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# Justice at Sea: Fishers' politics and marine conservation in coastal Odisha, India

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## Abstract

This is a paper about the politics of fishing rights in and around the Gahirmatha marine sanctuary in coastal Odisha, in eastern India. Claims to the resources of this sanctuary are politicised through the creation of a particularly damaging narrative by influential Odiya environmental actors about Bengalis, as illegal immigrants who have hurt the ecosystem through their fishing practices. Anchored within a theoretical framework of justice as recognition, the paper considers the making of a regional Odiya environmentalism that is, potentially, deeply exclusionary. It details how an argument about 'illegal Bengalis' depriving 'indigenous Odiyas' of their legitimate 'traditional fishing rights' derives from particular notions of indigeneity and territory. But the paper also shows that such environmentalism is tenuous, and fits uneasily with the everyday social landscape of fishing in coastal Odisha. It concludes that a wider class conflict between small fishers and the state over a sanctuary sets the context in which questions about legitimate resource rights are raised, sometimes with important effects, like when out at sea.

**Keywords:** Fishers rights, Sanctuary, Environmentalism, Justice, Indigeneity, Territory, Refugees, Immigrants, India

## Introduction

This paper critically examines the politics of a protracted conflict involving fishing communities in Odisha on the eastern coast of India. At the centre of the story is a tussle over fishing rights in the Gahirmatha marine sanctuary, notified by the Odisha state government in 1997. A key objective of the sanctuary was the protection of the endangered Olive Ridley turtle, which visits this coastline en masse for breeding from December until March. Created following little or no popular consultation with local fishers, the sanctuary has imposed a total ban on fishing. Those affected include Odiya and Bengali fishers, of different castes, who variously pursue both motorized and non-motorized fishing. The mainly Odiya owners of mechanized trawlers that come from other parts of Odisha also resent the sanctuary.

Conservation, for its advocates, is 'self-evidently an unimpeachable political value' (Jayal 2010: 69). Political values like rights and justice are extended in relation to the natural environment, making it *just* to demarcate protected areas and sanctuaries, and fence these away from human use. This viewpoint may disregard the question of justice for the people that are affected by conservation. If, as is often the case, the local communities in question are poor, marginalised tribals, or immigrants and refugees or

other minorities, then the ethic of conservation is placed under even greater strain (Jayal 2010: 69).

The politics of justice in the context of conservation is fairly complex. Conservation is not simply a debate about nature versus people, but involves arguments between certain groups of people versus other groups of people (Low and Gleeson 1998; Saberwal and Rangarajan 2003). Who is speaking for which cause, which constituency do they support and what are the consequences for framing a particular environmental conflict or struggle in a particular manner are all pertinent. These questions may matter especially when there are conflicting claims to space and there is disagreement over who has priority in resource use, like in Gahirmatha.

Odiyas comprise the local population of the state, whereas the Bengalis- being referred to here- are immigrants. These comprise both those who claim to be from West Bengal and others who have travelled from East Pakistan or former Bangladesh at various points since 1947. Bengali settlers are scattered in numerous villages and hamlets of Rajnagar and Mahakalpada blocks of Kendrapara district of Odisha. Many of these are adjacent to the sanctuary and neighbouring estuarine areas. Odiyas and Bengali speak related languages, they share many cultural similarities and importantly, the Bengali immigrants here are principally Hindus, like the majority Odiya population. Many, if not all, have acquired citizenship documents over the decades.

The paper centres on a detailed case study of Matsyapalli,<sup>1</sup> a large fishing village and gram panchayat<sup>2</sup> in Mahakalpada block in Kendrapara district, which is wholly Bengali with about 2000 households. Matsyapalli has been purposively selected as a case due to its special status in the Gahirmatha conflict for three reasons. One, it is located at a key point at the entrance to the sanctuary. It therefore serves as a jetty and is a nucleus of fishing activity in the area. Two, it figures prominently in the political organisation of fishers as the President of the Odisha Traditional Fishworkers' Union is from this village. Three, its residents are Bengalis, many of whom are immigrants from East Bengal (now Bangladesh). For all of these reasons, Matsyapalli provides an important window not only into the wider conflict between fishers' and the sanctuary, but also the social landscape of fishers' groups involved in this problem. In addition, the paper draws on additional case work done in two smaller inland neighbouring villages: Ambapalli, of approximately 500 households, and Narayanpur with about 300 households, also largely comprising Bengali immigrants but with some Odiya households too. The fishers here mainly practise river-based and estuarine fishing, which brings them into direct conflict with Odiya caste fishers from adjacent areas. The three villages together provide a unique perspective into fishing conflicts around the Gahirmatha sanctuary. These coastal villages are also flanked by Bhitarkanika Wildlife Sanctuary that was notified in 1975, with the Bhitarkanika National Park being designated from within its core area in 1998 (Additional file 1)<sup>3</sup>.

A purposive case study approach has allowed us to investigate the subject critically, using the case study villages (Matsyapalli, Ambapalli and Narayanpur) as the empirical centre of the problem while tracing other actors 'outwards' through an inductive interview process. We have not been interested in a survey approach across various fishing villages as we are not trying to obtain generalizable knowledge. Our chosen methods therefore support the principal research questions: 'How does a conflict between fishers

and a sanctuary generate the question of legitimate resource rights? How is a regional Odiya environmentalism constructed, and how does it relate to the everyday social relations amongst coastal fishers living next to a sanctuary?’

Our primary research methods accordingly comprised focus group discussions (FGDs) and detailed key informant interviews with small fishers from Matsyapalli, Ambapalli and Narayanpur, who were both male and female, and a mix of Bengali and Odiya. In addition, we conducted key informant interviews with trawler operators (all of whom are Odiya), heads of fishers’ cooperatives (both Bengali and Odiya), Odiya fishing caste leaders and fish godown operators (all Odiya). We interviewed retired and current government officials, NGO persons and environmentalists. Approximately ten FGDs and forty long interviews were carried out between November 2011 and May 2012.

In considering the injustice of this particular conservation initiative at Gahirmatha through an analytical perspective of representation and framing, the paper hopes to engage directly with environmentalism, as a way of thinking about politics and society based upon an understanding of environmental problems (Sharma 2012), and the question of justice as recognition (Fraser 1997, 2000; Schlosberg 2004; Young 1990). Recognition or misrecognition depends on meanings and values, albeit partial and fragile, prevailing within social and environmental discourse (Li 2004). Taking this as a starting point, the paper contains a detailed account of diverging representations of fishers’ rights in relation to the conflict at Gahirmatha, and through it, the dynamic positions and stakes of powerful stakeholders.

The paper is organized in four sections. Section 2 relates justice as recognition to ‘environmentalism’. It discusses eco-nationalism and eco-naturalism as increasingly popular strains of environmentalism in India. It also describes the significance of regional environmentalisms within the construction of eco-nationalism in a country as diverse as India. Section 3 sets out the state’s view of fisheries development and the tensions in reconciling these with its conservation agenda. It also introduces the historical role of the state in enabling the particular regional environmentalism being described in this paper. Section 4 characterises life for the fishers living next to the Gahirmatha sanctuary, as evident from the case studies. It juxtaposes their everyday social relations against the complex Odiya environmentalism that seeks to blame Bengali immigrants for the decline of marine fisheries in the state, and seeks to expose the contradictions in the narrative being constructed. Section 5 focuses on the sanctuary itself, policing the borders of which allows a more abstract state to appear in material form. It is here, at sea, that some visible effects of such environmental thinking- however fragile and contradictory- can be observed; even as small fishers, both Odiya and Bengali, encounter state authority from within their disadvantaged position in the marine class hierarchy.

### **Conceptual framework**

The conceptual framework to this paper is in two parts. The first briefly recapitulates the significance of justice as recognition, and discusses its relevance for assessing the effects of environmentalism in society. The second part describes environmentalism as eco-nationalism and eco-naturalism, in the Indian context, while focusing on the significance of regional imaginations of eco-nationalism. It also shows how territory, nature and people are brought together within an effective set of representations that justify particular modes of state intervention through conservation.

