

REPORT OF THE WORKSHOP ON NATIONAL  
FISHERIES POLICY (DRAFT), INDIA

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SOUTH INDIAN FEDERATION OF FISHERMEN SOCIETIES (SIFFS)

INTERNATIONAL COLLECTIVE IN  
SUPPORT OF FISHWORKERS (ICSF)

15 TO 17 JULY 2004

ANIMATION CENTRE, KOVALAM





## Workshop on National Fisheries Policy, India

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### I. INTRODUCTION

1. The Workshop to discuss the 2002 Marine Fishing Policy (Draft) of India, was held at the Animation Centre, Kovalam, from 15 to 17 July 2004. The Ministry of Agriculture, Government of India, had recently made available the Draft Policy to the National Fishworkers' Forum (NFF), for discussion. The participants were the national and state-level leaders of the NFF. All maritime states of India were represented except Goa and the Union Territories.

2. The Draft Policy of the Government of India was introduced. It was proposed at the outset that the title of the document should read 'Marine Fisheries Policy' rather than 'Marine Fishing Policy' of India since the scope of the document included fisheries issues. The rationale for a national fisheries policy should be clear, it was suggested. There is need for coherent and acceptable definition of fishery-related terms in the Draft Policy document, it was proposed.

### II. FISHERIES POLICY AND LEGISLATION

3. It was proposed that 'policy' should be understood to mean a set of coherent decisions with a common long-term purpose(s) affecting or relevant to the fisheries sector. It was pointed out that most countries develop a fisheries policy towards implementing provisions of their fisheries legislation, and not the other way around. A policy, however, could also lay down guidelines for the preparation of legislation and in this sense there can be a policy to precede, and a policy to follow, fisheries legislation. The Workshop was of the view that it was impossible to implement a policy without the backing of legislation.

4. Reference was made to the several struggles of fishworkers since the 1970s, which

led to the appointment of the 1976 Majumdar Committee and the 1994 Murari Committee. The Majumdar Committee Report led to the enactment of the Marine Fishing Regulation Act (MFRA), which although originally meant to be a Central legislation, was finally enacted at the State level for the territorial waters. The Murari Committee recommendations were accepted by the government but fisheries legislation for Indian fishing vessels in the exclusive economic zone (EEZ) are yet to be made.

5. Citing the example of the 1994 Fisheries Development and Management Policy of Kerala, it was pointed out how a well-meaning policy without being backed by enabling legislation could be quite ineffective. This is because only legislation is justiciable. Citing Court judgements in the case of trawlers and purse seiners under MFRA, it was pointed out how the Supreme Court has historically given judgements to effectively implement fisheries legislation that protected the traditional fishing sector. States were able to implement the ban on monsoon trawling and purse-seining because of the MFRA. The Supreme Court could later uphold the ban, thanks to the backing of the MFRA, it was observed.

6. The developments in Indian fisheries over the past decade further underscore the importance of having fisheries legislation for the entire Indian EEZ, it was observed. Fishing vessels are now fishing beyond the territorial waters. In Jambudwip, West Bengal, Thoothoor, Tamil Nadu, and Thane, Maharashtra, the fishing ground of traditional fishers are beyond the territorial limits. While the bag net fishers of Jambudwip are found in waters about 50 nautical miles from the shore, the bag net fishers of Thane are found 70 nautical miles away, and the Thoothoor fishers are found more than 100 nautical miles away from the shore.

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7. Conflicts between active and passive gear groups in the territorial waters are now taking place also in the EEZ. This is unprecedented. Passive bag net operations and bottom trawlers, for instance, are fighting beyond the territorial waters in Maharashtra. Although the District Collector had passed an Order to mitigate these conflicts, a local Court, on the ground that the District Collector had no jurisdiction beyond the 12-nautical mile limit, struck it down. To address the jurisdictional shift in Indian fisheries conflicts from the state waters into the EEZ, it is imperative to have legislation for the EEZ, it was observed. Harmonized and sustainable fisheries both in the territorial waters and the EEZ are possible only with a national legislation, it was observed.

