



## NATIONAL PLATFORM FOR SMALL SCALE FISHWORKERS

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Memo No. NPSSFW/Convener - 04/23

February 11, 2023

Shri Mushtaq Ahmad,  
Director,  
Ministry of Mines,  
Room No. 313,  
D-Wing Shastri Bhawan,  
Dr. Rajendra Prasad Road,  
New Delhi-110001.

Sub: Comments/Suggestions on the Amendment of the Offshore Areas Mineral (Development and Regulation) Act, 2002

Sir,

The National Platform for Small Scale Fish Workers (NPSSFW) has noted with concern the amendments to the Offshore Areas Mineral (Development and Regulation) Act, 2002 [OAMDR Act, 2002] proposed under your office Memo No. M.VI-1/1/2022-Mines VI Part (1) dt. 09.02.2023. The comments of NPSSFW on the proposed amendment are placed below -

**A. Undemocratic and Anti-People Procedure:**

- i. NPSSFW raises serious objection to the publication of the proposed amendments only in English language, thereby denying the large majority of the coastal people including the fishing communities the scope to know the matters contained in the same. The Ministry of Mines should have published the draft of the proposed amendments in all the languages of the maritime states and islands of India.
- ii. In view of the massive impact that the proposed amendments are going to have on the habitats and livelihoods of the coastal people including the fishing communities efforts should have been taken to take their informed opinions through public consultations held in the coastal regions.

**B. Enhancing Destruction of Ecology, Natural Resources and Natural Resource Based Livelihood:**

The explicitly pronounced purport of the proposed Bill is to amend the OAMDR Act for providing a transparent, auction-based regime for allocation of mineral resources in offshore areas, to unshackle the area from pending litigations and creation of a fund to promote exploration in offshore areas.

NPSSFW reiterates that coastal and marine waters, including the sea bottom are one of the most, if not the most, important area for biodiversity. This area provides livelihood for millions of fishers and workers related with fishing. Small



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scale coastal fisheries play very important role in food security and in maintaining nutritional status of our people. By having a workforce of which 50% are women, it plays a major role in ensuring gender balance in employment.

Unshackling the drive towards massive offshore mining will invite massive disaster not only to the invaluable coastal and marine ecology, but also to the livelihood of millions of people dependent on coastal and marine natural resources.

### **C. Enriching the Corporates, Impoverishing the local people, Increasing Social Conflict:**

The OAMDR Act 2002 with its amendments including the present one has been completely silent regarding the eviction and livelihood loss of the people affected by the mining efforts. All around the coast there have been conflicts especially with the local fisher people for loss of fishing area and time and depletion of fish resources because of offshore oil exploration and extraction as well as other mining.

### **D. No informed consent of the people to be affected by offshore mining:**

The OAMDR Act 2002 with its amendments including the present one has no provision of taking the informed consent of the people including the fishing communities affected by offshore mining. This makes this law draconian. It empowers the government to take away peoples' habitats and livelihoods and hand over the natural resources to corporate and PSUs.

### **E. Offshore Areas Mineral Trust is a ploy to appease aggrieved people:**

In this context the proposal to set up an Offshore Areas Mineral Trust to ensure availability of funds for exploration, mitigation of adverse impact of offshore mining, disaster management, research, etc. is a ploy to appease and contain the just grievances and struggles of the people including fishing communities for their democratic and livelihood rights.

The OAMDR Act 2002 with its amendments including the present one has no commitment to compensate the people, including the fishing communities, whose habitats and livelihoods are affected by offshore mining.

### **F. Violation of Federal Principle of Governance:**

The OAMDR Act 2002 defines offshore area as in the following - "offshore area" means the territorial waters, continental shelf, exclusive economic zone and other maritime zones of India under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 (80 of 1976);". 'Territorial Waters' extending to 12 nautical miles (22 kms.) into the sea is under the jurisdiction of respective states. How can the central act transgress into the jurisdiction of the states.



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In view of the above the National Platform for Small Scale Fish Workers calls for -

1. Suspension of the proposed amendments to the Offshore Areas Mineral (Development and Regulation) Act, 2002.
2. Comprehensive review of the Offshore Areas Mineral (Development and Regulation) Act, 2002 with a view to rid it of the anti-ecology, anti-environment, anti-people, anti-democratic and anti-federal contents.

Yours Sincerely,

*Pradip Chatterjee*

Pradip Chatterjee,  
Convener,  
National Platform for Small Scale Fish Workers (NPSSF)