### **Justice as recognition, environmentalism and frames of meaning**

Environmental justice scholarship has been marked by a long running debate between justice as distribution versus justice as recognition. Justice theorists Fraser (1997, 2000), Schlosberg (2004) and Young (1990) show us that while distributional issues—as highlighted by John Rawls— are crucial to a satisfactory conclusion, it is a mistake to reduce social justice to distribution. They argue that the politics of recognition inheres in all societies and contexts, and that justice demands substantive recognition within the political community. The concern here is beyond formal rights alone, though these matter significantly, for effective recognition within society is necessary in order to penetrate and contest marginalising discourses (Holston 2008). Moreover, the literature suggests there is a very strong relationship between justice as distribution and justice as recognition. When particular storylines get the backing of more vocal/dominant groups in society, and they enrol powerful institutions, then the outcomes may be substantively unjust (Hajer 1995 in Forsyth 2006).

Within the burgeoning literature on environmental justice, there is a keen sense of which meanings and values prevail within social and environmental discourse (Walker 2012). ‘Whose justice’ is a question that intensely engages scholars as they detect the pervasive power of particular discourses in marginalising groups. Baviskar et al. (2006) and Mawdsley (2004) have persuasively demonstrated how a ‘middle class environmentalism’ in Indian cities has adversely affected working class populations engaged in ‘polluting’ activities. Middle class environmentalism is based around a ‘storyline’ (to use a term by Hajer 1995 cited in Forsyth 2006), which constructs a peculiar narrative about environmental degradation, with predefined notions of blame to certain social groups.

Such representation or framing inevitably involve simplification, even falsification, of history and the stereotyping and classification of populations, while serving to entrench powerful interests in society. And yet, we also know that the domination of social discourses is contingent upon dynamic power relations and fluid coalitions of interests (Roseberry 1994). Going further, there are continuous attempts at producing dominant frames of meanings, but there is also a constant possibility of their fracture, contestation and re-articulation (Li 2004).

### **Territory, nature, people, state: Eco-nationalism as environmentalism**

The ‘nature-for-nationalism’ or ‘eco-nationalism’ breed of environmentalism is about the imagination of particular territorial landscapes through the invocation of specific national cultural symbols and historical continuities. It has deep roots in India, going back to colonial times when environmental imagery became an important means of developing a national consciousness against the British. The ‘new traditionalist discourse’ has continued to propagate a nostalgic vision of pre-colonial India where ‘traditional ecology’ was balanced by self-contained communities endowed with a special conservationist ethic (Sinha, Gururani and Greenberg 1997). Other strains of environmentalism also derived from particular uses of national environmental imageries, often in strikingly different ways, like Gandhian environmental thinking which challenged the new modernist projects of development.

In a plural society like that of India, there are many different national imaginings at work. Sivaramakrishnan and Cederlof (2012) have proposed the concept of ‘ecological nationalism’ to express how both ‘cosmopolitan’ as well as ‘nativist’ forms of ‘nature

devotion' may be articulated in terms of nationalistic pride. This may be of two types: cosmopolitan or 'metropolitan-secular' which claims to work in the interests of nation-building projects, and seeks to appropriate nature for the wider 'public' good, and nativist or 'indigenist-regionalist' which generally includes a reaction to development interventions by the state or global forces for their marginalising effects on the lives of local communities (Sivaramakrishnan and Cederlof 2012: 7). Examples of the former include Jawaharlal Nehru, India's first Prime Minister, who expressed his vision of the imagined landscape of the Indian nation of secular modernism in relation to physical imagery like of the Himalayas or of various 'mighty rivers' (Sivaramakrishnan and Cederlof 2012: 30).

The latter however is distinguished for its assertions of indigeneity and claims to authenticity with respect to particular places, and various historical memories may be espoused to convey affinity with those environments. Adivasi assertions of indigeneity in parts of India (like in Odisha, in contestation against international mining projects; see Sahu 2008) may be an example. However, there is also much evidence of the misappropriation of nature, both symbolically and materially, by regionally dominant communities or particular social and cultural groups to promote their own agendas of regional control. Sivaramakrishnan and Cederlof give the example of the Roman Catholic Mukkuvar fisherfolk in Kanyakumari district in South India for their attempts to claim fishing rights through an assertion of belonging to the locality and the nation, and their support of the Hindu nationalist Bharatiya Janata Party in this regard (2012: 9).

In other quarters too, the popularisation of the concept of indigeneity amongst local groups has evoked concern, especially amongst anthropologists, who worry that the search for 'cultural authenticity' is quite pointless, and it is preferable to focus on the political strategies through which indigeneity is being articulated and claimed (Li 2000 as cited in Dove 2006). Scholars have also attacked the proponents of indigenous knowledge for over-emphasising cultural purity and continuity, and in the process, marginalising other poorer groups who may not be able to claim indigeneity defined in such ways (Dove 2006). Li has persuasively argued that 'indigenous identity is in any case a narrow target, which is easily over-shot or undershot' (2000 cited in Dove 2006: 194). This is not the place for an extended consideration of the contested nature of indigeneity, our limited point being that there is a seriously performative aspect to this notion, which has and can be deployed instrumentally by dominant elites for limited ends.

In India moreover, the complicating factor is also the sheer plurality of regional identities that mediate the host of possible ecological nationalisms. To borrow from Aloysius' provocative contention, 'there is in India, no nation' (1999 cited in Sivaramakrishnan and Cederlof 2012). There are examples galore of articulations of regional identities as mediated by geography, but simultaneously underpinned by some reference to their place as citizens of the Indian state (like in Jharkhand and Uttaranchal, both of which experienced ethno-regional movements for separate statehood). Regional ecological nationalisms refer to a pristine aesthetic of nature that emanates from a particular space, even as a larger construct of India as a sacred and inviolable territory is endorsed. In this regard, it is worth highlighting the convergence between eco-nationalism and Hindu religious chauvinisms. The imagining of national landscapes as unique is central to Hindu political thought, 'making the *natural* contours of the nation seem supreme' (Sharma 2012: 30, italics

added for emphasis). Hindu nationalism is increasingly shaping mainstream environmental thinking in India, with the use of various popular discourses to censure foreign domination, attack immigrants and challenge Muslims and Christians (Sharma 2012).

In fact, it may be argued that conservation itself represents a form of metropolitan-secular eco-nationalism, wherein a particular imagination of the national territory is translated into concrete state policy. Indeed, state creation itself draws on a longer historical narrative of modernity and progress, which in turn rested on a 'fundamental reordering of society in space' (Scott 1998 cited in Neumann 2004: 201). Colonial states across Asia and Africa legitimised sole and exclusive territorial control over all 'vacant lands' exclusive of those on recognized private land (Peluso and Vandergeest 2001). Indeed, 'states come into being through these claims and the assertion of control over territory, resources and people' (Neumann 2004: 202).

The Indian state has followed an approach to conservation precisely interpreted as 'bounding nature' away from human use that was popularised in the United States. This involved the creation of national parks, often involving the heavy use of state fiat and the deployment of particularly strategic ideas around science and expertise (Rangarajan 2001). India enacted the Wildlife Protection Act in 1972, and established 92 national parks and 500 wildlife sanctuaries, as well as 33 marine sanctuaries and national parks, designated together as marine protected areas (Singh 2002). Through conservation, states were re-constituting peoples' relationships with nature under the garb of a civilising mission, and India was no exception. The setting out of strict norms of citizenry, of how people ought to behave with respect to the modern state, was also a part of this project.

In fact, conservation produced a peculiar construct of a national citizen with responsibilities but no rights. People were expected to live responsibly around parks, foregoing or greatly curtailing their resource use in the interests of nature, which the conservation paradigm artificially divorces of human beings. Yet they did not have commensurate rights, like the right to be informed following the notification of a national park or sanctuary, and the right to represent their claims (Jayal 2010). There have also been more overt cases of coercion, like through the infamous patrolling approach of 'guns and guards' followed by the forest department officials to keep people out of parks. Yet, very often in practice, either the forest department has limited capacity to patrol effectively or forest guards are complicit in villagers' entering the park area in return for money, which may be benignly obtained or extorted (Baviskar 2003).

