



NATIONAL PLATFORM FOR SMALL SCALE FISHWORKERS (INLAND)

January 4, 2020

**To
The Joint Secretary (Inland Fisheries),
Department of Fisheries,
Ministry of Fisheries, Animal Husbandry and Dairying,
Room No. 228, Krishi Bhavan,
New Delhi - 110001.**

Subject: Comments of National Platform for Small Scale Fish Workers (Inland) on the Draft NFDB Bill 2019.

Sir,

With reference to the communication resting with your department Memo No. j-2702735-6/2019-Fy dt. 18.12.2019 regarding invitation of comments on the Draft NFDB Bill 2019, I am submitting herewith the comments and observations of the National Platform for Small Scale Fish Workers (Inland) for your consideration and necessary action.

Yours sincerely,

Pradip Chatterjee,
Convener,
NPSSFW(1)



NATIONAL PLATFORM FOR SMALL SCALE FISHWORKERS (INLAND)

Submission of National Platform for Small Scale Fisheries (INLAND) on the Draft NFDB Bill 2019

1. The National Platform for Small Scale Fish Workers (Inland) is shocked to observe that the Draft NFDB Bill 2019 is circulated for comments in English, depriving millions of fishers, fish farmers and other fish workers, who are the primary stakeholders, of their rightful access to the draft of a national legislation having profound impact on their livelihood.

We demand that the Draft Bill should be translated in all the regional languages of our country and circulated to fishing communities and their organisations through Central and State level fisheries department offices and institutions.

2. We are also aggrieved to observe that only 17 days' time is provided to the public for submission of comments. It is not possible to discuss the draft bill with the fishing communities in such a short period, especially when the Government in the Ministry of Fisheries, Animal Husbandry and Fisheries have relinquished their responsibility to make the draft accessible to the fishing communities.

We demand that at least three months' time be provided for submission of comments on the Draft NFDB Bill.

3. The small scale fisheries, both in the marine and inland sectors, provide sustainable capture and culture practices as well as majority of employment in fisheries with more equitable distribution of income and gender balance. It is also playing a major role in the food security and nutritional status of crores of Indian people.

The role and importance of small scale fisheries have been recognised by international conventions like FAO VGSSF signed by our country.

Besides, the principles of sustainability, protection and promotion of fish workers livelihood, subsidiarity, gender justice, inter generational equity and precautionary principle have been accepted as overarching guidelines in the National Policy for Marine Fisheries. The National Inland Fisheries and Aquaculture Policy to be adopted by the Government is also expected to uphold the above principles.

It is also a recognised fact that the fisheries of our country is suffering from over fishing and destructive fishing from mechanised sector in marine fisheries and also from unsustainable aquaculture practices.

In the inland sector the small scale fishers and fish farmers are being increasingly marginalised by a class of new entrepreneurs who are going for intensive commercial fish farming at the cost of sustainability and social equity.

In view of the above **we demand that NFDB should clearly and unambiguously declare its adherence to above mentioned principles as well as protection and promotion of small scale fisheries as one of its main objectives.**



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In this context we observe that mention of only sustainable schemes or eco-friendly practices (section 16(1)(b)) is not enough. The guidelines and objectives should be of overarching importance and adherence.

This declaration of binding guidelines and objective is all the more important in view of the role of NFDB in collection of fund from both Government and private sources and providing it for development of business in fisheries (section 16.1(m) and section 19). NFDB will be turned into an instrument to corporatise the fisheries at the cost of millions of small scale fishers, fish farmers and allied workers if it doesn't function strictly under above guidelines.

4. It is also a matter of grave concern that the NFDB Board has been proposed to be much less participatory than it had been. Most conspicuously the provision of board members from the fish workers' organisations is proposed to be withdrawn (section 8.2). Excluding the largest primary stakeholders from NFDB Board is not only undemocratic, it will make its function more dependent on and controlled by bureaucracy and private business, especially in view of the proposed provision to include any person deemed necessary for expertise or advice (section 8.5).

We demand that there should be at least 5 representatives from the fishing community organisations in NFDB Board with proportionate representation from marine and inland sectors with gender balance.

5. The shrinkage of State/UT representation in the Board from all the States/UTs to 7 on rotation basis (section 8.2) is also not acceptable. Ours is a federal country and it has to be kept in mind that NFDB has no jurisdiction of implementation of its schemes without the concurrence or proposal of the concerned states.

We demand that the fisheries departments of all the States/UTs be permanently represented in the NFDB Board.

6. In view of the preponderance of government officials in the NFDB Board we propose that an **Advisory Committee be formed under the Chairmanship of the Minister in charge of Fisheries, Animal Husbandry and Dairy with participation of experts and representatives from fishing communities. At least 50% of the members of the advisory committee should be from fishing community organisations. The Advisory Committee will see whether NFDB is acting in accordance with the guidelines and advise it in the matter.**
7. It is also to be mentioned explicitly in the NFDB Bill that **the proposed act will abide by the jurisdictions of the Central and State Fisheries Acts (either existing or will come into being in future) as and wherever called for.**
8. Apart from the above we point out the following important omissions in the Draft Bill and demand additions and alterations -

Section 3(e) of the Bill states " "fish" means finfish, molluscs, crustaceans, and all other forms of marine animals and plants other than marine mammals, reptiles and sea birds;"



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NFDB is concerned with both marine and inland water bodies and fisheries. As such the inland water bodies and aquatic life should also be mentioned in the definition of "fish".

We suggest the following replacement of section 3 (e) -

"Section 3(e) "fish" means finfish, molluscs, crustaceans, and all other forms of animals and plants other than mammals, reptiles and sea birds found in marine and inland waters;"

Section 3(f) of the Bill states " "fishing vessel" means a ship, boat, craft or any other vessel fitted or not with mechanical means of propulsion which is exclusively engaged in fishing and fishing related activities at sea; "

What about fishing boats used in Rivers Lakes, Dams, Estuaries, brakishwater etc.?

We suggest the following replacement of section 3 (f) -

"Section 3(f) "fishing vessel" means a ship, boat, craft or any other vessel fitted or not with mechanical means of propulsion which is exclusively engaged in fishing and fishing related activities in marine or inland waters;"

REJOINER

to

Submission of National Platform for Small Scale Fisheries (Inland) on The Draft NFDB Bill 2019

The National Platform for Small Scale Fish Workers (Inland) [NPSSFW(I)] registers its strong objection to section 43 of the **Draft NFDB Bill 2019** that states -

Section 43. "The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Companies Act, the Industrial Disputes Act, 1947 (14 of 1947) or any other law for the time being in force or in any instrument having effect by virtue of any law other than this: Act, or in any decree of order of any court, tribunal or other authority."

The above section intends to transform the proposed NFDB Act 2019 into a *super Act* that need not have any correspondence, corroboration or abiding responsibility to any other law, judicial direction or executive order. As such the above section transgresses the jurisdictions of –

1. The Draft National Marine Fisheries (Regulation & Management) Bill, 2019;
2. The marine and inland fisheries regulation acts of the states of India;
3. All other laws, judicial directions or executive orders pertaining to fisheries, general administration, workers' rights and related matters;
4. The Constitution of India that has defined jurisdictions of the Legislative, Judicial and Executive organs of the State and also has divided and allocated subjects of responsibility under Union, State and Concurrent lists.