



NATIONAL PLATFORM FOR SMALL SCALE FISHWORKERS (INLAND)

Date: 25.04.2020

To
The Hon'ble Chairperson,
National Human Rights Commission, India

Sub: Seeking urgent intervention for safeguarding the Basic Human Rights of around 4000 stranded migrant fishermen in Veraval Fishing Harbour, Gir Somnath District, Gujarat

Sir,

This is to bring to your urgent attention that around 4,000 migrant vessel crew fish workers mostly from Andhra Pradesh (such fishermen are mostly from Vishakapatnam, Vijaynagaram and Srikakulam districts of Andhra Pradesh) who had gone for deep sea fishing were left stranded on their boats in Veraval Fishing Harbour, located at Gir Somnath District, Gujarat, because of the unprecedented nationwide lockdown since 24th March, 2020.

The district administration in contravention of the directions passed by the Hon'ble Supreme Court in the matter of *Alakh Alok Srivastava v Union of India*, being Writ Petition (civil) No. 468/2020, are yet to shift approximately 4,000 migrant fishermen to any state home or shelter home, let alone be provided with beds, food, potable water and medicine.

A copy of the order dated 31.03.2020 by the Hon'ble Supreme Court is attached herewith as Annexure A1.

There have been several media reports made on the plight of the fishermen stranded in Veraval Fishing Harbour and we have filed several complaints before adequate authorities imploring them to take actions in the matter, however till date the fishermen continue to remain stranded in their own fishing boats and are yet to be taken to any shelter home/s.

A compilation of media reports and letters sent by us are attached herewith as Annexure A2 and A3 respectively.

i) Violation of directives of Ministry of Home Affairs: -

As per Ministry of Home Affairs directives under the Disaster Management Act, 2005 dated 28.03.2020 as well as 29.03.2020 respectively, District Magistrate/Deputy Commissioner and Senior Superintendent of Police /

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Superintendent of Police/Deputy Commissioner of Police are personally responsible to

- a. Arrange for adequate temporary shelters, provision of food, etc.
- b. Migrant workers are to be housed in shelter homes after screening for Covid19 for a period of 14 days as per health protocol
- c. Made stranded migrant workers aware about the relief packages under the Pradhan Mantri Garib Kalyan Yojana and other measures being taken by State administration.

However, till date, these 4000 fishermen have not been provided with any adequate shelter, nor given proper ration and medical attention by nodal authorities. The fishermen are forced to remain in their fishing boats (7 – 8 people in one living quarters, completely in violation of the social-distancing norms) in inhumane and inhospitable conditions.

MHA notifications dated 28.03.2020 and 29.03.2020 are annexed herewith as Annexure A4 and A5 respectively.

ii) Misutilization and/or non-utilisation of funds under the State Disaster Risk Management Fund for stranded migrant fishermen: -

As per the Ministry of Home Affairs Press missive dated 03.04.2020, Central Government has allowed State Government/s to utilise funds under the State Disaster Risk Management Fund:

- a. For providing food and shelter to migrant labourers.

Despite availability of such funds, same has not been utilised by the Gujarat Government for these 4,000 stranded migrant workers.

A copy of MHA Press Briefing Note dated 03.04.2020 is attached herewith as Annexure A6.

iii) Violation of Standard Operating System (SOP) for movement of Stranded Labour

As per the Standard Operating System (SOP) for movement of Stranded Labour notification dated 19.04.2020 by the Ministry of Home Affairs: -

- a. The migrant labourers residing in shelter homes ought to be registered with the concerned local authority for skill mapping and those suitable may be engaged in work under MNREGA

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b. Local authorities to provide food and water, etc. during the journey of workers to their work place.

The local authority are yet to shift them to a shelter home, let alone register them or find work for them under MNREGA.

A copy of the said notification dated 19.04.2020 is annexed herewith as Annexure A7.

iv) Violation of Order of the Hon'ble Supreme Court in *Alakh Alok Srivastava v Union of India*, being Writ Petition (civil) No. 468/2020

The Hon'ble Supreme Court in its order dated 31.03.2020 had directed that adequate medical facilities besides proper arrangements for food, clean drinking water and sanitation be ensured for migrant workers at relief camps/shelters across the country. Further, trained counsellors and/ or community group leaders belonging to all faiths should visit the relief camps/ shelter homes and deal with any consternation that the migrants might be going through.