However, it should be stated that while conservation practices may reflect a dominant metropolitan-secular eco-nationalism, to relate all forms of eco-nationalism to concrete state policies is not always very straightforward. Especially with multiple plural competing regional eco-nationalisms, some of which may be overtly 'indigenist-regionalist' in flavour, the connections either with official state practices or dominant social norms cannot be easily assumed. In this paper, we show how the creation of a sanctuary sparked off a series of livelihood constraints amongst small fishers, raised questions about legitimate traditional fishing rights, and elicited a reaction involving the constructing of a uniquely regional Odiya eco-nationalism. The rest of the paper explores various aspects of this social discourse, its contradictions and fragility, as well as the role of the state in both facilitating as well as mediating such a discourse.

### **Contextualising the role of the state**

In this section, the paper moves on to a somewhat more detailed consideration of two aspects of the state, and the role it plays for the case at hand. In the first part, we consider the principal aspects of the state's policy for fisheries regulation in Odisha, and the particular regional resonance of wider national tensions between fishing and marine conservation. In the second part, we comment briefly on the historical stance of the Indian state towards the entry of refugees and immigrants following the great partition of 1947. We also refer to some particular controversies that have erupted in these coastal parts of Odisha regarding immigration from Bangladesh, and the role assumed by the state in Odisha in this regard.<sup>4</sup> It is hoped that this discussion will contextualise the role of the state in enabling the particular regional environmentalism being described in this paper.

### **State policy, turtle conservation and marine fishing**

The Olive Ridley turtle is a critically endangered sea turtle species that visits Odisha between December and March each year. Turtle conservation has engaged both official policy as well as non-governmental advocacy since the 1970s. However, as this section shows, turtle conservation is tied in with the larger problem of regulation of marine fishing, which in turn, is an extremely contested terrain given the diversity of interests within the marine fishing sector. Moreover, while the state has been criticised by conservation groups for not doing enough to protect the Olive Ridley, it has equally come under attack by fishers groups and fisheries officials for not dealing adequately with issues of fishing productivity.

Widespread reports of turtle mortalities in the 1970s triggered off a massive response of state protection at the national level. In 1976, the endangered status of this species was sealed with its inclusion into Schedule I of the Indian Wildlife (Protection) Act or WLPA, 1972, and the Forest Department stopped issuing licenses for the collection of turtle eggs in Odisha. National and international scientific research played a critical part in this process, as did environmental campaigns that led to the deployment of the coast guard to Gahirmatha by Prime Minister Gandhi in 1982. Heavy policing contributed to a marked decline in illegal turtle trade in Odisha by the 1980s (Sridhar et al. 2005).

Besides WLPA, the Odisha state government also enacted the Odisha Marine Fisheries Regulation Act (OMFRA) in 1981, and introduced other subsequent regulations to curb destructive fishing practices that hurt turtles. Under OMFRA, the state government tried to set standards for 'sustainable fishing' by introducing different fishing rules for the different types of craft, as well as limiting the number of mechanized fishing boats. Only 'non-mechanized traditional fishing boats' were to be allowed within 5 km of the shoreline throughout the coast of Odisha, and all larger mechanized vessels could only operate beyond 10 km from the shoreline (Sridhar et al. 2005). For the purposes of this paper, we use the widely popular usage meaning of a mechanized boat to refer to that 'where fishing is done mechanically (like trawlers), as opposed to a non-mechanized boat, where the actual fishing is not done mechanically (these include motors in motorized boats, which are used only for locomotion)'.<sup>5</sup>

In 1994, the state government issued biennial orders prohibiting fishing in Gahirmatha and these were reissued periodically. By 1997, Gahirmatha had been declared a marine

sanctuary under Section 26 (1) of the WLPA, with a core area measuring 725.5 sq. km and a buffer zone of 709.5 sq. km. This meant that absolutely no fishing was permitted in the core area at any time. Few or no consultations with local people preceded the sanctuary's notification on September 27, 1997, sadly echoing other experiences of state led conservation elsewhere in the country (Saberwal and Rangarajan 2003).

The government proactively adopted measures to protect turtles at other key nesting sites (mouth of Devi and Rushikulya rivers further south of Gahirmatha), and prohibited mechanized fishing within 20 km of the high tide line between 1 November and 31 May each year. There is a blanket ban on fishing anywhere along the Odisha coast from April 15 to May 31 in view of the fish breeding season. The government has made the use of turtle excluder devices (TEDs) compulsory for trawlers under Section 29 (B) of OMFRA (Wright and Mohanty 2006).

Despite these steps, turtle deaths continued to escalate through the 1990s, and were widely attributed to 'a surge in mechanized fishing, unsustainable fishing practices and deliberate violations of the law' (Wright and Mohanty 2006: 290). Prominent environment groups criticised the state for this situation. Operation Kachhapa (OpK), the prime turtle conservation initiative in Odisha (formed under the aegis of the Wildlife Protection Society of India in 1988), was especially concerned about 'overfishing' being sponsored by the state. In March, 2002, OpK filed an affidavit to the Odisha High Court against the government for having issued 'about 6000 fishing licenses - to about 900 trawlers and 5000 gill netters - against the official OMFRA quota of 1080' (Wright and Mohanty 2006: 292). OpK estimates that 16,000 fishing boats operate along the Odisha coast, of which about 8000 are large mechanized fishing trawlers and gill netters.

Greenpeace (2008) also campaigned to highlight what it describes as an 'exponential' increase in mechanized marine fishing: 250 % in 25 years and a fall in the numbers of non-mechanized and non-motorized boats. This drastic reduction in the numbers of wooden dinghies ('traditional' craft) directly affected the poorest fishers, who neither had the means to modernize nor could they find work easily within the mechanized fishing sector. This was given the level of demand for employment, or indeed in other sectors, where they had to compete with workers with more appropriate skills (Salagrama 2006). Marine fish production rose from 53,581 metric tonnes (MT) in 1985/86 to 156,081 MT in 1997/98 before declining through till 2003/04, reaching 116,880 MT.<sup>6</sup> For environmentalist campaigners, falling fish catch is a sign that 'marine fisheries in Odisha have reached a stage of stagnation and possible decline' (Greenpeace 2008: 8). In later years, marine fish production has experienced some relative growth from 121,928 MT in 2004–5, reaching a high point of 133,479 MT in 2010–11,<sup>7</sup> and then 133,211 MT in 2014–15 (Additional file 2).

In contrast with the narrative pursued by environmentalist groups is that of an unlikely alliance of state officials and many local fishers, who take the view that fisheries policy in Odisha has not been 'productivist' enough. A retired fisheries official viewed that adoption of multiple restrictions (sanctuary, seasonal fishing bans and trawler excluder devices) was an 'overreaction' to exaggerated environmentalist agendas.<sup>8</sup> Unlike other coastal states like Kerala (Sinha 2012), the Government of Odisha is generally criticized for neglecting marine fisheries (Sampath 2005), and with little or no investment in off-shore infrastructure, promotion of fishing cooperatives and the 'modernisation' of indigenous craft and gear.<sup>9</sup> The government has not invested adequately in deep-sea fishing (with no deep sea trawlers till date) or exploited the full potential of the Exclusive Economic Zone.

Many fisheries officials consider that the overfishing alleged by environmentalists stems from overcrowding of near shore waters by vessels of all types, which is a deeper problem requiring a systematic response. In particular, small fishers and trawlers are equally indignant about the transgression of foreign vessels into Indian territorial waters. However, more recently, there is a recognition in the state of the stagnation in marine fish production, and of the need to adopt measures for modernisation and shore based infrastructure development besides the exploitation of deep sea fisheries.<sup>10</sup>

### **The Indian state, refugees and the 2005 controversy in odisha**

The subject of refugees is an extremely contentious one in post-partition South Asia. Both the great partition of India and Pakistan in 1947 as well as the war of liberation of East Pakistan that saw the creation of Bangladesh in 1971 produced large scale movements of people. These have repeatedly raised difficult questions around citizenship and the rights of refugees. Interestingly, India has neither ratified the 1951 Convention on Status of Refugees nor the Protocol of 1967. Yet, right since the days of the Constituent Assembly—tasked with formulating the Indian Constitution- the debate on who should be legitimately regarded as a refugee and accorded protection has been repeatedly had (Jayal 2013).

