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N.D.Koli

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I. C. S. F. IN

Date 15/10/2009  
File .....

No. 60012/1/2009-Fy(Coord)

Government of India

Ministry of Agriculture,

Department of Animal Husbandry, Dairying & Fisheries

To,  
Shri. N.D.Koli  
General Secretary,  
National Fishworkers' Forum (NFF),  
20/4 Sil Lane,  
Kolkata -700015

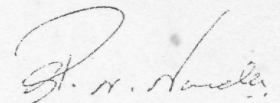
Krishi Bhawan, New Delhi,  
dated 24<sup>th</sup> September 2009

**Subject:** Charter of Demands, 2008 by National Fishworkers' Forum submitted to the Department of Animal Husbandry, Dairying and Fisheries (DAHD&F), Ministry of Agriculture.

Sir,

Reference is invited to the Charter of Demands, 2008 of the National Fishworkers' Forum dated 14<sup>th</sup> July 2009 submitted to the Department of Animal Husbandry, Dairying and Fisheries (DAHD&F). The issues raised therein have been examined by this Department. The comments/views of this Department on the Charter of Demands are enclosed.

Yours Faithfully,



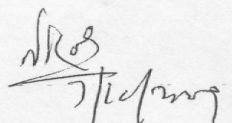
(B.N.Nanda)  
Economic Adviser

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Fwd to  
Ms. Chandrika Sharma  
I.C.S.F.



10/10

I.C.S.F. IN
Date: 30/11/10
File

No. 60012/12009-F (Coord)  
 Government of India  
 Ministry of Agriculture  
 Department of Animal Husbandry, Dairying & Fisheries

To  
 Sri. M.D. Kail  
 General Secretary,  
 National Fishworkers' Forum (NFF),  
 204 Sill Lane,  
 Kolkata - 700110

Kishi Bhawan, New Delhi,  
 dated 24<sup>th</sup> September 2009

Subject: Charter of Demands, 2008 by National Fishworkers' Forum submitted to the Department of Animal Husbandry, Dairying and Fisheries (DAHDF), Ministry of Agriculture

Reference is invited to the Charter of Demands, 2008 of the National Fishworkers' Forum dated 14<sup>th</sup> July 2009 submitted to the Department of Animal Husbandry, Dairying and Fisheries (DAHDF). The issues raised therein have been examined by this Department. The comments/views of this Department on the Charter of Demands are enclosed.

Yours Faithfully

(B. N. Nanda)  
 Economic Adviser

Accn. No. 11368
Date 30/11/10
MFN No. 53652

Recd from  
 Mr. M. D. Kail  
 at  
 204 Sill Lane, Kolkata

Mr. M. D. Kail  
 204 Sill Lane, Kolkata

2/12

**Statement indicating the Charter of Demands 2008  
submitted by National Fish Workers Forum(NFF) and  
the comments of DAHD&F**

Sl. No.	Demands	Comments
1.	<p>Recognize Inalienable Traditional and Customary Rights of Fisher People over Coastal Lands and Waters:</p> <ul style="list-style-type: none"> <li>• The right to housing in coastal areas/existing fishing villages, settlements or fishing hamlets, through the provision of title deeds;</li> <li>• The right to use coastal lands for occupational purposes, such as landing and processing fish and parking and maintenance of boats and net</li> <li>• The right to access fisheries resources and traditional fishing grounds.</li> </ul>	<p>This would be addressed to coastal States and Union Territories since the subject matter falls within their purview.</p>
2	<p>Implement CRZ Notification 1991- Do not impose CMZ Notification:</p> <ul style="list-style-type: none"> <li>• Scrap the proposed CMZ Notification;</li> <li>• Implement the original CRZ Notification 1991, and ensure its strict enforcement;</li> <li>• Develop and implement coastal zone management plans(as required by CRZ Notification), ensuring participation of the fishing community in the process, recognizing them as the legitimate right holders and custodians of coastal and fisheries resources.</li> </ul>	<p>Ministry of Environment &amp; Forests (MoE&amp;F) informed that after due examination of the issues and based on the recommendations of the Prof. M.S.Swaminathan Committee, the draft CMZ Notification had been placed in the public domain. Earlier, NFF was advised to provide their suggestions in writing to MoE&amp;F. DAHD&amp;F has already taken up these issue with MoE&amp;F. However MoEF has now taken a decision to allow the draft notification to lapse.</p>

