



## NATIONAL PLATFORM FOR SMALL SCALE FISHWORKERS

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Date: 19<sup>th</sup> July, 2021

To:  
All Members of Parliament.

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

Respected Member of Parliament,

Greetings from National Platform for Small-Scale Fish Workers (NPSSFW).

NPSSFW represents the livelihood interests of small-scale fishers, fish-farmers and ancillary fish workers across the country together with the protection of the natural-resource base for fisheries. Since 2016, NPSSFW has consistently engaged in the process of adoption of policy matters related to the fisheries sector and their implementation. We take the opportunity to communicate our concerns regarding the introduction of the 'Indian Marine Fisheries Bill, 2021' in the Monsoon Session of the Parliament, 2021.

While we have been happy to note that the government is proposing to enact a law for fishing in the Indian EEZ and the High Seas, we are alarmed that the Bill has been drafted without considering many pertinent issues. Many provisions of this Act fall short of the mandate that the Bill promises to fulfil. As the representative of the people, we depend upon you for the protection and promotion of the livelihood interests of fishing communities. We place before you the following issues:

- 1. 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 the implementation of this bill. This includes enforcement of regulations, Monitoring, Control and Surveillance, information collection and dissemination and management plans.
- 2. 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.
- 3. 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.



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4. **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. The SSF must not include the 'motorised-mechanical' category of fishing boats. Thus, 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, providing for subsistence, domestic consumption or export and includes traditional and artisanal fishers"**

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'.

5. **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.
6. **Rules:** It is quite evident from the proposed Act that almost all of its provisions are dependent on the Rules to be prescribed for their implementation. As such, this Act can only be operationalised once the Rules have been framed. In view of the this, this should be explicitly stated in the Bill that the Act will become operational on adoption of the relevant Rules.

We request you 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.

NPSSF will submit a detailed review of the instant Bill and recommendations for necessary Rules for your consideration.

Thanking you,

Pradip Chatterjee,  
National Convenor, NPSSF.