Historian Joya Chatterji writes that in the two decades after the partition of India and Pakistan, millions of Hindus crossed over into India, especially in the ‘turbulent wake of the Noakhali and Tippera riots in 1946 and the Khulna riots of 1960’; nearly another two million left ‘after the theft of holy Muslim relics from the Hazratbal shrine in Kashmir in 1964’ (Chatterji 2007, 111). The so-called refugee crisis intensified in 1971 when Bangladesh was formed, with a steady influx of both Muslim and Hindu refugees. This has continued steadily thereafter, triggering off profound unrest in especially affected states like Assam. A powerful student agitation against the ‘swamping of Assam by foreigners’ from 1979 to 1985 led to the signing of the Assam Accord with the central government. The government prescribed that ‘a) all those who had migrated before 1966 would be treated as citizens, b) those who had migrated between 1966 and 1971 could stay provided they put themselves through an official process of registration as foreigners, and c) all those who had migrated thereafter were simply illegal immigrants’ (Jayal 2013: 64).

The provisions of the Assam Accord led to the 1985 amendment to the Citizenship Act of 1955. The amendment allowed:

‘for every person of Indian origin (if either of his parents or grandparents was born in undivided India) that came into Assam on or after the 1<sup>st</sup> day of January 1966 and the 25<sup>th</sup> day of March 1971, and has ordinarily been resident in Assam, and has been ‘detected as a foreigner’ by a Tribunal constituted under the Foreigners Tribunal Order of 1964, would need to register himself or herself in accordance with the rules made by the Central Government on this behalf. His or her name would need to be deleted from the electoral rolls, and such a person would have 10 years from the date on which he/she has been detected as a foreigner the same rights and obligations as any other citizen of India, including the right to obtain an Indian passport’.<sup>11</sup>

No such provision was made for anyone entering after the cut-off date in March 1971. At a human and personal level, such a politics of citizenship has been extremely

debilitating for the thousands of immigrants, forever exposing them to expedient questions around authenticity.

The subject of 'illegal immigrants' has been a deeply emotive one for many Indians, who feel bitterly towards politicians of all political parties for using immigrants as easy vote banks. The Illegal Migrants (Determination by Tribunal) Act or IMTD Act of 1983 created an Assam-specific exception to India's law on foreigners, which normally requires individuals in question to prove their own citizenship status. Under the IMTD Act, neighbours could simply file a complaint against suspected illegal immigrants, and the matter would then be decided by a tribunal. The Act had was partly meant to prevent a witch hunt against illegal migrants, but also had the professed aim of making it easier to detect and deport illegal migrants (Kapur 2012: 152).

However, the IMTD Act was not received well in Assam, and a writ petition was filed in the Supreme Court claiming that the Act had 'made it "impossible for citizens who are resident in Assam to secure the detection and deportation of foreigners from Indian soil"' (Sarbananda Sonowal 2005 cited in Jayal 2013: 64). Though the IMTD Act was eventually struck down, the law on citizenship continues to reflect the issue of illegal immigrants from Bangladesh. In particular, a 2003 amendment to the 1955 Citizenship Act modified the provision of citizenship by birth to exclude from it such persons born in India as have one parent who is an illegal immigrant at the time of their birth (Article 3 c ii).<sup>12</sup>

The state of Odisha received a steady stream of Bengali refugees from former East Pakistan in the 1960s, as well as subsequent decades even after the formation of Bangladesh. Interviews in our case villages revealed that several people arrived here from the government refugee camps that had been established in various places, such as the hot and dry parts of central India (Kudaisya 1997). They came here because they were attracted by the familiar coastal habitat to which they were accustomed back in Bangladesh. Others came in course of their journeys through India looking for work, having arrived in West Bengal, and then gone on to Paradeep, a port town in Odisha.

The areas immediately by the sea were covered with dense forest and were unpopulated. We heard a number of accounts about how villages and settlements around here grew organically, with the gradual clearing of forest land. In those early years, Bengali refugees were ostensibly welcomed by absentee Odiya landlords to cultivate their lands. We were told that the revenue department had initially awarded *pattas* or land titles to a small group of refugees, but most others had negotiated small homesteads through informal payments and bribes to revenue and forest officials over time. Not everyone has a land *patta*. A number of respondents openly admitted to arriving here in the 1980s and even later. They shared painful memories of Muslim atrocities meted out to the Hindu population long after the formation of Bangladesh. Those who came later on merged with previous settlers, and like them, went on to acquire a range of identity documents associated with citizenship. These ranged from certificates of landlessness, voter cards, ration cards, BPL (below poverty line) cards and so on.

Such grassroots processes of acquiring documents are typically associated with the vote bank politics concerning groups of immigrants. In coastal Odisha, it is well known that Bengalis have been patronised by a now deceased state legislator (or MLA). Much loved by the Bengali population, this politician was routinely criticised by his opponents. Some even argued that it was he that had influenced the illegal construction of a jetty at Matsyapalli, in violation of OMFRA, nearly 40 km away from the sea. It is also

these micro-level interactions that run in parallel to national level restrictive pronouncements; the chasm between the ostensibly neat categorisations in law of 'legitimate refugees' and 'illegitimate migrants', and the far messier reality is plain for anyone to see.

There had been no other specific interventions or policies by the state government in Odisha with regard to immigrant Bengalis in these coastal parts. In 2005 however, with little warning, the state government produced an order, following a high court directive, for the identification of 1551 illegal immigrants, who have ostensibly entered India illegally after 1971, or born to parents that were born illegally. 'Quit India' notices were issued to this effect by the Kendrapara District Collectorate to persons on the list, scattered across several coastal villages with Bengali settlers, included Narayanpur and Ambapalli. The immediate context to this appears to have been the strict 2003 amendment to the Citizenship Act that excludes children born of 'illegal immigrants' from Indian citizenship. We interviewed the District Collector of Kendrapara for more insight into this, but, in response, we were merely told that 'infiltrators' had entered India without the prior permission of 'competent authorities'. We were also not given any further details about the precise enquiry that led to the production of such a list. The wider politics of the case have been examined elsewhere (Chhotray 2016); and it suffices to mention here that the episode and subsequent reactions revealed various fascinating processes at work, which we will refer to in the next section.

### **Fishers' social relations and odiya environmentalism close to the Gahirmatha sanctuary**

In this section, we present the substantive part of our field research, first characterising the transformation of livelihoods and fishing practice with the arrival of Bengali immigrants and the later creation of Gahirmatha sanctuary, and then critically examining Odiya-Bengali fishers' social relations. The section will also show how a complex, contradictory and fragile regional Odiya environmental discourse is constructed.

#### **Livelihoods next to the sanctuary, the arrival of Bengalis and marine class relations**

Our case study villages are amongst the 70 odd villages in the Rajnagar and Mahakalpada blocks of Kendrapara district by the Bay of Bengal, that were directly affected by the total ban on fishing following the creation of Gahirmatha marine sanctuary in 1997. These are predominantly occupied by Bengalis, who have arrived here in waves since the 1960s. The curtailment of fishing in the sea has put an unbearable pressure on their fishing-oriented livelihoods. Flanked by the Bhitarkanika National Park and Wildlife sanctuary on the other side, people here have also faced restrictions on fishing in rivers and estuaries within the park area or entering the forest to collect forest products, ever since the sanctuary's notification in 1975. Other Oriya dominated villages a little away from the coast also face the effects of these restrictions.

Some people practise one-crop subsistence agriculture by cultivating paddy in the rainy season. However, farming is hampered by a continuous problem of salinization. There are no irrigation facilities and locals complained that they have not been assisted by the government, such as through the provision of special seeds that can cope with salinity.<sup>13</sup> People do not have access to credit either. These problems have been worsened since the super-cyclone struck the coast of Odisha in October 1999, with wind

speeds of 260 km/h and a storm surge that travelled nearly 20 km inland entirely submerging low-lying coastal villages (Chhotray and Few 2012).

