of the movement, Mr. Bahuguna, encouraged them to fight those who bet on destroying the nature for short term gains.\textsuperscript{77}

Mr. Justice V.K. Krishna Iyer in a letter to the leader of the Chilika Banchao Andolan pointed out that, the Constitution of India imposed a fundamental duty on every citizen, including the Chief Minister, to protect the environment.\textsuperscript{78} Apart from these above-mentioned intellectuals, the movement also got moral support from Mr. Thomas Kitchery, President of National Fish Workers Forum, Mr. K.N. Thomas, the president of Peoples' Participation in Legal Action, Mr. Banwarilal Sharma, the President of Azadi Banchao Andolan.\textsuperscript{79}

The National Fish worker's Forum which is a federation of the state-level trade union of fish workers in India expressed their solidarity to the ongoing agitation in Chilika. The Chairperson of the Forum, Mr. Thomas Kitchery and its General Secretary, Mr. Harekrishna Debanath had visited Chilika in the last week of February 1993 and said that “the allocation of fishing rights to big business houses violates the fishermen’s right to live enshrined in Article 21 of Indian Constitution”.\textsuperscript{80}

Apart from the involvement of the intellectuals and environmental activists in the movement against the Tatas prawn culture project, the movement also

\textsuperscript{77} ibids.
\textsuperscript{78} ibids.
\textsuperscript{79} Rajaram Satapathy, \textit{Times of India}, New Delhi, 27.7.1993.
\textsuperscript{80} Rajaram Satapathy, \textit{The Times of India}, 02.03.1993.
got support from the international environmentalists and agencies. The Canadian International Development Agency (CIDA) which had sponsored a project to dredge the silt deposited in the wetland mouth at Arakhuda and the channel mouth at Magarmukh as well as the silted area inside the lake; had expressed its view that intensive and semi-intensive prawn farming should not be carried out in Chilika and advised against the ongoing prawn culture project by the Tatas.\(^{81}\)

The United States based Mangrove Action Project (MAP), a world wide coalition, had urged the Centre and Orissa Government to honour their commitments to the Ramsar convention in protecting the Chilika lake which had become the wetland area of international importance. The MAP Coordinator Mr. Alfred Quarto visited the Chilika lake responding the Chilika Banchao Andolan's call to the international community to protect the ecology of the lake following the plan envisaged by the Orissa Government to have prawn farming on a larger scale.\(^{82}\) Mr. Quarto expressed his concern to join hands with the local fishermen of Chilika against the prawn culture project. He said, "his organisation would also put pressure on its world wide coalition to support the local agitation against the prawn project for preserving the health and integrity of the beautiful and invaluable natural resource."\(^{83}\)

\(^{81}\) *Sunday, New Delhi, 18.05.1992.*
\(^{82}\) *Times of India, New Delhi, 10.4.1993.*
\(^{83}\) *ibids.*
The Chilika lake controversy had evoked concern of the international conservationists at the Fifth International Conference of Contracting parties for Wetland Conservation held at Kusira in Japan in June 1993. According to Dr. A.K. Ghosh, the Director of the Zoological Survey of India (ZSI) who led an Indian delegation to the Conference expressed that the launching of the joint-sector modern prawn culture project has attracted enormous international attention and many have expressed concern over its well-being and the conservationists want to know the scheme and programmes launched to ensure the safety of Chilika.

The joint-venture prawn culture project by the Tatas and the Government of Orissa evoked the attention of the renowned environmental activists at the national and at the international level. The response of the intellectuals to the project and the opposition of the MLAs even from the ruling Janata Dal Government in Orissa had become a serious problem to the state government as well as the Union Environmental Ministry.

In the midst of the growing protest of the fishermen, environmentalists, peoples' representatives, activists alleging the proposed project would threaten the livelihood of the traditional fishermen; the state's action to allow the prawn culture project has often been questioned. Whether a democratically elected government has any responsibility to ensure the traditional livelihood of the fishermen who have been deriving such livelihood.

---

84 Financial Express, New Delhi, 09.8.1993.
for generations? Secondly, whether the livelihood of the traditional fishermen can be sacrificed for the national interest of augmenting foreign exchange?

One argument in support of the project as stated by the project report comments that the proposed project would give an annual foreign exchange of 30 crores. (page 115). In the light of the party in opposition (i.e. Janata Dal) which earlier opposed the prawn culture project and subsequently its action to allow the project; one can assume that concern for traditional livelihood of the local fishermen is no longer a matter of concern of the political parties.

Response of the State and Central Government

The response of the state includes the response of the Government of Orissa and the Central Government which can be examined under two categories. Firstly, whether both the Central and State Governments had concern for the grievances of the fishermen and the environmental impact of the prawn culture project? Secondly, the Governments' response to the peoples' movement.

