



NATIONAL PLATFORM FOR SMALL SCALE FISHWORKERS

Memo No. NPSSFW/ Convener – 26/23

October 14, 2023

To –
The Secretary,
Ministry of Environment, Forest and Climate Change.
Indira Paryavaran Bhawan,
Jorbagh Road, Aliganj,
New Delhi-110 003

Sub: Comments on the Draft Notification No. S.O. 3974(E), dt. 6th September, 2023.

Sir/Madam,

Greetings from National Platform for Small Scale Fish Workers (NPSSFW), the largest organisation of small-scale fish workers in the country.

I am happy to submit the comments of NPSSFW on the Draft Notification No. S.O. 3974(E), dt. 6th September, 2023 about notifying an eco-sensitive zone around the boundary of Bhitarkanika National Park and Bhitarkanika Wildlife Sanctuary and Gahirmatha (Marine) Wildlife Sanctuary, in the State of Odisha.

Yours Sincerely,

Pradip Chatterjee,
National Convener,
NPSSFW.



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Comments on the Draft Notification No. S.O. 3974(E), dt. 6th September, 2023

- A. NPSSF takes strong exception to publication of the instant draft Notification in only Hindi and English by the MoEF&CC. Bhitarkanika and Gahirmatha belong to the District of Kendrapara in Odisha and the languages of the local communities there are Odia and Bengali. Failing to publish the Draft Notification in local languages denies the local and primary stakeholders the right to know and comment on the notification that concerns their land, water and livelihood. This is an dreadful indication of bureaucratic insensitivity and disrespect to democratic norms.

We request MoEF&CC to take immediate steps to publish the notification in both Odia and Bengali and take special effort to reach out to the people residing in or around Bhitarkanika or Gahirmatha to explain the purport of the proposed Notification and its possible impacts. The informed consent of the local and primary stakeholders including the small scale fish workers must be taken before finalisation and publication of the Notification.

- B. NPSSF holds that while “it is necessary to conserve and protect the area, the extent and boundaries of Bhitarkanika National Park, Bhitarkanika Wildlife Sanctuary and Gahirmatha (Marine) Wildlife Sanctuary which are specified in paragraph 1 as Eco-sensitive Zone from ecological, environmental and biodiversity point of view and to prohibit industries or class of industries and their operations and processes in the said Eco-sensitive Zone” (page25, para10 of the Notification), **there is an overarching necessity to have a relook at the conservation efforts that do not take an *ecosystem based human rights approach* and blindly tries to impose a conservation management by alienating and ignoring traditional and sustainable livelihood practices and knowledge like that of the small scale fishing communities.**

Bhitarkanika National Park and Sanctuary or Gahirmatha Marine Sanctuary both have not only denied the local traditional small-scale fishing communities their right to livelihood by prohibiting their access to fish resources but also have imposed a regime of shootings, arrests, confiscations and fines on the traditional and small-scale fishers and farmers without ever assessing the compatibility of these small-scale livelihood practices with the ecosystem.

- C. The Government of India in the Ministry of MoEF&CC has stubbornly resisted implementation of the Forest-Dwellers’ Rights Act (FRA) in the Bhitarkanika National Park and Sanctuary or Gahirmatha Marine Sanctuary and has always deemed it their sole concern and right to protect the forests and wildlife with the exclusion of the small scale fishers. They doggedly refuse to admit that the natural resource based traditional livelihood practices are part of the eco-system. They are governed by the notion of ‘*conservation without people*’ enshrined in the colonial Forest Acts that equates conservation of forest or natural resources with denial of all livelihood practices. The primary stakeholders, small scale farmers and fishers, were not even informed, let alone consulted, by the authorities before imposing the national park or sanctuary.

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NPSSF holds that MoEF&CC should immediately take steps in coordination with the Ministry of Tribal Affairs (MoTA) and the state Scheduled Tribe Department to implement FRA in Bhitarkanika and Gahirmatha, thereby accepting the rightful claims of small-scale fishers and farmers to restore their sustainable livelihood practices in the areas.

- D.** MoEF&CC has stressed to redefine the boundaries of the proposed Eco-sensitive zone through geo-coordinates, latitudes and longitudes, but has never ever mentioned the need to identify traditional sustainable livelihood practices pursued by the local people in the area.

NPSSF demands that MoEF&CC should come out with a white paper statement indicating the natural resource based sustainable livelihood practices, especially those of small-scale fishers and farmers, which had been pursued in Bhitarkanika and Gahirmatha till they were forcibly stopped by the so-called conservation efforts of MoEF&CC.

- E.** In this backdrop the Draft Notification proposes that the State Government “for the purpose of effective management of the Eco-sensitive Zone, prepare a Zonal Master Plan within a period of two years from the date of publication of this notification in the Official Gazette, in consultation with local people and adhering to the stipulations given in this notification for approval of the competent authority in the State Government.” In this the mode of consultation with an undefined ‘*local people*’ also remains *undefined*. In contrast, the Draft Notification is very particular in naming the departments that have to be consulted for preparation of the Zonal Master Plan.

