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NATIONAL FISHWORKER'S FORUM

**REPORT
1995**

**Cherureshmi Centre
Valiathura, Thiruvananthapuram 695 008
INDIA**

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NATIONAL FISHERY WORKER'S FORUM

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1995



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Valluvar, Thiruvananthapuram 695 008
INDIA

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FOREWORD

The year 1995-1996 was a very hectic period for the NFF agitation against foreign fishing vessels. Definitely to make Murari Committee to agree on the 21 recommendations was a big victory. Further, the Rajya Sabha Standing Committee proposing total withdrawal of all licences issued to Joint-Charter-Lease-Test Vessels is another victory for us. Again, the same committee asked the Secretary of Food Processing Industry to make an apology before Parliament and submit all the files of those licences issued after 15th December 1996. Finally, that the Cabinet has decided to accept all the Recommendations is another major victory. It was a significant achievement that the Government of India agreed not to issue any new licence and decided not to renew any licence when the existing licenses expired.

However, we have not achieved our demand of cancellation of all the licences already issued. The Law Ministry has given the opinion that the immediate cancellation of all licences is not possible. Each licence must be looked into. So we have to continue our struggle till all the licences issued to Joint/Charter/Lease/Test fishing vessels are cancelled. Let us plan this at the next general body meeting in Porbunder.

Now we are facing a new situation concerning Coastal Zone Regulation. After seeing the destruction of the coastal zone in Nellore and Tanjavur through intensive mono shrimp culture, chemical factories and big hotels coming up within coastal zone, the Supreme Court intervened. The lobby who is determined to destroy the Coastal Zone wants either withdrawal of the CRZ or its amendment. On the other hand, we want to see the CRZ fully implemented. This can happen only if we take up the struggle for CRZ. Let us plan this at the next general body.

We have taken up previously the issue of women workers in processing plants. A lot of meeting and actions took place during the last one year.

All these are already being discussed in NFF 1995 Report. I am very happy to present this report. This Report is a stepping stone to 1996 and in the coming years.

I want to thank each and everyone who helped to published this Report. I thank SIFFS, NFF Office Secretary and Assistant and Don Bosco Printing Press for making 1995 Report a reality.

1-11-1996

Thomas Kocherry

NATIONAL FISHERWORKER'S FORUM (NFF)

ANNUAL REPORT - 1995

INTRODUCTION

- 1.1 The year 1995 was another year of life for the NFF. The series of struggles at the local level and continuous focus on the fisheries crisis at the national level have succeeded in raising a political debate even in the parliament this year. As a result, we may humbly state, that the NFF has gained the stature of a national trade union and the future of the coastal communities is on the national agenda. This year NFF was able to bring about collaboration with different people's movements, several trade unions in the unorganised sector and linking up with the central trade unions in India
- 1.2 As women all over the world met in Beijing and struggled to highlight the centrality of women in our society, the women leadership in the NFF made a breakthrough with the problems of the migrant women workers in the fish processing plants. The Public hearing organised on the "Struggles of Women in Fisheries" succeeded in drawing attention to their problems and opened up new areas for exploration.
- 2.1 **THE FISHERIES SCENARIO :** Though we had the highest marine fish catch - 2.7 million tons of marine fish and 2.1 million tons of fish from the inland sector- our fisheries scenario is not that bright. There is a decrease in the total marine catch in Kerala. There is stagnation in Gujarat and Maharastra. The traditional fishermen all over India are experiencing decrease in their catch. In the marine front, we were able to reach 2.7 million Tons because of increase of the area of operation and increase of crafts and gears both in the traditional sector and in the mechanised sector. However, there is a decrease in the catch per unit in all the sectors. This will definitely increase competition both in investment and in capture. It is alarming that there is no proper record of the catch of the big fishing vessels-Indian, Chartered, joint-venture and poaching foreign vessels because of mid-sea transfer of catch and 100% export oriented units.
- 2.2 Andhra Pradesh passed the Marine Fishing Regulation act which leaves only Gujarat out of the ambit of the fishing regulations among the maritime states.
- 2.3 Intensive mono shrimp culture is creating havoc in the country in general and along the east coast in particular. The fisherpeople are displaced due to pollution and depletion of fish. Drinking water is polluted and agricultural land is converted, mangroves are destroyed; the culture of the fisherpeople is threatened by this new invasion of the monopolists.

Question : Are you aware of the supreme court Judgement on this issue ? Has this become a problem in your area ? If yes, name the specific area. What can we do to fight it out ?

- 2.4 In the name of development and modernisation, building flats near the water bodies is the new fashion. All these flats are built by reclaiming wetlands, waterbodies, ponds and lakes. The environmental degradation effected by these reclamations is a new threat to the whole society. This is displacing people and fishworkers from their livelihood resources.

Question : Is this a problem in your area ? Name the specific location and the problem.

- 2.5 The Fisherpeople are becoming victims of constant atrocities by the foreign countries. In West Bengal, in Gujarat and in Tamilnadu the State Governments and the Government of India have miserably failed to protect the innocent fisherpeople.

- 3.1 **THE POLITICAL SCENARIO :** The new economic policy is alienating and displacing more and more people from their livelihood resource bases. These alienated and displaced people are slowly doing organised and fighting a political battle in India today. However the sustainability of such struggles and united efforts is still a big question mark.

- 3.2 The political parties have failed in responding to the needs of such displaced and alienated people. More and more regional parties are coming up. More and more political fronts at the national and regional levels are a reality today and yet the alienated and the displaced people are helpless in aligning with one or the other. there is lot of confusion and anxiety among us in taking a stand in the coming Loksabha elections.

Question : What do you think should be our stand in the coming Loksabha election ?

- 3.3 In the midst of such confusion and anxiety there is one clarity that alignment of the displaced and the marginalised is a must. We have to intensify our campaign against new economic policy, globalisation and market economy. We must fight for the basic needs of the people-food, work, water, education, health and shelter. We must fight for our right to life. We must fight for our control over resources - water, forest and land.

- 4.1 **WOMEN IN FISHERIES :** The last general body, which met in Trivandrum, stressed the need for organising a national workshop with a view to taking up the cause of migrant women workers in fish processing plants. Extensive study and surveys took place by different groups. Hectic preparations by contacting women workers in different places, resource persons and organising the Public Hearing and workshop on various issues that women face in different sectors of fisheries highlighted the interest and need to focus on these issues.

- 4.2 The public hearing on the struggles of women in fisheries' held in cochin on the 23-24 June '95 was a historic unique experience. The verdict of the Jury on the Problems of Migrant women workers in the processing plants is a classic one and indicates the manner in which the problem can be handled. We place the full text of the verdict of the Jury before you (See Annexure.)

- 4.3 Subsequently efforts have been made to inform the scattered workers about their rights and the NFF has submitted a list of names of the labour contractors to the Labours commission in Trivandrum. We have also demanded that the National Commission for women nominate the NFF to the monitor the treatment of women workers in processing plants. We hope that something positive will evolve in this direction in the coming year.
- 4.4 We take this opportunity to thank Justice V.R. Krishna Iyer, Justice Janakiamma, Advocate Indira Jaising and advocate Nandita Haksar. We also thank the women who narrated their untold miseries.
- 4.5 The workshop on various other problems faced by the women workers in fisheries opened up many more which we have to attend to. The fishvending women have to face victimisation from the religious institutions and from the society at large in the market. The fish picking women face displacement through reclamation of lakes, the fish drying women workers are facing displacement from mechanised fish drivers, the women net weavers face displacement for the introduction of net making machines. Women are speaking out their plights. In spite of women working at all levels in the fisheries sector, they are not considered as workers equal to men. The NFF feels challenged by this new awareness and fervour and will certainly try to respond.
- 4.6 We recognise and highly appreciate the efforts made by our women's team to further the gender awareness in the NFF. We realise that some of our member unions at state units have responded positively and some others have not. When the men have become more aware of the need to include women's issues on the agenda of struggle, the strength of the base itself has increased. We are convinced that we have to strengthen gender awareness and the participation of women in our organisation. For this we require adjustments in our organisational structure and a widening of our perspective in fisheries. We thank the members of the jury- Ms. Gabriel, Ruth Manorama & V. Vivekanandan. Also, we thank all those who prepared, organised and participated in the workshop- particularly Nalini, Aleyamma, Mercy and the women fishworkers.
- 4.7 As a follow up, to continue the work, the NFF executive decided to form a Committee with Aleyamma Vijayan as convenor and Mercy Alexander, Purnima Meher, Mini Joseph, Albertina and Thomas Kocherry as members. It was also agreed upon to appoint a full time to execute the decisions of this committee.

*Question : What efforts has your union/unit made in strengthening gender awareness ?
What specific women's issue did you take up this year in your struggle ? What measures do you suggest to increase the participation of women in the base and the leadership ?*

- 5.1 **OUR STRUGGLE AGAINST JOINT VENTURE :** The all India Fisheries strike held on November 23-24, 1994 was politically a crucial one. All the political parties intervened in the Parliament on December 14th and 15th and the Minister for Food Processing Industries was forced to freeze the issuing of licences and promised to appoint a Review Committee. Accordingly the Minister appointed the P. Murari Committee on 7th

February 1995. It was completely a Government committee. We had no faith in the Committee. In fact the Minister issued new licence on 16th December 1994 itself. Therefore the National fisheries Action Committee met on 18th March 1995 in Calcutta. We decided to continue the agitation. Accordingly the National Convenor of NFACAJV began hunger strike in Porbandar and Mass Satyagraha in New Delhi from 2nd May onwards was held. Simultaneously the coastal states went into supporting actions like Mass Satyagraha, Dharna, Picketing etc. Once again the agitation became an issue in the Parliament and the Speaker asked the Minister to hold talks with the agitating leaders and settle the matter. Accordingly the Minister held a discussion with us in the presence of 12 MPS on 18th May '95. The Minister agreed to withdraw all the licences issued for bull trawling and he agreed not to extend the licences already issued and not to give new licences. He also agreed to reconstitute the review committee and change the terms of reference. But within a few hours the Minister changed his stand and therefore we had no other choice but to continue the agitation. The NFACAJV met on 26th June in Cochin and decided to boycott P.Murari committee and proposed to have harbour blockade on November 23rd '95. It also decided to meet again to finalise the blockade and its strategies on 12th September in Vishakapattanam.

5.2 In the mean time the committee was expanded by including the National convenor and a few other leaders from the fishing industry and some coastal MPS. Though some MPS support our stand the Minister used this to include his own supporters. The National convenor after contacting some of the committee members decided to participate in the review committee with the intention of evaluating at the vizag meeting.

5.3 The NFACAJV met 12th September in Vishakapattanam and discussed thoroughly whether we should collaborate with the Review Committee. Though there was a strong reservation about the outcome of the review committee the NFACAJV finally decided that we should participate in the review committee as a part of our ongoing struggle within the committee and to expose the bureaucrats and the parliament members if they act against the interest of 80 lakh fisherpeople. The NFACAJV also decided to postpone the 23rd November harbour blockade indefinitely till the Review Committee report is ready. The NFACAJV further decided to organise mass rallies holding black flags before the sitting of the subcommittees of the review committee and to submit memoranda and to give oral evidence against the joint ventures and chartered vessels.

5.4 During the visit of the sub committees of the review committee the fisherpeople demonstrated their total rejection of the present DSF policy and demanded cancellation of all licences issued to joint venture. We thank each and everyone for this efforts. On September 25th NFF Chairperson had a long discussion with the new Minister for Food Processing Industries who assured him that he would implement the recommendations of the Review Committee.

5.5 The Political impact of the fishing community is very strong and we should convert this by consistent campaign to cancel the licences issued for joint venture. Through our contact we should influence the concerned fisheries Secretaries/Commissioners and parliament members so that they support our stand on deep sea fishing policy. This a

moment that is very crucial to act by organising hectic campaign and meaningful liaison. All the actions against foreign fishing vessels were decided and evaluated by NFACAJV. NFF general body should evaluate and ratify all these actions.

Question : What are your concrete suggestion for furthering the campaign and working towards a more socially equitable and sustainable fishery ? And if review committee fails to recommend the cancellation of licences, What should we do ?

- 6.1 NATIONAL CENTRE FOR LABOUR : As decided by the NFF General Body, the NFF together with SEWA, And NCL have been preparing and planning for the creation of National Centre for Labour in the informal sector from last two years. On 27th-28th May 1995 in Bangalore, the first founding convention of the NCL took place. It was inaugurated by Justice V.R. Krishna Iyer in the presence of above fifty thousand workers.
- 6.2 At present, there are 5 lakh of workers enrolled as member of NCL. The organisational structure - it was decided that 50% leadership both in the General Body and Executive Committee will be women workers. Out of 9 Secretaries - who work as a team with equal status and responsibilities, 4 are the women. The NCL has taken Top Priority to support the fight against joint venture, home based workers convention and full legislation for the construction workers. NFF Chairperson has been elected one of the secretaries of NCL. Ms.Nalini Nayak, Harekrishna Debnath, Ramesh Dhuri and Ms.Rajam are the NFF representatives to the NCL executive committee. The NCL executive committee met in Bombay on October 12,13,14, and chalked out a plan of action for one year.
- 6.3 However some of the NFF units failed to respond to the continuous call for submitting the audited statement of each state level union to assess the total number of workers in the NFF and accordingly to obtain our share in the NCL organisational structure. Unless we collaborate and stand together NCL remain only in paper. Each member of the NFF state level trade union is to contribute 50 paise per year to NCL for the administrative set up. Once again we request each and everyone to support and collaborate with the NCL so that it becomes a political reality in the country.

Question : Have you discussed about the creation of the NCL at your state and local levels ? How can we further our participation in the NCL ? Are there any specific issues related to our sector that you feel the NCL should look into ? Do you ratify the members to the executive Committee and the Secretary of the NCL. What way a small team (1-3 persons) be permanently responsible for NCL on our behalf ?

- 7.1 NATIONAL ALLIANCE OF PEOPLE'S MOVEMENTS (NAPM) : History of the creation of NAPM centred around the right to life. Developmental activities are displacing people from their livelihood and habitat. It is a question of survival of many people like the tribals, fisherpeople, dalits etc. NFF hosted the founding conference in Calcutta against the background of the Bangladesh refugees and also organised rally in Delhi against GATT. We have 3 Secretaries for NAPM namely Ms.Medha Patkar,Sri Banwari Lal Sharma and Thomas Kocherry. NAPM has state level committee in

Maharastra, Andhra Pradesh, Uttar Pradesh and Kerala. There is a need for forming state level committee in other states.

7.2 In our efforts at the NAPM we endeavour to build an alliance with all the marginalised people. Over these two years we have supported each other's struggle but we are still far from spelling out a detailed political programme and building up such alliance at the local level.

7.3 NAPM - together with the Tata Institute of Management organised Seminar on "Displacement and Rehabilitation" in Bombay on 21st and 22nd September 1995. NAPM will have national convention on 7th January 1996 either in Bhopal or in Bombay. If it is in Bombay Maharashtra Machimar Kriti Samiti is expected to send a big number of participants to the convention. As a follow up meeting Mr.A.J.Vijayan and Subu Rao attend the meeting for creating an alternative development process.

Question : How do we bring about consciousness and initiative among our members concerning NAPM ?

How do we make this national convention a big success?

What way NFF form a small team of one - three persons to work in close collaboration with NAPM ?

Do you think the NAPM should evolve a specific political programme and what are your suggestion in this line ?