To assess the possible environmental impact of the project, the Government of Orissa engaged the Water and Power Consultancy Service (India) Ltd. (WAPCOS) which is an undertaking of Government of India. The objectives of this study as per the Ministry of Environment is to find out effects which can
be anticipated due to proposed activity and to suggest the measure to mitigate the expected negative effects on the environment.\textsuperscript{85}

On June 30\textsuperscript{th}, 1992, the leaders of the Chilika Banchao Andolan succeeded in mounting pressure on the then Union Environmental Minister, Mr. Kamal Nath to obtain a stay on the project. The WAPCOS submitted its interim report on September 1992, which gave a clean-chit on the environmental front.\textsuperscript{86} It states that “the land taken on lease from the state government is totally free from any human settlement”.\textsuperscript{87}

The likely positive impacts according to the Report are:

(i) Higher yields, through more aquaculture practices.

(ii) Better use of wasteland.

(iii) General uplift in the socio-economic status and

(iv) Facilities such as health, education, shrimp seed, market etc. for the local fishermen villagers.\textsuperscript{88}

Apart from the WAPCOS Report, the Orissa Government’s, Department of Irrigation and Flood Control, after a detailed examination of the project gave a clean-chit to the project. The Department was of the opinion that, the construction of the farm in no way affects the natural drainage in the area and

\textsuperscript{85}WAPCOS Report, n. 39, p. 8.
\textsuperscript{86}Economic Times, New Delhi, 10.10.1992.
\textsuperscript{87}WAPCOS Report, n. 39, p. 40.
\textsuperscript{88}ibid, pp. 54-56.
the farm design incorporates necessary water passages in order to facilitate the normal flow of water.\textsuperscript{89}

However, Mr. Banka Bihari Das, one of the leaders of the Chilika Banchao Andolan had suggested to the Union Minister of State for Environment and Forests, Mr. Kamal Nath to set up a multi-disciplinary experts' commission to go into the Chilika lake's environmental problems in the context of multi-crore prawn culture project being launched, as the Reports submitted by the public sector undertaking, Water Power Consultancy Services (WAPCOS) were full of "untruths".\textsuperscript{90}

Responding to the demands by the leaders of Chilika Banchao Andolan, the Union Environment and Forest Ministry had decided to send a committee of five scientists to assess the impact of the proposed Chilika Aquatic Farms on the eco-system of the Chilika lake. The Committee included the senior scientists of the Ministry Dr. D.K. Biswas and Dr. Rajni Warrier, a specialist on water quality, apart from a liminologist and a ornithologist.\textsuperscript{91} The expert group headed by Dr. D.K. Biswas visited the site of the project and submitted their reports to the Union Environment Ministry. After receiving the reports of the expert team on 13\textsuperscript{th} January 1993 the Environment Ministry had issued directives to the Chilika project authorities to stop the work with immediate effect.\textsuperscript{92} Subsequently, on 18\textsuperscript{th} February 1993, the Central Government

\textsuperscript{90} Financial Express, New Delhi, 24.11.1992.
\textsuperscript{91} Indian Express, New Delhi, 26.11.1992.
\textsuperscript{92} Rajaram Satapathy, Times of India, New Delhi, 02.03.1993.
rejected the study made by WAPCOS. The Minister of Environment, at a press conference at New Delhi pointed out that, the information sought by the Ministry on various environmental aspects had neither been received from the Tatas nor from the state government. The Ministry finally said, "no" to the project till a detailed report on the impact of the scheme on the delicate environment was done and assessed by the government.  

Again the project got a serious jolt, on 13th November 1993, the Orissa High Court in the case of Kholamuhana Primary Fishermen Cooperative Society Vs. State of Orissa had observed that:

(i) ".......between the two, intensive culture fishery is more harmful and hazardous to environment than extensive culture fishery.

(ii) The large scale corporate prawn culture in the lake should be discouraged as it would cause more damage to the eco-system than small scale fishery sources".  

Though the judgment did not directly affect the Tata project as they were not the parties before the court, the implications of the Honourable High Court’s observation directly operated against the project as it was in the Chilika lake.

The movement against the join-venture prawn culture project in Chilika was pursued in two levels. First, through the intervention of the Union

93 Hindustan Times, New Delhi, 19.2.1993.
94 AIR, 1994, Orissa, (9) Para-60.
Environment Ministry which was sought by the leaders of the movement. While the State Government was one of the promoters of the project, the environmental impact assessment report brought out by the WAPCOS on its behalf, and the reports by the state government departments like the Department of Irrigation and Flood Control, had given green signal to the project. The Union Environment Ministry took a neutral stand by looking at the micro-level environmental impact of the project on the eco-system of Chilika and finally rejected the report of the WAPCOS.

Secondly, the movement at the grassroot level by the activists and the vulnerable groups was by not allowing the operation of project, disrupting the activities of the project, etc. The response of the state government to the movement by the activists and the vulnerable groups at the project site is important from the general law and order point of view as well as from the point of civil liberty of the agitationists.

