



Dev Bare Karu
(May God Bless You)

By Dr. BS Patil

Goa is a Tourism destination. The main attractions in Goa are its coast, sun, sea, and sand. The government of Goa is pushing tourism during the monsoon season too. The target of the Government of Goa is tourism 365 days.

Tourism has been a lifeline for most of the Goan families. Hotels, casinos, lodgings, shacks, tourist amusements in the form of water sports, etc, are labour-intensive and generate maximum employment opportunities. The Government of Goa is quite happy with its policies on tourism, as the inflow of tourists is increasing every year.

Amid this hustle and bustle lies a simple, serene and quiet village on the Miramar beach. Miramar is a world-famous beach for family outings and fitness freaks. This village is part of the suburb of Panjim City. It is part of different wards of the Panjim corporation.

This village comprises of Ramponnkars. Traditional fishermen, use a conventional fishing methodology called Ramponn. Along with Ramponn, some fishermen use non-mechanized boats, Cast fishing nets or kaathalli. This style of fishing is sustainable and profitable. The whole village of 50 houses is utterly dependent upon fishing.

However, the profit margin between fishing and tourism has a vast difference. Many Ramponnkars felt out of place as they were not used to providing service to tourists. The educated, trained and well-informed non-fishing community of Goa and from outside Goa grabbed the tourism opportunity and created a tourist hub for water sports in Miramar, which included Dolphin Watch, Banana Ride, Jet Skiing, etc.

Once upon a time, a serene and quiet beach that was very much alive with marine life on the beach, including fascinating Ghost Crab and starfish, became an attraction for tourists. Mechanised boats created obstacles for Romponnkars as their area for fishing got restricted. Such restriction resulted in loss of revenue and continuous quarrel between fishermen and water sports operator.

The government of Goa was up to this new challenge. It floated new schemes, which made these fishermen initiate 'staying in hospitality'. These fishermen houses were converted into tourist houses. The fisherfolks could register with Goa Tourism Department Corporation, and they were eligible to host the tourists in their



homes. Bringing back fond memories of the 1970s, when foreign tourists enjoyed the Goan hospitality. It is not wrong to say that the present reputation of Goa was built by these unsung heroes from the Goan coast. In addition to an attempt to provide a small portion of the tourism pie, the Government of Goa provided Ramponnkars with an easy loan with minimum interest to buy new equipment for fishing.

The problem

The different tourism stakeholders constituted their associations to protect their interests; taxi drivers had their own associations, and taxi owners had their own. Similarly, water-sports organisers had their own association named Miramar Water-sports Organisers Association (MiWOA). MiWOA had a handful of worries to handle. The regular tussle with villagers on the space available on Miramar Beach and competition from other famous beaches like Calangute and Baga made a dent in their profit.

The MiWOA tried to end these regular skirmishes and filed a petition in the Goa High Court. They pleaded for clarity on their fundamental right to conduct their business without undue interference. The Ramponnkars formed their association livelihood for traditional Fisherfolks (LTF) and joined the litigation. The Advocate General of the State of Goa represented the Tourism Department and submitted that the State recognises the fundamental right to do business and the absolute right to livelihood.

Contention before the Court

The MiWOA claimed that the regular protest and manhandling of the employees and lifeguards have created a hostile atmosphere on the beach, and peace-loving tourists are shying away from Miramar Beach, causing financial losses. They also claimed that their business is legal and they have obtained requisite permissions from the Tourism department. They also mentioned that the sports organized at Miramar Beach are recognized all over India. Therefore, interference in their business should be declared illegal and stern action should be taken against the perpetrators. They also sought directions to be given to the Police to provide the required protection.

In response to the petition, LTF mentioned that the behaviour of fish on Miramar Beach has changed substantially due to noise made by the water sports bikes and boats. The fish, which used to swim near the beach, have moved away, affecting their livelihood. The oil spillage by the boats and bikes has contaminated the water, and the smell is driving out the fish from the coast. The highspeed jet ski tears the net of the poor Ramponnkars, causing them to lose the day catch and the future

catch of at least 15 days as the net has to be sewed again at unbearable expenses. The main objection of the LTF is ever-expanding water sports requirements. The number of sports is being added every year, and the number of mechanized boats and bikes is increasing continuously. The water sports are getting organized too close to their fishing activity.

The Decision

After hearing both parties, the High Court of Goa concluded that the fisherfolk's traditional rights, coupled with the right to livelihood, need protection. The Court pronounced that the MiWOA must exercise restraint, control their activity, and allow the fishing community to continue with their profession.

The Court exhibited its inability to bring harmony between conflicting rights. The Court also regrettably mentioned that they are not in a position to do justice in an absolute sense. However, they issued directions to the State of Goa to form a plan of action and mentioned in the judgment that this is the best possible solution to the case.

The LTF well received the decision, whereas the MiWOA was unhappy and contemplated approaching the Supreme Court.

State Intervention

The decision also put the State under tremendous pressure as the government's policy is geared towards tourism. At the same time, the culture and traditions of the State, which are tourist attractions, also need to be protected. Preparing a plan of action and harmonising

Immediately, Mr Shripad Apte, the Director of Tourism, constituted a committee and asked them to open a communication channel with both parties. The committee spoke to MiWOA and requested them to come for a discussion. The association, represented by Mr/Ms _____ Agarwal, agreed reluctantly. However, the LTF, the triumphant party in the litigation, was relatively easy to convince for discussion. Mr/Ms _____ Chodankar readily agreed to the debate. The committee submitted the report to Mr Apte.

Mr Apte, with the consent of both parties, appointed a Mediator and converted the meeting/discussion into a mediation process. Mr Apte nominated MiWOA as the requesting party and LTF as the responding party for clarity.

Note:

The mediator the State appoints must act according to the role assigned under the Mediation Act 2023. He must play an active role in resolving the dispute