8. Further, in the light of new developments in relation to oil exploration and exploitation, it is important to adopt new legislation not only for living resources like fish and other forms of biodiversity, but also to manage exploration and exploitation of non-living resources of the EEZ such as oil reserves. In this context, there is also need for effective legislation to prevent marine pollution from fishery and non-fishery sources both in the territorial and national waters.

9. The importance of having fisheries legislation for the entire Indian EEZ for all fishing vessels, including domestic and foreign, was therefore recognized, which could even be with the broader objectives of the MFRA legislated by all coastal states of India, viz., conservation of marine fisheries resources and protection of those who work on board traditional fishing vessels. This could be followed by an integrated legislation for fisheries and aquaculture encompassing both marine and inland waters. It was pointed out that aquaculture should only be allowed if it is traditional and improved traditional within the purview of the 1996 Supreme Court Judgement of Justice Kuldip Singh. There is also need for an oceans act where fisheries could be a subset of ocean management. In all these legislation, a human perspective should be maintained, the Workshop proposed.

10. Was there a need for a separate fisheries ministry at the Centre? The Plan allocation and expenditure for fisheries are very low and it does not justify the formation of a separate fisheries ministry, it was pointed out. However, a ministry would help to bring greater visibility to the fisheries sector, particularly to the fishworkers. It was suggested that all fisheries and fish habitat related activities should be combined under a fisheries ministry, including the activities of Indian Council of Agricultural Research (ICAR) fisheries and aquaculture research centres as well as that of the Marine Products Export Development Authority (MPEDA), and activities currently under the 1972 Wildlife Protection Act, viz., measures to protect mangroves, corals, and marine endangered species such as turtles, dolphins, and selected shark species. The participants were of the view that protection of marine species such as turtles and dolphins should be within the purview of fisheries legislation and not under the Wildlife Protection Act.

### III. FISHERIES MANAGEMENT AND DEVELOPMENT ISSUES

11. The importance of fisheries management was recognized, especially fisheries management regimes that could ideally provide more employment and income for the same, or even lower, levels of fish production. Instead of the Union Government taking up the initiative to come up with a fisheries policy, should it not be the maritime states that take the initiative for what needs to be done with regard to fisheries management in the territorial waters, especially the problem of managing excess fishing capacity? Considering that the fisheries resources and fishing fleet need urgent attention in the territorial waters, shouldn't the policy start from the shore-end, first try to address near-shore fisheries management problems using the resource potential of the EEZ, before considering other development options for under-exploited resources of the EEZ?

#### III. 1 USE TAC INSTEAD OF MSY

12. It was suggested that rather than maximum sustainable yield (MSY), total

allowable catch (TAC) concept should be used to determine stocks that could actually be fished during a specific period, which should be at levels below the MSY for the same period. Periodic assessment of the status of fisheries resources is important, it was observed. In this context, developing appropriate methodologies, or improving the existing ones, for stock assessment is important, it was pointed out.

III. 2 REDUCING, NOT ADDING TO, EXISTING FISHING CAPACITY

13. It was suggested that there is no need to further expand existing fishing capacity as a precautionary measure until reliable stock estimates and proper assessment of TAC is made. The Workshop proposed that a proper assessment of fishing capacity should come in conjunction with the status of fisheries resources.

14. The Workshop was also concerned about the Draft Policy proposal to introduce either multi-day, or resource specific fishing vessels above 20 m overall length (OAL). The Workshop proposed a ceiling of 20 m as the maximum OAL of fishing vessels in the Indian EEZ. This could facilitate the existing fishing fleet in territorial waters to adjust itself, to the extent practicable, to the potential fisheries resources of the EEZ. In its light, there was a demand to scrap all larger vessels introduced under joint venture/bare boat chartering arrangements. Joint ventures in fisheries have not brought any benefit either to the country or to the fishers, it was observed.

15. The Workshop discussed if it is sufficient to talk just about the reduction in the total number of trawlers. The fishing power of each trawler is much higher than before. Several trawl gears that are used now are designed to be species-, bottom-, and water-column-specific and are far more efficient than conventional trawls. Each trawler carries several trawl gear of the above types.