Since the state government was the co-promoter in the prawn project, it tried its level best in suppressing the agitation by utilising various state apparatus. From 17th March 1993, the movement reached its peak, the activists of the movement did not allow Tata authorities by making an artificial gate, while responding it, to police unleashed excesses against the activists. On 27th March 1992, the police all of a sudden arrested 16 youth activists who were spearheading the agitation. They arrested three girl students named Miss Srimati Kumari, Kumari Sujata Chakrabarti and Kumari Chandrakala Behera of Gopinathpur and sent them to Brahmagiri, the nearest police station and
subsequently to the Puri Jail. The most astonishing fact is that, the police arrested without any FIR lodged against them and later on false charges were framed against the activists and were sent to the Puri jail.\footnote{Behera, n. 20, p. 28.}

On 28\textsuperscript{th} March, 1992, in the wake of an announcement of the people's march to the project site a battalion of 11 police platoons were deployed to stop the march. The police resorted to lathi charge and arrested 69 fishermen in which there were 33 women and six children.\footnote{ibids, p. 29.} On April 4, 1992, Mr. Chitaranjana Sarangi, the leader of the movement was arrested. About 600 students of the Utkal University, gheraoed the District Collector of Puri, demanding the release of the arrested fishermen and Mr. Sarangi. On the pressure from the students, these activists were released on April 19\textsuperscript{th}, 1992.\footnote{ibids.}

The two fact finding teams of the civil liberties organisations namely, the Ganatantrik Adhikar Surakshya Sangathana and the Nagarika Adhikar Surakshya Sangathana of Orissa, confirm the excess of the police against the activists under the influence of the Tatas.\footnote{Hindustan Times, New Delhi, 24.10.1992.} According to these teams, the District Magistrate, the Circle Inspector of Puri Sadar Police Station and Sub-Inspector of Brahmagiri Police Station were alleged to have ganged up with the Tata musclemen and threatened the villagers and activists with dire consequences if they caused any obstruction to the project. Over 100
persons were arrested and "false" cases were registered against 22 activists. They were alleged to have mercilessly beaten up in the police station. 99

The state government did not leave any stone unturned to suppress the agitation at the grassroot level by utilising, the police. But due to the involvement of the environmental activists, regular reporting in the local as well as national newspapers regarding the environmental consequences of the prawn culture project on the eco-system of Chilika, the Hon'ble Orissa High Court's observation on the adverse consequence of intensive and semi-intensive prawn culture, the active involvement of the Union Environment Ministry and finally, the protest movement at the grassroot level of prawn culture project was withdrawn.

3.6.2 Fishermen's Movement Against Prawn Culture in Traditional 'Fishery Sources'

The withdrawal of the Tatas from the Chilika Aquatic Farms Ltd. was the culmination of strengthening of the peoples' movement by the involvement of various people. The movement against the Tata's prawn culture project gained momentum by the involvement of the national and international environmental organisations and activists. Since the lake Chilika is largest brackish water lake in Asia and as per the Ramsar Convention of 1971, it is the wetland of international importance the Government of India is under obligation to protect the lake. Though the State Government is one of the

99 ibids.
promoters of the project, the intervention of the Union Ministry of Environment and Forest, which did not clear the project on environmental grounds and the people’s movement at the grass root level, led to the withdrawal of the project.

The withdrawal of the Tatas from the ambitious Chilika Aquatic Farms Ltd. Project, did not restore the livelihood of the traditional fishermen. It may be stated that, the movement against anti-prawn culture project, raised the issue of loss of livelihood of the traditional fishermen, but it rather gathered momentum as the environmental movement to push the corporate prawn culture out of Chilika lake. Secondly, since the Tatas, the premier business house of India was involved in the prawn culture project, it drew the attention of the environmental activists and intellectuals and the media.

The infringement of the livelihood of the traditional fishermen must be traced back to 30th December 1991, when the Government of Orissa, vide the new Lease Policy declared 40% of the total fishing sources suitable for prawn culture which would be leased out to the non-fishermen. Subsequently, the 1991 policy was upheld by the Honourable High Court vide its judgement dated 23.11.1993 with certain modifications. But, in 1992 when the Honourable High Court admitted the writ petition of the 36 Primary Fishermen Co-operative Societies, challenging the 1991 lease policy, it stayed the operation of the scheme and appointed a fact finding committee headed by Shri G.S. Das. The fact finding committee submitted its report to the High Court on August 16, 1993. The Fact Finding Committee in its report stated
that "absentee landlords comprised of important politicians or their relatives, bureaucrats of standing and affluent people, who apparently have a lobby in the government. The mafia groups play a vital role in prawn culture and trade in Chilika today and control both production and marketing of prawns. They have both money and muscle power and by a clever mix of enticement and intimidation exploit poor fishermen".\textsuperscript{100} The committee observed that, the total area under gheribandhas was estimated to be around 2610.56 hectares during 1993. It was reported, that more than 3,000 hectares of land in the lake was being illegally leased for extensive pond culture of shrimps.\textsuperscript{101}

In a confidential report submitted to the State Revenue Minister by the District Collector of Puri during 1994, it was observed that, the encroachment problems in Chilika had assumed serious proportions since the government adopted the new lease policy in 1991, in which provisions were made to lease fishing sources to the non-fishermen. The situation got out of control because of governments inability to lease out the identified fishery resources to fishermen and non-fishermen communities as the High Court of Orissa had issued a stay order against it.\textsuperscript{102} Due to the stay order of the High Court, even the fishery sources could not be leased out to the fishermen communities, that paved the way for the encroachers to illegally occupy and do prawn culture. Despite the stay order of the High Court, the District Collector of Puri, admitted before the fact finding committee that 18 out of 61

\textsuperscript{100} Das Committee Report, n. 2, p. 63. \\
\textsuperscript{101} Rajaram Satapathy, \textit{Times of India}, New Delhi, 02.03.1993  \\
\textsuperscript{102} Rajaram Satapathy, \textit{Times of India}, 05.05.1994
sources of Chilika within the jurisdiction of the Puri district had been leased out to the non-fishermen provisionally. The Honourable High Court, in its judgement dated 23rd November, 1993 ordered the government to remove the illegal encroachment from the Chilika area. On the basis of the order of the High Court, the Government of Orissa constituted Task Force with a Magistrate, one D.S.P. and a section of armed police force.