8.1 NFF TRAINING PROGRAMME : The training programme began on 14th September and ended on 28th september 1995. The following persons participated in the training camp organised at Diamond Harbour, West Bengal.

1. Ms. Mridula Das
2. Sri. Dilip Das
3. Sri. Shyamal Mondal
4. Smt. Madhuri Mondal
5. Sri. Chitta Ranjan Das
6. Sri. Nirmalendu Das
7. Smt. Solochna Dhuri
8. Sri. Ramesh Dhuri
9. Smt. Tapat Roy
10. Sri. Dridib Roy
11. Smt. Gauri Rana
12. Sri. Raj Kumar Panda
13. Sri. Narayan Das
14. Sri. Asit Das
15. Sri. Gopinath Das(Niloo)
16. Smt. Nalini Nayak
17. Sri. Hare Krishna Debnath
18. Sri. Thomas Kocherry

8.2 We tried to follow exposure- reflection process. We visited the neighbouring concerning fishing communities and we had detailed discussions with them concerning issues and the need for organised struggles. We also contacted political leaders, social activists, artists and held exchanges and discussions with them. We also had interaction with the leaders like Nalini Nayak, Thomas Kocherry, Amal Datta, M.P and Hare Krishna Debnath. We also used some video films viewing and discussions based on them. We also participated in the deposition of evidences before the sub-committee of the Review Committee of the Deep Sea Fishing Policy of the Government of India. We also expressed our protest through raising a huge banner "STOP FOREIGN FISHING VESSELS" before the Prime Minister on his way to inaugurate the model village near Diamond Harbour. We also got divided in to three groups and shared our responsibilities Collectively in running of the kitchen, Cleanliness of the place and marketing. We express our thanks to Mr.Gopinath and Purnima for allowing us to use the guest house and premises of Punya Lakshmi Ice Factory. We express our inability to organise the Tamilnadu Training programme as per the decision of the last Governing Body.

Question : What kind of training Programme should we envisage for other regions in the coming years ?

9.1 NFF CHAIRPERSON IN QUEBEC : The NFF Chairperson was invited by the FAO Symposium on Food Security in connection with 50th anniversary of the founding of FAO. This was the beginning of the process that leads to "Food Security FAO convention" in June 1996 in Rome. The symposium stressed that the people who live a substance economy depending on the natural resources should control and manage the natural resources of water, land and forest. He also participated the meeting of the leaders of fishworkers' Union from four continents. It formed an international Committee os small producers against the industrial fisheries. The Committee stressed that, the huge vessels coming from the developed world to the developing countries under the guise of joint venture with the intention of exploiting the deep sea fish resources, is not "Transfer of technology" but "Transfer of crisis".

The NFF is very much part of this international committee. We request the General Body to ratify this decision.

Question : What effective way can we contribute to strengthen this international Body ?

If what way can we help towards equipping small vessels to explicit deep sea fish resources upto EEZ particularly exploiting Oceanic Tuna and Shark ?

10.1 NATIONAL CONVENTION OF CENTRAL TRADE UNIONS : Together with INTUC, AITUC, CITU, BMS AND HMS - the NFF organised a National Convention against foreign vessels in Deep Sea fishing in Ernakulam on 11th November, 1995. About 800 Delegates from all over India participated in this convention. The convention decided unanimously to organise All India Fisheries Strike jointly on 18th January 1996. It also requested the port workers and the workers in the ancillary industries in fisheries to join

the strike. It also decided to organise a campaign jointly from 1st december 1995 to 15th january 1996 to make the strike a success. It also decided to form a National Action Committee to see and lead the strike to a success. Our Chairperson is the National Convenor of this Committee. While the General Secretary and Sri Ramesh Dhuri are the members in the committee. We request you to ratify all these decisions. We take this opportunity to thank A.J.Vijayan for preparing the draft paper for discussion and T.Peter and P.P.John for the excellent co-ordination and making a successful participation of workers at the convention.

10.2 The NFF also held discussions with Rastriya Ekalabya Sena lead by Ms.Phoolan Devi and also the Mallah community (fishing community) in Delhi and Gazibad. They promised to hold a mass rally in Delhi, When we are having strike/harbour blockades in the All India level.

Question : In what way we can make the All India Strike a success ? Should we go for a harbour blockade simultaneously with the strike ?

11.1 COASTAL ZONE MANAGEMENT : Some of the environmentalists like Bittoo Sehgal and others raised a question and expressed their concern over the threat of total destruction of Coastal Zone. They have widely circulated a 2-page flier of what is happening in the Coastal Zone. they have requested an interaction of those interested in the same. Our next battle in the world is going to be on the water bodies, particularly the Coastal Zone. It is a challenge for us to wage a movement for the protection and management of Coastal Zone.

Question : What way the NFF is going to play a role in the creation of a movement for the protection and management of the Coastal Zone ?

12.1 PEOPLE'S ACTION AGAINST SHRIMP INDUSTRIES (PAASI): During the NFF General Body Meeting in Trivandrum in December 1994 we initiated a dialogue between different social action groups from Tamilnadu and Andhra Pradesh about the onslaught of Industrial Shrimp culture along the coast line of Tamilnadu and Andhra Pradesh. This ultimately culminated into the formation of a combined front of different action groups under the name of PAASI. Co-ordination committees against coastal mono shrimp culture has been formed in Tamilnadu and Orissa. Series of agitations and actions have been conducted throughout the year by these committees. Nalini, Vijayan and Hare Krishna are our representatives to PAASI while Thomas Kocherry and Vincent Benedict represent NFF in the Tamilnadu Campaign committee of which Ms.Jesuretinam is the convenor. A small committee was formed under the convenorship of Nalini Nayak and Hare Krishna, Vincent Benedict and Subu Rao are members to look into the issue of shrimp industries on behalf of NFF.

12.2 In a land mark decision the Supreme Court has stayed the building up of shrimp farms in Tanjavur and Nellore districts and also directed the National environmental Engineering Research Institute to study the impact of intensive shrimp culture in the

coastal regions. The NEERI has already submitted its study report on the subject which reflects the view of the agitating coastal communities.

Question : How do we expand our endeavour to protect the coastal zone in all the Maritime States ? What about a small team to be responsible for PAASI ?

- 13.1 SOCIAL CLAUSE AND TRADE : The Chairperson collaborated with the debate on Social Clause linking up with trade organised by CEC in Delhi. This was a serious study of Trade unions in India. It categorically said that the social clause cannot be linked with the trade. However all our efforts should be made to implement the labour standards, human rights standards, environmental standards through the collective pressurisation of trade unions and through international bodies like ILO and UN bodies. We take this opportunity to thank the Director and the staff of CEC for collaborating with the NFF not only in this but also in the study of Labour standards in processing plants.
- 14.1 DELHI FORUM AND THE NFF : In innumerable ways Delhi forum has been a support and help. It is important that the NFF expresses this publicly. Above all through dossiers and updates Delhi Forum has been educating public on the various issues in fisheries. We take this opportunity to thank the Director and the staff of Delhi Forum.
- 15.1 CALENDER: Calender was a new experiment. It was very well received by all. It was meant to spread our philosophy, NFF identity and also to earn some income. Last general body decided to continue this. However it was difficult to get the desired support from the different groups. So finally we had to rush with some available photos. Because of this delay it became difficult to print in our own languages. With all these limitations we once again present a calender for 1996 with the focus "Women in fisheries. We take this opportunity to thank Xavier Pinto, Nalini and Jerome for realizing this presentation.
- 16.1 OFFICE : A silent group is working to keep the central office functioning. Both keeping of accounts, records and also communication is maintained by the office. Both philomina Mary and Leelamma have done a hercullous job. They are symbols of quite leaders, supporters and collabporators willing to take any burden. We have hearty "thanks" to both of them.
- 17.1 ELECTION OF NEW EXECUTIVE COMMITTEE : The NFF has tried to build up a democratic structure to the extent possible. It should be the endeavour of each member union to groom leadership for the National level - only this way will the NFF be truely representative of its base. The responsibilities of the national leadership is indeed a herculean task in a large country like ours and in the last three years we have attempted some division of labour at the National level. This has worked to some extent. Now at this juncture, as we reconstitute the National team we should be able to work out a more effective structure and elect a team that will be able to handle the demands at the national level keeping in mind that the NFF tries consciously to build the leadership of Fishworkers and women among them. We need to bring out the new emphasis

particularly women's perspective. The need of more intensive exercise of collective leadership is to be stressed. There is a greater need of decentralisation and sharing responsibilities in a structured manner.

CONCLUSION

18.1 The NFF passed through a stage struggle against destructive gears on a state level to a national struggle against foreign fishing vessels. Undoubtedly the NFF today is a National political power to be reckoned with. That was why all the political parties again and again intervened in the parliament in support of our struggle. That was the reason why the central Trade Unions decided to collaborate with the NFF. This political power should lead us into a new future where fisher people have to manage and control the water bodies of India. We take this opportunity to thank each and everyone for collaborating with us in our humble effort to make the NFF struggle a historic event in India today.

HARE KRISHNA DEBNATH
General Secretary

THOMAS KOCHERRY
Chairperson

Annexure

PUBLIC HEARING ON WOMEN'S STRUGGLE FOR SURVIVAL FISHERIES

(Organised by National Fishworker's Forum)

Ernakulam on 23-24 June 1995

VERDICT OF THE JURY

1. We, the four members of the Jury on the Public Hearing on Women's Struggle for Survival in fisheries organised by the National fishworkers forum and women in fisheries, have heard the testimonies of women who are working in seafood processing factories in Goa, Tamilnadu, Bombay, Calcutta and Kerala and also read detailed report presented by the following people/groups:
 - a. Report entitled "The Seafood Processing Industry and the conditions of Women Migrant Workers" by Alyamma Vijayan, NFF/WIF, Cherureshmi Centre, Trivandrum
 - b. Report entitled "Girls and Women employed in Prawn Processing" by Fr.R.V.Mathias, Executive secretary, CBCI Commission for Labour, New Delhi.
 - c. Report conditions of women in Fisheries by Albertina Almeida of Bailancho Saad, Goa
 - d. A study on Problems and prospects of Migrant women workers in sea food Industries at Varaval Junagadh, Gujarat by Department of Social work Diocese of Rajkot
 - e. Report on the Condition of Women in Fisheries in Calcutta by Minnie Joseph, freelance journalist school teacher and Fr. Y De Steen Hault.S.J, St.Lawrence High School, Calcutta.
2. We also heard the testimony of representative of Government of Kerala Labour Department.
3. Testimony after testimony by women between ages 17 and 60 gave us a vivid picture of the inhuman working and living conditions of women in fisheries. It is shocking to record that as the prices of shrimps and prawns go up, the price of life is next to nothing. The life of these young women capable of hard work and bearing great hardships, who can still laugh and dream is worth but a few rupees a month. If they challenge the system they are thrown out of their jobs far from home, vulnerable to exploitation. We heard at least one account of how young woman died under suspicious circumstances.
4. Women and girls told us how they are hired to jobs in shrimp factories by false promises by contractors, denied minimum wages, made to work for 10 to 12 hours in badly ventilated factories inadequately protected from the cold and ice, threatened by ammonia leaks, and denied their rights to even drinking water and health insurance.

5. The living conditions of these women are shocking, These young workers live in crowded rooms often 30 to 35 in one room with just one or two bathroom or toilets, and no privacy. The women are often not allowed to have even one day off or any holiday. The women suffer from numb blistered fingers, back and leg pain, subjected to unhygienic conditions. In fact most of these women are used as forced labour and are in servitude. From the testimonies of the women and the written reports presented, we see that it is not only their young fingers that are frozen numb but their souls are also benumbed.

6. After hearing these testimonies by those who deposed at this hearing we are of the unanimous opinion that the provisions of the relevant labour laws have been totally violated. In particular the :

- i. Contract Labour (Regulation and Abolition) Act 1970
- ii. Inter State Migrant Workmen (Regulation & Employment) Act 1979
- iii. Bonded Labour (Abolition) Act 1976
- iv. Minimum Wages Act 1948
- v. Factories Act
- vi. ESI Act

have been totally violated.

7. We are satisfied that the violations of these laws have resulted in the denial of fundamental rights guaranteed in the Constitution of India, in particular : Article 14, the right to equality; Article 19(1), Article 21, right to life; Article 23, prohibition of trafficking in labour and forced labour; Article 24, Prohibition of employment of children in factories, read with article 42, provision of just and human conditions of work; Article 47, duty of the state to raise the level of nutrition and public health.

8. In addition to violating the Constitution of India and statutory laws, it is also a violation of International Human Rights and international Labour Standards specially contained in;

The Universal Declaration of Human Rights:

Article 22: The right of every member of society to social security and the right to realise through national effort and international co-operation in accordance with the organisation and resources of each state to the economic, social and cultural rights indispensable for their dignity and free development of personality

Article 23: The right of free choice of employment and just and fair conditions of work

Article 24: The right to leisure and holidays

The conditions of the women also violates Convention 122 of the International Labour Organisation concerning employment policy of the ILO(1969) read with the declaration on the Right to Development 1986.

9. Neither Central nor the State Governments seem to have the will to enforce the labour laws. We record that not even single contractor has been registered in Kerala as required under the Inter - state Migrant Workmen (Regulation of employment) Act 1979. If labour laws were implemented, the sufferings and pain of these young women would be alleviated to a large extent. Whenever there has been pressure on factory owners by activists, Government, or the local church leaders, the working and living conditions of women have improved. However the Government of India's main concern is with promoting exports at any cost, even the cost of human life. In 1961, the Government set up the Marine Products Exports promotion Council (MPEDC) jointly with exporters. The objectives did not include the protection of workers from exploitation. The Marine Products Export Development Authority (MPEDA) was then set up in 1972 as an autonomous body operating between government and industry. The MPEDA which is comprised of representatives from several ministries, members of parliament, the sea food industry and research institutions, does not have any representatives of labour or of the Ministry of Labour. Its objectives include market research, quality control, and publicity but nothing related to issues of labour in the export industry.
10. In our opinion, the workers whose testimonies we have heard have been victims of three decades of export-oriented trade in the fisheries sector of the country. They are also likely to experience greater exploitation with the increasing domination of the Indian economy by the North in the name of globalization and the unfair trade relations imposed by the new legal regime set up by GATT. The greater emphasis on the export orientation of the Indian economy under the New Economic Policy has led to a denial of access to natural resources, destruction of the traditional base of livelihood, large scale unemployment and migration of workers, especially women.
11. We are of the opinion that in pursuing these policies the Government of India has failed in its duty to protect the natural resources of the country and subordinated them to foreign interest and has allowed unscrupulous contractors and factory owners to violate labour laws with impunity.
12. In the above mentioned circumstances we have the following suggestions to make:
 - a. Strengthen international solidarity between workers in all countries to ensure a nonselective enforcement of labour standards and indivisibility of human rights. We note that the National Fishworkers Forum has taken steps in that directions and ensured the presence of delegates from Senegal and Canada at this hearing.
 - b. We call upon the Government of India to restructure its policies to ensure that the natural resources of the country are preserved for the people of the country and to ensure just and human centred development based on principles of self-reliance.

c. We call upon all state Governments to ensure that labour laws are implemented through the active intervention and action of the labour and law enforcement machinery.