16. It was commented that even halving the existing fleet capacity might bring better dividends to fishers than continuing to fish with the existing fleet capacity at the national

level. However, the rationale for reducing excess capacity should be made sufficiently clear, it was suggested. In the Indian context, citing Rameswaram's case where there are about 4,000 trawlers, it was pointed out that large fleets led mainly to economic, but not biological overfishing.

17. There were several questions in relation to capacity reduction and equity. Could it be proposed that only owner-operated trawlers be allowed to fish? If an owner has more than one vessel could it be suggested that all vessels except one should be retired? Should each family be restricted to own only one trawler? Should vessels that are more than 10 years old be retired from fishing? Trawlers that are not sea worthy should be retired, it was proposed. In Rameswaram the trawler boat associations have recently agreed to consider a 50 per cent reduction in their trawler fleet size, provided there are financial incentives in the form of buy-back schemes, or a fleet reduction package.

18. Subsidies should play an important role in financing buy-back schemes, whereas subsidies that lead to overcapacity should be removed, it was proposed. The schemes of National Co-operative Development Corporation (NCDC) for construction of new fishing vessels should be stopped, the workshop further proposed.

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19. The Workshop proposed that while looking into different fleet reduction options, governments should decide not to issue any new fishing licenses and to freeze the size of the existing trawler fleet, in particular. These measures would automatically lead to reduction in trawler fleet size, it was observed.

20. Fleet reduction will have implications for employment, it was pointed out. There will be labour displacement, especially of wage labourers from non-traditional fishing castes, as a result of fleet reduction. Alternative employment should be provided to workers who lose jobs. The Workshop proposed that more meetings should be organized in different parts of India to discuss capacity reduction measures. Over the next five years, the Workshop hoped to reduce the number of trawlers by 50 per cent. The participants from Karnataka observed that fleet reduction is already taking place in their purse seine fisheries.



### III. 3 NEED FOR DIVERSIFICATION OF EXISTING FISHING FLEET

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21. The Workshop sought government support to diversify, especially assistance to develop communication facilities that would improve safety of their vessels, and marketing opportunities. In this context, attention was drawn to a trawler fisherman from Nagapattinam diversifying into longlining for yellowfin tuna using floating fish aggregating devices in the EEZ off the Tamil Nadu coast. The Thoothoor shark fishers, perhaps the only resource-specific traditional fishers of the EEZ, although are willing to pay for radio communication sets, have so far been denied a radio frequency, which would help them a great deal in improved safety in fishing operations.

22. The Workshop proposed an allocation of surplus fisheries resources outside the territorial waters across maritime States through State-specific TAC, based on existing fishing capacity. This has to be followed up by effective registration and licensing requirements. Fishing vessels should be designated to fish either within or outside the territorial limits. Vessels that are registered to fish in the EEZ should not be licensed to fish within the territorial sea.

23. Except purse seiners and trawlers of Karnataka no fishing vessel keeps a logbook in Indian fisheries. West Bengal had introduced a requirement to maintain logbook two years ago, however, it is yet to be implemented. It was proposed that fishers should report their catch and maintain a logbook.

24. There were doubts, however, regarding how many vessels could actually be diversified. The Workshop participants were of the view that only between 3000 to 5000 longline/gillnet vessels could be accommodated in the EEZ outside the territorial limit. It was thus clear to the Workshop that the entire excess fishing capacity in territorial waters cannot be absorbed in the EEZ.

### III. 4 REDUCING FISHING EFFORT IN THE MECHANIZED SUB-SECTOR

25. In addition to capacity reduction and fleet diversification, there is need to introduce effort control measures, it was recognized. The Workshop proposed a series of such measures, such as mesh size regulations, restricting size of gear, reducing the number of gear units including reducing the number of trawl gear on board each trawler, reducing fishing time at sea, especially by reducing trawling hours and by extending the duration of the monsoon ban on fishing.