On September 27 1993, in a secret meeting in the office of the Olenda Primary Fisheries Cooperative Society, it was decided that, all the fishermen would assemble on 2nd October 1993, at an uplandmass known as Baruna Khati near Magarmukh canal and from there, they would start dismantling the gheris constructed by the encroachers. Accordingly, without the knowledge of the District administration and the voluntary organisations and non-fishermen leaders of the earlier Chilika Banchao Andolan, on 2nd October 1993, more than 30,000 fishermen came in two thousand boats and went to Nuapadasi area. The leaders of the movement of the fishermen are Purushottam Behera, Biranchi Behera, Raghunath Bala, Balaram Das, Udhav Behera, Hadu Ghadai, Bhamar Ghadai and Bhima Ghadai. Around 1.30 pm they started dismantling the illegal gheris. Around 3 O'clock the Puri District Collector Mr. Padmanava Samal and the Superintendent of the Police

103 Das Committee Report n. 2, p. 39. Also in Financial Express, New Delhi, 14.05.1993
104 AIR 1994, Orissa, 191, para - 38
105 Biranchi Behera, n. 56, p. 20
106 There was a suspicion among the leaders of the fishermen, that the voluntary organization and the outsiders who spearheaded the Chilika Banchao Andolan against the Tatas' joint venture prawn culture project are showing sympathy towards the prawn culture by the outsider non-fishermen. The leaders of the Matsyajibi Mahasangha doubt that, some persons receive money from the non-fishermen and trying to sabotage the fishermen's organizations and movements, ibid, pp. 18-19.
107 ibid, p. 20.
Mr. Binay Behera reached the spot and advised the fishermen not to take law into their hands. The District Collector and Superintendent of Police asked the fishermen their grievances and assured them that they would definitely fulfill these grievances. They asked four or five members of the fishermen to come to them and discuss the issues. After discussing with the leaders of the fishermen, the District Collector and the S.P. realized that "whatever the fishermen did, they had done the right things and assured them that they would cooperate with the fishermen and evict all the illegal gheris from Chilika." 108

The district administration started the eviction of the illegal encroachers on 14th October 1993. Within two days the task force freed 6,500 acres of land destroying the gheris illegally constructed by the encroachers in the lake under the jurisdiction of the Puri district administration. The operation to evict the encroachers continued for two months with the cooperation of the fishermen. The District administration claimed to have evicted encroachers from over 20,000 acres. But the fishermen are of the opinion that the government action was an eyewash as a number of influential encroachers were not touched at all during the operation. 109

The eviction of the gheris of the non-fishermen prawn culturists by the government did not ensure the permanent stopage of the non-fishermen prawn culturists, as the government did not take any action against them.

108 ibids, p. 21
109 Panda, n. 25, p. 10.
which could have acted as deterrent. Secondly, the government did not effectively demarcate the fishing sources of the non-fishermen and the fishermen which was decided in January 1994 in accordance with the order of the High Court of Orissa. As a consequence, the non-fishermen again captured the fishing sources of the fishermen by terrorising them.

On 11th December, 1996, the Honourable Supreme Court of India, in its judgement in the case of S. Jaganath vs Union of India, ordered that "No aquaculture industry/shrimp culture industry / prawn culture ponds shall be constructed /letup within 1,000 metres of Chilika lake". The honourable Supreme Court ordered the District Collectors and Superintendent of Police of Puri, Khurda and Ganjam districts to implement this judgement by 31st march, 1997. The judgement of the Supreme Court and prior to that, the order of the High Court dated 23rd November 1993, were not implemented by the government in true spirit.

In 1997 losing hope on the State Government and District Administrations, the fishermen's association, "Chilika Matsyajibi Mahasangha" decided to evict the illegal gheris of the non-fishermen prawn culturists. On February 1997, the Secretary of the Chilika Matsyajibi Mahasangha Mr. Anadi Behera and its former President Mr. Jayakrushna Behera in a press conference in Bhubaneswar declared that the state government is not implementing the decisions of the High Court and the Supreme Court in true spirit and

\[110\] (1997) 2 Supreme Court Cases, para 66.
advocating the interests of the big prawn culturists.\textsuperscript{111} By 1999, entire 47,000 acres of Chilika's fishing source were under illegal capture of the non-fishermen threatening the traditional livelihood of the fishermen.\textsuperscript{112}

Dissatisfied with the ineffective district administration which is patronising the illegal prawn culturist, making the day to day life of the fishermen precarious, the fishermen were left with no option but to drive out the illegal encroachers from Chilika. Under the leadership of the Chilika Matsyajibi Mahasangha, a new movement named i.e., Matsyajibi Banchao Andolan took its birth in May 1999. On 29th March 1999 the leaders of the movement sent a letter to the Chief Minister of Orissa with nine demands. These demands are:

1) Prohibition of prawn culture in Chilika

2) A permanent lease to be given to the fishermen.