3	<p>Save the Coast</p> <ul style="list-style-type: none"> <li>• No SEZs, no Nuclear Power Plants, no Ship Breaking Yards, no Polluting and Destructive Projects on our Coast;</li> <li>• No Destruction of Mangroves and other Coastal Environmental Features. No Intensive Aquaculture on our Coast;</li> <li>• No privatization of Common Aquatic Resources</li> </ul>	<p>Conservation and Management of ecologically sensitive areas including mangroves is classified as CMZ-I i.e. ecologically sensitive area, CMZ-II areas of the particular concern, CMZ-III open areas including coastal waters up to territorial limits and CMZ-IV Islands of Andaman &amp; Nicobar Islands, Lakshadweep, Offshore Islands and Islands in coastal back waters. With regard to SEZ, nuclear power plant, polluting industries, it may be seen from the draft CMZ notification that only foreshore i.e. alongside the coast facilities are provided for such development activities other industries such development activities. Other industries activities shall be located on the landward side of the setback line or vulnerability line.</p>
4.	<p>Enact National Legislation for Conservation of Coastal and Marine Biodiversity that <i>inter alia</i> protects Traditional Fisher Peoples' Preferential Access and Historic Use Rights to Coastal and Marine Resources.</p> <ul style="list-style-type: none"> <li>• Adopt a comprehensive approach to conservation of coastal and marine biodiversity, particularly by harmonizing existing legislation and addressing loopholes that allow unsustainable use of coastal and marine resources;</li> </ul>	<p>The Acts governing Coastal and Marine Fisheries for conservation of biodiversity are (i) the Wild life (Protection ) Act, 1972, (ii) Indian Territorial waters, continental shelf, Exclusive Economic Zone (EEZ) Act, 1976; (iii) Indian Coast guard Act, 1978, (iv) The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981; (v) The Merchant Shipping Act, 1958; (amended Act.1983); and (vi) The Biological Diversity Act 2002.</p> <p>Besides the above referred Acts, a Central Legislation for regulation of marine fishing in</p>

	<ul style="list-style-type: none"> <li>• Enact a comprehensive national legislation for conservation of coastal and marine biodiversity;</li> <li>• Ensure that the inalienable traditional and customary rights of fisher people over coastal lands and waters are legally recognized and protected</li> </ul>	<p>Indian EEZ is presently under circulation among various Ministries/Agencies for comments/views. Further, for conservation and effective management of marine fisheries resources and to ensure safety of fishermen at sea during rough weather, a uniform fishing ban is imposed in the Indian EEZ beyond territorial waters on the East Coast(62 days) and West Coast(47 days). All maritime States/UTs are also imposing similar bans in their respective territorial waters.</p>
5.	<p>Develop a comprehensive fisheries legislation for the EEZ waters</p> <ul style="list-style-type: none"> <li>• The Ministry of Agriculture starts the process of developing a comprehensive legislation for conservation, management and utilization of fisheries resources in the EEZ in consultation with fish-workers organizations, at the earliest;</li> <li>• Cancel LOPs and stop operation of LOP vessels until the above legislation come into effect.</li> </ul>	<p>Revised draft Marine Fishing Regulation Act 2009 has been circulated to the concerned Ministries, Departments of Central Government and all coastal States/UTs for their comments. The draft legislation when finalised will be circulated to Fishermen Associations.</p> <p>The Comprehensive Marine Fishing Policy, which was notified in November 2004 after approval of CCEA. As per the approval of CCEA on Marine Fishing Policy, an Inter Ministerial Empowered Committee on Marine Fisheries (EC) was constituted in November 2004 and applications of Letter of Permit(s) for imports and operation of Deep Sea Fishing Vessels in Indian EEZ on deferred payment/outright purchase basis is considered and approved by EC and ratified by Competent Authority in the Ministry.</p> <p>Further, as per CCEA directives the total number of vessels that could be allowed during next five years under each resource-specific category was</p>

