

Chilika Lake: A Story of Activism and Legal Intervention

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ABSTRACT

What if the traditional, longstanding rights communities have upheld for generations are stripped away? What happens when primary resources are opened to large corporations? How does a community respond when government policy threatens its livelihood? People or communities affected by such decisions don't stay silent or passively accept these decisions. They react and question these decisions. Just as the state tries to shape society with its policies, affected groups push back, challenge, and try to redraw the picture of society in response.

This article narrates the story of the fishing community's activism against the backdrop of the 1991 lease policy of the Orissa government, which the fisherfolks said undermined their exclusive and ancestral rights and allowed big corporations entry into the lake for aquaculture farming. The fishing community launched the Chilika Bachao Andolan and filed three Public Interest Litigations in the Orissa High Court. They aimed to overturn the 1991 lease policy that allowed corporations into Chilika Lake, demanding a restoration of their traditional rights.

Keywords: *Lease Policy of 1991; Fishermen Cooperatives; Chilika Lake; Aquaculture Farming; Mafias; Chilika Andolan; Public Interest Litigation; S. Jagannathan case*

HISTORICAL BACKGROUND

Orissa, located on India's eastern coast, is home to Asia's largest brackish water lake, Chilika Lake. Spanning three districts—Puri, Khurda, and Ganjam—the lake is pear-shaped, 64.5 km long, and 5 to 18 km wide. A 32 km channel, called Mugger Mukh, connects the lake to the Bay of Bengal. During dry months (December to June), high tides bring in saltwater from the sea, while monsoon rains replenish the lake with fresh water from 52 rivers and streams, creating a unique mix of salt and freshwater (Report of the fact-finding committee, submitted to the High Court, Orissa on 16th August 1993).

Chilika Lake, a biodiversity hotspot in India, hosts rare, vulnerable, and endangered species listed on the IUCN Red List (Ibid.). Nalaban Island within the lake is a designated Bird Sanctuary, while the lake itself serves as a vital breeding ground for endangered Olive Ridley Turtles. Recognized as a Ramsar Site, Chilika is a wetland of international importance and is prioritized for conservation by India's Ministry of Environment (Ibid.). The lake, once 5-6 meters deep, has been reduced to 1-1.5 meters due to siltation from 52 rivers and streams, which has degraded its ecology (Ibid.). This ecological shift led to Chilika's placement in the Ramsar Montreux Record in 1993. Surrounding the lake are 132 fishing villages with about 10 million residents, mostly engaged in fishing, a tradition passed down for generations. Others work in agriculture, salt-making, and related activities, with some fishing for subsistence

Fishing in Orissa is traditionally carried out by lower-caste communities, such as the Keutus and Nolias, who have fished Chilika Lake for generations, establishing rights through custom and mutual agreement. During the British colonial period, the government began leasing fishery resources to fishermen's cooperatives, which continued post-independence under the control of Orissa's Revenue Department (Uttar Chilika Primary Fishermen Cooperative

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Society, Writ petition no. 5643, 1992, p.15 also see Kholamuhana Primary Fishermen ... vs State Of Orissa And Ors. on 23 November, 1993, AIR1994 ORI191, AIR 1994 ORISSA 191). In 1959, the government established the Central Fishermen Cooperative Marketing Society (CFCMS) and associated Primary Fishermen Cooperative Societies (PFCS) to manage fisheries and distribute leases, ending the direct auction system (Uttar Chilika Primary Fishermen Cooperative Society, op. Cit p.18). Over time, nearby non-fishing communities began fishing to supplement their income, creating conflicts and leading to demands for fishing rights.

Although the government initially maintained the cooperative leasing policy, by 1991, it introduced a new lease policy which marked a significant change from traditional practices, affecting the rights of the fishing communities.

THE LEASE POLICY OF 1991 AND AQUACULTURE FRAMING

The 1991 lease policy in Orissa introduced two types of fisheries, "Capture" and "Culture." It divided "Capture" fisheries into smaller units leased to the Central Fishermen Cooperative Marketing Society (CFCMS) for three years, which would then sublease them to Primary Fishermen Cooperative Societies (PFCS), with a 10% yearly lease value increase. Each PFCS was granted a "Culture" fishery for three years (Ibid.), and the remaining "Culture" sources were leased to nearby non-fishermen (Ibid.).

A key aspect of this policy was the government's formal entry into prawn and shrimp aquaculture, driven by high global demand. Illegal aquaculture farming started in response to the global demand. Prawn farming, which yields quick profits led many locals to convert their fishing areas into culture ponds. Financial challenges among fishermen, such as poverty and debt, led to increased subletting of these areas to merchants and traders. Over time, this shift allowed traders to gain a significant stake in the lake's fishery resources, challenging the fishermen's traditional dominance.