3) Eviction of all the illegal ghareis.

4) Return of the fishing resources of the fishermen on the basis of the records of the Central Fishermen Cooperative Marketing Society.

5) Prohibition of the capture of prawn juveniles in Chilika.

6) Constitution of an autonomous body with the involvement of the fishermen for the management of Chilika.

7) Reduction of the operation of mechanised boats.

\textsuperscript{111} MAAS, n. 28, p. 12
\textsuperscript{112} ibid.
8) Following a scientific method, the Magarmukh and Palur Canal to be dredged out for a permanent solution.

9) Waival of all the dues from the fishermen.\textsuperscript{113}

In the said letter, the fishermen threatened that, if the government did not fulfill these demands, the fishermen would take direct action.\textsuperscript{114} A copy of the letter was also given to Mr. Debendra Mansingh, the M.L.A. representing the Chilika assembly constituency.

The state government did not take any action to fulfill the demands of the fishermen, even it did not bother to call them for discussion. On the evening of 17\textsuperscript{th} April 1999, around 2,000 fishermen assembled at Barkul Panthanivas and started camping there and by 24\textsuperscript{th} April, their number increased to 3,000. Realising the strength of the assembled fishermen, the district administration of Puri and Khurda assured them that they would start eviction of the gheris under the Puri district administration on 5\textsuperscript{th} May and in Khurda district on 28\textsuperscript{th} April 1999 and advised the fishermen that they should not take law into their hands. On the basis of their earlier experiences the fishermen did not believe the assurance of the district administration. On 24\textsuperscript{th} April, 1999 the fishermen evicted the illegal gheris occupying the area of 1,500 acres in Krushnaprasad block from the clutches of the encroachers.\textsuperscript{115}

\textsuperscript{113} The letter is quoted in the booklet published in Oriya by 'MAAS', n. 28, pp. 14-15.
\textsuperscript{114} ibid.
\textsuperscript{115} ibid.
On the basis of their assurance the district administration of Khurda started eviction of the gheris occupying small areas leaving the big gheris occupying the large areas belonging to the influential persons. The District administration of Puri started eviction operation but it is believed that due to the interference of an influential leader of the ruling party and the local M.L.A., it did not proceed further.\textsuperscript{116}

The fishermen loosing all hopes and faith in the government, on 29\textsuperscript{th} May 1999, started their second phase\textsuperscript{117} of eviction of gheries. Though they had given 24 hours notice to the government in a crowded press conference in Bhubaneswar, the government did not take any action within that time. On 29\textsuperscript{th} May, when the fishermen were going to evict the gheris, the sub-collector of Khurda Mr. Bisal Dev reached there and assured that the administration would start eviction from 1\textsuperscript{st} June but the fishermen demanded they should start on that day. Without believing the words of the sub-collector, on the basis of their past experience with the administration, the fishermen decided that “they had lost faith in the administration and it would be better to evict the illegal gheries and to die by the bullets of the mafias and police than die by starving”.\textsuperscript{118} They started evicting the illegal gheries. Within a short time they evicted the 1,000 acres of illegal gheries in the Khurda district.

\textsuperscript{116} ibid
\textsuperscript{117} The first phase of eviction operation by the fishermen started by on 24\textsuperscript{th} April, but it was stopped due to the assurance of the district administration.
\textsuperscript{118} Quoted in \textit{MASS}, n. 28, p-17
The movement by the fishermen against the illegal non-fishermen prawn culturists, is a movement arising out of deprivation of livelihood, in the wake of allowing the non-fishermen to take lease of fishing areas for prawn culture by the lease policy of 1991. But the situation got worsened due to lack of clear-cut demarcation of the fishing areas leased to non-fishermen and those allotted to the fishermen's societies. Again, the High Court's Order which stayed the operation of 1991 Lease Policy added fuel to the fire, as even the fishing areas which have been leased out to the fishermen since 1959, could not be leased out to the fishermen, paving the way for the non-fishermen to capture entire fishing areas of 47,000 acres. These illegal non-fishermen are the influential persons, related to senior bureaucrats, political leaders operate their illegal prawn culture by terrorising the fishermen with the help of the armed mafia and with the active patronage of the police and administration. Even the High Court's order to evict these illegal prawn culturist, and the Apex Court's order dated 11th December 1996, which instructed the District Administration to clear all the prawn culture firms within 1,000 metres from the Chilika lake, area, was not implemented. Having lost faith in the administration and believing that the non-fishermen encroachers are getting patronage from the administration, the fishermen left with no option to redress their grievances and to enforce their rights to do fishing and earn a livelihood, take law into their hands.
Role of Private Violence and Response of the State

The fishermen have been resisting the illegal prawn culture by the non-fishermen and as a result clash between the fishermen and non-fishermen over the issue of fishing rights occur regularly since 1988 when the three year lease policy was initiated. The situation as mentioned earlier, aggravated in 1991, when the government reserved 40 percent of the fishing area suitable for prawn culture and allowed the non-fishermen to take lease of the areas suitable for prawn culture. But the lack of a clear-cut demarcation between the culture sources reserved for fishermen and those for non-fishermen, the High Court stay order on the said lease policy paved the way for the non-fishermen to establish their control in Chilika's fishery sources. In course of time the non-fishermen illegally established their control over the entire fishing areas, even over those that were reserved for the fishermen by unleasing terror on the fishermen. Violence has been perpetuated by the encroachers with the help of the mafias. The local politicians and their relatives and the several senior bureaucrats of the state who had a stake in the prawn cultivation in Chilika were protecting the illegal prawn culturists. Most of the clashes were between the fishermen and non-fishermen prawn culturists.