13. While these recommendations can help to improve the working and living conditions of women in fisheries, the problem will not be solved. The New World Order established by the World Trade Organisation which is financed and backed by multinational companies will only allow production for profits by promoting export/oriented economies. We have to commit ourselves to long struggles so that world production system based on production for life not production for profit are evolved. We have to evolve a jurisprudence which is based on the belief that each human being is a priceless asset. We need to develop a resurgent Jurisprudence to protect workers from exploitation so that we never have to hear such painful testimonies again. This new jurisprudence will help to convert the pain of these women to power-power to fight this unjust, system.

Justice **V.R.KRISHNA IYER**

Justice **JANAKIAMMA**

Advocate **INDIRA JAISING**

Advocate **NANDITA HAKSAR**

Ernakulam
June 23, 1995

DAKSHIN BANGA MATSYAJIBI FORUM

(Registered under Trade Union Act)

Regn.No.20474

(Affiliated National Fishworker's Forum)

Kakdwip, P.O. Kakswip, Dist, South 24 Parganas.

Dated.6.12.95.

ANNUAL REPORT OF DAKSHIN BANGA MATSYAJISI FORUM (DMF)

For the Year 1995

During the year 1995 the Dakshin Banga Matsyajibi Forum participated in and observed all the programmes launched by NFF as well as by some allied national and international bodies with proper importance in addition to its usual organisational activities, which are chronologically arranged as follows:-

India-Pakistan people's Convention in New Delhi

An India-Pakistan people's Convention on peace and Democracy was held at the Constitution Club, New Delhi on 24th & 25th February, 95, D.M.F. was represented in the convention by Sri Harikrishna Debnath, Sri Hiralal Das Roy, Sri Retneswar Sarkar, Sri Nirmalendu Das Sri Chitta Ranjan Sarkar and Sri Khokon Das.

National Fisheries Action Committee Meeting in Calcutta

A meeting of the National Fisheries Action Committee against joint venture was held in Jesuit Institute, Calcutta on 18th March 95 where it was resolved that country-wide movement would be launched from the 2nd May against the wrong deep Sea Fishing policy of the Government, Sri Thomas Kochery, Chairperson of NFF, declared his continued hunger strike at porbunder from that date. D.M.F. succeeded to convince and bring together most of the organisations of the state connected with fishing and allied trade to join the movement under the banner of NFACAJV. A good number of representatives of such organisations took active part in the meeting.

Press Conference at Calcutta Press Club

On the 24th April, 95 we had press conference at the press club Calcutta on the agitational programme of 2nd May where a number of prominent leaders of different fisher-people's organisations were present. Sri Harikrishna Debnath, General Secretary of NFF was the main spokesman.

Country-wide agitation from 2nd May, 95

The fisherpeople of West Bengal, irrespective of their organisational identity took part in the agitational programme from the 2nd to the 9th May till it was called off. On the 2nd May more than 5000 fisherpeople both men and women, participated in a 36 hours, continued mass 'dharna' staged at Isplanade East, Calcutta, along with hunger strike of 30 fisherman

leaders. The rally was inaugurated by Sri. Hari Krishana Debnath, General Secretary NFF. During the week long programme there were mass rallies, dharnas processions, public meeting, deputations at principal marine fish landing centres of West Bengal. As many as eight leaders of different fisherpeople's organisations represented West Bengal in the mass 'dharna' in New Delhi from 2nd to 9th May 95.

On the 5th May a memorandum was handed over to Sri Krishnanmay Nanda, Fisheries Minister of West Bengal demanding cancellation of all the licences, issued to foreign fishing vessels. Sri Hare Krishna Debnath, Sri Hiralal Das Roy, Sri Nimalendu Das Sri Goponath Das were among the participants in the deputation.

On the 28th May memoranda were submitted to the sub-divisional officer and ADF. (Marine) diamond harbour in a mass deputation of representatives of fish workers of fishing Villages and different fisher-people's organisations on the same demand.

NCL Convention in Bangalore

A team of 8 delegates represented Dakshin Banga Matsyajibi Forum in the Convention of National Centre for Labour (NCL) held on 28th & 29th May, 1995 at the Town hall, Bangalore. The Members of the Delegation were Sri Hare Krishna Debnath, Sri Hiralal Das Roy, Sri Surendra Nath Roy Chowdhary, Sri Nirmalaendu Das, Sri Shyamal Kumar Mandal, Sri Sughir Kumar Jana, Sri Khokon Das and Sri Chitta Ranjan Sarkar.

West Bengal Fish Workers' Convention

We organised fishworkers' Convention at the Yuba Bharati Krirangan (Salt lake Stadium), Calcutta on the 9th September, 95 inaugurated by the fisheries Minister, Sri. Kiranmay Nanda, NFF Chairperson Sri. Thomas Kochery was the chief guest. The convention was aimed at searching for an environmentally sound and socially responsible Fishing Policy. A good number of fishery scientists, Educationist, social workers, leaders of fishworkers' and fish traders' organisations and departmental officials attended.

Eminent fishery scientists like Dr. Hiralal Chowdhury, Prof. Amelesh Chowdhury & Prof. N.C. Dutt, of Department of Zoology & Fishery, Calcutta University, Dr. Yusuf Zamadder, of Deptt. of oceanology, Calcutta University, Dr. B.K. Mahapatra of Nimpith Ramkrishna Ashram Krishi Vijyan Kendra, social workers Dr. Anupam Ghosh, Sri. Trusher Kanjlal and Miss. Mini Joseph took active part in the discussion.

About 200 delegated representing different fishworkers' fish traders' pisciculturists' organisations participated in the Convention. Among the representing organisations were:-

1. Dakshin Banga Matsyajibi Forum
2. Sundarban Samudrik Matsyajibi Sramik Union
3. Kakdeep Fishermens' Association
4. Kalistan dry fish producers' association.
5. Kontal Mahakuma Khati Matsyajibi Unnyan Samity,
6. Sankarpur Fish traders' Association-Midnapore.
7. Diamond Harbour Mechanised Boat Fishermen Association.
8. West Bengal united Fishermen Association

9. Sealdah Whole Sale Fish Traders Association (Calcutta)
10. B.K. Faul Market Whole sale fish traders' Association (Calcutta)
11. Howeah HIT Market Fish traders' Association
12. Haroa Whole Sale Fish Traders' Association

Formation Camp at diamond Harbour

A formation Camp of the activists of the unions was organised at Diamond Harbour from 14th to 28th September 1995. Number of participants were 25 including 7 women. It is worth mentioning that Ramesh Dhuri and Srimati Sulochana Dhuri of Malwan attended the camp. Sri. Thomas Kochery, Smt. Nalini Nayak and Sri. Hare Krishna Debnath were among the resource persons. The result of the Camp was encouraging.

Representation to the Review Committee

On the 24th Sept.95 the Sub-Committee of the Review Committee of Deep Sea Fishing policy visited Shankarpur, (District Midnapur, West Bengal) concerned people under the leadership of Sri. Amal Dutta, M.P. to record the evidence from and placed our demands both verbally, and in the form of memorandum. The members of the team were fully convinced and they openly declared that they were of same opinion with us and would recommend for total cancellation of all the licences issued to foreign fishing vessels in the interest of traditional fisherpeople in particular and of the nation in general. More than 200 fishworkers and union leaders (a good number of whom were women) joined the rally. It is worth mentioning that Smt. Nalini Nayak and Sri. Hare Krishna Debnath were among the participants. The Deputation was undoubtedly a successful one, because we could convince the team in favour of our demands.

Before we conclude we express our gratitude to all those friends and welwishers of Fishworkers who have stood by our side supporting our cause both in national and state levels.

We also thank all of you, present in the house for your patient hearing.

NIRMALENDUS DAS

President

SHYAMLAL KUMAR MANDAL

General Secretary

GOENCHEA RAMPONKARANCHO EKVOTT

(Ramponkers, Magkars, Pagelkars)

PRIYA VELSAO
P.O. CANSULIM
SALCETTE-GO A

REPORT:1995

The Goenchea Ramponkaranchi Ekvott celebrated 20 years of its existence in August 1995. On this occasion the GRE produced a souvenir to commend on 20 years of its existence. The Souvenir gives a brief history of the 20 years illustrated with photographs. It also has educative articles on fisheries extracted from world publication.

After 13 years, the Supreme court of India passed an order banning Mechanised fishing within 5 kms from shore and empowered the state to make rules to conserve Marine Ecology in July 1994.

After a long waiting and pain the GRE members and fishermen of Goa thought that the problem would be solved and that the laws would be enforced Goa Government based on the Supreme Court Order. But violations continued November 1994 we caught 19 trawlers but were released with an assurance... would not repeat it again that they would call a meeting to come amicable settlement but to no avail, violation started again.

In March 1995 we caught 4 more trawlers but the same were taken by police and trawler owners filed a false complaint accusing then president Pascal Dias and General Secretary matanhy Saldanha that they had caught trawlers beyond 5 kms and brought to the shore. We protested in front of the police station and nearly 300 fishermen courted arrest.

In May 1995, out of disgust with government for not enforcing the Supreme court Orders one violating trawler was destroyed at Velsa. Soon the Government took notice and called for a meeting of both Mechanised and traditional fishermen. The member said that the 5kms should be kept for traditional fishermen and that no mechanised fishing is allowed in that area. He also said that the ban would be during the monsoon season from June to August to protect Marine life. On 12th August 1995 the Minister began dramatic enforcement of law by himself going on petrol boat but this continued for sometimes. At present violations are going on with in 5 kms and there is not much fish in the sea itself.

We fully participated in the struggle against joint foreign fishing vessels on 23rd Nov. 1994. We had a massive blockade of the Harbour and Mandovi river. Similarly during the indefinite hunger strike of Mr. Tho Kocherry we had protest meetings, Morchas and Dharnas in Goa.

Presently we have filed writ petition in the High Court Bench in Goa against foreign fishing vessels, belonging one Chinese company. This has been made possible with information and assistance from Indian Deep Sea Fishing Association.

We are confident that foreign fishing vessels will have to finally stop fishing in our waters. But the problem of traditional fishermen is not being solved. At this meeting we strongly urge that our movement should concentrate more on the problems of traditional fisherman for which the N.F.F. was mainly formed. This does not mean that we should forget about fishing vessels. Somehow we have to make mechanised fishing sector realise that they have to protect atleast 10 to 20 kms from the shore all along the coast of India free from trawlers and purseiners in order to help the traditional fisherman and to protect Marine Ecology.

With Best Wishes :

Matanhy Saldanha
(General Secretary)

Vishwanath Naik
(Vice - President)

Kalidas Naik
(Member)

ANNUAL REPORT OF KERALA SWATHANTHRA MATSYA THOZHILALI FEDERATION (KSMTF)

We are happy to present a brief annual report (94 Dec-95 Nov) of Kerala State Independent Fishworkers Federation before the general Body of NFF.

The last General Body of NFF was held at Trivandrum from December 9-11th 1994 and the representatives of KSMTF actively Co-operated to make all arrangements. Various sub groups of KSMTF activists and friends worked hard to make the meeting, the rally and the General Body a success.

A major focus of last years work was in connection with the ongoing agitation against the Deep Sea Fishing Policy of the Govt of India. The hunger strike by Fr.Thomas Kochery from May 2nd 94, at Porbendar under the auspices of the National Fisheries Action Committee and the Mass Dharna at Delhi gave inspiration and facilitated the activities in Kerala. Representing KSMTF, Mr.E.Peter was in Gujarat with Fr.Thomas Kochery and Mr.P.P.John, Mr.Alosious and Mr.A.J.Vijayan were in Delhi, the latter giving leadership to the programme there. At the same time, various small and big agitational activities took place in Kerala, in collaboration with other organisations in the sector.

The Dharna by the Children of fishworkers received a lot of media & Public attention. It is to be noticed that while the artisanal and mechanised sectors were in conflict over the trawling ban, they came together against joint ventures in fisheries. On June 12th there was a joint agitation by both sections and the blockade of the Cochin harbour.

The KSMTF also organised a demonstration to protest and boycotted participation in the first hearing of the Murari committee in Cochin. We demanded that the committee be expanded to include fishworkers representatives. As a result the committee was expanded and Thomas Kochery was included on the committee together with the MPs. Subsequently the KSMTF prepared its cadres to make representations to the committee during the hearings in Kerala.

The joint agitation by all the Central Trade Unions-the CITU, AITUC, BMS, HMS in collaboration with the NFF is a not-worthy achievement. KSMTF actively participated in the joint convention organised in Cochin on 11th November 1995.

✓ THE AGITATION AGAINST TRAWLING

The KSMTF announced that President T.Peter would go on hunger strike demanding the trawl ban during June-July-August 95. On May 31st, the Government announced a 45 day ban and the struggle was withdrawn. But after 30 days, the ban was withdrawn and we were not able to effectively demand that the ban be upheld by Govt.

STRUGGLE FOR KEROSENE QUOTA

Demanding Kerosene Quota & Permit for OBM the KSMTF organised statewide agitation in 4 district headquarters. In some districts only the quota is increased but no permits are

issued to new OBMs. While Traditional fishworkers face negligence, Government is willing to give Diesel at highly subsidised rate to deep sea vessels. We request NFF to take up the issue with the central Government.

INLAND FISHWORKERS STRUGGLE

KSMTF has started various agitational programmes, focusing on issues faced by inland fishworkers of the state. A charter of 46 demands were submitted to the Government and a dharna was staged before the secretariat on July 18th. 4 special conventions were held in districts where inland fishworkers are concentrated. Local level struggles are going on. A special action committee is functioning to spear-head the agitation till demands are met.

In Ernakulam and Alleppey district we have intervened in the problem being faced by the fishermen vis a vis the prawn farmers. We have called a meeting of all local unions, because the access to the common water bodies have been blocked, seed and mother prawns from the wild are being caught, farms are being fenced with electrical wires, further pollution of the water bodies are all causing problems to the local workers. We firmly believe that NFF should demand ban of collection of shrimp seed from the wild.

We have organised continuous agitations against the Thermal plant proposed at Kayamkulam. Originally the Fishworkers were not considered affected parties, today the NSPC has accepted to include the fishworkers as affected parties and heed their demands for compensation if displaced.

DISCRIMINATION AGAINST WOMEN IN THE FAMINE RELIEF FUN:

This central cum State Government Scheme Consists of collecting Rs.45 per month from each fishworker for 8 months. In the 3 lean months, the contributing members are entitled to receive three times this amount from the fishermen's welfare fund. Although women are registered and contribute to the fund, they were denied the relief in 1994. The KSMTF together with other organisations started an agitation against this discrimination. Ms. Girley Andrews, a fish vendor and member of the Trivandrum district committee went on hunger strike. There was strong support from women fishworkers and at the peak of the agitation, the Fisheries Minister called for discussion and assured that this discrepancy would be rectified from the part of the state Government and a similar demands will be made to the Central Government Yet after several months nothing has happened at the central level and we request the NFF to take this matter up in New Delhi.

OTHER ACTIVITIES

1.PROBLEMS OF WOMEN IN FISHERIES

Under the auspicious of NF, a unique Convention was held in Cochin on June 23rd, 24th focusing on the problems of women in fisheries. It was unique in that the suffering and exploited women themselves spoke about their problems in front of large audience of people from different walks of life. KSMTF took active part in this process and decided to form a committee under the leadership of Ms.Mercy Alexander to follow-up the programme in Kerala.

