



NATIONAL PLATFORM FOR SMALL SCALE FISHWORKERS (INLAND)

January 20, 2020,

Shri / Smt,
Honourable Chief Minister,
.....,

Sub: Request to oppose 'NFDB Bill 2019' for curtailing right of the states to represent them in NFDB Board & infringement upon states' right to legislate and govern fisheries issues.

Respected Sir / Madam,

The Government of India, in the Department of Fisheries under the Ministry of Fisheries, Animal Husbandry and Dairying, has published **NFDB Bill 2019** with a view to transform the National Fisheries Development Board into **an institution of National Importance that will be the main Government agency** to push forward fisheries development through planning and implementing schemes and programmes, procuring and investing funds, seeking and making partnerships in fish production and business. The move to bring in a separate Act for NFDB suffices to indicate the all important role NFDB is going to play in future as envisaged by the Government of India.

The NFDB Bill curtails the right of the states to represent them in the NFDB Board. At present all Ministers (30) in charge of Fisheries Departments of the States and Union Territories are members of the Governing Body of NFDB. The Bill proposes to reduce the number of State and UT representatives from 30 to only 7 on rotational basis and to change the status of representatives from Ministers in charge of Fisheries Departments of the States and UTs to the secretaries of Fisheries Departments.

The NFDB Bill abolishes the right of the fishing communities to represent them in the NFDB Board. At present there are 9 representatives of the groups and associations of fish farmers, fishing craft operators and exporters in the Governing Body of NFDB. There is absolutely no space for such representatives in the Bill.

Further, the NFDB Bill under **Section 43** states "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."



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(2)

The above section in the Draft NFDB Bill 2019 intends to transform the proposed NFDB Act 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 country and also has divided and allocated subjects of Responsibility under Union, State and Concurrent lists.

It is to be noted that the Constitution of India, under **Art.246** read with the **Seventh Schedule**, states that the States have exclusive right to enact laws on subjects enumerated in the state list of the Seventh Schedule within the territorial jurisdiction of the states.

It is also to be noted that the **Seventh Schedule of the Constitution** places 'Fishing and fisheries beyond territorial waters' under the **Union List**, while 'Fisheries' is placed under the **State List**. As such no Central Act can transgress the States' jurisdiction on fisheries within their respective territories.

If not resisted, the proposed NFDB Act will drastically shrink the scope of participatory democracy in NFDB, which has been envisaged as an institution of National Importance by the Government of India and is to play the role of main Government Agency in fisheries in our country. It will, moreover, severely impair the Federal Structure of our country with its allocation of power and responsibilities regarding legislative, judicial and executive functions enshrined in our Constitution.

In view of the above, we ardently request you to move the Government of India to rescind the provisions of the Draft NFDB Bill that violates the principles of participatory democracy and federal structure of our country.

Yours Sincerely,

- Encl: 1. Draft NFDB Bill 2019;
2. NPSSFW(I)'s submission on
Draft NFDB Bill 2019

Pradip Chatterjee,
Convener, NPSSFW(I)