The Das Committee has observed:

"Mafias have been inducted by the third party subleases or by encroachers . . . the absentee landlords comprise of important politicians or their relations, bureaucratic of standing and moneyed people, who apparently have a lobby with the government. They are
there for minting money; as no other alternative investment will give them such a relatively high and quick return as that of prawn farming... it is natural for them to see that their investment, remains safe and intact and their modus operandi is mafia operation. Indeed the mafias are recruited by them both from outside and locally to provide the necessary watch and word service at the culture sources point. Sometimes the mafias also take sublease of some fishery sources for themselves and operate them for prawn culturing. The mafias are playing havoc today in the lake as they have become the real monarch and determine the fate of the poor fishermen. It is learnt that they are armed with deadly lethal weapons like guns, revolvers, A.K. 47 and bombs. They symbolise encroachments and all acts of illegalities in the lake areas, terrorise the local people and want to have a grip over the fishery sources".119

As a result of the proliferation of armed mafias, the leaders of the Chilika Matsyajibi Mahasangha have been facing the dual challenges of private violence unleashed by the prawn culturists on the one hand; and the favouritism of the district administration towards the prawn culturists while unresponsive to their grievances.

The worst affected fishermen villages are Satapada, Biripadar, Jharkata, Khirisai, Alanda, Mohisa, Mudiratha, Gopinathpur, Alandapatra, Siara, Rameswarpur and Paikapada. More than 140 criminal cases have been filed in the lower court of Puri, Khurda and Ganjam by 1994.120 In an incident during 1994, hundreds of non-fishermen and mafias reportedly attacked the

119 Das Committee Report, n. 2, pp. 63-64.
120 Rajaram Satapathy, Times of India, New Delhi, 05.05.1994.
fishermen at Biripadar and Gopinathpur villages with sophisticated weapons. They set fire more than 30 houses at Biripadar village rendering all its residents homeless within a few hours. Later on these victim villagers staged a dharna outside the office of the Additional Tehsildar, Naupada for 18 days seeking justice from the administration, but their attempt went in vain.121

During 1999, the clash between fishermen and non-fishermen took a new turn as the non-fishermen belonging to Krushnaprasad and Brahmagiri blocks of Puri district won over the fishermen of these blocks and started instigating them against the fishermen of Khurda and Ganjam districts. Led by the M.L.A. of Brahmagiri constituency who was also President of the Orissa Pradesh Youth Congress (OPYC), the fishermen and non-fishermen of these two blocks claim that, as many as 124 villages of Krushnaprasad and Brahmagiri blocks with a population of 84,000 people surrounding 95 percent of Chilikas water area whereas only five percent fall under the villages within the districts of Khurda and Ganjam.122 By politicising the issues they brought over the fishermen of these two blocks, to their side and created a fraction in the Matsyajibi Mahangha.

While both fishermen and non-fishermen of the Krushnaprasad and Brahmagiri block have joined hands to protect the prawn gheris, the Matsyajibi Mahasangha wanted that all the prawn gheris to be removed for going back to traditional fishing. On 29th May, 1999 in the wake of the

121 ibid.
122 Indian Express, Bhubaneswar, 30.05.1999
Matsyajibi Mahasangha's 24 hours notice to the Government, the M.L.A of Brahmagiri and the Pradesh Youth Congress President Mr. Lalatendu Vidyadhar Mohapatra in a news conference in Bhubaneswar declared that “95 percent of the Chilika fall under Krushnaprasad and Brahmagiri blocks and the leaders of the Matsyajibi Mahasangha should not confront the fishermen and non-fishermen of these areas”. Again he lamented that since “the non-fishermen and others in these two blocks had agreed to remove the illegal gheris by June 20, the Matsyajibi Mahasangha should not have taken to confrontation. He warned that, the villagers of Krushnaprasad and Brahmagiri blocks would retaliate if their gheris were forcibly removed.

