



# NATIONAL PLATFORM FOR SMALL SCALE FISHWORKERS

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Memo No.

Date: 29<sup>th</sup> November, 2021

To:

**All Members of Parliament.**

**Subject:** Urgent request to intervene on the Indian Marine Fisheries Bill, 2021

Respected Member of Parliament,

Greetings from the National Platform for Small Scale Fish Workers (NPSSF).

The Department of Fisheries, Government of India plans to introduce the *Indian Marine Fisheries Bill 2021* in the current winter session of the Parliament. The earlier draft published in July 2021 has been revised and a new draft bill has been published in October 2021. This is to be noted that neither the earlier draft, nor the present one has been subjected to public comments or stakeholders' consultations.

The main issues raised by NPSSF have been -

1. **Undemocratic Procedure:** The procedure of preparation and publication of the Bill has been totally undemocratic. The marine fishing communities, who have been the primary and largest stakeholders of marine fisheries have not been consulted, the text of the Bill has not been translated and circulated in the languages of coastal states and no effort has been taken by the Government to facilitate fishing community consultations on the Bill.
2. **Centrality of fishers and fish workers:** The draft Bill misses the centrality of fishers and fish workers in the regulation and management the marine fisheries, since there is absolutely no scope of their participation in framing the rules for implementation of the proposed Act or in the executive bodies proposed for implementation of the proposed Act. This includes enforcement of regulations, Monitoring, Control and Surveillance, information collection and dissemination and management plans.
3. **Dichotomy of vessel licensing and registration authorities:** While licensing of fishing boats comes under the purview of the proposed Act, the registration of fishing boats remains under the Merchant Shipping Act, 1958. Ideally, the restrictions/conditions of the fishing licence should also apply to the registration of fishing boats, which is difficult to follow since licensing and registration of fishing boats are under two separate Acts under two separate ministries. Therefore, registration of fishing boats should be brought under the proposed Indian Marine Fisheries Bill.
4. **Ambiguity in fishing licenses for territorial waters and EEZ:** Currently, all fishing vessels which are licensed by the State Licensing Authority can operate in the Territorial Waters, as well as the EEZ. However, the proposed Act applies to only the EEZ beyond Territorial Waters and prescribes the application of a fresh license under this Act. This calls for issuance of a clear direction for continuation of existing licenses under the proposed Act.
5. **Definition of Small-Scale Fishers:** The definition of Small-Scale Fisher (SSF) under the proposed Act is not cognizant of the issues or the scale of fishing boats in India. It defines trawlers, purse seiners and all boats with mechanised fishing capacities as 'Small Scale Fisheries'. The SSF must not



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include the 'motorised-mechanical' category of fishing boats. The definition of SSF in the draft Bill should be as follows:

**“small-scale fishers” means owner-operated fisheries (not by large firms or companies) using non-motorized fishing boats and motorized-non mechanical fishing vessels, using relatively small amount of capital and energy, making single-day or multi-day fishing trips.**

6. The proper and just definition of SSF should be applied in directing and framing 'Fisheries Development and Management Plans' and also, the provisions of penalties under Schedule-II since the mandate of the draft Bill includes 'promotion of livelihoods of small-scale and artisanal fishers'.
7. **Preferential Access:** The Bill should ensure **preferential access of small scale fishers to the marine fish resources** over the mechanised large scale fishers.
8. **Livelihood Protection in Protected Areas:** The Bill should also ensure protection of livelihood interests of fishing communities in coastal or marine protected areas., which has been ensured in the 'National Policy on Marine Fisheries 2017'.
9. **Convergence with National Fisheries Policy:** The draft NFP has been published and it is in the process of finalisation. As such, the proposed Act should be drawn under the policy directions to be provided by the National Fisheries Policy. Therefore, the government should adopt the National Fisheries Policy before finalising the instant Bill.
10. **First Ascertain the Rights of the Marine Fishing Communities:** Any Act to regulate marine fishing must first ascertain the rights of the fishing communities and ensure protection of those rights. It is learnt that framing of the rights of the fishing communities is under active consideration of the Department of Fisheries, Government of India. This process has to be completed before going forward with the instant Bill.

NPSSFW ardently requests you to intervene with a view to ensure that the passing of the Indian Marine Fisheries Bill, 2021 be deferred until such time that the above listed concerns are adequately and properly addressed, and necessary stakeholder consultations undertaken to that effect.

NPSSFW attaches a detailed review of the instant Bill prepared by the **Tamil Nadu Fishers Elected Representatives Assembly for your reference.**

Enclosure: As stated

Yours sincerely,

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