Government provision for alternative livelihoods has been thin and is a sore point with the local communities. Odisha (along with two other coastal states, West Bengal and Gujarat) implements the Integrated Coastal Zone Management Plan (ICZMP), an integrated approach coordinated by the central Ministry of Environment and Forests, the World Bank and the state government to 'coordinate the activities of various government agencies and departments for the sustainable management and usages of coastal resources maintaining the natural environment'.<sup>14</sup> ICZMP has a livelihood security component aimed at fostering support to fishers in the coastal stretch in southern Odisha (Gopalpur to Chilika) as well as northern Odisha (Paradeep to Dhamra) (the latter covers our study sites), but has had limited impact till date. The main model of help is through SHG based financing, but this is not understood to constitute a viable alternative to earnings from fishing.<sup>15</sup> Moreover, local fishing communities widely observed declining fish catch, which they attribute to industrial pollution and the dumping of effluents into the river Mahanadi and its tributaries. The irony of the situation is that women and men from these sea side villages regularly seek daily wage in these very factories.

This wider economic context is extremely important even as we try to reconstruct the story of how marine fishing began in these northern parts of the Odisha coastline. As Bengalis from both West Bengal and former East Pakistan (and later Bangladesh) arrived into these parts, they cleared densely forested and unoccupied lands and began fishing in rivers and estuaries. But as the restrictions against entering the Bhitarkanika sanctuary area became enforced more strictly and even more people arrived, they gradually inched towards the sea and tried small-scale fishing. This was quite an important development, as traditionally, the principal Odiya fishing castes (*kaibartas, gokhas and rajabanshis*) have fished in rivers and estuaries, but not in the sea. The only sea fishing in Odisha therefore, until the Bengalis began, was restricted to the *noliyas*, a community originally from Andhra Pradesh, but with long roots in Ganjam and Puri districts of Odisha state.

At first, the Bengali fishers used very small non-motorized dinghies, gradually moving on to motorized boats and more advanced fishing nets than Odiya fishers had traditionally employed. These were colloquially called *Hilsa* nets, designed to catch this prized fish, whereas Odiya fishers had generally used *patia* nets for their river fishing. The movement of Odiya fishers towards sea fishing probably took place around the 1980s, prompted also by the rising demand for marine fish all over India. This has also been reflected in changing diets in Odisha with the greater consumption of sea fish.

Quite understandably, the arrival of Bengalis into these parts and their initiation of sea fishing is a subject that evokes complex reactions all around. On the one hand, Odiya fishers we interviewed spoke admirably of Bengali fishers for having introduced them to new modes of fishing by sea. On the other, a number of local Odiya respondents mentioned that Bengalis owned gill net boats and had become greatly prosperous in comparison with other Odiya fishers from these parts. For example, the Odiya President of the Utkal Kesari Primary Marine Society from Rajnagar block in Kendrapara spoke of the society's efforts to promote the interests of fishers practising 'traditional' techniques, 'unlike the Bengalis' who were 'prospering' through gill net fishing (though he did admit that several Bengalis were also members of the society).

Moreover, an Odiya environmentalist from Operation Kachhapa, who also takes a keen interest in local fishers' matters, observed that the new Bengali settlers 'got sufficient income from fishing in estuarine areas and they also did paddy cultivation in the mangroves', and this enabled their transition to motorized fishing.<sup>16</sup> He added that it was the rising population of Bengalis (from Bangladesh, after 1971) that in fact made it impossible for the local Odiya fishers to continue fishing in rivers and estuaries, 'forcing them to go to the sea'. This narrative clearly downplays the contribution of the Bhitarkanika National Park and its restrictions in the transition towards sea fishing.

The Bengali sarpanch of Matsyapalli gram panchayat explained the story a little differently. He emphasised the hardship by Bengali settlers in the early years, when they came to find a new life in lands that were of little interest to Odiya people (who had 'occupied all the nice lands and were scared to live in these areas'). He also talked about the conflicts that Bengalis faced from Odiya caste fishers when they initially tried to fish in rivers and estuaries. It was only later when they carved a niche with sea fishing and earned profits (in the years before the sanctuary came into effect), that Odiyas became more interested in sea fishing. In more than one conversation with Bengali fishers, we detected a strong sense of discovery and pride when they recalled their entrepreneurial journeys, albeit these are now tinged with frustration at the restrictions imposed by the sanctuary.

While such sentiments are important, they must not distract us from the larger class context of marine fishing where we see poor small fishers- both Odiya and Bengali- engaged in a conflict with the state over fishing rights due to the imposition of the sanctuary. Moreover, as this section has emphasised, wider economic pressures on the fishing and farming livelihoods of the coastal people have been exacerbated through the conservation initiatives of the state. And it is in this context, that we find the genesis of a new indigenist assertion that questions the presence of Bengalis, by labelling them as outsiders.

The bigger economic and demographic context of the marine fishing population in Odisha reiterates the common challenges being faced by the Odiya and Bengali small fishers of interest to this study. According to DoF (2002 cited in Salagrama 2006), there are just over a million fishers in the state, and a third of a million are marine fishers. Only 86,500 are active marine fishers and the total number of fishing boats is about 12,500, which suggests that the large majority of active fishers work as fishing crews and are extremely poor (*ibid.*). Besides, as previously mentioned (in section 2), many fishers who work as crew members now do so because of the wider reduction in the numbers of traditional craft, and many more still are underemployed.

Motorization of fishing craft began in 1956 but both motorization and mechanization gathered momentum only after 1980, with the availability of increased government support. Motorized traditional craft increased from 5 in 1985/86 to 3643 in 2000/1 (DOF 2002 cited in Salagrama 2006: 20). The contribution of non-motorized boats to total fish landings concomitantly declined, from 52.5 % in 1985/86 to 33.4 % in 1996/97 and only 24 % in 2000/01 (*ibid.*). Over the same period, the contribution of the mechanized sector (including small, large and deep sea trawlers) to total landings increased from 25,000 to 89,000 tonnes (*ibid.*). While in 1987, there were 745 mechanized boats operating along the Odisha coast (of which 470 were trawlers and the rest were gillnetters),<sup>17</sup> in 2015, this number had increased to 1754.<sup>18</sup> 85 % of these mechanized vessels are trawlers.

Data on income earnings disaggregated according to these different categories of fishers are not available due to the largely unorganised nature of the sector, the dispersed nature of landings and various seasonal differences in income and migration (Salagrama 2006). However, the vast majority of marine fishers involved in non-mechanized (including artisanal) fishing are poor. Other links in the fishing chain like trader financiers, commission agents and boat builders are regarded as relatively better off compared to boat owners and crew members, but 'most livelihoods at best provide subsistence earnings that are subject to seasonal swings and shocks' (Salagrama 2006: 32). Even those in the mechanized sector are typically not very rich, and their livelihoods are tenuous on the whole.

An example from Matsyapalli village will illustrate the difficult economic situation of small fishers living next to the Gahirmatha marine sanctuary. There are 2000 households approximately; a quick estimate gathered during a focus group discussion revealed that roughly 115 have motorized boats with gill nets, another 200 have non-motorized boats only and the rest simply work as fishing crew on other boats or trawlers and practise subsistence cultivation. A typical new FRP (fibre reinforced plastic) boat costs nearly 3,00,000 rupees at current prices, and a gill net may cost between 70,000 and 2,50,000 rupees depending on its size. Besides, there are annual costs of maintenance (2000–30,000 annually on an average) and operation (a typical 4–5 day fishing trip costs nearly 8000 rupees towards fuel, ice and food). Our sources in Matsyapalli explained that even in an optimal scenario of a quintal of Hilsa caught and sold at 100 rupees per kilo in the wholesale market, it would not yield a clear profit once operational and maintenance costs were taken into account. Compounded with the fishing ban during the peak hilsa season, plus ever falling fish catch and fish seizures by forest department guards, there was no guarantee of making ends meet. The condition of assetless crew members is even more abysmal.