On 29th May, 1999, the Matsyajibi Mahasangha as per their schedule went ahead with its programme of removing “gheris spread over an area 10,000 acres in villages of Baradi, Niari, Turapi, Baulabandha, Balia and Sorana. After evicting the illegal gheris, when the leaders of the Matsyajibi Mahasangha were asleep in the night, the District Collector of Khurda Mr. Sarbeswar Mohanty and Superintendent of Police Mr. Shyam Hansda, Sub-collector Mr. Bisal Deve, Tehsildar of Banapur and B.D.O of Chilika block with armed police reached the spot and tried to forcibly take away the leaders of the Matsyajibi Mahasangha. In no time the news spread over the nearest fishermen villages and hundreds of fishermen assembled there. The fishermen obstructed the way of the police and did not allow them to take

123 Indian Express, Bhubaneswar, 30.05.1999
124 Indian Express, Bhubaneswar, 31.05.1999
125“Dharitri”, (Oriya daily newspaper publishes from Bhubaneswar), 02.06.1999
126 ibid.
away their leaders. To disperse these fishermen the police first lathi charged, then applied tear gas. Since the fishermen did not move, the police mercilessly started firing which resulted in the death of four fishermen including a woman and more than fifty were seriously injured. 127

The fire on the fishermen resulting in the death of the 4 fishermen, aroused the sentiments of the political leaders including the leaders of the ruling party who were of opinion that such a brutal police action was uncalled for. The Chief Minister Mr. Giridhar Gomango himself admitted that “he was kept in dark about the incident”. 128 the Minister of State for Home, Mr. Prasad Harichandan also admitted that “the police firing at Sorana village was a fall out of administrative failure. We were kept completely in dark by the district administration and police resorted to firing on its own”. 129 On the other hand, the Secretary of the Matsyajibi Mahasangha, Mr. Anadi Behera says that the police attack was “pre-planned” by a powerful leader of the ruling congress, and demanded criminal proceedings against the officials responsible for the death of three persons. 130

3.7 PRAWN CULTURE AND THE STATE OF HUMAN RIGHTS IN CHILIKRA

The failure of the administration to evict the illegal gheris as per the orders of the High Court and Supreme Court, and the nexus between illegal prawn culturists and the district administration reflects the lumpenisation of the

127 Indian Express, Bhubaneswar, 02.06.1999
128 ibid
129 ibid
130 ibid.
government system. The movement of the fishermen for their right to livelihood through fishing in the lake of which they were deprived due to the encroachment by the outsiders, and the failure of the administration to restore their rights raise the basic question of human rights.

A question arises that despite their repeated petitions to the administration and the assurances by the administration to evict the gheris which did not yield any result leaving the fishermen any alternative but to take law into their hands. Furthermore, the role of private violence which is often unleashed on the fishermen fighting for their rights and the Government's failure to protect the fishermen against the private violence, are major challenge to human rights of the fishermen in Chilika.

Since the advent of prawn culture, the state of human rights in Chilika is at stake. Apart from the 1991 Lease Policy which allowed the non-fishermen to do prawn culture in the fishing sources of traditional fisherman based on the consideration of foreign exchange, threatened the livelihood of the traditional fishermen; and the failure of the government to implement the orders of the Supreme Court and High Court to evict the illegal gheris of the encroachers which could have restored the livelihood of the fishermen; and could have avoided the conflicts between the fishermen and non-fishermen to some extent are the substantial issues of human rights.

Secondly, the growing state repression coupled with the private violence in suppressing the fishermen's protests, is a major challenge to the human
rights. The table below gives an account of the violation of various human rights norms in Chilika, since the advent of prawn culture.

**Table 3.7**

*List of Human Rights Violations in Chilika (1992-99)*

<table>
<thead>
<tr>
<th>Human Rights Violations</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Arbitrary Arrests and Detention</strong></td>
<td>In March 1992, while the people were protesting against the Tata project under the influence of the Tata musclemen and under government's instruction the police arrested around 100 activists, even without F.I.R. False cases were registered against 22 activists and were sent to Puri Jail.¹</td>
</tr>
<tr>
<td><strong>Extrajudicial shootings and denial of Right to life</strong></td>
<td>On 29&lt;sup&gt;th&lt;/sup&gt; May, 1999, during the night hours, police opened fire without any provocation and killed 4 persons and injuring 50 persons in Sorana village.²</td>
</tr>
<tr>
<td><strong>Torture, cruel, inhumane degrading treatment</strong></td>
<td>On 29&lt;sup&gt;th&lt;/sup&gt; May, 1999 around five policemen, dragged Sulochana Behera and Sabita Behera from their houses, made them naked and mercilessly kicked by their boots.³</td>
</tr>
<tr>
<td><strong>Arbitrary and Unlawful interference in family</strong></td>
<td>In the mid-night of 29th May, 1999, police set fire on the house of Madhav Behera of Sorana village and destroyed the property worth of Rs. 40,000.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>(Violation of Article 17(1) of ICCPR).</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Denial of right to equality to the fisherman by the police, while levelling charges against the non-fishermen prawn culturists.</strong></th>
<th>The leaders of the Chilika Matsyajibi Mahasangha allege that when they report any incident of snatching of their nets and other fishing instruments by the non-fishermen, the police frame a charges of theft in the F.I.R., whereas on similarly complain made by the non-fishermen against them, the police frame charges of docaity.</th>
</tr>
</thead>
</table>

4. ibid.
5. Undated pamphlet of Chilika Matsyajibi Mahasangha.

