



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001
Tel : 2207 3434 Fax : 2207 3434, 2209 2857 Website : <http://mshrc.maharashtra.gov.in>

SHRC/VGM/02/2010/ 384

Date: 06th February 2010

Case No. - 3197/2008-09

Name of the Complainant : Shri. Ramdas Janardan Koli
Paramparik Macchimar Bachav Kruti Samiti,
Office :- Shri. Datta Sakaram Koli,
At Post Hanuman Koliwadi,
Post - NAD Karanja, Tal. Uran,
Dist. Raigad.

Vs.

The Collector
Raigad.

Date : 2 February 2010

Coram : Justice V G Munshi, Member

ORDER

Read the averments made in the complaint and the case papers. Heard the parties.

2. Present complaint is made by Coastal Fishery Action Committee, demanding immediate action for the violation of human rights of 1630 families of fishermen, at the hands of Respondents.

3. Therefore, before proceeding with the merits of the case, points to be decided etc. it is necessary to acquaint our-self with the facts and circumstances of case with which we are concerned.

Villages Uran, Koliwads, Hanuman Koliwada, Belpada and Gavan Koliwada are situated in Uran and Panvel Talukas, Dist. Raigad. Coastal fishery



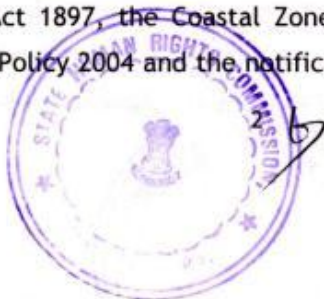
is the main and only source of livelihood of the Coastal Communities. In other words the Coastal residents or inhabitant mainly depend upon fishery. Therefore, it is necessary to protect and preserve the Coastal area for the purposes of reproduction, feeding and shelter. Therefore, it is necessary to protect the beaches, rocky outcrops, mudflats, coral reefs, etc. For that purpose it is necessary to maintain Coastal ecosystem to provide livelihood security and to provide sea food to high percentage of our population.

4. The complainants claim that they have got right of fishery and in support of their contention relied on the provision of the Indian Fisheries Act, 1897 and the relevant portion is reproduced as under.

“Private water means water which is the exclusive property of any person on in which any person has for the time being an exclusive right of fishery whether as owner, lessee on in any other capacity.”

There can not be any difference of opinion on the point that the complainants, have got right of fishery. However, according to the complainants their right is in danger, and now is continuously infringed by the act of other side. It was alleged that because of activities of Respondents in this area, they have practically deprived of their legitimate and customary right of fishery and thus, they have completely lost the only source of income and livelihood and thus, they are leading miserable life.

5. The complainant referred the expert Committee Report Committee headed by Prof. Dr. M.S.Swaminathan, who was appointed to review Coastal Zone Regulation 1991. The Committee has given its Report in the month of February. The Committee considered all these aspects and given the Report in details. It was the grievance made by the complainant that CIDCO, JNPT, ONGC and NMSEZ and such other Companies and Authority completely ignored the suggestions, recommendations etc. made in the Report. It was alleged that even judgments and orders passed by Supreme Court and High Court were ignored. In short according to the complainants all these activities are going on, in contravention to the provisions of the Indian Fisheries Act 1897, the Coastal Zone Management Act 1972, and against National Environment Policy 2004 and the notifications issued by the State and Central



R/R,HRG - RECOMMENDATIONS

Government in this behalf from time to time. We have to consider their case on this back ground.

6. On this subject and issue the Report submitted by Collector Raigad, to Principal Secretary (Rehabilitation) Revenue Mantralaya, Mumbai is important. In this Report the Collector, Raigad made it clear that the complainants because of such development activities really suffered and practically lost their source of livelihood. The Collector made certain suggestions/ recommendations, which are yet to be implemented. A list of 1630 affected families is already prepared and they all are yet to be rehabilitated and settled in the life. It was incumbent upon the Respondent Collector, Raigad to do the needful as early as possible. The abnormal delay caused great inconvenience to these affected persons. It really affected their rights. In these circumstance. I feel it just and proper to make following recommendations.

- (A) The Collector, Raigad to take all the necessary steps for the rehabilitation of 1630 affected families at early date.
- (B) The Collector, Raigad sympathetically to take into consideration the suggestions / recommendations no 1,2 and 3 made by the complainant in the prayer clause of the complainant and to do all the acts which are necessary for the Welfare and for the benefit of the complainants. (Copy is attached herewith)
- (C) The Copy of this order be sent to the Collector, Raigad for information and necessary action through Secretary State Human Rights Commission, Mumbai and compliance be reported.

With these observations and recommendations case No. 3197/2008-09 is disposed of accordingly.



V. G. Munshi
(Justice V G Munshi)
Member, SHRC