26. In addition to government initiatives, local fishing communities should be involved in taking up fleet reduction and effort control programmes, it was suggested. The trawler associations in Rameswaram already voluntarily implement effort control measures by fishing only two days a week. As a result, their operational costs have reduced while their income levels have remained at levels when they fished four days a week.

### III. 5 'NO' TO OUTPUT CONTROL MEASURES

27. Vessel-based catch quotas proposed in the draft fishing policy was not acceptable to the participants, who wanted to consider only input control measures in Indian fisheries. Output control measures such as vessel-based catch quotas, they fear, might lead to the introduction of individual transferable quotas

(ITQs) in Indian fisheries. The possibility of arriving at maximum fleet size for different categories of fishing vessels based on total allowable catch was proposed as an alternative. It was, however, brought to the attention of the participants that for highly migratory stocks such as tuna and tuna-like species it may be difficult to avoid subscribing to a quota management system.

III. 6 DISCIPLINING FUEL SUBSIDIES

28. Under the current subsidies regime there is a positive correlation between diesel subsidies and horsepower: greater the horsepower, larger the entitlement to diesel subsidies in states like Gujarat and Maharashtra. An annual upper limit of 10,000 litres per fishing vessel irrespective of horsepower was proposed without excise duty. Currently, in Maharashtra, for example, 45,000 litres per year per vessel is the upper limit of diesel quota for fishing vessels. The shark fishermen of Thoothoor, Tamil Nadu, said they consume about 5,000 litres of diesel per trip and they make about 10 fishing trips in a year. However, they are not entitled for any fuel subsidies.

29. The Karnataka participants pointed out that 10,000 litres is not sufficient to harvest resources in deeper waters. The Maharashtra participants said diesel subsidy was scrapped in Maharashtra after the IX Plan, but it was revived as a result of a struggle of fishermen. It was also proposed to consider kerosene subsidies to smaller fishing vessels, however, no quota restriction was proposed. Kerosene subsidy should be extended for the survival of the traditional fishing community in India, however, it should not contribute to overcapacity at any level, it was observed.

30. Considering that the Workshop proposed to cap fishing fleet capacity, it was asked whether or not a fuel policy should follow a fleet rationalisation policy. Fuel subsidy, for example, can be used as an incentive for capacity and effort reduction or for diversification of fishing pressure from overexploited fish resources to under-exploited ones. Diesel

subsidies, for example, can be extended to vessels diversifying from the inshore to the offshore waters. However, to ensure that fishing was indeed taking place in designated fishing grounds in deeper waters, fishing vessels should be required to subscribe to a vessel monitoring system (VMS) to reveal their position while fishing in exchange for fuel subsidies. It was suggested that a fuel policy should become a subset of a coherent national fisheries policy. It was pointed out that if a vessel is diversifying into the deep sea, it should have the right to obtain more than 10,000 litres of diesel in a year.

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The developments in Indian fisheries over the past decade further underscore the importance of having fisheries legislation for the entire Indian EEZ. Fishing vessels are now fishing beyond the territorial waters. In Jambudwip, West Bengal, Thoothoor, Tamil Nadu, and Thane, Maharashtra, the fishing ground of traditional fishers are beyond the territorial limits.

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III. 7 IS THERE A GENUINE NEED FOR FURTHER MOTORIZATION?

31. Motorization of fishing vessels refers to the use of propulsion methods such as imported outboard motors (OBMs) and domestic longtails. In the light of excess fishing capacity, fishing pressure and conflicts in the territorial waters between different fishing units, the Workshop had serious reservation about the proposal of the Draft Policy to achieve 50 per cent motorization of the existing fleet of nearly 200,000 non-mechanized fishing vessels. The Workshop was of the view that India's western seaboard has already reached saturation in relation to motorization and that the eastern seaboard may have a potential for 25,000 longtails. There was thus no room for OBMs, it was argued.

### III. 8 RESOLVING INTER-AND INTRA-GEAR CONFLICTS

32. The proposal in the draft policy to create an exclusive zone for non-mechanized fishing units was discussed. It is difficult to distinguish non-mechanized fishing vessels from fishing vessels with outboard motors since the same fishing communities use both categories of fishing vessels, it was observed. Moreover, they do not have conflicts among themselves unlike their conflicts with trawlers.