Most of the police atrocities against the fishermen go unreported. The favouritism of the police, the district and other revenue authorities towards the non-fishermen prawn culturists vis-à-vis the fishermen have been noticed. During April and May, 1999 when the fisherman unitedly started evicting the gheris, the encroachers in order to demoralise their efforts, with the connivance of the police and other government authorities, criminal cases filed against the fishermen in various police stations surrounding Chilika.
### Table 3.8

**List of Cases filed against the fishermen in May, 1999**

<table>
<thead>
<tr>
<th>Date</th>
<th>Case Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>24.4.99</td>
<td>A case was filed in Krushnaprasad Police Station and charges were made under sections 447 (criminal trespass)/299 (culpable homicide)/506 (criminal intimidation) of Indian Penal Code (IPC). In pursuance of this 67 people were arrested and sent to jail and remained in jail for 15 days.</td>
</tr>
<tr>
<td>28.5.99</td>
<td>A case under sections 143 (Punishment for Unlawful assembly)/144 (Unlawful assembly with deadly weapons) of IPC was filed in Tangi Police Station.</td>
</tr>
<tr>
<td>29.5.99</td>
<td>Case No. 94 of 29.5.99 was filed by Rabindra Pallai of Sorana village in Tangi Police station under Section 395 (Dacoity) of IPC, against Anadi Behera and Ors; alleging that under the leadership of Mr. Behera, 3000 people were involved in Dacoity.</td>
</tr>
<tr>
<td>30.5.99</td>
<td>Case No. 95 of 99 was filed by Kesab Chandra Mohapatra, Circle inspector of Balugaon, under Sections 145/147/148/224/229/332/336/427/307/149 of IPC. The said sections relate to unlawful assembly, attempt to murder, voluntarily causing hurt to deter public servants on duty, Act endangering the life and personal safety of others etc.</td>
</tr>
</tbody>
</table>

Source: From the files of Manabika Adhikar Surakha Sangathan (MAAS), Bhubaneswar.

Mr. Biswapriya Kanungo of MAAS in a personal, said that most of the charge levelled against the fishermen are false. He further points out it is ridiculous to believe that as many as 3000 people cannot commit dacoity during day time.

The advent of prawn culture made Chilika a centre of wealth. High returns associated with prawn culture dragged many outsiders. As the Das Committee pointed out, "those who have a lobby in the government" entered into prawn culture in Chilika. The 1991 Lease Policy is the product of
economic liberalisation; allowed the non-fishermen into Chilika's fishery sources earlier reserved for the traditional fishermen. The 1991 Lease Policy enacted with the object of exploiting Chilika's resources more commercially armed at , exporting more quantity of prawn to foreign markets which would contribute to the exchequer in form of foreign exchange. With this policy Chilika came forward in meeting the demand of the world market and integrated to the global market.

But in this process, the losers are the traditional fishermen. Owing to their poor economic conditions, they can not go for prawn culture as it requires high investments. Some of the unscrupulous fishermen resorted to third party leases to the non-fishermen, and had become their agents; but most of the fishermen were displaced from their traditional livelihood. Though under the 1991 Lease Policy, 60 per cent of the total fishery sources were reserved for the fishermen: due to the Orissa High Court's stay order, even the fishery sources reserved for the fishermen were not leased to them. Taking advantage of this, the outsiders with mafias and with the connivance of the police and revenue officials by terrorising the fishermen without adhering to the court stay orders established their prawn culture empire in Chilika.

The judgement of the Hon'ble High Court dated 23, November 1993, and subsequently the judgment of the Hon'ble supreme Court dated 11th December, 1996 and an interim report of the House Committee of the Orissa Legislative Assembly which required the government to evict illegal prawn culturists from the Chilika lake area, could not be made effective. The outsider prawn culturists by virtue of their money and muscle power and their nexus with the government overcome any opposition to their interest. The power of
the democratic institutions have become nullified against the money and influence of the prawn culturists, which questions the operation of democratic culture and rule of law.

Private violence was often meted out to the fishermen. In an incident, fishermen of Bisipadar and Gopinathpur village were attacked by the mafias of prawn culturists, who set fire 30 houses of Biripadar villages rendering all its residents homeless. There are several instances where the administration and police did not pay any attention to the grievances of the fishermen, rather they favoured the prawn culturists.

The fishermen's decision to evict the gheries by themselves in April and May 1999, was the manifestation of their loss of faith in the administration. In order to demoralise them, false criminal cases were lodged against them. The mass action of the fishermen on 24th April, 1999, in which 3,000 fishermen were involved in evicting illegal gheris occupying 1500 acres; is a real victory of collective action against the illegal prawn culturists and lumpenised administration. But the fishermen stopped moving further: on the assurance of the district administration, who promised that the administration would evict all the illegal gheris by 5th May, 1999. But the failure in keeping up their assurance due to interference of the local MLA led the fishermen, to resort to collective action for the second time on 29th May, 1999, after giving 24 hours notice to the government. They freed 1000 acres of illegal gheris within no time.

The collective action of the fishermen in evicting illegal gheris created panic among the prawn culturists. Though they could not dare to have a direct
confrontation with the fishermen who were united, their powerful nexus with the government led to the use of state violence against the fishermen who were asleep in the night after evicting the illegal gheris. The barborous attack on the fishermen and the police firing without any provocation resulting in the death of four fishermen and seriously injuring fifty fishermen, shows the gross violation of human rights in Chilika.