		worked out in consultation with scientific institutions and was put in public domain after due approval of EC and competent authority. Subsequently Letters of Intent i.e., LOIs/LOPs are being issued on the basis of these approvals. All the LOPs are issued after the due consideration in the Empowered Committee on marine fisheries which have representatives from the all concerned Ministries. DAHD&F is not issuing LOP(s) to any foreign companies
6.	<p>Reform Marine Fishing Regulation Acts(MFRAs) of States to improve fisheries management and develop co-ordination mechanism for peaceful inter-state fishing:</p> <ul style="list-style-type: none"> <li>• Draft a model fisheries legislation for littoral States and Union Territories, focusing on fisheries conservation and management, in particular the regulation of destructive gear;</li> <li>• Establish coordination mechanisms to allow fee peaceful inter-state fishing;</li> <li>• Explore the possibility of bringing marine fisheries from the State and Union List respectively into the Concurrent List, to allow for more effective co-ordination in fisheries management.</li> </ul>	The Marine Fishing Regulation Acts(MFRAs) have been enacted by Coastal States/UTs as per the Marine Fishing Regulation Bill 1978. Model bills for Marine Fisheries 1978 and the Model Bill for Inland Aquaculture is presently under formulation.
7.	<p>Develop Regional Mechanism to Facilitate Reciprocal Access to Adjacent Maritime Waters of the Neighbouring Countries.</p> <ul style="list-style-type: none"> <li>• Finalise agreements with neighbouring countries for humane treatment of fishermen crossing borders,</li> </ul>	These demands will be taken up with the MEA appropriately.

	<p>and for the release and repatriation of arrested fishermen on a priority basis, in accordance with Article 73 of the United Nations Convention on the Law of the Sea(UNCLOS);</p> <ul style="list-style-type: none"> <li>Finalise agreements with Sri Lanka and Pakistan for reciprocal access, allowing small-scale vessels to fish in each others' waters, subject to safeguards for resource conservation and national security.</li> </ul>	
8	<p>Recognize Rights of Women in Fisheries</p> <ul style="list-style-type: none"> <li>Women's roles in inland and marine fisheries are recognized and upheld;</li> <li>Women's rights to social security, land for fish processing and marketing, basic amenities, childcare, credit and transport facilities are recognized.</li> </ul>	This concerns Department of Women and Child Development.
9.	<p>Waive All Debts of Poor Fisher People along with the Farmers</p> <ul style="list-style-type: none"> <li>A review of the loan waiver guidelines for fisheries, taking into account the higher levels of indebtedness of the fishermen and women;</li> <li>Inclusion of wider range of purposes in the loan waiver scheme including loans taken by fisherfolk for housing, health and education;</li> <li>Given the limited reach and failure of co-operatives, inclusion of microfinance organizations and indirect bank loans given to groups and individuals under the</li> </ul>	As regards waiving of loans to fishermen, while fisheries, including loans given to marine fishermen, are covered under the Agriculture Debt Waiver and Debt Relief (ADWDR) Scheme,2008 in the category of investment credit to allied activities, loans disbursed by 'MATSYAFED' and other Fisheries Cooperative Societies, being Functional Societies, have been kept outside the ambit of the Scheme on the grounds that they are not Cooperative Credit Institutions.

