



NATIONAL FEDERATION OF SMALL-SCALE FISHERWORKERS

Comments on the -

Sustainable Harnessing of Fisheries in the Exclusive Economic Zone of India Rules, 2025

The comments of the National Federation of Small-Scale Fishworkers (NFSF) on the **Draft Sustainable Harnessing of Fisheries in the Exclusive Economic Zone of India Rules, 2025** are placed below.

Prologue

Demand for regulation on marine fishing in EEZ was raised by the small-scale marine fishers of India more than 20 years ago. Obviously, it was raised to **protect their legitimate share of fish resources in the face of plunder of marine fish resources by the mechanised fishing sector sanctioned by the prevailing open access regime**. The government of India was not very keen to go for any such legislation.

In 2009, in the face of mounting demand and agitations of the small-scale fisher people all around the coast of the country the Indian government proposed the **Marine Fisheries (Regulation and Management) Bill, 2009** to regulate fishing in the country's maritime zones beyond territorial waters. Due to widespread opposition from the fishing community and other stakeholders, the bill was never finalized or enacted.

Then again in 2021, under the threat of imminent stoppage of subsidies to IUU (Illegal, Unreported, and Unregulated) fishing by WTO, the government of India had brought in a **draft Indian Marine Fisheries Bill** just a few days before the monsoon session of the parliament and tried to pass it in that very session. Once again there was widespread opposition to the bill, state governments of Kerala and Tamil Nadu rejected the bill and it was never placed in the parliament for consideration and passage.

It is thus evident that the government of India's role in legislating regulations for fishing in the EEZ have not been welcomed by the people of the country in general and by the coastal fishing communities in particular.

The instant Draft Rules for Fishing in EEZ is the third legislative attempt by the government of India to create a statutory instrument for regulation of fishing in the Indian EEZ, that is from 12 nautical miles (approximately 22 kms.) to 200 nautical miles (approximately 370 kms.)

Procedural Wrongs

The National Federation of Small-Scale Fishworkers (NFSF) draws the attention of the Ministry of Fisheries, Animal Husbandry and Dairying to the Pre-Legislative Consultative Policy (PLCP) dated 05.02.2014, issued by the Ministry of Law and Justice, Government of India which instructed inter-alia that a Ministry of the Government of India has to –



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- Publish the proposed legislations both on the internet as also through other means;
- Keep the same in the public domain for a minimum period of thirty days for being proactively shared with the public;
- Document and disclose the legislation through print or electronic media or in such other manner, as may be considered necessary to give wider publicity to reach the specifically affected group of people;
- Append an explanatory note explaining key legal provisions in a simple language of the draft legislation placed in public domain;
- Hold consultations with all stakeholders in addition to placing the proposal in public domain, according to the nature of the subject and the potential impact on those who will be affected by such legislation.

NFSF takes serious exception to the Ministry's non-compliance with PLCP and holds that the Ministry of Fisheries, Animal Husbandry and Dairying should –

- I. Put up a revised Public Notice providing 60 days' time for public comments considering the vast and remote areas where the stakeholders of the coastal waters and lands including the small-scale fishing communities reside.**
- II. Prepare and make available printed copies of the Draft Bill in different vernaculars of the stakeholders.**
- III. Hold consultations with the stakeholders, especially with the coastal fishing communities.**

NFSF expects that, in compliance with the instructions contained in the PLCP, its objections regarding violation of PLCP norms by the Department will be put up to the Ministry of Law and Justice by the Department for examination.

Failed Status of the Instrument

It is conspicuous that the Ministry, in stark contrast to earlier attempts made in 2009 and 2021 to enact a law for regulation of fishing in the country's EEZ, **has settled for a set of rules** under the *Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976* for the purpose.