2. Leadership camp: In order to strengthen the leadership skills of our local activists, a training was conducted from July 1st-7th. 45 persons took part in the programme and most of them continue to take active role in our activities. This is visible specially in Calicut District.
3. KSMTF is collaborating with other organisations in the struggle of the fishworkers of Trivadrum District for a breakwater & landing centre at Anjengo area.
4. The fact that co-op movement in Kerala is highly politicised is known to everyone. The fishworkers co-operatives are no exception. Yet in the election to Chellanam-Kandakkadavu fishworkers co-op. of Ernakulam District KSMTF also put up candidates and 8 out of the 9 were elected.
5. The General Body of KSMTF which met on 21.5.95, changed the byelaw presently the state committee will have President, Two Vice Presidents, General Secretary and three Secretaries. The term of elected committee will be three years instead of two. In proportion to the membership, the committee will have representatives of women, but not less than $\frac{1}{4}$ of the committee.
6. The KSMTF also collaborate with the programmes of the National Alliance of People's Movements as well as the National Centre for Labour. We sent representatives to the NCL launching convention in Bangalore on May 28-29th and contributed Rs.2000/- towards the NCL Fund. We are also in constant touch with the Narmada Bachao Andolan and Jerome, the Secretary of Trivandrum District Federation, participated in the march held by NBA from Nagpur to Delhi.
7. The KSMTF participated in the opposition to the new GOSHREE development plan and the Udayamperoor Satelite city proposed. Under this scheme over 1000 sq.km. of water body will be reclaimed in the Cochin area.

REPORT OF THE WOMEN'S TEAM

During the last year, the women's core group of the KSMTF met twice. There were 12 participates in the group. This core group also took the local responsibility for prepare the participants for the public hearing on June 23-24 and later organizing meetings of the migrant workers in their local areas.

Since March 95, we have also been able to organise the working fisher women in Alleppey - Cochin area. They have formed a working women's forum where meetings re organised regularly. As a follow-up of the public hearing we collected the names of the contractors and handed them over to the Labour Commissioner. After we distributed notice on the problem with addresses for appeals we have had to follow-up a few cases that were reported to us. We intervened successfully on the Gujarat case. With the new city beautification fish vendors are facing eviction from many of their vending spaces. We have intervened with the Trivandrum District Collector and the city police to get their eviction stayed. Although we

have succeeded temporarily, we have been told to identify alternate vending areas but this is impossible. We feel the NFF should include this in their national charter of demands.

With more fish going for export, local vendors are being deprived of fish for local sale. We feel strongly that NFF should demand a listing of varieties that can be exported so that certain varieties remain for local consumption.

This year, with the help of local NGO we managed to get a truck load of dry fish from Mangalore in the lean season for local vendors to sell. This was a successful experiment and provided a month of work to vendors in one Taluk of Trivandrum District.

We have spent time to collect the actual data of women involved in fish related activity all over the state. Only Trichur and Mallapuram have still to be completed. We have also made contact with the women workers in Kasargode and Cannanore. In Kasargode there are doubts about relating to us because of political differences. In Kannur, there are lots of women who catch in the estuaries and who will be affected by the new shrimp farm. We will try and see if we can organise them in the coming year.

FUTURE PROBLEMS

1. There are press reports that Vizhinjam, in Trivandrum District is a selected site for development of a commercial harbour. Contracts for work have already been given to various multinationals through the Kumar group of companies. This projects will hit the livelihood of thousands of fishworkers and will destroy the only natural harbour in Trivandrum District. The NFF should exert pressure for visibility of this project plan and eventually to oppose the project.
2. The NFF should demand support for the construction of sea walls in areas where sea erosion is extensive.

**ANNUAL REPORT OF THE MAHARASHTRA MACHIMAR KIRITI
SAMATHI 1995
ACTIVITIES OF THE SAMATHI DURING THE YEAR 1995**

On 2nd May there was a Morcha for the fishermen's land which was taken for a Religious purpose in Manori Island. On 4th May there was Road blockade in Coloba, in support of Tom Kochery's hunder strike, 5000 fishermen participated. "Mukh Morch"-Silent Morch was held from Agok Maidan to Mantralaya to demand -

- Exempt port dues of fishermen
- Port registration to fishermen

On an order dated 22nd May 95, mostly the problem were solved by Sri.Pramod Mavalkar.

Panchanadi dam Colapsed and three mechanised and two small craft capsized. The union was able to get compensation for this.

On 25th September Review Committee Visited Salpati. The union presented a common memorandum and asked for cancellation of Foreign licences and till the last boat quits India, they said, the agitation would continue.

The people of Bombay awarded Rs.10,000/ to the Maharashtra Machimar Kiriti Samiti and to NFF for their work for environmental protection.

Diesel, wood, Thread etc for fisherworkers is exempt from Tax provided the fisher-man is part of a co-operative society. Thirty paise per lite subsidy for Diesel to an upper limit of 11,000 litres per boat is also given.

When Madlm Dhandavate was Finance Minister of India, he had promised that every fish workers comes through a co-operative society.

Bombay has 11 crore population and on a daily basis tons of sewage is dumped into the sea two kilometres away. The union demand that this should stop. Also suggested that this should be recycled to Agriculture/ Fertilizer etc. Mr.Bhai Bhandarker and three others were arrested when they agitated against the sewage plant.

A committee has been set up to work on "Minimum Wage" for all fishermen. Mr.Bhai Bhandakar, Mr,Rambhu Patil, Mr.Naik are on the committee. Mr. Ramesh Dhuri's name was suggested but being an out of city resident it was not feasible to have him.

From the "Bhai Welfare Trust Rs.46,000/- for widows of fishermen and 80,000/- for widows children's education was disbursed this year.

(Presented by Ramesh Dhruv)

On 2nd Nov. an appointment was fixed with CM to discuss with him the following demands.

The 25,000/- compensation given to fishermen who have accidental death be increased to 50,000/-.

At present 10,000 mechanised and 7,000 non mechanised crafts are operating. The demand was that the subsidy given should be increased for the building of boats, with one condition that the HP limit should be 100 HP. This would help the fishermen as the individual has to spend nothing and the recovery period is 12 years.

Another demand was to calculate the fees on the basis of profit made not on the basis of Turnover.

Resting sheds for fishworkers should be entrusted to the fisheries co-operative societies for purpose of maintenance etc.

This year the rate of fish has come down. The union demanded the state Government to pay the guarantee price. So that the fishermen don't come to a loss.

A demand was made for enforcing the limit of fishing of various crafts.

ANNUAL REPORT OF MALWAN MACHIMAR SAMATI

(Presented by Remesh Dhuri)

AT THE ANNUAL GENERAL BODY MEETING OF THE NFF

This report is of the small scale workers in Maharashtra. Although the report is mainly on menfolk, the contribution of the women folk is much.

In the union several issues of women fish workers were taken up, so that the NFF women wing may be strengthened. 16 women have come together. This group has met once. Though the group has met only once, a request is made to NFF Women's Wing to come over and help the women's group.

THE PROBLEM BETWEEN THE TRAWLERS AND SMALL FISH WORKERS

Though trawlers are banned during June August, Trawlers from all over come and fish in shallow waters.

There is discrimination between big trawler owners and small fish workers. Eg: The trawler owners get a big subsidy in the price of diesel while the small fish workers get no subsidy in the price of kerosene. The Maharashtra Government has enforced an income tax system equally binding on the big as well as the small fish workers.

Malwan Machimar Samati has participated with the Action Committee against Joint Venture. The Samiti organized a taken hunger strike some 20 persons participated. The non-participation of trawler owners is a matter of concern.

There is no guarantee that in the future, too, the big trawler owners will support the action of the smaller fishermen.

The union have a suggestion that the NFF try and motivate the trawler owners to participate in the Action Against Joint Ventures.

In the last general body meeting there were three women in the Panel.

THE REPORT OF TAMILNADU FISHWORKERS UNION 1994-95

Tamilnadu Fishworkers Union is working in collaboration with the National Fishworkers Forum. TFU is spread in two different districts Kanyakumari and Nellore-Kattabomman districts. There 16 groups or cells were active this year.

ACTIVITIES AND PROBLEMS OF TFU

TFU expressed solidarity with Fr. Tom Kochery who underwent Fast unto death in Porbendar-Gujarat, against Deep Sea Fishing and Joint Venture on May 2nd 1995. As a sign TFU declared on May 2nd and 3rd Bandh all over Tamilnadu and stopped fishing. With the collaboration and co-operation of different associations and organisations, there was a continuous fast for five days in front of the District Collectorate.

In Mela-Manakudy Village, they refused to take fish and fishing gears by bus. So the TFU met concerning officers and the collector and got the demand accepted by them.

The TFU met the M.P. delegation of Delhi at Madras. It discussed various problems regarding fishing and the plans to improve the fishermen life situation. Deep Sea fishing Policy was discussed at length as it is a very destruction one. A signature compagin against Deep Sea Fishing policy was conducted. About 6000 signature with a petition was given to the M.P. delegation. The copy of it was send to Fr. Tom Kocherry, the chairperson of NFF.

We invited representatives of all the sangams, societies and organisations that are in Kanyakumari district. The joint committee discussed and decided to fight for the rights of foshworkers welfare. In a very special way, the joint committee decided to fight against Deep Sea Fishing policy.

The TFU has a representation in the District Development Committee convened by the District Collector. Every month, TFU representatives participate in DDC and put forward on demands and highlight on problems.

On the 6th of February, 1995, four TFU members participated in the meeting conducted regarding Joint Venture at Madras.

Five members of TFU participated in Ernakulam meeting against Joint Venture.

We have decided to give Rs.3000/- to every deceased members family. Until now we have given to five families from our death Relief Fund. We joined agitation against Shrimp Industries, conducted by Anti-Shrimp Industry.

THE PROBLEMS DISCUSSED THIS YEAR

1. The conflict between Trawlers and Traditional Fishermen.

2. The problems of Traditional Fishworkers life situation.
3. We have decided to give political awareness to all our fisherfolk as they are very much exploited by politicians.
4. How to get all the benefits of Government given to fishermen.
5. Discussed about the problems of women Fishworkers.
6. Basic needs of the fisherfolk villages were discussed.
7. TFU has taken steps to bring to the notice of all problem involved with Deep Sea Fishing.

FUTURE PLANS

1. TFU should take all steps and measures to unite all fishworkers of Tamilnadu into TFU and NFF.
2. Try to create co-operatives for women fishworkers in Kanyakumari District.
3. To demand the Government to declare Fishvending women as "Fish workers."
4. To take steps to stop Deep Sea Fishing.
5. To fight for a District Coastal Road to connect all the coastal Villages.
6. To fight with the Government to construct safe anchorages for country crafts and Kattamarams to fish safely throughout the year.

By the Secretary
TAMILNADU FISHWORKERS UNION

7-12-1995.

TAMILNADU FISHERMEN'S FEDERATION

(1994-1995)

REPORT FOR THE YEAR 1995

TFF is active in seven Districts of Tamilnadu.

In March 95 a 'Deep Sea' meeting organised at Nadukuppam in Madras. Thomas Kochery was present. April 13th 1995 there was a major clash between Andhra Pradesh and Tamil Nadu fisherman. Nine were killed TFF went to help in relief activities. The issue was the lake for fishing in the area. Contribution to the affected families were made from both the villages. They withdrew the cases and expenses of the court paid by TFF.

April 14th 95 fresh election for TFF were held.

In the north of Madras 350 persons were given jobs in the power station as a result of TFF's intervention by protests and Road Blockades.

In land fisheries from lake Poondi in Chengulpattu district were not allowed to transport fish in Buses. TFF intervened and got this facility.

In Poondy TFF unit gives prizes to Boys/Girls of the SSC Examination.

In August the Santher unit in Tondi of Ramanad District had a convention. 15,000 people from 76 villages participated in a picketing programme. This was against the fish farms".

In November a programme was organised to commemorate Late Geevavathn 5000 people participated.

A harbour is coming up in Public at lake which will displace people from 32 Pulicat villages. The foundation is to be laid in 1996 January 18th. TFF had protested against this.

FUTURE PLAN

Picket Madras harbour against joint ventures (after January 18th)

Chairman of fisheries corporation should be from the fishing community. This is a major demand for the future.

There are 69 women fisheries co-operation in Tamil Nadu. Just as the off season scheme is available for men, this should be made available to women also.

A state level meet of fish workers at Marina Beach.

DEMOCRATIC LABOUR UNION (DLU)

REPORT FOR THE YEAR 1995

Democratic Labour Union is a Trade Union working among the fish workers in Kerala. The union is concentrating upon some of the problems facing Traditional fishermen in Kerala. They are directly connected with the Foreign policy of Government of India. The entry of foreign fishing Vessels under the cover of joint venture is the most crucial problem now facing the fishermen especially the costal community. The traditional fishermen are facing the problem created by over fishing in the Sea. Now with the introduction by huge fishing Vessels gears, the ecological balance of the Sea lost and causing permanent damages to the Marine ecosystem of the deep Sea as well as the backwaters. The ecosystem is interrelated all over the Universe. The sustenance of the species are inter depending on genetic diversity and on the conditions of Sea floor. Hence deforestation of the deep Sea will certainly influence the entire marine ecosystem as well as the existence of species in backwaters.

The socio-economical impact of over fishing is first hitting upon the costal community especially the traditional fishermen, who use the country boat and other indigenous equipments. With the introduction of these foreign vessels and the Vessels of their collaborating monopolistic companies. Their factory ships are processing and exporting to foreign markets without touching the Indian Port. Hence all the industrial processing units and small and big business concerns comes to a stand still. Even the local conception of fish was reduced due to the nonavailability of the usual varieties of fish. Only the export oriented companies and their collaborating agent firms are benefited by this policy of joint venture as there is no checking machinery to control the chartered Vessels and the foreign company trollers. As a result of this process the fisher community is isolating from the power politics and business centres. And they are converting to a begging class.

It was in this context the Democratic Labour Union take the challenge to organise the people in this unorganised sector. Democratic Labour Union by studying the problems facing the fisher community realised that it cannot function as a classical Trade Union doing the function of collective bargaining. The responsibility we have undertaken is much greater than a bargaining agent. The analysis of the problems seems to be very complex. We have to conduct studies and educate the fisher community regarding their complex problems and their remedies. So many local problems are also facing the fisher community. Some of them are problems relating to aquaculture.

1. The profit motive companies are polluting the costal environment by the unscientific aquaculture.
2. The backwaters, Kanals and Lakes vested now within the jurisdiction of local bodies are trasfering them to higher bidders for fishing. Traditionally it was used by fisher community by their collective effort. Now the right of fishing is taken away from the fisher community in backwaters, lakes and Kanals vested in local bodies.

3. The women fisher folks are also facing much problem. The fisher women engaging in sales in market places are facing many harassment and inconvenience in their working places. There is no facilities even to satisfy their primary necessities here. Even drinking water is not available there and there is no sufficient room with privacy to change their working dresses.
4. The workers engaged in fish processing Units are facing so many sufferings. The problems like minimum wages and other labour welfare legislations are not implemented by the factory owners.
5. As the co-operative sectors are politicalised the real beneficiaries are not receiving the fruits of the welfare measures extended to the fisher folks, from Government of India and other agencies.

In this context Democratic Labour Union is in the process of educating the members by organising them in unorganised areas of costal community in Kerala by conducting group discussions, community meets, family get together, Seminars and legal literacy classes. Democratic Labour Union feel the first step to be taken before going to any action among this class is making awareness among costal community regarding their problems. They have to realise their friends and foes.

Democratic Labour Union realise that real dynamic leadership of the Indian fisher folk is now generating from National Fish Workers Forum. By studying the real problems of Indian fishermen, we hope NFF will give momentum to the movement of Indian Fish workers with the support of other working classes of the Nation. Global unity of Fishermen is the necessity of today. Because the fishermen all over world are facing the same problems. Unity and fraternity of Indian fish workers has to be buildup to achieve the goals.