	<p>loan waiver scheme;</p> <ul style="list-style-type: none"> <li>The development of a scheme to free fisheries co-operatives from the clutches of the outsiders and to ensure that they are genuinely member managed businesses and not mere conduits for Government subsidies.</li> </ul>	
10.	<p>Provide Sufficient Cheaper Fuel for Sustainable Fishing:</p> <ul style="list-style-type: none"> <li>Ensure that all sections of the marine fisheries get a uniform treatment vis-à-vis fuel across the country, with access to fuel(diesel, petrol , kerosene) at reasonable rates and in ample quantity. Exempt road cess from the fuel used for fishing;</li> <li>Develop a long-term policy for the energy requirements of the fishing industry, with support for improving fuel efficiency, shift to alternate fuels like LPG, CNG, solar energy, etc.;</li> <li>Ensure that fuel supplies for sustainable fishing are not affected by the Subsidies and Countervailing Measures (SCM) agreement negotiated at the WTO.</li> </ul>	<p>Under the Centrally Sponsored Scheme, "Development of Marine Fisheries, Infrastructure &amp; Post Harvest Operations," Government of India provides rebate on HSD Oil equivalent to 50 % of the sales tax exempted by the States/UTs with a ceiling of Rs. 3.00 per litre. This will be further subject to a ceiling of 500 litre per boat for every active fishing month. Fishing boats less than 20 m length constructed and registered prior to the Tenth Plan are eligible for the rebate, and co-owned by BPL fishers. Further, with a view to promote fuel efficient and environment friendly fishing practices, Government of India under the Centrally Sponsored Scheme provides 30% subsidy on the cost of LPG kit with a ceiling of Rs. 10,000/-.</p>
11.	<p>Lift all Bans on Fishing by Traditional Small-scale Fishermen Using Sustainable Fishing Gears and Techniques</p> <ul style="list-style-type: none"> <li>Lift all bans on fishing-including shark and sea cucumber fishing, seaweed and seashell collection – by small-scale/artisanal fishermen and women using sustainable fishing gears and</li> </ul>	<p>Ministry of Agriculture, Department of Animal Husbandry, Dairying &amp; Fisheries imposes a seasonal ban every year on fishing in order to conserve marine fishery resources and sustainable fishing in the Indian Exclusive Economic Zone(EEZ) beyond territorial waters on the East Coast including Andaman &amp; Nicobar</p>



<p>techniques;</p> <ul style="list-style-type: none"> <li>• MoEF stops its arbitrary interventions in fishing with out consultation with fishermen or undertaking proper studies:</li> <li>• MoA wake up from its deep slumber and put in measures to manage the fisheries, not allowing others to usurp its legitimate role in fisheries management.</li> </ul>	<p>Islands and West coast including Lakshadweep Islands for conservation and effective management of fishery resources and also for sea safety reasons as given below:</p> <p>East coast - from 15<sup>th</sup> April to 15<sup>th</sup> June 2008 (both days inclusive) [62 days]</p> <p>West coast - from 15<sup>th</sup> June to 31<sup>st</sup> July, 2008 (both days inclusive) [47 days].</p> <p>Regarding the review of lifting the ban on sea cucumber, the Ministry of Environment &amp; Forests was consulted in this matter. It its reported that the Zoological Survey of India has conducted a survey on the status of Holothurians in the Gulf of Mannar region and according to the recommendation of ZSI the ban may be imposed for few more years till the recommencement of the species. However, permission has been given to collect the specimen of sea cucumber for research purposes as per Wild Life Act.</p> <p>In this regard it is to be further informed that the issue relating to lifting of ban imposed on fishing of sea cucumber is being examined in consultation with concerned scientific research organizations from scientific angle in the global context. Lifting of ban on other species viz, shark, seashell and seaweed are being considered in consultation with the Ministry of Environment and Forests.</p>
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12	<p>Stop Import of Fish That Threatens the Livelihood of Coastal Fisher People.</p> <ul style="list-style-type: none"> <li>• Ban the import of those fish and fish products that could affect the livelihood and food security of fishing communities;</li> <li>• Ensure safeguard measures to ensure that products imported for processing and re-export do not enter the wet market;</li> <li>• Ensure that decisions taken on import and export keep in mind the interests of fishing communities and are not taken under compulsion from obligations under WTO</li> </ul>	<p>The present import of fish and fisheries products apparently does not adversely affect the domestic trade or fishermen's interests as the fish products are primarily imported for processing and re-export and the processed fish meat/sea food items are imported for consumption in catering industries by hotels, etc. However, substantial import of fresh/chilled fish from Bangladesh in bulk quantities may have some impact on the local markets in West Bengal. The views of the Government of West Bengal have been sought and their reply is awaited.</p>
13	<p>Stop Foreign Vessels from Fishing in Our Waters- Cancel LOPs</p> <ul style="list-style-type: none"> <li>• Cancel the LOP scheme and send the foreign vessels back home;</li> <li>• Develop/choose proper technology and support systems for vessels below 20m to undertake deep sea fishing in a viable manner, enabling the transfer of capacity from the inshore to the deep sea;</li> <li>• Put in place proper systems to monitor the development of the emerging tuna fishery, to ensure its long-term sustainability.</li> </ul>	<p>It is to be stated that as per the present Deep Sea fishing guidelines, the Letter of Permit(LoP) are issued only to the Indian companies/firms importing fishing vessels on deferred payment/outright purchase basis. In the 9<sup>th</sup> Inter Ministerial EC meeting, it was decided to constitute an expert group to review the existing guidelines and to bring a legal support for these guidelines. An expert group under the Chairmanship of DDG(Fisheries), ICAR was constituted by the Department and submitted its report to this Department, which is under consideration.</p> <p>Under a Scheme of Marine Products Export Development Authority(MPEDA), assistance is being provided for conversion of fishing trawlers into tuna long liners. So far, 225 such trawlers</p>