Between 1988 and 1992, Orissa's prawn exports grew significantly, driven by a rise in Chilika Lake's prawn production and state revenue, which nearly doubled from 753.2 lakh rupees to 1400 lakh rupees (Ibid.). Fishermen's cooperatives subleasing fishery resources led to the emergence of absentee landlords, many based in Orissa's major cities and with strong political connections (Ibid.). This commercialization attracted mafias and enforcers to protect investments, causing concern among local fishing and non-fishing communities, who viewed the shift as harmful to their interests and united in opposition to the state's commercialization efforts.

In 1986, the Orissa government partnered with Tata for a semi-intensive prawn culture project, the Integrated Shrimp Farm Project (ISFP), which allocated 1,400 hectares of Chilika Lake for prawn farming. Though initially opposed, the project continued under the renamed Chilika Aquatic Farms Ltd. (CAFL), with the state increasing its stake to 49% (Tata's Secret Project, <http://www.indiaenvironmentalportal.org.in>). The plan included creating embanked ponds in Chilika for prawn culture, a hatchery, a feed mill, and a processing unit, promising job opportunities for locals (Ibid.). However, the project heightened local resistance to the commercialization and large-scale aquaculture in Chilika Lake.

CHILIKA BACHAO ANDOLAN

The entry of Tata and other corporations into Chilika Lake, combined with the 1991 lease policy and the poverty of local fishermen, led civil society to take actions that were detrimental to the interests of the fishing community and the lake. This resistance emerged in the form of the Chilika Bachao Andolan and legal action in the Orissa High Court, both aimed at challenging government policies on lake fisheries.

The movement focused on Chilika Aquatic Farms Ltd., a Tata-backed project, and raised critical questions about the lake's ownership, the role of big business in primary sectors, and the state's priorities—whether to protect local livelihoods or prioritize foreign revenue. The movement raised questions like: “To whom does the Chilika belong?” “If multinational corporations or big businesses enter the primary sector of the economy, where will the producing sections of society—the artisans, peasants, fishermen, and others—go?” “What is the priority of the state welfare of its people or to earn foreign exchange?” (Sarangi, C. 1995)

Concerns also included ecological impacts, such as potential harm to fish populations due to chemical use and obstruction of fish migration caused by embankments, which would disrupt natural breeding cycles and increase flood risk (Das, B. B. 1995b, 1995d.). The Chilika Bachao Andolan emphasized that the Chilika Aquatic Farms Ltd. project had proceeded without an Environmental Impact Assessment, despite the lake's status as a Ramsar-protected wetland and its location within the Coastal Zone Regulation area. This blend of social, economic, and ecological grievances unified the movement's opposition to the commercialization of Chilika Lake, arguing that the project violated multiple environmental laws and harmed both local livelihoods and marine ecology.

Launched by the Chilika Matsyajibi Mahasangha in January 1992, the movement opposed the commercial exploitation of the lake's resources and advocated for local control over them. Fishermen from 132 villages were joined by non-fishermen, students from Utkal University, journalists, and intellectuals, who viewed Tata's project as harmful to the poor. The movement's reach spread across Bhubaneswar, Cuttack, and Puri, with groups like "Meet The Students" and "Chilika Suraksha Parishad" formed to rally support and raise awareness about sustainable development and environmental protection (Das, B. B. 1995a.).

Several organizations supported the Chilika Bachao Andolan, including Ganatantrik Adhikar Suraksha Sangathan, Orissa Krushak Mahasangh, and Chilika Suraksha Parishad. They raised public awareness about the negative impacts of the prawn farming project led by Tata. Orissa Krushak Mahasangh emphasized the link between environmental protection and sustainable fisheries, arguing that Chilika should remain communal property, and opposed the leasing of lake land to outsiders.

These groups highlighted that the constructions for prawn farming obstructed floodwater flow and threatened fishermen's customary rights. The movement attracted political attention, with 21 MPs writing to the Prime Minister in May 1992 to halt Tata's project, and a conference in Delhi in July 1992 advocated for environmental clearance for the project. International support also emerged, with Germany's FIAN and the World Wide Fund for Nature in New Delhi advocating against the project (Sarangi, C. op cit.).