Boat owners are also dependent on middlemen (*gaddiwallas*) for finances, and typically receive advances to finance their fishing trips in return for selling their catch. They also pay a percentage of money (4 % according to the middlemen, 7 % as per Matsyapalli fishers) earned at the 'auction' in the wholesale fish market at Paradip, as commission to these middlemen. There are reported malpractices of middlemen 'fixing' prices with selected fish traders at below market prices and splitting the difference amongst them, depriving fishermen of their full share. Boat owners are unable to repay their advances if they suffer repeated losses. There have been a number of distress suicides in Matsyapalli. Crew members are inevitably affected too, as their earnings are restricted to sharing only 50 % of the total value earned by the boat owner. Many of them have turned to daily wage work.

It is clear that small fishers engaged in gill netting are positioned at the bottom of the marine class hierarchy.<sup>19</sup> In Odisha, most gill netters are non-mechanized, with simple motorized boats, though a small proportion of gill netters are also mechanized.<sup>20</sup> Historically, gill netters have opposed the introduction of trawlers along the Odisha coast, and smaller trawlers in turn have resisted the entry of larger capacity trawlers. The Paradip Marine Primary Fish Production and Marketing Cooperation Society Limited comprises of 175 members, that are all owners of Sona boats (small sized trawlers), and it has resisted the entry of large trawlers into the Odisha coast from neighbouring Andhra Pradesh. They are all opposed to deep sea trawlers and foreign fishing vessels especially as these allegedly foray into near sea waters illegally. It is hardly surprising then that *all gill netters*, Bengali, Odiya, and Telugu, are united in their view that the largest turtle deaths are in fact caused by trawl nets.

### Social relations amongst fishers and the construction of Odiya environmentalism

This is an appropriate point in our narrative to take a critical look at the unfolding social relations amongst Odiya and Bengali fishers by the Gahirmatha sanctuary over time, referring in the process to the construction of a uniquely regional environmental discourse. This discourse relates to the indigenist-regionalist eco-nationalisms characterised by Sivaramakrishnan and Cederlof (2012), which as we have discussed earlier, are distinguished by assertions of indigeneity and claims to authenticity with respect to particular places. We are equally interested in describing the problems with this narrative as revealed by the concrete reality of everyday fishers' relations.

The *kaibartas* are the Odiya fishing caste group that ran into early troubles with the incoming Bengalis. In a historical sense, river fishing has been a matter of great pride and custom for the *kaibartas*, generally regarded to be the most enterprising and proudest of the fishing castes (Tietze, 1985). In previous decades, they were a relatively cohesive caste group, under the aegis of an old inland fishing cooperative founded in 1962, by the name of the 'Kalinga Karnadhar Fishermen's Society (KKFS). In fact, the society claims exclusive easementary rights over 57 river mouths within Jagatsinghpur and Kendrapara, two large districts along the northern coast.

In a personal interview, Behera, the principal *kaibarta* leader displayed a proud identity through a historical narrative of *kaibartas* as the 'sons of Odisha' who fought against a succession of invaders from pre-British through to colonial times.<sup>21</sup> He claimed that in 1861, the king (of Kujang, Jagatsinghpur district) had rewarded their loyalty by granting them sole responsibility over these 57 rivers (renamed as *sahar pentha*), in exchange for a yearly tax of 561 rupees. The modern society campaigned for state recognition of its customary privileges, which was eventually granted by the state government in 1972. As the *kaibarta* society pays an annual 'tax' to the government, it required that any non-*kaibartas* that fish in these rivers must in turn pay a fee to the society.

As a result of these restrictions and the proprietary influence claimed by KKFS, there were severe clashes between the Odiya *kaibarta* caste fishers and the incoming Bengalis who began fishing in the rivers and estuaries of these parts in the 1970s. We heard that Bengali fishers also formed their own cooperative society ('Jay Jagannath Society) in 1986, in order to organise themselves given these circumstances. On the 21<sup>st</sup> of August 1987, there was a physical scuffle between Bengali fishers from Matsyapalli and other villages and Odiya *kaibartas*. The police got involved and some officials from the state revenue department apparently reiterated the 'customary right' of *kaibartas*. This then led to a court petition by Bengalis in the Revenue Court and later the High Court. There was a huge mobilisation from several Bengali dominated villages in the area.

We did not independently investigate the outcome of this petition, but we received very different accounts of what followed from the two sides. Behera said that the courts upheld the traditional rights of the Kalinga Karnadhar Society, and he had been magnanimous later and 'allowed' Bengalis to fish in these rivers of Kendrapara for free after 'they apologised for their misdeeds'. In contrast, the Bengali Sarpanch of Matsyapalli told us that Bengalis had 'won' the right to fish in the rivers on the Kendrapara side. Even at the time of fieldwork, many Odiyas in Ambapalli believed that the Bengalis 'lost' their case because the High Court demanded caste certificates which the Bengalis could not produce.

The case is firmly in the past, though memories of it still produced strident positions by those whom we spoke to. In the present day, our research in Narayanpur and Ambapalli villages confirms that enforcing the old strictures has become quite difficult; multiple smaller sub-groups of *kaibartas* engage in separate acts of vigilantism producing a rather diffused network of *kaibarta* authority in the rivers of coastal Odisha. There is also no clear acknowledgement anymore of Behera's leadership, though he is well known in this parts. As for the KKFS, Behera himself admitted that 'politics has divided the society, and that members are supposed to pay the tax at regular basis, which is not happening'. There is a real question of the society's contemporary relevance, especially in dealing with new challenges facing fishers.

Interestingly, the general economic pressures described earlier are compounded by a feeling that the government is not doing anything for the 'caste fishermen', and the ensuing anger that outsiders- mainly Bengalis- have spoiled everything. The old *kaibarta* leader ruminated that in fact, Bengali immigrants were responsible for despoiling a quintessentially Odiya fishing culture, which was based around river mouths and estuaries. He said that they had exhausted rivers and estuaries of fish and strayed into the sea, disturbing breeding fish even as they journeyed through the river mouths. As the conversation progressed, so did his claims, as he constructed a discourse of difference between Odiyas and Bengalis with respect to their fishing practices: 'Bengalis simply do not use the kinds of nets that we *kaibartas* traditionally do. We use large threaded nets, whereas they use very fine nets.' He continued, 'They are responsible for the death of the Olive Ridley, and are exporting these to Bangladesh'.

Another key proponent of this kind of narrative is the environmentalist from OpK, a well-regarded body that has worked to highlight the grave and composite risks being faced here, including illegal fishing by mechanized boats and foreign vessels (see Wright and Mohanty 2006). But referring especially to Matsyapalli, the principal OpK spokesperson said: 'They have lots of gill nets. Some of the people have 4–5 boats. And because most of them are Bangladeshi refugees- as it is, there is a huge proportion of illegal immigrants. They do not have refugee status actually....I had filed a court case in 1998 for seeking an eviction of all illegal immigrants. But there was political pressure so these people are still hanging on'. He continued: 'the entire fisheries in the state has collapsed because of *these Bangladeshis* only...they have used every kind of fishing method to wipe clean the rivers and oceans of fish, and even put nets at the mouths of rivers.'

Our research showed that some of these arguments can be challenged. First, it is increasingly difficult to claim that only Bengalis do gill netting. 'Traditional' stick and net fishing practised by Odiyas in rivers and estuaries is on the decline, and some Odiya fishers have made the transition to motorized gill net fishing, and many more are keen to do so, though they have understandably been impeded by their general lack of resources and discouraged by the ongoing sanctuary restrictions. And second, it is the type of net used that is crucial and gill nets may be either 'monofilament' or 'multifilament'.<sup>22</sup> The latter is considerably thicker and said to be safer for turtles as they can escape more easily. We also heard from a number of Bengali gill net fishers that they used the *hilsa* and *kani* nets that allowed larger fish and turtles to escape. They also claimed to observe a strict restraint against using the *vecti* and *telia* gill nets where turtles get easily stuck. However, perhaps this is not the most interesting point to be made.