NPSSF demands that the Draft Notification clearly and unambiguously state that the Zonal Master Plan is to be prepared with the participation of the primary stakeholders of the natural resources in the area, that is, the small-scale fishing and farming communities and has to be approved by them.

- F.** Further, though the Kendrapara district with its rivers, estuaries, wetlands and coastal waters provides fisheries based livelihood for a large number of people, it is conspicuous that the Draft Notification keeps out the Department of Fisheries from the list of Departments to be consulted for preparation of the Zonal Master Plan.

This indicates exclusion of fisheries and fisheries based livelihood practices from MoEF&CC’s scheme of Eco-sensitive Zone at Bhitarkanika and Gahirmatha.

- G.** The Draft Notification under para 2(7) states “The Zonal Master Plan shall regulate development in Eco-sensitive Zone and adhere to prohibited and regulated activities listed in the Table in paragraph 4 and also ensure and promote eco-friendly development for security of local communities’ livelihood.” The statement is an attempt to *hoodwink the people and cover up* the denial and stoppage of sustainable livelihood activities of small-scale fishers in Bhitarkanika and Gahirmatha perpetrated by imposition of National Park and Sanctuaries.

NPSSF demands that the Zonal Master Plan should take it as a task to restore and promote all sustainable livelihood practices in the area in consultation with the small-scale fishers and farmers of the area.

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H. NPSSF largely supports the suggestions made under para 3 of the Draft Notification regarding – (1) Land use; (2) Natural water bodies; (4) Natural heritage; (5) Man-made heritage sites; (6) Noise pollution; (7) Air pollution; (8) Discharge of effluents; (9) Solid wastes; (10) Bio-Medical Waste; (11) Plastic waste management; (12) Construction and demolition waste management; (13) E-waste; (14) Vehicular traffic; (15) Vehicular pollution; (16) Industrial units; and (17) Protection of hill slopes.

But NPSSF strongly suggests that –

- a. **The restoration and conservation of natural water bodies [para 3(2)] should include besides natural springs, the coastal waters, river stretches, wetlands and pools together with the sustainable livelihood practices pursued in those water bodies;**
 - b. **The Eco-tourism [para 3(3)] activities in the Eco-sensitive areas should be exclusively based on communities of small-scale fishing and farming communities whose livelihood depends or depended on the natural resources of the area.**
 - c. **The Draft Notification should mention the Coastal Regulation Zone Notification 2019 as an important regulatory instrument to be enforced by the Zonal Master Plan.**
 - d. **Not mere mention of the environmental regulations and norms but their strict and proper implementation should be made mandatory with provision of stringent punitive measures for their non-compliance.**
- I. We in NPSSF have been shocked to note that *despite being* a major livelihood activity of the local people, *fisheries or fisheries related livelihood activities* have not found a place in the list of prohibited, regulated or promoted activities under para 4 of the Draft Notification. The abnormal omission is a confirmation and continuation of the grossly unjust neglect and marginalisation faced by the small-scale fishing communities of Bhitarkanika and Gahirmatha on account of imposition of National Park or Sanctuaries.

NPSSF demands that eco-friendly sustainable small-scale fishing and fish farming should be mentioned in the list of activities as one of the main promoted activities.

- J. We in NPSSF have also been dismayed to find that there is no mention of farming and / or non-farming activities related to *coastal shrimp aquaculture* in the list of activities to be prohibited, regulated or promoted under para 4 of the Draft Notification. It is a well-known fact that **intensive shrimp aquaculture** is associated with widespread encroachment and pollution of coastal land and waters, especially on the East Coast of our country. The coast of Kendrapara district of Odisha comprising of Bhitarkanika and Gahirmatha is no exception. As such this abnormal omission raises doubts regarding possible influence of shrimp aquaculture lobby on MoEF&CC.

NPSSF demands that intensive Coastal Shrimp Aquaculture farms should be totally prohibited in the Eco-sensitive area and only traditional or improved traditional shrimp aquaculture are to be allowed.

- K. NPSSF also takes strong exception to the proposed exclusion of the largest primary stakeholders, the small-scale fishers and farmers from the **Monitoring Committee** (para 5) suggested in the Draft Notification. This again is a pointer to the cynicism to peoples' participation borne by the policy makers in MoEF&CC.

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NPSSF demands that there should be mandatory participation of representatives of local small-scale fishing and farming communities in the monitoring committee.

- L. The Functions of the Monitoring Committee** (para 6) do not mention taking the opinions of the local small-scale fishing or farming communities on the functioning or running of the Eco-sensitive zone or activities therein. It provides scope of bureaucratic confinement of the Monitoring Committee. To preclude this as far as possible NPSSF demands –

Collection of stakeholders' opinions regarding the functioning or running of the Eco-sensitive Zone or activities therein should be made obligatory for the Monitoring Committee. This should be exercised through public meetings and inviting submissions from public including the local fishing and farming communities. These should be exercised both periodically and as and when necessary.

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