Amid widespread opposition, Union Environment Minister Kamal Nath ordered a halt to Tata's Chilika prawn farming project pending an environmental impact assessment. While the Water and Power Consultancy Services (WAPCO) assessment cleared the project, it was criticized by activists, prompting the Union Ministry to assign a second review. A three-member committee concluded that the prawn ponds could harm the lake's water quality, leading to the project's suspension. Despite this, the Orissa government and Tata defended the project, emphasizing its foreign exchange potential and dismissing opposition as intellectual activism.

The Chilika Bachao Andolan utilized public gatherings, awareness campaigns, and legislative debates, and took legal actions. Three Fishermen's cooperatives- Uttar Chilika, Kholamuhana, and Gajapatnagr- filed three Public Interest Litigations in the Orissa High Court, challenging the 1991 lease policy, which they argued infringed on their traditional fishing rights. 36 other cooperatives supported these fishermen cooperatives.

FISHERMEN COOPERATIVES AND LITIGATIONS

The three petitions, filed by fishing cooperatives against the 1991 lease policy, were consolidated into one case by the Orissa High Court. The petitioners argued that the policy:

- **De-recognized traditional rights:** It undermined the fishermen's exclusive rights to fish by allowing non-fishing communities access to culture sources. (Uttar Chilika Primary Fishermen Cooperative Society, Writ petition no. 5643, op.cit., p. 26)
- **Favored big business:** The policy invited large businesses to invest in aquaculture, further marginalizing local fishermen (Ibid., p. 31).
- **Bifurcated traditional fishing sources:** The cooperatives argued that dividing long-established fishing sources into smaller units would harm the fishermen's livelihoods and benefit non-fishermen and corporations (Ibid., p. 32).
- **Ecologically unsustainable:** The construction of embankments for prawn farming would obstruct fish migration, reducing the availability of fish (Ibid., p. 30).

- **Led to unemployment and hardship:** The policy threatened the livelihoods of fishermen, whose lives were closely tied to the lake (Ibid., p. 28).
- **Violated constitutional rights:** The cooperatives claimed the policy violated Articles 14 (equality), 19(1)(g) (right to occupation), 21 (life and liberty), and Article 46 (protection of the economic interests of scheduled castes and tribes) (Das. G.S. Committee Report on the Chilika Lake, p.1-3.).

The petitioners requested the court to declare the lease policy illegal and unconstitutional, urging the protection of traditional fishing rights and the restoration of old fishing sources.

DAS COMMITTEE REPORT

On 26th April 1993, the Orissa High Court appointed a committee to investigate the issues raised by the fishermen cooperatives in their petitions. The G. S. Das committee addressed several key questions regarding the rights of fishermen and non-fishermen, the impact of prawn culture on the lake, and the role of the mafia in the fishing trade. The committee's findings included:

- **Traditional rights:** Fishermen had long-standing rights to fishery sources (Ibid. p. 34-36.) while non-fishermen also had limited rights (Ibid.).
- **Sub-letting:** The practice of sub-letting fishing sources began in the 1980s with the advent of prawn culture, leading to the conversion of traditional fishing areas into prawn ponds (Ibid., p. 29-33).
- **Encroachments:** Non-fishermen and corporate bodies encroached on fishery sources, with the PFCs subletting to third parties and constructing embankments.
- **Mafia influence:** The committee highlighted the significant role of mafias in controlling the lake, engaging in illegal activities, and terrorizing local communities (Ibid., p. 34)
- **Marginalization of traditional fishermen:** The large-scale expansion of prawn culture marginalized the traditional fishermen, whose rights were usurped by non-fishermen and outsiders (Ibid., p. 64)
- **Flaws in the policy:** The distinction between 'Capture' and 'Culture' fisheries was found to be arbitrary, and the 1991 lease policy lacked safeguards against subletting and encroachments.
- **Ecological concerns:** The committee warned that intensive prawn culture methods were harmful to the lake's ecosystem, advocating for an environment impact assessment (EIA) conducted by experts (Ibid., p. 59)
- **Policy shortcomings:** The 1991 lease policy was deemed flawed for failing to address illegal encroachments and mafia control, contributing to the degradation of the lake.

The committee concluded that large-scale prawn culture was detrimental to both the fishermen's livelihoods and the environment.