India's coastline is reported as being approximately 7,516.6 km, though a new, more detailed measurement of 11,084.50 km was recently accepted by the government. India's Exclusive Economic Zone (EEZ) covers an area of around 2,305,143 km². Marine fishing, with about 4 million tons of fish catch has an export volume of 17,81,602 MT (in FY 2023-24) valued at US\$ 7.38 billion. The sector employs half a million active fishers and another 1 million workers in the secondary and tertiary sectors. **Marine fisheries, with its huge natural and human resources along with important share in the national economy, certainly deserves an act of law for its**



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management in place of a set of rules under the *Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976*.

Further, NFSF brings up the following for consideration –

- A. The *Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976* was enacted for the purpose of establishing the sovereignty and rights of the Indian state on the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones. The nodal ministry for this Act has been the Ministry of External Affairs (MEA). As such, the purpose of this Act is mainly to empower or authorise the state of India to protect and use resources in Indian maritime zones as against that by foreign states. This is also corroborated by the **Government of India (Allocation of Business) Rules, 1961 made under clause (3) of article 77 of the Constitution by the then Hon'ble President of India.**
- B. A separate Act and a set of rules under it were enacted for regulation of foreign fishing vessels in the maritime zones of India, these are - the *Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981* and the *Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules, 1982*. Conspicuously the nodal department for this Act has been the then Department of Fisheries, under the Ministry of Agriculture and Farmers Welfare of the Indian Government.
- C. In line with it, all the maritime states and union territories of India have their respective marine fishing regulation acts and rules for regulation of fishing in their respective territorial waters for which the nodal departments have been the respective fisheries departments of the states and UTs.
- D. The instant Draft Rules for Fishing in EEZ has been prepared under section 15 of the *Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976* and placed in the public domain by the Ministry of Fisheries, Animal Husbandry and Dairying. Under the same section and by the same logic all the marine fishing regulation Acts of maritime states and UTs can be done away with and replaced by sets of Rules for respective states and UTs.

This would create unnecessary and avoidable complications, confusions and constraints in execution of the instant rules. **It is strongly suggested that the Government enact a separate Act for regulation of fishing in the Indian EEZ with necessary set of Rules for execution of the Act with the fisheries ministry functioning as the nodal ministry.**

More importantly, it needs to be noted that in principal (or primary) legislation, parliament enacts laws directly, while in subordinate (or delegated) legislation like framing of Rules, parliament grants authority to the executive or other bodies to make detailed rules within an existing statutory framework. In proposing a set of Rules for fishing in EEZ under the *Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976*, the **Government of India is depriving the country's parliament of its right to make primary law in the matter and has relegated the role of the members of parliament to only scrutinize the regulations made by bureaucrats.** And, in doing so, it has denied the Sustainable Harnessing of



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Fisheries in the Exclusive Economic Zone of India Rules, 2025 the scope of having a proper principal Act as a framework and guiding document for it.

NFSF vehemently opposes this attempt by the government of India in the Ministry of Fisheries, Animal Husbandry and Dairying to scuttle the right of the parliament and demands enactment of a full-fledged law for regulation of fishing in the Indian EEZ.

Comments on the Text of Draft Rules

NFSF, with a view to strengthen the enactment of a statutory instrument for regulation of fishing in the Indian EEZ, puts up its observations and comments on the text of the draft rules as in the following –

Rule/Para	Text in the Draft	Observations / Comments
Preamble	G.S.R. No. (E). —In exercise of the powers conferred by section 15 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 (80 of 1976), the Central Government hereby makes the following Rules for the exploration, exploitation, conservation, and management of fisheries resources in the Exclusive Economic Zone of India,	NFSF comments on this have been placed under the foregoing section <i>'Failed Status of the Instrument'</i>
2 (c)	"Adjudicating Officer" means an officer of the State Fisheries Department, not below the rank of Assistant Director of Fisheries, notified by the concerned State under its Marine Fishing Regulation Act.	How can a State Fisheries Department notify an Adjudicating Officer under the Maritime Zones Act under the Marine Fishing Regulation Act of the concerned state??
2 (k)	"Fishers" means fishermen and fisherwomen engaged in fishing and fishing-related activities for livelihood or profit, including fish workers.	Fishers should mean active fishers and not absentee entrepreneurs or investors in fisheries business.
2 (n)	"Fishing-related Activities" means landing, packaging, marketing, processing, preserving, storing, live transportation of fish, transshipping, or transporting fish not previously landed at a port, or any other related operations.	It should include pre-harvesting activities like preparations of nets (mending), fishing boats and other fishing arrangements.
2 (q)	"Issuing Authority" means an officer in the Department of Fisheries in the Central Government, designated for issuing Access Passes to Indian fishing vessels for fishing in the Exclusive Economic Zone of India.	The task is huge. Apart from mechanised boats, large number of motorised fishing boats fish in the EEZ. The task should be entrusted not to 'an officer' but to 'a set of officers'.
2 (z)	"Owner" means a person, including an	'Ownership' should be differentiated