Following our previous discussion of the rise of regional environmentalisms that are indigenist-nativist in orientation, it is fascinating how a distinctive Odiya environmental discourse about the destructive effects of Bengali immigrants has taken shape. We also note the repeated references to illegal immigration from Bangladesh. The historical developments concerning the Indian state's treatment of refugees, post 1971, are significant here, especially the most recent 2003 amendment which creates new barriers to citizenship for those whose parents may have entered India illegally. This environmental narrative or environmentalism which emerges as a response to the debate on fishing rights in and around the sanctuary itself is specifically enabled by this history.

And yet, as the wider scholarship has shown, the plethora of indigenist assertions and regional eco-nationalisms that potentially exist across the Indian sub-continent are essentially claims, often by dominant elites, who resort to these narratives as a mode of exercising power. In this case too, these are only claims by disparate actors who have no unified position on the larger debate about fishing and marine conservation. More importantly perhaps, the environmentalism we describe has a rather limited hold on everyday interactions between Bengalis and Odiyas in these parts.

Some reactions are worth reproducing. When we discussed in a focus group discussion at Matsyapalli that some people were of the opinion that not only were many Bengali fishers of illegal standing, with 'fraudulent Indian citizenship papers', they were also 'sheltering their friends' and 'relatives' from Bangladesh, the reaction was of total outrage. Our respondents in Matsyapalli posed the logical counter question that if there was indeed infiltration by sea, then 'what was the coastguard doing'? More importantly, they identified strongly as citizens of India, with 'proper' documents and a very clear sense of affinity to these lands and seas. One respondent summed it up for most when he said, 'We will never think of doing something against India. We are born here and maybe we have an ancestral history of Bangladesh, but we consider ourselves as Indians. We have been staying here with our cattle, coconut plants and family members'. Some even questioned the rights of fishers from neighbouring states like Andhra Pradesh to fish near this coast. An interview with officials (who were all Odiya) at the marine police station in Matsyapalli also did not provide any evidence to corroborate this 'infiltration' thesis.

We discussed the same issue amongst Odiya fishers in Narayanpur and Ambapalli and received a very similar reaction. People did say that Bengalis had come into these areas from Bangladesh after the country was formed in 1971 (which is a well-known fact nationally), but also that these processes of immigration had also slowed down over the years. The 2005 episode had come as a massive shock to these local communities, Odiya and Bengali, who have been coexisting in close proximity over the years. When the 'quit India' orders had been issued, then there had been a general outpouring of solidarity with those affected, barring a few isolated incidents. Eventually a 'united' Bengali-Odiya front formalised into a body called the Utkal Banga Suraksha Samiti (translated as 'Odisha-Bengal Security Committee') or UBSS that organised demonstrations, threatened road blockades in the event of police action and facilitated political attention into this issue. As the years have passed, nothing more has been done by way of 'deporting' those identified, though many people who find themselves on this list have had their identity documents 'nullified', which is producing other consequences (Chhotray 2016).

On this basis, we can conclude that there is limited traction of such Odiya environmentalism in the everyday social life of the fishers living close to the Gahirmatha

sanctuary. The basic struggle being waged by these fishers is a class one, where they compete with larger trawling vessels for fishing in the context of severe restrictions imposed by the sanctuary. This is also revealed in the struggles of the Odisha Traditional Fishworkers Union (OTFWU), a registered trade union of fishers along the coast that claims to represent the class interests of all *traditional* fishworkers from Balasore in the north to Ganjam in the south. It came into existence in the late 1990s with the 'merger' of local fisher associations protesting against the illegal entry of trawlers from Andhra Pradesh into the Odisha coastal zone. Over the years, the union has taken up issues on behalf of marine fishermen all along the Odisha coastline; be it trawlers in Ganjam, prawn aquaculture in Balasore and Bhadrak, and the marine sanctuary in Kendrapara. It organized very energetic protests after the imposition of a blanket fishing ban in Gahirmatha, but has struggled to be effective in the face of continued restrictions and patrolling of the sanctuary.

However, the Union's claim to represent *traditional* fishers has led to some acrimony in recent years. Some Odiyas, including Behera, the environmentalist from OpK and a few other fishers, have raised questions about how *outsiders* like Telugus and Bengalis should legitimately be a part of the Odisha 'traditional' fishworkers union. One argued that 'traditional' in Indian law refers to those 'who have been living in these areas for at least 2–3 generations, or 25 years', and he cited the example of the recently enacted Forest Rights Act 2006 to identify indigenous forest dwellers. These arguments are framed in terms of a particular reading of Odiya indigeneity, but were vehemently challenged by many of our Bengali respondents as well as the Telugu Secretary of the OTFWU. They asserted that such viewpoints were merely divisive strategies that deliberately denied their long standing involvement with fishing. For the latter group, it was their class position as small fishers that was the basis for the pan-coastal union of interests. On the whole however, such arguments that favour 'Odiya indigeneity' as a prior basis for claiming a 'traditional' position do not translate into anything particularly consequential.

### **Justice at Sea**

In this final section, the paper returns to the ever pressing matter of the sanctuary and what its restrictions actually mean for the fishers that negotiate its boundaries daily. The paper contends that it is at sea, where fishers, both Bengali and Odiya, and of all sizes, encounter authority. The state passes into material form, in the form of 'guns and guards', and there is an opportunity to witness the injustice of conservation that is already well documented.

In Gahirmatha, the injustice of curtailed access is magnified as fishers, both Bengali and Odiya, consider that the state is cynically disinterested in finding a rational solution to the 'impasse' of seemingly irreconcilable interests between fishers and conservation. They make two points: one, a yearly ban to fishing is not necessary at Gahirmatha because turtles nest between January and March, and there is no need to keep fishers out in November and December, which are the key months for *hilsa* fishing, and two, the only passage to the open sea (beyond 20 km of the restricted sanctuary area) is through the sanctuary (at the Barunei river mouth at Hukitola). They want the state to renegotiate the rules of access through the sanctuary, and especially smaller fishers want to be allowed to fish near shore during the peak season.

The predictable response of state officials is that the yearly ban is not only for Olive Ridleys but for the health of the marine ecosystem on the whole, and fishers have other

avenues to do fishing. Forest department officials also talk of an alternative route to the sea that is not through the sanctuary. While this suggests a disjuncture of knowledge between the state and fishers, there are other factors that have eroded mutual trust. Typically, fishers complain that they are stopped as they are returning through this passage, often with fish caught *outside* the sanctuary, and their goods seized by lower level forest guards, even as they have no other route. With this motive, forest officials generally issued no receipts for fines charged. Senior forest officials dismiss this story by squarely blaming fishers for cynically stealing from the sanctuary out of greed. Fishers of all sizes insinuate that the state has a vested interest in allowing the status quo to continue. Trawler operators too reported that forest officials tried to extract a much higher penalty than the value of seized fish. Allegedly, forest officials did not follow the recommendation of the Central Empowered Committee, which was constituted upon the orders of the Supreme Court in 2004, to 'auction' all seized fish from the sanctuary in the presence of trade union representatives.<sup>23</sup>

Complying with as well as enforcing the law is difficult at sea. While denying any intention of transgressing sanctuary boundaries, fishers of all sizes resort to the familiar argument about technological lapses. Small fishers say they do not have GPS systems, while trawlers claim that their GPS systems often fail. And yet, trawlers are more effective at fishing inside the sanctuary and getting away quickly. There is a very strong sense of injustice amongst smaller fishers that do get caught. The marine class system can thus have very palpable consequences at sea, especially with respect to the enforcement of sanctuary boundaries by the state.

