



NATIONAL FEDERATION OF SMALL-SCALE FISHERWORKERS

Memo No. NFSF/Pres – 01/25(2)

January 20, 2025

1. **The Minister of Home Affairs,
Government of India.**
2. **The Chief Minister,
Government of Gujarat.**

Sub: Stop unlawful demolitions in Beyt Dwarka, Okha and Pirotan islands of coastal Gujarat.

Sir,

The National Federation of Small-Scale Fishworkers (NFSF) has been utterly shocked at the massive demolition drive undertaken in Beyt Dwarka, Okha and Pirotan islands of coastal Gujarat between January 11 to 13, 2025. Large majority of the victims of the demolition drive belong to small-scale fishing communities. Further, it is reported that almost all the victims of the demolition have been religious minorities.

The demolition drive has razed to the ground the homes of thousands of small-scale fishing community people and made them shelterless. The poor fisher people, including the children, aged and women, have been compelled to live under the sky. Government statements allege that the demolitions were done to clear illegal structures and encroachments on government land and that the clearing of encroachments were important for security of the country as these islands are across the sea having Pakistan coastline on the other side. It is further alleged that a particular community residing in those areas is involved in cross border drug smuggling and other unlawful activities.

Evidences on the ground do not corroborate the Government statements and the demolition drive has blatantly violated the directions of the Hon'ble Supreme Court of India –

1. The Hon'ble Supreme Court of India on Writ Petition (Civil) No.295 of 2022 in the matter of demolition of structures has directed that a minimum of 15 days' time will have to be provided for replying to the show cause notice, containing items prescribed by the Hon'ble Supreme Court, issued to the owner / occupier of the structure by the authorities. Then an opportunity for personal hearing will have to be provided to the owner / occupier of the structure by the authorities. The final order for demolition should clearly state the reasons of the demolition order, the extent of the demolition and will not be implemented till 15 days of the receipt of the order by the owner / occupier of the structure.

It is reported that the first notice was issued on January 3 to religious structures and residents and the second one on January 7 to furnish documents of their property. On January 8 and 9, public hearings took place, and the demolitions started on January 10 and continued till January 13. **It is beyond doubt that the directions of the country's apex court have been thrown to the wind by the Government of Gujarat.** Thousands of Indian citizen were purposefully and illegally denied their legal rights.

2. If the demolition drives **targeted illegal structures**, then why all structures lacking legal titles, that included structures owned or occupied by other religious groups, were spared?
3. If the demolition drives were undertaken for **security reasons**, then why all structures lying in the same area were not demolished?

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4. The allegation that a particular community residing in those areas is involved in cross border drug smuggling and other unlawful activities, can never be legally cited as a cause of the demolition drives on their structures. The Hon'ble Supreme Court states *"It is a settled principle of criminal jurisprudence as recognized in our country that a person is presumed to be innocent till he is held guilty. In our view, if demolition of a house is permitted wherein number of persons of a family or a few families reside only on the ground that one person residing in such a house is either an accused or convicted in the crime, it will amount to inflicting a collective punishment on the entire family or the families residing in such structure. In our considered view, our constitutional scheme and the criminal jurisprudence would never permit the same."*

The Hon'ble Supreme Court of India, in its landmark judgement remarked –

"In order to allay the fears in the minds of the citizens with regard to arbitrary exercise of power by the officers/officials of the State, we find it necessary to issue certain directions in exercise of our power under Article 142 of the Constitution. We are also of the view that even after orders of demolition are passed, the affected party needs to be given some time so as to challenge the order of demolition before an appropriate forum. We are further of the view that even in cases of persons who do not wish to contest the demolition order, sufficient time needs to be given to them to vacate and arrange their affairs. It is not a happy sight to see women, children and aged persons dragged to the streets overnight. Heavens would not fall on the authorities if they hold their hands for some period."

The National Federation of Small-scale Fishworkers (NFSF) condemns in strongest terms the unlawful demolition of houses of small-scale fishers in Bet Dwarka by the State Government and district administration and demands –

1. Immediate stoppage to illegal demolition drives and full compliance of the Supreme Court's directions regarding demolition of illegal structure;
2. Immediate relief with food and shelter, ensuring fishing communities livelihood practices and proper rehabilitation of the people whose houses have been demolished;
3. Rebuilding the illegally demolished houses at the cost of the officials and ministers at whose instance the demolitions were perpetrated in accordance with the Supreme Court's directions.
4. Enquire into the violation of the Supreme Court's directions, and take steps for exemplary disciplinary action against the responsible officials.
5. No discrimination in government orders and actions on religion, caste or gender. All citizens are to be equal before the law and the administration.

Sincerely,

(Pradip Chatterjee)

President

National Federation of Small-scale Fishworkers (NFSF)

(Sebastiao Rodrigues)

General Secretary

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