Some of the problems facing the fisher community in Kerala is connected problems arising from the developmental activities of the Government and other public limited companies. The sea shore in Kollam District from Chavara to Kayamkulam is very rich in monosite and illmanite. The mining is going there for the last 30 years. Now all land is going to handover for mining purpose to foreign companies and the fisher community in the area is also going to be migrated. This will definitely detach them from the traditional livelihood and any compensation will not be sufficient to them to compensate their damages. Similarly with the introduction of Thermal plant at Kayamkulam Pozhimugham, by products like Carbon Monoxide and Carbondioxide will pollute the water and it will become poisonous by exhaust hot waste water from the plant. The sustenance of all marine and backwater fishes will be questioned. Now 6000 families are depending upon the fishing and its ailed industries at Kayamkulam. Similarly with the completion of Vypeen-Ernakulam bridge known as Gosri Island Project, a large area of Cochin Kayal will be going to be converted into bunds and Islands, for building purpose of the Tourist. This will imbalance the ecosystem of Cochin Kayal. The other problem facing the fishing community in Kerala is the attempt of converting sea shore into Tourist resources centres. The places near Vypeen Kara known as Cherai is going to be converted to a Tourist Resources Centre. The commercialisation in this places will definitely replace the fisher community and fishing in this area. The profit motive Tourism is blind to the problems of costal community.

The Democratic Labour Union submitted a memorandum when the parliamentary Sub Committee visited at Kochi for taking evidence with regarding to the policy of joint venture with foreign Vessels. The Union is now educating its members, the problems facing the Indian fisher Community. So many new local units of the Union is already formed especially in Ernakulam and Trichur District.

4. The workers engaged in fish processing Units are facing so many sufferings. The problems like minimum wages, and other labour welfare legislations are not implemented by the factory owners.

5. As the co-operative sectors are politicised the real beneficiaries are not receiving the fruits of the welfare measures extended to the fisher folks from Government of India and other agencies.

In this context Democratic Labour Union is in the process of educating the members by organising them in unorganised areas of coastal community in Kerala by conducting group discussions, community meets, family get together, Seminars and legal literacy classes. Democratic Labour Union feel the first step to be taken before going to any action among this class is making awareness among coastal community regarding their problems. They have to realise their friends and foes.

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PUBLIC HEARING AND FOLLOW UP

Aleyamma Vijayan

On June 23, 24th, Hotel Mas auditorium in Cochi witnessed a unique a event, where women migrant processing workers, fishers from backwaters seed weed collectors, women involved in fish marketing, drying etc. went on stage before an eminent audience to narrate the stories of their life and struggles. They were from all parts of India and this was an attempt by the NFF, to make visible the hitherto unknown contribution of large numbers of women in fish related activities.

The NFF executive which met on 25th formed a subcommittee to follow-up the issues of migrant women processing workers, who are facing exploitation at the workplace. One of the problems which needed immediate attention was that, the contractors were not registered neither in Kerala nor in the states where they are taking the girls. The Labour Commissioner in Kerala was approached and after repeated requests, has agreed to convene a meeting of concerned persons on December 14th 1995.

The KSMTF took up the responsibility of the follow-up in Kerala and a Committee under the leadership of Ms. Mercy Alexander is functioning. They collected about 100 addresses of contractors and handed them over to the Labour Commissioner for further action.

We also printed a notice in Tamil. Malayalam to educate the girls and their parents about the provisions in the inter-state migrant Labour act and the Contract Labour act. This notice also contained addresses of contact persons in each state whom they can approach, in case of problems.

A meeting was proposed in Gujarat with the factory owners to discuss the issue of minimum wages and 8 hours of work. Mr. Premjibha Khokhari took the responsibility. He later informed that the factory owners were not willing for a discussion.

Meanwhile we also were approached by processing workers, when there were incidents like accidents as injury as ell as exploitation in factory. In an accident at Mangrol in Gujarat, one women died and eight women were seriously injured, with the help of Rajkot social service society, pressure was exerted to get the women back to Kerala. They are also being helped to approach the court to demand compensation.

We collaborated with Catholic Bishops Conference of India (CBCI) Commission on Labour, who conducted a national survey on the issue to plan a major Convention on the problem of migrant processing workers. This will be held in March 96. We also Collaborated with centre for Education and Communication (CEC) who is interested to conduct a detailed study on the issue in the context of world trade & social clause. It was only in the planning stage.

Similarly in Tamilnadu, we helped follow-up a case of 8 girls who were taken to Rathnagiri and had no contact with their families for 10 months. Finally with the help of the police, the families were able to get the girls back.

No steps have been taken with the labour commissioner in Tamilnadu and we want to know which union will spear-head this time in Tamilnadu. If the unions are not interested, should we try to do it through women's groups?

We have written to the National Women's Commission asking that the NFF be granted permission to visit the processing plants to see whether the labours standards are being properly observed. We have no reply-from them as yet.

We still see the need to convene meeting or press conferences in states where the plants exists. All India Radio carried a programme on this issue and we feel that Doordarshan should carry a similar programme too. This should be done either in Maharastra or Gujarat.

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WORK REPORT ON ANTI - SHRIMP INDUSTRIES

As part of NFF's concerns over shrimp industries and its impacts on people and environment NFF's representatives, Fr.Thomas Kocherry, Ms.Nalini Nayak, Mr.Harekrishna and Vincent Benedict had been part of and instrumental in the formation and working pattern of two Forums to deal with shrimp industries in India. The details of forums are as follows.

Campaign Against Shrimp Industries (CASI) Its objectives

- (a) Fact finding surveys, studies, and awareness raising programmes on shrimp industries on its impacts on people and environment.
- (b) Anti-shrimp industries related struggles.
- (c) Lobbying on regional and national levels.
- (d) Litigations related to it.

Work done

1. A committee had been formed with representatives from different organisations from Andhra, Tamilnadu and Kerala especially NFF; representatives.
2. The committee was formed in the beginning of 1995 and it has met five times to chalk out and evaluate its activities.
3. Fact finding surveys were done in Andhra and Tamilnadu to a great extent and in Kerala a limited temporary survey was done for immediate litigation needs in supreme court.
4. Awareness raising programmes in the form of seminars, conventions and consultations were done in Tamilnadu, Andhra and Kerala.
5. Protest activities like dharna, rallies and hunger fasts especially in Tamilnadu were carried out.
6. Litigation activity- A case is failed in supreme court in this regard. Maximum available data were collected and handed over to Adv. M.C.Metha, who pleads our case in the supreme court. It was hoped that for the end of December 1995 or in the month of January 1996 the supreme court verdict would come on this issue.

PEOPLES ALLIANCE AGAINST SHRIMP INDUSTRIES (PAASI)

1. Its Formation

It was formed on May 31st, 1995 in Madras.

2. Its Objectives

- a. Lobbying with Governments, Press Scientists etc. in matters related to shrimp industry, and environment.
- b. Collection of infirmations related to the above on all Indian basis.

3. The convention on anti-shrimp industry

A convention on anti-shrimp industry was organised on Orissa on October 27th, 1995. It was a very widely attended convention.

4. At this convention it was decided to launch a consumer campaign "against cultured shrimps" in Western countries and Japan.

5. The Third-world-network is in charge of this campaign, with its head-quarters in malaysia.

6. This network had its first meeting in Bangladesh in the beginning of December, 1995.

Reported by

Vincent Benedict

MJM Centre

Mavelikara-690101

Kerala, India. Tel: 04782-36705

Mavelikara,

5-12-1995.

Industrial fisheries and aquaculture headlines in sharp proportion to their share of between 2 to 7 percent of global food production. More than the good problems surrounding the social and ecological dimensions by these activities which have caught the attention of the media.

INDUSTRIAL FISHERIES AND AQUACULTURE

Attempting to make an exhaustive analysis of these social and ecological costs of industrial fisheries and aquaculture, even restricted to one region or country, would essentially be an exercise in saying. Those who wish to get the details should refer to some of the references which are provided at the end of this paper.

Thoughts on Some Common Features, International and An Alternative

It needs to be reiterated that fisheries and aquaculture are activities which were undertaken by rural communities in Asia and India from time immemorial as a source of food and livelihood. What is new and radically different is that today we have a sector of the economy where these very activities have been totally commodified, industrialised and marketed for no other purpose than the rush to make quick, easy super-profits. Every other consideration is relegated to the background. The brief which I set for myself is to attempt at highlighting some of the common features of industrial fisheries and industrial aquaculture activities, the interrelations and one possible alternative to these activities in the South Asian region.

COMMON FEATURES

1. Both industrial aquaculture and fisheries are seen as a part of the process of short term "packing" of international capital in search of high returns during its life cycle.

The talk of increasing food security, technology transfer, earning foreign exchange for the host country and utilising of the skilled manpower, it is all but alibi. The main purpose behind the concerted efforts by international capital to invest in industrial aquaculture and fisheries is the pursuit for super profits. Having elsewhere ruined the coastal zones and the marine ecosystems adopting what has come to be called the "rape and run" policy, capital is in search of virgin territories. The coastal zones of South Asia and the waters of the Bay of Bengal and Arabian Sea are its most recent victims. These unending efforts of private international capital are bolstered by the multilateral lending agencies like The World Bank and the Asian Development Bank who influence governments and thus legitimise these exploits.

2. They were started largely under export orientation regimes and more recently under the liberalisation initiated under the structural adjustment programmes (SAP).

In most developing Asian countries the industrial fisheries and aquaculture was undertaken as a part of the debt-trap. These were two recommended to countries which were considered to be in the new genre of national and activities which were considered to be high priority since these activities attracted international investors and agencies seeking avenues for high profits. Since these activities were promoted under the SAP, they were hastened by the respective governments.

Presented at the

International Conference on Globalisation, Food Security

and Systematic Agriculture

NEW DELHI

30-31 July 1996

INDUSTRIAL FISHERIES AND AQUACULTURE

Industrial fisheries and industrial aquaculture have been occupying space in the news headlines in sharp disproportion to their small share of between 5 to 7 percent of global food production. More than the good prospects, it is the problems surrounding the social and ecological disruptions by these activities which have caught the attention of the media.

Attempting to make an exhaustive analysis of these social and ecological costs of industrial fisheries and aquaculture, even restricted to one region or country, would essentially be an exercise in saying what has already been said several times over by several persons including oneself. I will therefore make no attempt to do this here. Those who wish to get the details should refer to some of the references which are provided at the end of this paper.

It needs to be reiterated that fisheries and aquaculture are activities which were undertaken by rural communities in Asia and India from time immemorial as a source of food and livelihood. What is new and radically different is that today we have a sector of the economy where these very activities have been totally commodified, industrialised and marketised for no other purpose than the rush to make quick, easy super-profits. Every other consideration is relegated to the background. The brief which I set for myself is to attempt at highlighting some of the common features of industrial fisheries and industrial aquaculture activities, the interrelations and one possible alternative to these activities in the South Asian region.

COMMON FEATURES

1. Both industrial aquaculture and fisheries must essentially be seen as a part of the process of short term "packing" of international capital in a specific location for a short duration of time during its race for profits.

The talk of increasing food security, technology transfer, earning foreign exchange for the host country and utilising of the skilled manpower in it are all but alibis. The main purpose behind the concerted efforts by international capital to invest in industrial aquaculture and fisheries is the pursuit for super profits. Having elsewhere ruined the coastal zones and the marine ecosystems adopting what has come to be called the "rape and run" policy, capital is in search of virgin territories. The coastal zones of South Asia and the waters of the Bay of Bengal and Arabian Sea are its most recent victims. These untiring efforts of private international capital are bolstered by the multilateral lending agencies like The World Bank and the Asian Development Bank who influence governments and thus legitimise these exploits.

2. They were started largely under export orientation regimes and more recently under the liberalisation initiated under the structural adjustment programmes (SAP).

In most developing Asian countries the promotion of industrial fisheries and aquaculture was undertaken as part of the overall package of structural adjustment programmes recommended to countries which found themselves in the debt-trap. These were two activities which were considered to be attractive for the new genre of national and transnational investors and agencies seeking avenues for high profits. Since these activities were prompted under the SAP, they were "cleared" with haste by the respective government

agencies, without the necessary social or ecological audits. The low gestation period of the investments and the foreign exchange earning potential of the outputs provided the rationale both for the haste of approvals and the easy flow of capital into these activities.

3. They are sustained by the international demand for luxury protein, pet foods and animal feeds.

Industrial aquaculture and fisheries are sustained by the insatiable demand for luxury protein and the high-income health consciousness. The United States became an avid shrimp consumer after World War II. Japan was traditionally a large shrimp consumer. The European Union and Scandinavian countries are later entrants. The rising incomes in many of the NIC's is the latest source of demand. The successful marketing of the black-tiger shrimp and the ability of this species to tolerate low salinity makes it amenable to land-based culture across a broader spectrum of sites. The post-1985 growth of industrial aquaculture in South Asia can be attributed to above interrelated facts. Greater unexploited stocks of certain high value tuna species in the Indian Ocean region have been an important attraction for industrial fishing operations in the South Asian region.

Industrial fisheries is additionally sustained by the expanding demand for pet food and animal feeds. The fact is that cats and dogs in the United States have greater purchasing power than people in developing countries. A significant share of the industrial tuna fishery is destined for the sophisticated and rapidly growing pet food market in the US and Europe. Much of the harvest of industrial fishery operations are also converted into feeds for chicken, hogs and cattle. Fish meal has an "unidentifiable growth factor (UGF)" which quickens the growth process of poultry, hog and cattle providing an important profitability consideration in these commercial livestock raising industries. This gives fish meal an edge over other substitutes like soyabean meal as a crucial additive into poultry and animal feeds.

4. They expand spatially because of an "enclosure movement" where large areas of state property are turned into virtual private property ignoring the historical usufruct rights of local communities.

The promotion of industrial aquaculture and fisheries have resulted in substantial changes in the customary institutional arrangements which intervened between people and natural resources. Large tracts of coastal lands and expanses of open sea, which were under the de jure control of the state and/or having some customary historical rights of access to local communities, are being handed over to industrial interests to raise shrimp or harvest fish.

This has created the beginnings of a modern enclosure movement, pushing out from the coastal lands and offshore sea, persons who had traditionally made a livelihood from these natural resources.

5. The ownership is controlled, largely by those unconnected to persons/groups traditionally involved. They give it a different set of values and adopt a larger of activity.

Traditional, small-scale aquaculture and fisheries as mentioned above was pursued as an avenue for livelihood by certain coastal, rural communities. Industrial aquaculture and fisheries are largely owned by local and national elites and multinational investors totally unconnected to those once traditionally involved in aquaculture and fisheries. These new investors have greater access to the knowledge and capital necessary to adopt the new technologies. They also have the political clout and access to institutional financial resources which are normally out of reach of those traditionally involved. This ingress of new capital gives these erstwhile low-caste, low social status activities a "new respectability" which normally accompanies pursuits that yield super profits. The activities are undertaken by a small number of corporate concerns using highly capital and energy-intensive technologies largely inappropriate to tropical ecosystems. Once the process starts, it gets "locked in" to a constant intensification process.

6. Investments get intensified by a process which is fuelled largely by industrial interests other than the direct investors.