Enforcement of the law is difficult and risky for the state. Trawler crews have been known to use intimidation tactics at forest guards (Wright and Mohanty 2006), even throwing dynamite on occasion. State officials complain that the police are of little help during these 'encounters' as they are unfamiliar with the sea. There are regrettable consequences for both sides. In March 2003, three forest guards were reportedly 'abducted' by two gill net boats and one guard was pushed aboard and died. In 2005, a small fisher from Matsyapalli was shot dead by a forest guard, and a public controversy erupted here over how the government had 'tried its best' to project the dead man as a 'Bangladeshi pirate'. The Sarpanch told us how the villagers refused to cremate his body until the government had withdrawn the charges, which it did, and also paid a substantial amount of ex-gratia payment to the family of the deceased.

This tragic incident contains a powerful illustration of how an abstract and nebulous environmentalism can sometimes produce extremely serious effects. This is in fact a very sensitive subject, and one that the Odisha state government generally refrains from publicly escalating. As one forest official said, "Forest people and coast guards check papers at sea, registration papers, proof of ID, fishing licenses, and they all show that the fishermen are residents of Odisha. No doubt they are not Odiyas, but it is not the case that only Odiya people will live in Odisha. It cannot be".<sup>24</sup> The same issue elicited a very different reaction from the environmentalist from the OpK: 'You see, I have got experience of working in that area, since 2005–6, personally going along with the forest department and patrolling boats in the sea. So many times during seizure of boats, they will say that they are from local Odisha villages, and yet, they will not be able to produce a single document and all of them will be speaking in Bangladeshi dialect, which is different from that of Midnapore (in west Bengal).'

And once again, the 'politics of authenticity' that so often constitutes indigenist-regionalist imaginations of eco-nationalism, as the one described in this paper, appears. The discourse itself is facilitated by a particular kind of historical role adopted by the state, but it may also mediate the various contingent acts of the state's multiple actors.

### **Conclusion**

In this paper, the notification of a marine sanctuary accompanied by wider economic pressures create the context in which questions are raised about legitimate resource rights. The setting is the arrival of Bengali immigrants into the Odisha coast and the transformation of the fishing landscape here through the onset of marine fishing. The paper substantively describes how a historical context of resistance to the incoming Bengalis by Odiya caste fishers is magnified through contemporary economic constraints and the restrictions imposed by the Gahirmatha marine sanctuary, giving way to the construction of a distinctive regional Odiya eco-nationalism. This particular environmentalism emphasises the prior rights of indigenous Odiya traditional fishers and highlights the destructive influence of illegal Bengali immigrants. The paper also draws attention to the particular role of the Indian state, especially in its laws and policies towards immigrants and refugees, in enabling the making of such an environmental discourse. Importantly, the paper shows that this environmentalism is constituted by various different disparate voices that lack any unified position or even politics.

While the paper has been interested in revealing the construction of such a discourse, it has been equally keen to analyse its uneasy juxtaposition with the reality of fishers' lives and social relations. It explores the limits to Odiya environmentalism, as described, through fieldwork where Bengali fishers widely reject the accusations levied, and most Odiya fishers do not lend credence to these either. It draws from the important demonstration of Odiya-Bengali solidarity after the terrible 'quit India' directives of the 2005 state order. These discussions further underpin the central point of the paper that, in fact, the main line of struggle being witnessed is between small fishers and the state, within the wider economic context and the pressures of the sanctuary. The paper develops this point at some length, drawing out the common economic constraints faced by small fishers, both Odiya and Bengali, and their low position within the marine class hierarchy. But equally, even as these basic conflicts are re-enacted at sea, the paper shows that there are moments when such environmentalism can have profoundly serious and tangible effects.

Finally, the injustice that conservation policies may contain for local communities is a well-known theme within the wider scholarship. In this paper, we have also spoken of how conservation itself can be interpreted as a dominant way of visualising the proper use of nature, through metropolitan secular projects for national improvement backed up by concrete and often oppressive state interventions. In addition, there may be multiple indigenist-regional narratives around resource use and resource rights that map on to particular notions of regional spaces nested within a larger nation, imaginings of which are not unified either. In this paper, the particular contours of a regional Odiya eco-nationalism connect with ideas of territorial sanctity and the abhorrence of 'infiltration' by immigrants, as systematically incorporated into successive laws and state policies. In a larger sense then, the paper seeks to draw critical attention to the injustice of misrecognition, through misrepresentation and framing that environmental discourses might engender, although its precise effects may vary from one context to another.

## Endnotes

<sup>1</sup>All villages names have been changed to preserve anonymity.

<sup>2</sup>A *gram* or village panchayat is the lowest unit of the three tier system of elected local government in India.

<sup>3</sup>Map courtesy Sudhanshu Behera. Prepared with Arc GIS Software, 2011.

<sup>4</sup>Refer to Gupta and Sharma (2008) for an interesting perspective on how state restrictions impact upon cross border movements of coastal fisherfolk in South Asia

<sup>5</sup>Interview with Retired Deputy Director Fisheries, Cuttack, April 2012.

<sup>6</sup><http://www.odishafisheries.com/website/production/fish/sector.htm> (Accessed 6 Jan 2016).

<sup>7</sup><http://www.odishafisheries.com/website/production/fish/sector.htm> (Accessed 6 Jan 2016).

<sup>8</sup>Interview with retired Deputy Director, Fisheries, Cuttack, April 2012.

<sup>9</sup>Interviews with fishers at Matsyapalli village, April 2012.

<sup>10</sup><http://www.ndtv.com/india-news/odisha-unveils-roadmap-to-boost-fish-production-1207287> (Accessed 6 Jan 2016).

<sup>11</sup>The Citizenship Amendment Act 1985. Text paraphrased from <http://lawmin.nic.in/legislative/textofcentralacts/1985.pdf> (Accessed 6 Jan 2016).

<sup>12</sup>The Citizenship Amendment Act 2003. <http://indiankanoon.org/doc/949775/> (Accessed 6 Jan 2016).

<sup>13</sup>Focus group discussion with women in Matsyapalli village, November 2011.

<sup>14</sup>[http://www.iczmpodisha.org/aim\\_and\\_objective.htm](http://www.iczmpodisha.org/aim_and_objective.htm) (Accessed 7 Jan 2016).

<sup>15</sup>Implemented through the Fisheries and Animal Resources Development Department, this component aims to provide alternative livelihoods options to 80 fishing villages comprising 600 self-help groups (SHGs) and more than 9000 families in both coastal stretches. The sarpanch of Matsyapalli gram panchayat told us that there ought to be about 300 SHGs in Kendrapara district, but approximately 60 SHGs had been formed (at the time of the interview in 2012). He also reported that money came to each SHG through phased instalments, which was 'demoralising' for members.

<sup>16</sup>Interview with environmentalist, Operation Kachhapa, March 2012.

<sup>17</sup>[http://eprints.cmfri.org.in/3331/1/Special\\_Publication\\_No\\_32.pdf](http://eprints.cmfri.org.in/3331/1/Special_Publication_No_32.pdf) (Accessed 6 Jan 2016).

<sup>18</sup>[http://investodisha.org/download/Odisha\\_Fisheries\\_Policy\\_2015.pdf](http://investodisha.org/download/Odisha_Fisheries_Policy_2015.pdf) (Accessed 6 Jan 2016).

<sup>19</sup>Gill nets are vertical net panels (about a km or two in length and around 15–20 ft deep), propped up by weights against a wall. Trawl nets on the other hand are meant to scrape the bottom of the sea, though mid-water trawling is also practised in certain parts.

<sup>20</sup>Interview with retired Deputy Director, Fisheries, Cuttack, April 2012.

<sup>21</sup>Interview with Behera, self-styled leader of the *Kaibartas* and prominent environmental campaigner, Paradip, April 2012.

<sup>22</sup>Conversations with fishing net knitters, Paradip, April 2012.

<sup>23</sup>Interview with Secretary, OTFWU, Cuttack, April 2012.

<sup>24</sup>Interview with ADF Marine Fisheries, Cuttack, April 2012.

## Additional files

**Additional file 1:** Map of Kendrapara district showing Bhitarkanika National Park and Gahirmatha Marine Sanctuary and the study village, Matsyapalli. (JPEG 7621 kb)

**Additional file 2:** Fisheries Production Chart. (DOCX 15 kb)

### Competing Interests

The author declares that she has no competing interests.

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