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	individual, partnership, Fish Farmer Producer Organisations, Fisheries Cooperatives (including multi-state cooperatives), or public or private body, whether incorporated or not, to whom a fishing vessel or a share in it belongs.	from belonging and should emphasize primary ownership of the vessel.
2 (aa)	“Port” means a port, fishing harbour, or fish landing centre designated by the Central or State Government by notification in the Official Gazette for the purposes of these rules.	Better to opt for a different term. May be confused with definition in Indian Ports Act. Also beach based fish landing centres may not fit into popular perception of port.
2 (ad)	“Regional Fisheries Management Organization (RFMO)” means an intergovernmental fisheries organization or agreement to which India is a party, with competence to establish conservation and management measures.	RFMO definition should not be conditional of participation of India. RFMOs exist with or without India being party to them and Indian flagged fishing vessels may relate to any of them.
3	Regulation of Fishing and Fishing-related Activities	Rule 3 or Regulation of Fishing and Fishing-related Activities deals exclusively with <i>access passes</i> . It is surprising to note that there is no other issue for regulation of fishing or fishing-related activities like matching fishing efforts with available catch, preference of categories of fishing boats and gears, seasonal and area specific fishing ban, operational and occupational safety, MCS etc. ➤ Motorised boats of less than 15 meters OAL with up to 100 hp engine and not using trawl or purse seine nets should have an exclusive fishing zone extending up to 50 kms. into the EEZ from the limits of territorial waters.
3 (a)	All mechanized fishing vessels and those motorised fishing vessels exclusively engaged in fishing for tuna and tuna-like species or motorised fishing vessels of 24 meters overall length and above shall obtain an Access Pass for fishing and fishing-related activities in the Exclusive Economic Zone of India beyond territorial waters.	i. ‘fishing for tuna and tuna-like species’ – should be clearly defined; ii. Almost all, if not all, the motorised boats are of less than 24 meters OAL. There are trawlers, purse seiners, gill netters, bag netters etc. This means that no Access Pass and/or Regulation of fishing will be applicable to them. This is ridiculous.
4	Monitoring, Control, and Surveillance (MCS)	This should be part of Rule 3 -