Investors making the direct investments have natural stake in making good their sunk costs. The process of intensification of the investments both in industrial aquaculture and fisheries, though initially a function of the short-term super-profits, is soon bolstered by other interests. In the case of industrial aquaculture it is the feed, hatchery and aqua-farm equipment companies which hold the key. In the Asian context these transnational companies are based in the higher income Asian countries where they have been significant contributors to the "boom and bust of aquaculture. Fuelling and intensifying aquaculture investment in other countries of the region is a sine qua non for their own continued profitability and existence.

In industrial fisheries it is the companies manufacturing the instrumentation and processing equipment fitted on board the fishing vessels which spur investments promising more efficient means of harvesting and storage. These are multinational firms based in the temperate water countries where industrial fisheries have been in the doldrums following the depletion of many fish species in those waters. The initial movement of the redundant capital into new ocean territories off developing countries, in the form of fishing vessels, is often assisted by bilateral aid programmes. This is quickly followed by the private investments of the hi-tech equipment firms.

7. Employment generated in direct activity is small and the conditions of labour leave much to be desired. Added to this considerable labour displacement takes place.

The direct employment generation prospects of both industrial aquaculture and fisheries are small due to the high capital and technology intensity of the activities. A less known fact is that the work and employment conditions of this small labour force is often deplorable. ILO labour standards exists for crew aboard industrial fishing vessels but are rarely practised aboard vessels operating in Asian waters. The sordid conditions of the deck-hands and semi-skilled crew often become apparent only when industrial fishing vessels from neighbouring countries are arrested by the coast guards for poaching.

With respect to industrial aquaculture, the concerns have centred around the problems of the labour displaced in the land occupied by the aquaculture farms (See below). Little attention has been accorded to the issues like fair wages and the health hazards faced by those directly employed on the aquafarms.

8. They pose a threat to existing pattern of food production which imply a direct threat to national and local food security.

Industrial aquaculture and fisheries by their very nature of activity displace others involved in small-scale, domestically oriented food production. Industrial aquaculture is responsible for initially displacing paddy production activity along the coastal zone by competing for, and sometimes usurping, the same plots of low-lying lands. Subsequently, after a few years of shrimp farming, the aquaculturists may leave the area as a result of declining productivity and/or spread of disease having affected their profits. The land left behind is useless for any agriculture operations because of the ruining of the soil by salinity and toxicity. The ground water is depleted. What little is left is polluted. Such lands could take decades to regain their original conditions if at all. One is left with a situation of neither paddy nor prawns.

Industrial fisheries is normally assigned to fish in the deeper waters to avoid competition with coastal fishery operations. However, the highly dispersed nature of fish in the deeper waters and the lower market prices for most of them, act as the primary inducers for these operators heading closer to the coast in search of quicker, easier and more valuable harvests. The result is direct and unequal competition between small-scale coastal fishworkers using small, selective, passive, seasonal fish harvesting equipment which net smaller quantities of fish. These fishers land their harvests in widely dispersed areas and the product moves to domestic consumers, largely in the fresh or iced form without excessive or unnecessary value added processing. This ensures that the product is within the purchasing power of consumers in the rural hinterlands. The large scale of harvesting operations of industrial fishing vessels on the other hand are more centralised as they land in big ports and this give rise to economies of scale for high-tech processing. Such forms of value addition in turn divert the end product to markets with higher purchasing power. This deprives lower income domestic consumers of fish due to its scarcity and higher prices.

Even if industrial fishery operations restrict their operations strictly to the deeper waters they can still affect the coastal fishery because of the interrelated nature of fish stocks in the ocean. Excessive harvest of a specie in the outer sea, which at some stage of its life spends time in the coastal waters, can ruin a coastal fishery which caters to local consumers. Complex prey-predator relationships between species that straddle to and from coastal waters imply that the over-harvesting, or even under-harvesting, of one can affect the dynamics of the other.

9. They jeopardise the right to work and livelihood of coastal agriculture and fishing communities.

The process of hampering domestic food production goes hand in hand with jeopardising the right to work and livelihood of coastal communities. In this context the coastal fishing

communities are literally caught between the devil and the deep sea. Industrial aquaculture affects them from the landward end by physical displacement, restriction of their access to the sea and polluting of the in-shore waters. Industrial fisheries closes in from the seaward side by competing often for the same fish stocks and ocean space.

Owners of large tracts of coastal agricultural lands often sell out their land to the industrial aquaculturists because of the attractive prices offered. Those who earn a livelihood from the land often resist selling. However, they soon find themselves surrounded by the "enclosure movement" and are then forced to sell, often at distress prices. Since these lands in the coastal tracts were used for paddy cultivation or salt production, a large number of labour households are also deprived of their only possibilities of wage labour. (Industrial aquaculture has a very low labour absorption capacity — one to two persons per hectare compared to at least about five times that in agriculture). The loss of work and livelihood also soon spreads to areas which have not been taken over for aquaculture. This happens because irrigation channels and ground water utilised by those around the aquafarms get polluted by the wastes from the aquaculture operations. The negative effects of these "downstream unidirectional externalities" are not directly compensated by the aquafarm operators in anyway. The impact of these effects on the health, the work, the livelihood opportunities and larger welfare of coastal communities is therefore substantial.

✓ 10. *Ecological self-destruction is built into their systemic functioning.*

The very nature of functioning of industrial aquaculture and industrial fisheries creates a cycle of self-destruction. In aquaculture this has two routes: the first is caused by the destruction of the mangroves which are the habitat of the juvenile shrimp fry which in turn are one of the basic inputs for the industry. The second route is via raising stocking densities in the farms in the race to raise productivity. This requires increased inputs (feeds, antibiotics etc) which give rise to increased wastes and greater scope for virulent diseases which virtually wipe out the industry as has happened in many countries. This is the familiar "boom and bust" phenomenon which in industrial aquaculture seems to come in cycles of between five to ten years.

In industrial fisheries the self destruction is via the compulsion of overfishing given that investors want to "fish down the food chain". The vast territory of operation, the greater mobility and the fact that direct observation of the marine ecosystem is difficult, tend to make the ecological damage visible, unit too late.

What is important to note is that it is the industry in the specific location which is destroyed the facilities, the people directly and indirectly involved, the ecosystem. The capital and the capitalists who initiated the process in the location just leave to another to commence another cycle of accumulation for themselves. It is ruin for all else.

INTERRELATIONS

The above listed common factors highlights some of the similarities in the socio-economic and ecological processes between industrial aquaculture and fisheries. In the context of the particulars of the coastal zone and marine resource of developing Asian countries where

industrial aquaculture and fisheries thrive, there is strong interrelation between them that link their futures: the feed for the shrimp and fish raised in the aquafarms are primarily the harvest of industrial fisheries.

It is well known that cultured shrimp and fish grow best when offered food with an aminoacid composition similar to their own. Feeding fish with fish and shrimp with shrimp in order to feed humans in no way to achieve food security. Shrimp from intensive aquaculture farms are fed about two to three times their harvested weight. Consider the high total energy cost of producing this feed (ships, nets, processing, transport etc). After all this only a fraction of the protein is effectively used. Eighty percent (which would be perfectly acceptable for human consumption in its original fresh form) is sacrificed in the transformation process into an expensive luxury protein which only a few people can afford.

Several observers have pointed to the "fish meal trap" facing industrial aquaculture in the near future. Consider these figures. In 1988 global shrimp aquaculture consumed 180,000 tonnes of fish meal derived from an equivalent of 900,000 tonnes of wet-weight fish. It is further estimated that by year 2000 about 570,000 tonnes of cultured shrimp will be produced in Asia. The feed requirement for this will be of the order of 1.1 million tonnes of feed. This is equivalent to a staggering 5.5 million tonnes of wet-weight of fish — nearly double the total marine fish harvested in India today! For fish to be used as fish meal it must be caught in large volumes and landed in centralised places to facilitate bulk transportation and quick processing. A corollary of this is that fish for manufacture of fish meal must be harvested using nets which are capable of scooping up large quantities from the sea — trawls or purse seines — both of which are used on industrial fishing vessels. These fishing gear are infamous for their ability to ruin the demersal marine ecosystem (trawls) and result in species genocide by netting whole schools of pelagic fish (purse-seines).

The crucial link between industrial aquaculture and industrial fisheries can be seen here. The insatiable demand for luxury proteins — particularly shrimp — provide the effective demand for high quality, high protein fish feeds for which there is yet no substitute other than fish. Large-scale fishing for the stocks of the presently unharvested, demersal and meso-pelagic fishes found in the offshore marine waters will thus become economically viable. The ecological impact of such fishing on the stocks of the coastal and the deep sea migratory fish stocks is yet unclear. However, in the short run, the competition which this will create with an expanding coastal fishery is bound to result in physical conflicts at sea and social conflict on land. In the long run, this excessive harvesting, will undoubtedly result in the ruin of the offshore marine ecosystem and the industrial fishery which exploits it.

There is thus an inevitable and inextricably intertwined catastrophe facing both industrial aquaculture and industrial fisheries.

AN ALTERNATIVE

The compulsions of globalisation and liberalisation, imposed upon and accepted by, countries in developing Asia will certainly continue to provide the basis for the expansion of industrial aquaculture and fisheries. Footloose capital in search of investment opportunities which are not curbed by strong regulatory frameworks of the nation state in the form of environmental or management norms will find in Asia several

opportunities for temporary parking. The only factor which will stem this tide will be adversarial collective action by those adversely affected by these activities. This will also have to be linked to pressure from watchful and conscious elements in civil society who can see the social and environmental abyss which lies beyond the short, steep rising hillock of promises to earn foreign exchange by shrimp and fish production.

The growing opposition from these quarters to both industrial aquaculture and industrial fisheries is on the rise in Asia. These countervailing forces have initially had the impact of slowing down the pace of growth of these activities. The response of the state in most countries has been to initiate the process of enacting a legal framework for regulation of the activities such that the negative externalities will be minimised. Nowhere has there been a decision to put an end to these activities and search for alternatives.

My contention is that an alternative already exists in the form of the existing (but often declining) traditional, small-scale, coastal aquaculture and coastal fishing operations which are presented carried on by millions of people in South Asia. These coastal communities which are today facing the threat to displacement and loss of livelihood are the human foundation on which an alternative should be built. The numerous low-lying intertidal coastal zones and the inshore seas are the ecosystem foundations on which this alternative should be based.

Just consider shrimp which is the subject of so much controversy to both the issues of industrial aquaculture and industrial fisheries. Here is an animal which in the course of its short-life-cycle spends time in a range of habitats from the bottom of the continental shelf in the inshore sea, through the upwelling zones of the coastal waters to the mangrove and estuarine areas of the coastal zone. An integrated approach to sequential harvesting of shrimp which ensures that none of its important habitats is polluted or depleted points to the optimal strategy for obtaining sustainable levels of output. This will be possible if we have in place by a judicious combination of (1) a shrimp/rice aquaculture in the intertidal coastal zones with a minimal input of natural manure to fertilise the ponds and (2) a seasonal coastal upwelling and demersal fishery using small, selective bottom-set drift nets and trammel nets. Undoubtedly the bulk of the harvest will be from the later source. The implication is that both industrial aquaculture for shrimp and industrial fishing for shrimp must cease because they do not result in any net addition to the protein or energy balance of the global food system. On the contrary they create profits for a few and ecosystem damage for all.

The prime aspect of the alternative is to support the cause of the small-scale coastal marine fishery and actively promote its use of harvesting techniques which do not distort ecosystem dynamics. In a sense it is going back into the future.

The experience with industrial aquaculture has highlighted many features of shrimp which go to support the ecological soundness of the proposed alternative : they prefer the natural foods found in the sea; the taste of shrimp improves significantly with increasing salinity; they are not prone to disease in their natural saline milieu. These important facts must now be used to "advertise" the rationale for supporting the small-scale, coastal marine fishery as the future mainstay for global shrimp production. To make this is reality we must ensure two things: (1) we must bring together the people's movement opposing industrial aquaculture

and industrial fisheries in Asia and the rest of the world to work in close cooperation (2) we must also ensure broad based consumer support in the First World which will demonstrate a preference for such shrimp while boycotting shrimp produced in industrial aquafarms or caught using fishing trawlers.

CONCLUSION

Fisheries and aquaculture, as it is still largely practised in developing Asia, are two of the small but principle ways of food production which continue to depend significantly and directly on natural ecological processes and fluctuations. Human induced interventions and controls are necessary to enhance the output of food from these sources. However, when such interventions deform the flow-patterns of energy and matter into these natural systems beyond a critical point, they ultimately cause dangerous distortions which result in severe social and ecological problems. To avoid such outcomes we need to harmonise our strategies for food production with nature's principles of ecosystem dynamics. This is the only sustainable manner for us to maximise the benefits derived from it to as large a population as possible with the minimum possible negative social and ecological effects.

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And whereas all objections received have been duly considered by the Central Government
Now, therefore, in exercise of the powers conferred by Clause (b) of sub-rule (3) of Rule 2 of the
Environment (Protection) Rules, 1986 and all other powers vesting in the Central Government
Government hereby declares the coastal stretches of seas, bays, estuaries, creeks, rivers and
backwaters which are influenced by tidal action (in the landward side) upto 500 meters from
the High Tide Line (HTL) and the land between the low tide line (LTL) and the HTL, a
Coastal Regulation Zone and imposes with effect from the date of this Notification, the
following restriction on the setting up and expansion of industries, ration or processes etc. in
the said Coastal Regulation Zone (CRZ). For purposes of this Notification, the High Tide Line
(HTL) will be defined as the line upto which the highest high tide reaches at spring tides.

Note- The distance from the High Tide Line (HTL) to which the proposed regulations will
apply in the case of rivers, creeks and backwaters, may be modified on a case by case basis of
reasons to be recorded while preparing the Coastal Zone Management Plans (referred to
below); however, the distance shall not be less than 100 meter or the width of the creek, river
backwater whichever is less.

Prohibited Activities:

The following activities are declared as prohibited within the Coastal Regulation Zone
namely:

- i. setting up of new industries, and expansion of existing industries, extent those directly
related to water front or directly needing foreshore facilities;
- ii. manufacture or handling or storage or disposal of hazardous substances as specified in
the Notification of the Government of India the Ministry of Environment & Forests, No.
S.O. 521 (E), dated 28th July, 1989, S.O. 966 (E), dated 27th November, 1989 and GSR 1037
(E), dated 5th December, 1989;

MINISTRY OF ENVIRONMENT & FORESTS

(Department of Environment, Forests & Wild life)

NOTIFICATION UNDER SECTION 3(1) AND SECTION 3(2) (V) OF THE ENVIRONMENT (PROTECTION) ACT, 1986 AND RULE 5(3) (D) OF ENVIRONMENT (PROTECTION) RULES, 1986, DECLARING COASTAL STRETCHES AS COASTAL REGULATION ZONE (CRZ) AND REGULATION ACTIVITIES IN THE CRZ.

S.O. 114(E). Where as a notification under section 3(1) and Section 3(2) (v) of the Environment (Protection) Act, 1986, inviting objection against declaration of coastal Stretches as Coastal Regulation Zone (CRZ) and importing, restriction on industries, operation and processes in the CRZ, was published vide S.O.No. 944 (E) dated 15th December,1990.

And whereas all objections received have been duly considered by the Central Government.

Now, therefore, in exact of the powers conferred by Clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules,1986 and all other powers vesting in the behalf the Central Government hereby declares the coastal stretches of seas, bays estuaries,creeks, rivers and backwaters which are influenced by tidal action(in the landward side) upto 500 meters from the High Tide Line (HTL) and the land between the low Tide Line (LTL) and the IITL, a Coastal Regulations Zone and imposes with effect from the date of this Notification, the following restriction on the setting up and expansion of industries *ration or processes etc.in the said Coastal Regulation Zone (CRZ). For purposes of this Notification, the High Tide Line (HTL) will be defined as the line upto which the highest high tide reaches at spring tides.