		<p>have been converted to tuna long liners under the scheme.</p> <p>Department is in the process of preparing a Fleet Development Plan for the tuna fishery in consultation with the MPEDA and other stakeholders for sustainable development of tuna fisheries.</p>
14.	<p>Rework and implement the Unorganized Workers' Social Security Bill</p> <ul style="list-style-type: none"> <li>• Enact and implement a comprehensive Unorganized Sector Workers' Social Security Bill;</li> <li>• Ensure comprehensive social security coverage of all small-scale fishworkers in marine and inland fisheries, and other workers in the fisheries sector.</li> </ul>	<p>This concerns Ministry of Labour and Employment.</p>
15.	<p>Enact National and State Legislation to Extend the Benefits of the ILO Work in Fishing Convention to all Fishworkers.</p> <ul style="list-style-type: none"> <li>• Enact national and state legislation to extend the benefits of the ILO Work in Fishing Convention to all fishers;</li> <li>• Ensure that all categories of fishers including shore based fishers, are covered by provisions of occupational health and safety, and social security.</li> </ul>	<p>Ratification of ILO Convention and recommendations concerns the Ministry of Labour and Employment.</p>
16.	<p>Protect Rights of Inland Fishermen to water bodies and protect inland fish resources</p> <ul style="list-style-type: none"> <li>• Govt of India should bring</li> </ul>	<p>Fisheries being a State subject, these matters concern the individual State Governments. Government of India has drafted a</p>

<p>out a model Inland Fisheries Regulation Act, for enactment by the States, ensuring:</p> <ul style="list-style-type: none"> <li>- Rights of traditional fishing communities to pursue fisheries and related livelihood activities in common water bodies like rivers, lakes, reservoirs, etc;</li> <li>- Protection of habitats- rivers, inland water bodies, backwaters, lakes, etc-needed for inland fisheries resources to survive, from encroachment, reclamation, privatization, pollution and unplanned construction of dams;</li> <li>- Protection of indigenous fish species, with strict restriction on introduction of alien species;</li> <li>- Adequate regulation on culture fisheries in inland waters to protect and enhance fish resources and improve livelihood of traditional fishers.</li> <li>• Ensure that inland fishworkers are properly enumerated and covered by welfare and social security schemes.</li> </ul>	<p>Model Inland Fisheries Act which will be shortly circulated to the states.</p>
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out a model Inland Fisheries  
Regulation Act for  
enactment by the states  
ensuring  
Rights of traditional fishing  
communities to pursue  
fisheries and related  
livelihood activities in  
common water bodies like  
rivers, lakes, reservoirs, etc.  
Protection of habitats- rivers,  
inland water bodies,  
backwaters, lakes, etc needed  
for inland fisheries resources  
to survive from  
environmental degradation,  
privatization, pollution and  
unplanned construction - of  
dams,  
Protection of indigenous fish  
species, with strict restriction  
on introduction of alien  
species,  
adequate regulation on  
captive fisheries in inland  
waters to protect and enhance  
fish resources and improve  
livelihood of traditional  
fishers.  
Ensure that inland  
fishworkers are properly  
enrolled and covered by  
welfare and social security  
schemes.

ICSF  
FOR DIGITIZATION  
DATE: 05/11/2018

June 10

10 pages