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		Regulation of Fishing and Fishing-related Activities.
4 (b)	In the event of a fishing vessel intending to enter any port other than that referred to in para 4 (a), it shall intimate to the Registrar of the fishing vessels, the Issuing Authority, and the Authorized Officers.	A fishing vessel in distress and/or not in a position to communicate may be exempted from compliance.
4 (e)	Fishing vessels, operators, and owners shall comply with the minimum provisions of sea safety, manning, and MCS provisions prescribed under the Merchant Shipping Act, 1958, that may <i>inter alia</i> include but not be limited to the following:	Smaller fishing vessels of less than 60 HP may not be in a position to comply with Rule 26 of the COLREGS [Rule 4(e)(i)] and / or the minimum safety provisions mentioned under [Rule 4(e)(ii)]. There should be comprehensive schemes to support them in complying with the statutory requirements.
5	Inspection and Enforcement	This should also be a part of Rule 3 - Regulation of Fishing and Fishing-related Activities.
6	Fisheries Management Plans (FMPs)	This should also be a part of Rule 3 - Regulation of Fishing and Fishing-related Activities.
6 (a)	The Central Government, in consultation with scientific institutions, Coastal States, and fishers and their associations, shall notify Fisheries Management Plans (FMPs) for sustainable fisheries in the Exclusive Economic Zone, which shall be based on the best available scientific information, including fishing mortality or stock biomass levels consistent with management objectives such as Maximum Sustainable Yield (MSY). Mariculture including seaweed cultivation in the EEZ shall also be promoted as an additional measure to reduce fishing pressure, creation of additional livelihood and enhancing production from the sea.	<ul style="list-style-type: none"> i. The seven pillars mentioned in the National Policy on Marine Fisheries (NPMF), 2017 namely sustainable development, socio - economic upliftment of fishers, principle of subsidiarity, partnership, inter-generational equity, gender justice and precautionary approach together with climate resilience and justice should be added as guidelines for preparation of Fisheries Management Plans (FMPs); ii. Mariculture is harmful for coastal waters and fisheries. Being capital intensive and promoting centralized ownership, it is not socially equitable. Coastal waters of our country are already bearing heavily the brunt of coastal intensive or industrial aquaculture. Mariculture should not be mentioned in the fishing rules for EEZ. It has nothing to do in fishing. iii. Seaweed cultivation areas should

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		be marked with the consent of and in consultation with local fishing communities.
6 (b)	All Fishing Vessels engaged in fishing and fishing-related activities in the EEZ shall comply with the notified FMPs. The notified FMP may include, but not be limited to, the following management actions:	<p>The proposed management actions should inter-alia include –</p> <p>a. Exclusive fishing zone extending up to 50 kms. into the EEZ from the limits of territorial waters for motorised boats of less than 15 meters OAL, with less than 100 hp motor and not using trawl or purse seine nets.</p> <p>b. Fishing effort restrictions by number of boats and fishing time least number and lowest fishing time for mechanised fishing boats, largest number and highest fishing time for the motorised sector.</p> <p>c. Fishing catch restrictions (Total amount and quota of catch to be fixed by category and number of fishing vessels. Lowest catch quota for mechanised and highest catch quota for motorised fishing boats.)</p> <p>d. Scaling of fishing ban period according to manual, motorised and mechanised boats (shortest for the weakest, longest for the strongest).</p> <p>e. Ban on destructive fishing gears like bottom trawling, bull trawling and purse-seining.</p>
7 (c)	The Registrar of the fishing vessels concerned and any such other authority as notified by the Central Government shall be responsible for the verification of the catch-related data, duly authenticated by the Skipper of the vessel and recorded in the manner as prescribed under rule 10.	It is important but difficult to do. Mechanism is of utmost importance.
8 (b)	Applications for Catch and Health Certificates shall be submitted through designated online portals of the respective agencies, which shall be duly integrated with the ReALCRaft portal for verification and processing of vessel and catch-related information.	<p>i. Should be mandatory and should not be application based since it concerns public health.</p> <p>ii. In case of detection of contamination in catch which is due to sources extraneous to fisheries,</p>



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		the fishers fishing in the concerned area should be adequately compensated till health of the catch is restored.
9 (a)	The operators or owners of fishing vessels with an Access Pass may undertake mid-sea transshipment to a mother vessel in accordance with the applicable measures of the RFMO concerned and the relevant guidelines of the Reserve Bank of India as promulgated from time to time.	Mid-sea transshipment may not necessarily be typical to fishing vessels having access pass. They are done by motorised boats also. The section should be reviewed accordingly.
10	Catch Reporting: The Central Government may, by notification, require the Indian fishing vessels to furnish such fishery data to the Registrar of the fishing vessels, Authorised Officer, Issuing Authority, or other authorities in digital form and at such periodical intervals as may be specified in that notification. The notification shall also specify the formats for voyage reports for different types of fishing vessels, which may inter alia include the details of fish catch, fish species, numbers, weight, fishing areas, and trip duration.	Catch details should be included. Log books should be adopted.
12 (i)	use of dynamite, explosives, poisons, noxious chemicals, or other destructive materials or methods;	Government of India has already banned bull or pair trawling in EEZ. This should have been included.
14	The Fishing and fishing-related activities in the Exclusive Economic Zone shall be carried out in compliance with the conservation and management measures (CMMs) adopted by Regional Fisheries Management Organisations (RFMOs) to which India is a party, including the Indian Ocean Tuna Commission (IOTC). Such applicable measures shall be appended to the Access Pass and updated periodically.	Why only Access Pass recipients are concerned?