Note:- The distance from the High Tide Line (HTL) to which the proposed regulations will apply in the case of rivers, creeks and backwaters, may be modified on a case by case basis of reasons to be recorded while preparing the Coastal Zone Management Plans (referred to below): however, the distance shall not be less than 100 meter or the width of the creek; river backwater whichever is less.

Prohibited Activities:

The following activities are declares as prohibited within the Coastal Regulation Zone, namely:

- i. setting up of new industries, and expansion of existing industries, extent those directly related to water front or directly needing foreshore facilities;
- ii. manufacture or handling or storage or disposal of hazardous substances as specified in the Notification of the Government of India the Ministry of Environment & Forests. No. S.O.591 (E),dated 28th July, 1989.S.O. 966 (E), dated 27th November, 1989 and GSR 1037 (E), dated 5th December. 1989;

- iii. setting up and expansion of fish processing units including warehousing(excluding butchery and natural fish drying in permitted areas);
- iv. setting up and expansion of units/mechanisms for disposal of waste and effluent,except facilities required for discharging treated effluent, into the water course with approval under the Water (Prevention and Control of Pollution) Act,1974;and except for storm water drains;
- v. discharge of untreated wastes and effluent for industries, cities or towns and other human settlements. Schemes shall be implemented by the concerned authorities for phasing out the existing practices, if any within reasonable time period not exceeding three years from the date of this notification;
- vi. dumping of city or town waste for the purpose of land filling or otherwise, the existing practice. If any, shall be phased out without a reasonable time not exceeding three years from the date of this Notification;
- vii. dumping of ash or any wastes for thermal power stations;
- viii. land reclamation, banding or disturbing the natural course of sea water with similar obstruction, except those required for control coastal erosion and maintenance of cleaning of waterways, channels and ports and for prevention of sandbars and also except for tidal regulators. Storm water drains and structures for prevention of salinity ingress, and for sweet water recharge;
- ix. mining and lands,rocks and other substrate, materials except those rare minerals not available outside the CRZ areas;
- x. harvesting or drawl of ground water and construction of mechanism therefore within 200m of HTL in the 200 metre to 500m zone it shall be permitted only when done manually through ordinary wells for drinking, horticulture, agriculture and fisheries;
- xi. construction activities is ecologically sensitive area as specified in Annexure-I of this notification;
- xii. any construction activity between the Low Tide and High Tide Line except facilities for carrying treated effluent and waste water discharges into the sea, facilities for carrying sea water for cooling purposes, oil gas and similar pipelines and facilities essential for activities permitted under this notification.
- xiii. design or altering of sand, dames, hills, natural features including landscape changes for beautification, recreational and other such purpose, except as permissible under this notification;

Regulation of Permissible Activities:

All other activities, except those prohibited in para two above, will be regulated as under:

1. Clearance shall be given for any activity with the Coastal Regulation Zone only if it required water front and foreshore facilities.
2. The following activities will require environmental clearance from the Ministry of Environment & Forests, Government of India, namely;
 - i. Construction activities related to Defence requirements for which foreshore facilities are essential (e.g. slipways, jetties, etc.); except for classified operational component of defence projects of which a separate procedure shall be followed, (Residential buildings, office buildings, hospital complexes, workshops shall not come within the definition of operational requirements except in very special cases and hence shall not normally be permitted in the CRZ).
 - ii. Operational constructions for ports and harbours and light houses, requiring water frontage; jetties wharves, quays, slipway etc. (Residential building & office buildings shall not come within the definition of operational activities except in very special cases and hence shall not normally be permitted in the CRZ);
 - iii. Thermal power plants (only foreshore facilities for transport of raw material facilities for in-take of cooling water and out fall for discharge of treated waste water cooling water); and
 - iv. All other activities with investment exceeding rupees five crores.
- i. The coastal states and Union Territory Administrations shall prepare, within a period of one year from the date of this Notification, Coastal Zone Management Plans identifying and classifying the CRZ areas within their respective territories in accordance with the guidelines given in Annexure I and II of the Notification and obtain approval (with or without modification) of the Central Government in the Ministry of Environment & Forests;
- ii. Within the framework of such approved plans, all development and activities within the CRZ other than those covered in para 2 and para 3(2) above shall be regulated by the State Government Union Territory Administration or the local authority as the case may be in accordance with the guidelines given in Annexure I and II of the Notification; and
- iii. In the interior period till the Coastal Zone Management Plans mentioned, in para 3(3) (i) above are prepared and approved, all developments and activities within the CRZ shall not violate the provision of this Notification. State Government and Union Territory

Administrations, shall ensure adherence to these regulations and violations, if any. Shall be subject to the provision of the Environment (Protection) Act, 1986.

Procedure for monitoring and enforcement :

The Ministry of Environment & Forests and the Government of State or Union Territory and such other authorities as the State or Union Territory leaves, as may be designated for this purpose, shall be responsible for monitoring, and enforcement of the provisions of this notifications within their respective jurisdictions.

N K.15010/F 844A-III(Vol.II)

R. RAJAMANI
Secretary.

ANNEXURE 1

COASTAL AREA CLASSIFICATION AND DEVELOPMENT REGULATIONS

Classification of Coastal Regulation Zone :

6(1) For regulation development activities, the coastal stretches within 500 meters of High Tide Line of the landward side are classified into four categories namely:

Category 1 (CRZ-1) :

- i. Areas that are ecologically sensitive and important, such as national parks/ marine parks, sanctuaries, reserve forests, wildlife habitats, mangroves, coral/coral reefs, areas close to breeding and spawning grounds of fish and other marine, life areas of outstanding natural beauty/ historical/ heritage/ areas rich in genetic diversity, areas likely to be inundated due to rise in area level consequent upon global warming and such other areas as may be declared by the Central Government or the concerned authorities at the State/ Union Territory level from time to time.
- ii. Area between the Low Tide Line and High Tide Line.

Category II(CRZ-II):

The areas that have already been developed upto or close to the shore-line. For this purpose "developed area" is referred to as that area within the municipal limit or in other legally designated urban areas which is already substantially built up and which has been provided with drainage and approach roads and other infrastructural facilities, such as water supply and sewerage mains.

Category III (CRZ-III):

Areas that are relatively semi urban and those which do not belong to either Category-I or II. These will include coastal zone on the rural area (developed and undeveloped) and also areas with Municipal Units or in other legally designated urban areas which are not substantially built up.

Category IV (CRZ-IV) :

Coastal stretches in the Andaman & Nicobar, Lakshadweep and small islands except those designated as CRZ-I, CRZ-II and CRZ-III.

Norms for Regulation of Activities.

6(2) The development of construction activities in different categories of CRZ areas shall be regulated by the concerned authorities at the State/Union Territory level, in accordance with the following norms:

CRZ-I

No new construction shall be permitted within 500 meters of the High Tide Line. No construction activity, except as listed under 2(xii), will be between the Low Tide Line and the High Tide Line.

CRZ-II

- i. Building shall be permitted neither on the seaward side of the existing road (or roads proposed in the approved Coastal zone Management Plan of the area) nor on seaward side of existing authorised structures. Buildings permitted on the landward side of the existing and proposed roads existing authorised structures shall be subject to the existing local Town and Country Planning Regulations, including the existing norms of FSI/FAR.
- ii. Reconstruction of the authorised buildings to be permitted subject with the existent FSI/FAR, norms and without change in the existing use.
- iii. The design and construction of building shall be consistent with the surrounding landscape and local architectural style.

CRZ-III

- i. The area upto 200 meters from the High Tide Line is to be remarked as "No Development Zone". No construction shall be permitted within this Zone except for repairs or existing authorised structures not exceeding existing FSI, existent plinth area and existing density. However, the following uses may be permissible in this Zone agriculture, horticulture, gardens, pastures, parks, playfields, forestry and salt manufacture from sea water.
- ii. Development of vacant plots between 200 and 500 meters of High Tide Line in Designated areas of CRZ-III with prior approval of MEF permitted for construction of hotels/beach,resort for temporary occupation of tourists/visitors subject to the conditions as stipulated in the guidelines at Annexure-II.
- iii. Construction/reconstruction of dwelling units between 200 and 500 meters of High Tide Line permitted so long it is within the ambit of traditional rights and customary uses such as existing fishing villages and goathans. Building permission for such construction/reconstruction will be subject to the conditions that the total number of dwelling units shall not be more than twice number of existing units; total covered areas on the floors shall not exceed 33 percent of the plot size; to the overall height of construction shall not exceed 9 meters and construction shall not be more than 2 floors (ground plus one floor).
- iv. Reconstruction/alterations of an existing authorised building permitted subject to (i) to (iii) above.

Andaman & Nicobar Islands :

- i. No new construction of buildings shall be permitted within 200 meters of the IITL;
- ii. The buildings between 200 and 500 meters from the High Tide Line shall not have more than 2 floor (ground floor and 1st floor), the total covered area on all floors shall not be more than 50 percent of the plot size and the total height of construction shall not exceed 9 meters;
- iii. The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style;
- iv. Corals and sand from the beaches and coastal waters shall not be used for construction and other purposes;
- v. Dredging and underwater blasting in and around coral formation shall not be permitted; and
- vi. However, in some of the islands, coastal stretches may also be classified into categories CRZ-I or II or III, with the prior approval of ministry of Environment and Forests and in such designated stretches the appropriate regulations given for respective Categories shall apply.

Lakshadweep and small Islands :

- i. For permitting construction of buildings, the distance from the High Tide Line shall be decided depending on the size of the islands. This shall be laid down for each island, in consultation with the experts and with approval of the Ministry of Environment & Forests, Keeping in view the land use requirements for specific purpose vis-a-vis local condition including hydrological aspects erosion and ecological sensitivity.
- ii. The buildings with 500 meters from the HTL, shall not have more than 2 floors (ground floor and 1st floor), the total covered area on all floors shall not be more than 50 percent of the plot size and the total height of construction shall not exceed 9 meters;
- iii. The design and construction of buildings shall be consistent with the surrounding landscape and local architectural style.
- iv. Corals and sand from the beaches and coastal waters, shall not be used for construction and other purposes.
- v. Dredging and under water blasting in and around coral formations shall not be permitted; and

- vi. However, in some of the Islands, coastal stretches may also be classified into categories CRZ-I or II or III with prior approval of the Ministry of environment & Forests. In such designated stretches the appropriate regulations given for respective categories shall apply.

BEACH RESORTS/HOTELS IN THE DESIGNATED AREAS OF CRZ-III
 TEMPORARY OCCUPATION OF TOURIST VISITORS, WITH PRIOR APPROVAL OF
 THE MINISTRY OF ENVIRONMENT & FORESTS

7(1) Construction of beach resorts/hotels with prior approval of MEF in the designated areas of CRZ-III for temporary occupation of tourists visitors shall be subject to the following conditions:

- i. The project proponents shall not undertake any construction (including temporary constructions and fencing or such other barriers) within 200 metres (in the land ward side) from the High Tide Line and within the area between the Low Tide and High Tide Line.
- ii. The total plot size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 per cent of the plot size i.e. the FSI shall not exceed 0.33. The open area shall be suitably landscaped with appropriate vegetative cover.
- iii. The construction shall be consistent with the surrounding landscape and local architectural style.
- iv. The overall height of construction upto the highest ridge of the roof shall not exceed 9 meters and the construction shall not be more than 2 floors (ground floor plus one upper floor).
- v. Ground water shall not be tapped within 200 m of the HTL, the 200 meter 500 meter zone it can be tapped only with the concurrence of the Central/State Ground Water Board.
- vi. Extraction of sand, levelling or digging of stretches except for structural foundation of building swimming pool shall not be permitted within 500 meters of the High Tide Line.
- vii. The quality of treated effluent, solid wastes, emissions and noise levels etc. from the project area must conform to the standards laid down by the competent authorities including the Central/State Pollution Control Board and under the Environment (Protection) Act, 1986.
- viii. Necessary arrangements for the treatment of the effluent and solid wastes must be made. It must be ensured that the untreated effluent/solid waste are not discharged into the water or on the beach, and no effluent/solid waste shall be discharged on the beach.

ANNEXURE-II

GUIDELINES FOR DEVELOPMENT OF BEACH RESORTS/HOTELS IN THE DESIGNATED AREAS OF CRZ-III FOR TEMPORARY OCCUPATION OF TOURIST/VISITORS, WITH PRIOR APPROVAL OF THE MINISTRY OF ENVIRONMENT & FORESTS.

7(1) Construction of beach resorts/hotels with prior approval of MEF in the designated areas of CRZ-III for temporary occupation of tourists visitors shall be subject to the following conditions:

- i. The project proponents shall not undertake any construction (including temporary constructions and fencing or such other barriers) within 200 metres (in the land ward side) from the High Tide Line and within the area between the Low Tide and High Tide Line.
- ii. The total plots size shall not be less than 0.4 hectares and the total covered area on all floors shall not exceed 33 per cent of the plot size i.e. the ESI shall not exceed 0.33. The open area shall be suitably landscape with appropriate vegetal cover.
- iii. The construction shall be consistent with the surrounding landscape and local architectural style;
- iv. The overall height of construction upto the heighest ridge of the roof, shall not exceed 9 meters and the construction shall not be more than 2 floors (ground floor plus one upper floor);
- v. Ground water shall not be tapped within 200 m of the HTL the 200 meter 500 meter zone it can be tapped only with the concurrence of the Central/State Ground Water Board.
- vi. Extraction of sand, levelling or digging of stretches except for structural foundation of building swimming pool shall not be permitted within 500 meters of the High Tide Line;
- vii. The quality of treated effluent, solid wastes, emissions and noise levels etc. from the project area must conform to the standards laid down by the competent authorities including the Central/State Pollution Control Board and under the Environment (Projection) Act,1986;
- viii. Necessary arrangements for the treatment of the effluent and solid wastes mst be made. It must be ensured that the untreated effluent/solid waste are not discharged into the water or on the beath , and no effluent solical waste shall be discharged on the beach;

ix. To allow public access to the beach, atleast a gap of 20 meters width shall be provided between any two hotels/beach resorts; and in no case shall gaps be less than 500 meters apart; and

x. If the project involves diversion of forest land for non-forest purposes, clearance as required under the Forest (Conservation), Act, 1980 shall be obtained. The requirements of other Central and State laws as applicable to the project shall be met with.

xi. Approval of the State/Union Territory Tourism Department shall be obtained.

7(2) in ecologically sensitive areas (such as marine parks, mangroves, coral reefs, breeding and spawning grounds of fish, wildlife habitats and such other areas as may be notified by the Central/State government/Union Territories) construction of beach resorts/hotels shall not be permitted.

Ministry of Environment and Forests

19 February 1991

THE AIM, OBJECTS AND PURPOSES OF COASTAL REGULATION ZONE NOTIFICATION

The initiation to protect the ecological balance was launched by Smt. Indira Gandhi, the then Prime Minister of India, during 1981. She had instructed all the Chief Ministers of Coastal States to keep clear of all the activities at least upto 500 meters from the water. Working groups were set-up by the Ministry of Environment and forests (MoEF) during 1982 to prepare environmental guidelines for development of beaches and coastal areas in July 1983 the guidelines for protecting the environment of beaches were promulgated. These guidelines started that the "Adverse direct Impact" of development activities was possible within 500 meters from the High water mark on beyond two kilometres from it. The sand dunes and vegetation clearing high density construction, etc, along the coast could alter the ecological system of the Coast.