COURT JUDGEMENT

After examining the case, the Orissa High Court reached several key conclusions:

- **Fishing rights of fishermen:** The court affirmed that fishermen have long-standing rights to fish in the lake, the lease policy had not compromised them. It rejected the claim that the policy had undermined their traditional rights (Uttar Chilika Primary Fishermen Cooperative Society, op. cit. p. 206.).
- **Rights of non-fishermen:** Although non-fishermen had not traditionally held fishing rights, they began fishing illegally due to hunger. The court acknowledged this and decided to grant them rights to some fishing sources to prevent conflicts and mafia influence. (Ibid.)
- **Mafia influence:** The court recognized the negative impact of mafias and illegal activities on both fishermen and non-fishermen in the lake and called for legal measures to control these issues (Ibid., p. 212).
- **Ecological concerns:** The court found that intensive and semi-intensive prawn farming methods were damaging the lake's ecosystem. It ruled that while prawn culture could continue, it should be done in an environmentally sustainable way. The court banned harmful methods and endorsed less damaging alternatives (Ibid., p. 212).
- **Tata's project:** The court halted the Tata project midway but did not fully reject prawn culture. It emphasized the need for a balance between state revenue and the welfare of the people, allowing prawn culture under controlled conditions.

This way TATA's were driven away but despite the court's intervention, illegal shrimp farming continued, causing problems for local communities. The administrative authorities struggled to address these new developments. In summary, the court balanced the rights of fishermen and non-fishermen, addressed ecological concerns, and placed limitations on prawn culture to protect the lake and local livelihoods.

S. JAGANNATH CASE

In December 1996, the Supreme Court issued a ruling in the *S. Jagannathan v. Union of India* case, banning prawn culture in coastal areas, including Chilika Lake. This Public Interest Litigation was filed by S. Jagannathan, Chairman of the Gram Swaraj Movement, which advocates for the welfare of weaker sections of society. The petitioner sought the enforcement of the Coastal Zone Regulation Act (CRZ) of 1991, arguing that intensive and semi-intensive prawn culture posed a threat to ecologically fragile coastal areas (*S. Jagannath vs. Union of India & ORs* on 11 December 1996). The court directed local authorities to close and demolish all shrimp culture ponds by March 31, 1997. This judgment, along with the earlier Chilika Lake case, prohibited intensive prawn farming methods, aiming to protect the environment.

TO CONCLUDE

The Chilika Lake case narrates the story of activism and legal action on behalf of the fishing communities to protect their livelihood and the lake. It highlights the competing interests between different societal groups over fishery resources. The Orissa government introduced a new lease policy in 1991 which the fishing communities held was undermining the exclusive, customary, and ancestral rights enjoyed by them since the times immemorial and was giving way to large corporations to enter to lake. For the fishing communities, it was a matter of livelihood, survival, and the ecological health of the lake, for others it was a matter of profit. The fishing cooperatives filed three writ petitions in the Orissa High Court, and many others supported them.

The court established a committee to look into the claims of the fishing cooperatives. After examining everything the court stopped intensive and semi-intensive shrimp farming methods. But the enforcement of the court's order proved challenging. With time smaller shrimps began to spring up with embankments significantly altering the region's landscape. "Mafias and goons" continue to control the lake, according to local fishermen who report that a large portion of the lake has been seized by outsiders for aquaculture farming. This has led to declining fish catches for the traditional fishing communities whereas the overall fish catch statistics suggest otherwise. Amid these challenges, the fishing community asserts that a renewed movement is necessary to protect the lake's ecosystem and secure their livelihoods for the future.

REFERENCES

Chilika Development Authority. (<https://www.chilika.com/home.php>)

Das, B. B. 1995a.. Environmental Movement in Orissa. Bhubaneswar: Orissa Krushak Mahasangh

Das, B. B. 1995b. Prawn Culture- A Demon on the Coast. Bhubaneswar: Orissa Krushak Mahasangh.

Das, B. B. 1995c. Prawn Culture in Orissa. Bhubaneswar: Orissa Krushak Mahasangh.

Das, B. B. 1995d. Chilika - The Nature's Treasure- Will it be allowed to die? Bhubaneswar: Orissa Krushak Mahasangh

Das. G.S. (1993) Fact Finding Report on the Chilika Lake .

Kholamuhana Primary Fishermen ... vs State Of Orissa And Ors. on 23 November, 1993, AIR1994 ORI191, AIR 1994 ORISSA 191.

Sarangi C. 1995. Chilika: Voice of the People. Krantidarsi Yuva Sangam. Bhubaneswar.

S. Jagannath vs. Union of India & ORs on 11 December, 1996.

Report of the fact-finding committee, submitted to the High Court, Orissa on 16th August 1993.

Tata's Secret Project, <http://www.indiaenvironmental> portal.org.in

Uttar Chilika Primary Fishermen Cooperative Society, Writ petition no. 5643, 1992. AIR, 1994, Orissa