

The jury's verdict

A unique public hearing in India on women in fisheries organized by the National Fishworkers' Forum came up with a judgement. Excerpts:

We, the four members of the Jury on the Public Hearing on Women's Struggle for Survival in Fisheries organized by the National Fishworkers' Forum and the Women in Fisheries programme, have heard the testimonies of women who are working in seafood processing factories in Goa, Tamil Nadu, Bombay, Calcutta and Kerala and also read detailed reports presented by the following people/groups:

- Report entitled "The Seafood Processing Industry and the Conditions of Women Migrant Workers" by Aleyamma Vijayan of NFF/WIF, Trivandrum
- Report entitled "Girls and Women Employed in Prawn Processing" by R. V. Mathias, Executive Secretary, CBCI Commission of Labour, New Delhi
- Report on conditions of women in fisheries by Albertina Almeida of Bailancho Saad, Goa
- A study of problems and prospects of migrant women workers in seafood industries at Veraval, Junagadh, Gujarat by the Department of Social Work, Diocese of Rajkot
- Report on the condition of women in fisheries in Calcutta by Minnie Joseph, freelance journalist and school teacher and Y. De Steen Hault, St. Lawrence High School, Calcutta

We also heard the testimony of representatives of the Government of Kerala's Labour Department.

Testimony after testimony by women between the ages of 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 human life is next to nothing.

The life of these mostly young women, capable of hard work, bearing great hardships, but 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 a young woman died under suspicious circumstances.

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 cold and ice, threatened by ammonia leaks, denied their rights to even drinking water and health insurance.

The living conditions of these women are shocking. These young workers live in crowded rooms, often 30 to 35 in a room, with just one or two bathrooms or toilets, and no privacy. The women are often not allowed to have even a day off or any holiday. The women suffer from numb, blistered fingers, back and leg pain, and are 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 and numb but their souls are also benumbed. After hearing the testimonies of those who deposed at this public hearing, we are of the unanimous opinion that the provisions of the relevant labour laws are being totally violated. In particular, these have been totally violated:

- Contract Labour (Regulation and Abolition) Act, 1970
- Inter-state Migrant Workmen (Regulation and Employment) Act, 1979
- Bonded Labour (Abolition) Act, 1976
- Minimum Wages Act, 1948
- Factories Act

- Employee's State Insurance Act

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)

In addition to violating the Constitution of India and statutory laws, there is also a violation of international human rights and international labour standards specifically contained in the following articles of the Universal Declaration of Human Rights:

- Article 22: The right member of society security and the right of every to social to realize through national effort and international co-operation, in accordance with

the organization and resources of each state, the economic, social and cultural rights indispensable for the 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 violate Convention 122 of the International Labour Organization concerning employment policy of the ILO (1969) read with the Declaration on the Right to Development, 1986.

...We record that not even a 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, governments or the local church leaders, the working and living conditions of women have improved.

...In the above-mentioned circumstances, we have the following suggestions to make:

- a. Strengthen international solidarity among workers in all countries to ensure a non-selective enforcement of labour standards and indivisibility of human rights. We note that the National Fishworkers' Forum has taken steps in that direction 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 im-

plemented through the active intervention and action of the labour and law enforcement machinery.

While these recommendations can help to improve the working and living conditions of women in fisheries, the problem will not be solved...

We have to commit ourselves to a long struggle so that world production systems based on production for life, not production for profits, 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. The new jurisprudence will help to convert the pain of these women to powerpower to fight this unjust system. 3

This verdict was proclaimed by Justices V.R.Krishna Iyer and Janaki Amma and advocated Indira Jaisingh and Nandita Haksar at Ernakulam, India on 23 June 1995