The Court had also observed that the anxiety and fear of the migrants should be understood by the police and other authorities, and that they should deal with the migrants in a humane manner. Further, the State Governments/ UTs should endeavour to engage volunteers along with the police to supervise the welfare activities of the migrants.

However, both the local and state administration of Gujarat Government has completely violated the order of the Hon'ble Supreme Court both in its letter and in spirit, and not a single step as directed by the Hon'ble Supreme Court has been taken till date.

A copy of the said order has already been annexed as Annexure A1 herewith.

v) Violation of Guideline issued by Ministry of Health and Family Welfare on Treatment of Migrant Workers

As per the revised Guideline on treatment of Migrant Workers during this Covid19 pandemic, the Ministry has emphasised on: -

- a. Ensuring availability of community shelters, kitchen
- b. Need for social distancing
- c. Identification of suspected cases of infection and adherence to protocols for management of such cases

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d. Putting up mechanisms to enable them to reach their family members through telephone, video calls, etc.

As per Ministry of Home Affairs Press Briefing dated 12.04.2020 the same suggestion has also been reiterated to all State/UT authorities.

However, Gujarat Local and State authorities have failed to comply with the said directions till date and no community shelter, kitchen, etc, has been set up. Instead of identification of suspected cases and following protocols, a general observation has only been made till date and no mechanism has been set up for these 4000 migrant labourers to contact their family members.

A copy of the said revised guideline by Ministry of Health and Family Welfare as well as MHA press briefing dated 12.04.2020 is annexed hereto as Annexures A8 and A9 respectively.

vi) Violation of Article 21 of the Constitution of India

Article 21 of the Indian Constitution guarantees to all its citizens an inalienable, fundamental Right to Life. This Right to Life envisages a Right to Live with Dignity and such right has been completely violated by the Local and State administration in the instant case of the 4000 stranded migrant labourers, who have been forced to live in inhumane conditions on their boats. No shelter home has been arranged by the local authorities, despite several directions from the Ministry of Home Affairs and availability of funds.

Till date, no measures have been taken to ensure humane treatment, ensuring their well being and welfare, communication with their family.

The fishermen are living in inhospitable and unhygienic conditions. Their basic survival has been arranged by few people living in the harbours as well as relief measures being carried out by human rights and trade union activists, including the complainant herein.

We have made several complaints to various authorities highlighting the plight of these stranded workers and seeing complete apathy have prayed for allowing these fishermen to leave and return back to their homes. None of our prayers have been heard or attended to till date.

It is under these circumstances that we urgently seek your intervention in immediately passing the following directions upon the Gujarat State

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authority as well as Gir Somnath District authority and officials of Veraval Fishing Harbour : -

- i) Immediate relocation of all fishermen stranded in Veraval Fishing Harbour to state homes, shelter homes and if required commission officers to take private quarters to arrange for adequate and humane living quarters for all the fishermen
- ii) Arrange for a team of health workers, doctors and nurses to screen all the fishermen for susceptibility to Corona Virus and test them for Covid19 infection. Upon doing so, take necessary measures for quarantine and follow-up treatment if required.
- iii) Arrange for adequate and nutritious food and water as well as materials needed for day to day living, including clean and dry clothes.
- iv) Immediate Medical attention and medicines to be provided to these fishermen
- v) Register and keep records of all the fishermen, for all future correspondence and ensure delivery of all welfare scheme related grants that both State and Central Government is announcing from time to time.
- vi) Ensure humane treatment to be meted out to them as well as setting up mechanisms for them to be in touch with their family members and assuring them of all administrative help.
- vii) Any other order/orders as you may deem fit and necessary to do complete justice in the matter.

We the following complainants jointly urge you to immediately intervene in this human rights crisis and pass all necessary orders and ensure the rescue, rehabilitation and very survival of these stranded migrant labourers.

We further urge you to keep monitoring the situation to ensure implementation of any order/order that you may pass and allow us to assist this Hon'ble Commission in every possible way.

Thanking you,

Sincerely,

Pradip Chatterjee

Convener, NPSSF(I)