The MoEF following the above guidelines has issued a draft notification in the Gazette during 1990. This notification was issued invoking the powers under the environment Act. The Act was intended to provide for the protection and improvement of environment and for matters connected therewith. One of the special feature of the Environment Protection Act is that, the Rules enacted under it prescribes, before imposing prohibitions or restrictions it may deem necessary to give notice of the intention to do so. Any person interested in filling an objection against the imposition of prohibition or restriction or carrying on of process or operations can do it within 60 days from date of publication of the said notification. It was only after that the said restriction or prohibition will become final. This is done with the purpose of studying all the pros and cons of the notification.

Before issuing the CRZ notification objections were called for during December 1990. It was made clear that the restrictions proposed are intended for the purpose of protecting the coastal areas and for ensuring that the use and activities in the coastal areas are consistent with the principles and requirements of environmental conservation. After considering the objections the Moef has published the notification on 20-2-1991, with a lot of modifications.

The CRZ modification being issued under an enactment has got all the tooth and nail of an Act. A statutory notification is equivalent to an Act in the eye of law. It prohibits 13 activities and regulates certain activities which are not prohibited. The prohibitions and regulations are imposed in the CRZ. The coastal stretches of seas, bays estuaries, creeks, rivers and backwaters which are influenced by tidal action in the landward side upto 500 meters from High Tide Level (HTL) and the area between HTL and low Tide Level are declared as Coastal Regulation Zone (CRZ). As the initial notification excludes backwaters and rivers, it seems that after considering the objections, a power has been conferred upon the state Government to modify the distance on a case by case basis for rivers, backwaters and creeks for reasons to be recorded while preparing the CoZMAP. But it was made clear that the said relaxation of the distance shall not be less than 100 meters or the width of the creek, river or backwater, whichever is less.

The notification prohibited 13 (thirteen) activities, in the CRZ. Setting up and expansion of new industries, fish processing units, ware housing, mechanism, for waste disposal, manufacture of handling or storage or disposal of hazardous substances; discharge of

untreated wastes and effluents; dumping of city or town waste, ash or any wastes from thermal power stations; land reclamation, bunding or disturbing the natural course of sea water; mining of lands, rocks, harvesting or drawal of ground waters and construction of mechanisms for the same ; dressing or altering of sand dunes and constructions. The activities, except those prohibited, are regulated, if the construction activities related to defence requirement and it requires waterfront and foreshore facilities.

For the purpose of prohibiting construction activities the CRZ areas it was classified into 4 categories. Category I is ecologically sensitive and important areas, like national parks, sanctuaries reserve forests, Mangroves (Vypeen, Valapatnam, Ettikulam etc.) corals, and areas of outstanding natural beauty (Chawara, Vizhinjam, Kovalam, Varkala, Ezhimala, etc.) CRZ-II consists of developed areas within municipal limits which is already substantially built up. CRZ-III is applicable to Andaman and Nicobar islands, Lakshadweep and other small islands.

The norms fixed for regulating the activities are as follows:-

CRZ-I: No new construction shall be permitted within 500 meters of HTL.

CRZ-II: No buildings on the seaward side of the existing authorised structures or road.

CRZ-III: No building upto 200 meters. Buildings are permitted beyond 200 meters for tourism purposes with restrictions. Reconstructions/alternation of existing buildings are permitted subject to certain conditions.

CRZ-IV: Permission for construction of building can be decided depending on the size of the island with the approval of MoEF. Those buildings within 500 meters shall not have more than 2 floors.

The Notification requires the Coastal states to prepare within a period of one from the date of notification, a Coastal Zone Management Plan (COZMAP) identifying and classifying the CRZ areas. Within the frame work of such approved planes, all development activities within CRZ shall be regulated. Till such plans are prepared and approved by MoEF all development and activities within CRZ shall not violate the notification.

This notification issued on 19-2-1991 has created a hue and cry in rest of the state. Because of that the Central Government in order to review it, has constituted a committee headed Shri. B.B. Vohra. The committee consists of representatives of all Coastal states including Kerala. After a year of heated debate on construction of hotels for Tourism development, it has submitted its report suggesting certain relaxation of No Development Zone of 200 meters in a case to case basis with regard to such stretches of the coastline which were rocky or hilly. According to the report, building relaxations should be made after carrying out necessary impact assessment studies by the MoEF. The Vohra Committee has also asked for a clarification of limits to which the control would apply since in some areas, tidal ingress could go upto 50 kms from coastline.

Accepting the recommendations of Vohra Committee the MoEF has amended the earlier notification during 1994.

It has relaxed the 100 meters limits fixed for rivers, Backwaters and creeks to 50 meters. In CRZ-III areas a blanket relaxation power has been given to the MoEF for development for temporary occupation of Tourists/Visitors.

In the meanwhile, The Indian Council for Enviro-Legal Action has filed a writ petition during 1993 before the Supreme Court of India contending that the notification dated 19-02-1991 of the MoEF has not been implemented or enforced by the Coastal States. All the Coastal States including the States of Kerala was a party to the said proceedings. On 12-12-94, The supreme Court has granted time to all the respondent states and passed an interim order directing the respondent states not to permit the setting up of any industry or the construction of any type in the area at least upto 500 meters from the sea water at the maximum high tide". The Kerala States was duly represented while passing this order.

In the said petition, they have also challenged the validity of the notification of 1994. The above conditional order was modified on 9-3-1995 and directed that all the restrictions prohibitions regarding construction and setting up of industries or for any other purpose, contained in the CRZ notification, shall be meticulously followed by all the concerned States. The activities which has been declared as prohibited within the CRZ shall not be undertaken by the coastal States. The restriction imposed in Coastal Areas has to be strictly be followed by the States.

When the matter is pending before the supreme Court of India, the state has started preparing the COZMAP. Several litigations were also launched before the High Court of Kerala alleging violation of the CRZ notification. The main case on this subject is the Goshree Island reclamations and the Cochin Marine Drive Construction Case. The Kerala High court has dismissed the Goshree Island Reclamation case mainly for the reason that only such land reclamation which would disturb the natural course of sea water would come within the ambit of the notification and the petitioner has not produced any materials to show that the reclamation of backwaters by GIDA would disturb the natural course of sea water. The Kerala High Court also held that it is difficult to decide whether the proposed reclamation would come within the CRZ area until the High Tide Line (HTL) is fixed and demarcated. Against the said decision the said Institute has approached the Supreme Court of India and the matter is pending.

In the meanwhile, the Supreme Court of India has again considered the case of Indian Council for Enviro-legal Action. Be its landmark judgement dated 18-04-1996 it has given directions as well as proposed to take actions against the states which has not prepared COZMAP. The Supreme Court has quashed certain amendments made by the 1994 notification. The reduction 100 meters to 50 meters in rivers, creeks and backwaters was declared illegal. The proviso which gives power to the MOEF to relax the power in CRZ-III areas is declared arbitrary and violative of Articles 21 of the Constitution of India. The states were directed to finalise the plans and get it approved. The Chief Secretaries of these States were asked to explain and show cause why further action be not taken for this non-compliance.

In view of the said directions from the Supreme Court the Kerala Government was constrained to prepare the COZMAP. While submitting it, the State has requested the MoEF to give approval for leaving only the least area as suggested in the notification as CRZ near the water bodies for the entire state. This COZMAP was considered by the MoEF in its Task Force Meeting held on 19th and 20th June 1996 at New Delhi. The minutes of the said meeting shows that the COZMAP was approved subject to certain conditions. The MoEF by the taking into consideration the special features and circumstances of Kerala, like limited land availability, high population density, etc, it was decided that the set back distance from HTL along the creeks, rivers and backwaters shall be kept as 100 meters or width of the creek, river or backwater whichever is less. The State Government is also directed to categorise/demarcate to the extent possible CRZ-I within CRZ-II/III areas. It was also made clear that no reclamation is allowed and no construction is allowed on land reclaimed after February 1991. Several other conditions were also imposed regarding dredging.

Despite the directions of the Supreme Court dated 18th April 1996, the people in Kerala has not been enlightened with the effect of the notification and the supreme court's order. In the meantime, the write petition filed by the Institute of Social Welfare for stalling constructions in Cochin Marine Drive has been referred to a division Bench considering the importance involved and doubting some of the observations in the Goshree case. The Kerala High Court by its order dated 8-7-96 directed the State government to produce the COZMAP submitted to the MoEF. In accordance with the said direction COZMAP was produced on 16-7-96 and the public became aware of it. The State Government also produced the minutes of the Task Force Meeting held on 19th and 20th June 1996 in which the COZMAP was recommended for approval.

On an overall analysis of the notification it can be seen that it is intended to protect and maintain the environment in sea and other backwaters. The marine water resources are very valuable. About 25% of the population of India are depending on the marine resources/activities for their livelihood. If the conditions imposed are violated it will have an adverse environment impact over the sea and its resources. The fishermen who are directly taking advantage of the marine resources are the people who are benefited by the conditions and restrictions imposed. If the notification is not followed in all its respects, it will cause loss indirectly to the fishermen who are depending on sea for their livelihood. So the fishermen should agitate for strict compliance with the notification in our state.

Of course, the condition imposed regarding construction of buildings will cause them some hardship to the fishermen. In order to obtain exemption from the MoEF against the implementation of notification in Kerala it is essential that the statute should have such power. As the notification does not give such power to the Central Government, the exemption from implementation cannot be granted at all. If the Kerala State needs such a blanket exemption, they ought to have brought this fact to the notice of Supreme Court of India when the case was considered. Now the seeking of exemption from the notification will be a non-futile attempt. Instead of asking for exemption, what the State should do is to implement the notification in other respects and then ask for relaxation for the houses of fishermen. The Constitution of India casts a fundamental duty on every citizen to protect the natural environment (Art.51A) and it is the duty of the State Government to protect and

improve the environment (Art.48A). State must implement at least the restriction regarding land reclamation and take immediate measures, Before asking for relaxation for fishermen.

According to me, Fishermen should be allowed to construct houses in CRZ-III areas subject to the conditions as per Annexure II of the notification.

Annexure II permits development of Beach Resorts/Hotels in the designated areas of CRZ-III subject to certain condition for temporary occupation of Tourists/Visitors mainly for the reason that such construction will not adversely affect the coastal environment. Traditional fishermen who are/were depending on the income from fishing should be allowed to construct building on the same terms as contained in Annexure II of the notification for the reason that it will not hamper the Coastal Protection.

In regard to constructions which has already been made after 1991, They should lodge individual representations before the State Government for relaxation. They should also undertake to plant trees and other plants in the remaining unbuild area for keeping it as Greenary.

For a better living in our country it is essential that we should have pure air, water and land. Without these essentials we cannot live. Environment could not be purchased. The available environment should be protected and maintained properly so as to avoid destruction of the country and its people. For keeping Kerala Green it is essential that the notification of 1991 must be strictly be followed.

By
Advocate P.B.SAHASRANAMAN
High Court, Ernakulam.

NATIONAL FISHWORKERS FORUM

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9-9-1996

To The Minister of Environment and Forests
Payavaran Bhavan, CGO Complex
Lodi Road, New Delhi.

cc: Vishwanath Anand, Coastal Zone Task force

Dear Sir,

Sub: The Coastal regulation Zone Notification, and the Coastal Zone Management Plans
Submitted by Indian's maritime states.

The national fishworkers forum is an organisation representing the country's more than 8 million fisherfolk. We have followed with despair the manner in which the coastal Regulation Zone Act has been distorted, and totally disregarded, by industries who seems to be working in with the governments of the maritime states.

The coastal stretches of India, besides being containing extremely important and sensitive ecosystems, is also home to millions of fisherfolk. Destructive development near or around the coastal areas will have disastrous consequences on the ecological security of the area, and on the livelihood security of the fisherfolk who depend upon a healthy coastal and marine environment for a living.

It is within this context that we place following notes and demands before you:

1. It has come to our notice that there is talk within various ministries to relax some restrictions of or even repeal the coastal Regulation Zone notification. We request you to immediately set to rest our apprehensions that the CRZ notification will not be changes to accommodate the industry, particularly when there are large number of chemical factories are being constructed within the range of 0-500 meters range.
2. We would like to reiterate that development of the coastal areas should first and foremost, be in tune with the requirements of their traditional inhabitants—the fisherfolk. Highest priority should be given to developing fisheries in a sustainable ecologically sound manner.

3. Sec. 6(2) of the notification permits the construction/reconstruction of dwelling units between 200 and 500 meters of the HTL as long as it is within the ambit of traditional rights and customary uses such as existing fishing village and goathans.

We would like to reemphasise our support for this clause, and would like you to ensure that it is not altered.

4. Again, given that the first rights of the coastal stretches should go to the fisherfolk, and given that tourism activities inevitably destroy local fisheries, we strongly express our opposition to the concession made by the Ministry to the powerful tourism lobby. The fisherfolk in Kovalam, Kerala, have become marginalized second-rate citizens because tourism onslaught in the area of the beaches. The fisherfolk in Goa beaches are forced to become suppliers in Restaurants and Hotels. Tourism particularly star hotels destroy Coastal Zone.

We protest in toto the "Guidelines for Development of Beach Resorts/Hotels in the Designated Areas of CRZ III for Temporary occupation of Tourist/visitors, with Prior Approval of the Ministry of Environment and Forests," which is dealt with in Sec. 7(1) of the Notification.

5. The Coastal Zone Management Plans weren't drafted by the State Government within the one-year deadline stipulated by the February 1991 notification. In fact, the process of drafting did not begin until less than a year ago in most states.

Despite having taken more than five years to draft the plans, the state government have not consulted any representatives of the fisherfolk community. A plan drafted without the consultation of the most important interest group, namely, the fishing community, is bound to be against their interests.

Moreover, the concession given to the tourism sector makes clear that the tourism lobby has been consulted. In Gujarat, the state government has actively colluded with the private sector Sanghi cements to allow construction of the company's cement plant and jetty facilities in designated CRZ I area. Currently, the state government is engaged in trying to alter the region's zonation from CRZ I to CRZ III.

In Kerala, a similar violation of the CRZ is being orchestrated by the state government in the form of the Goshree Island Project by reclaiming estuarine and lake water bodies within the range of High Tide. Going by these instances, it is evident that the industrialists too have had their say. We, the fisherfolk, demand that steps be taken immediately to address our democratic rights.

We demand that :

- a. the Coastal zone Management Plan be redrafted, this time with the active participation of representatives of local fisheries;

- b. the approval process, which too is totally against the consultative and democratic mandates of our constitution, be stayed until the input of the fisherfolk is taken into consideration.

The Zonation followed in the coastal Zone management Plans is inaccurate and, in many cases, intentionally misrepresented (as in the Sanghi cements case in Gujarat) by the draughts-persons. No ground-truthing of the zonation process has been conducted by people knowledgeable about the coastal regions in question.

A plan's objective is to reduce resource use conflicts in the future. But for this objective to be achieved, the various groups with vested interest in the region's resources must be consulted.

We are very disappointed by the cavalier treatment accorded to the fisherfolk, but sincerely hope that you will take immediate steps to rectify the situation.

We look forward to your itemised response to our numbered concerns above.

Sincerely,

THOMAS KOCHERRY

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ICSF
FOR DIGITIZATION
DATE: 23/11/2018

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