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16. Violations and Penalties [NFSF proposes the following penalties in place of those in the proposed Rules]

(a) The Adjudicating Officer, after inquiry under rule 15, may impose penalties for contraventions of the rules 3, 4, 6, 9, 10, 11, 12, 13, and 14, or the notifications issued under these rules, or Access Pass conditions, as follows:

Category of Fishing Vessel	First Offence	Second Offence	Third and Subsequent Offences
(i) Motorised vessels, and (ii) Mechanised fishing vessels of less than 15 m overall length	(i) Issuance of warning for motorised vessels; (ii) Fine up to 10,000 but not less than 5,000 for mechanised vessels of less than 15m OAL;	(i) Fine up to 5,000 but not less for motorised vessels; (ii) Fine up to 15,000 but not less than 10,000 for mechanised vessels of less than 15m OAL;	(i) Fine up to 10,000 but not less than 5,000 for 3rd and subsequent offences for motorised vessels; (ii) For mechanised vessels the Fine up to 20,000 but not less than 15,000 for 3 rd and subsequent offences with suspension of fishing operation for one year for mechanised fishing vessels of less than 15m OAL;
Mechanised fishing vessels of 15m to less than 24 m overall length	Fine up to 20,000 but not less than 10,000	Fine up to 30,000 but not less than 20,000.	Fine up to 50,000 for 3rd and subsequent offences but not less than 30,000 with suspension of fishing operation for one year.
Mechanised fishing vessels of 24m and above overall length	Fine up to 50,000 but not less than 30,000	Fine up to 1,00,000 but not less than 60,000;	Fine up to 1,50,000 for 3rd and subsequent offences with suspension of fishing operation for one year.

Rule/Para	Text in the Draft	Observations / Comments
16 (b) (i)	Suspend the Access Pass for a specified period not exceeding 6 months;	The provision for suspension of operation should be for mechanised boats and should not be confined to Access Pass holders alone. The period of suspension should be One Year considering the fishing ban period. This has been stated in the penalty table above.
16 (c)	The Issuing Authority may suspend or cancel an Access Pass in the interest of law and order, maritime security, or public interest, without prejudice to other penalties.	Should not be confined to Access Pass holders.
16 (d)	In the case of suspension of an Access Pass, the operator shall immediately ensure that fishing or fishing-related activities of such	Should not be confined to Access Pass holders.



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	vessel is stopped until the suspension is revoked in writing.	
16 (f)	The pecuniary penalties imposed by the Adjudicating Officer under these rules shall be recovered by the State as arrears of public revenue due on land, with the exercise of powers of the Collector and District Magistrate under the land revenue laws of the respective States.	This may create further legal complications. There should be a separate head of revenue under fisheries as used for collection of registration or license fees of fishing vessels.
21	The Central Government shall, by notification, establish an Inter-Ministerial Committee and advise the States to constitute State-level Committees to oversee the implementation of these rules for the sustainable harnessing of marine fisheries resources in the Exclusive Economic Zone.	SSF or small-scale fish workers and their organisations must be represented in these committees. There should be district and block level committees also for the implementation of these rules and the management plan for the sustainable harnessing of marine fisheries resources in the Exclusive Economic Zone.

NFSF urges upon the Government of India in the Ministry of Fisheries, Animal Husbandry and Dairying to immediately initiate consultations with the small-scale fishworkers and their organisations on the Draft Sustainable Harnessing of Fisheries in the Exclusive Economic Zone of India Rules, 2025.

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