33. It was, however, pointed out that there are conflicts between motorized and non-mechanized fishing vessels in West Bengal and Tamil Nadu and among motorized fishing units in Kerala. It is important to provide exclusive protection for non-mechanized fishing units in West Bengal, it was argued. Unlike motorized fishing vessels in the southern states, the motorized units of West Bengal do not go very far, hence conflicts with non-mechanized units, it was observed.

34. In Tamil Nadu, conflicts between the motorized and non-mechanized fishing units took place mainly because the motorized fishing vessels, in comparison with non-mechanized ones, carry larger quantities of gear. In Kerala, the conflicts in the traditional sub-sector are between motorized ring seine and motorized mini trawling units.

35. There is, therefore, a greater need for an exclusive zone for the non-mechanized fishing units, it was stressed. The workshop proposed flexible arrangements where the need for setting up zones for motorized/non-mechanized fishing are locally determined. In ecologically sensitive areas, however, zones for non-mechanized fishing could be extraneously set up.

### III. 9 MANAGING ARTISANAL FISHERIES

36. Fisheries regulation/management is also important for the artisanal sector, the Workshop noted. Capacity reduction should be considered, especially in the ring seine sub-

sector, particularly of Kerala where, from Kollam to Kasaragod, there are a large number of ring-seine units. This sub-sector employs 60 per cent of the fisheries labour force of Kerala, it was observed. Net-webbing alone weighs 400 kg and with weights, floats and ropes, a ring seine gear unit weighs at least one and a half tonne. Four units of 40hp engines are used in each ring seine fishing vessel. There is now a shift from outboard motors to using inboard 400 hp Leyland engines.

37. There is also need to ban or restrict various harmful fishing gears like mini trawl and push nets and certain forms of monofilament nets, it was noted. New gear webbing technologies are employed to produce knotless "pressed" mesh, which cannot be repaired. Once such gear is damaged it has to be thrown away. The use of monofilament gears is now bringing a lot of by-catch. In this context, it was noted that Sri Lanka has banned monofilament nets in its waters. There should be restrictions on craft-gear-engine combinations in artisanal fisheries, it was proposed. There should be a study on the impact of different webbing material of fishing gear, especially in the artisanal sector, it was suggested.

38. Even in artisanal fisheries subsidies that enhance harvesting capacity should be stopped including assistance for acquisition of fishing craft, gear and engine, except motorization subsidies in areas with low levels of motorization, it was proposed.

39. Co-management, or government working in partnership with fisheries stakeholders for managing fisheries, was discussed. The Workshop accepted the concept of co-management in principle. Unless there is statutory authority, co-management cannot work, it was pointed out. Some participants said it should be more a community-based management than co-management and that the role of government should mainly be that of a facilitator, undertaking enforcement functions in local-level fisheries management issues only under exceptional circumstances.

40. The Coastal Zone Management Authority (CZMA) could have become a



powerful management body had it been set up to function as per the guidelines of the Supreme Court, it was pointed out. Similarly, the Central Empowered Committee (CEC) in Jambudwip, West Bengal, could also have collaborated with the fishing community in finding lasting solution to protect the mangrove vegetation of Jambudwip. Although the Supreme Court had set up both the CZMA and CEC within a co-management framework, the affected people in practice had experienced considerable harassment because of the non-consultative functioning of these bodies, it was pointed out.

III. 10 WAGE SYSTEM V. SHARE SYSTEM AND IMPLICATIONS FOR FISHERIES MANAGEMENT

41. While considering fisheries management options, would a wage system, or a share system, be more conducive for fisheries management? In a wage system there is pressure on the owner to operate the fishing vessels in lean times, whereas in a share system there is possibility of reducing the number of trips, and the fleet size, it was observed. A wage system also leads to low payment and abuse of workers. It also leads to overcapacity, unlike a share system. Under a wage system, labour that is absorbed in the sector is more than what the sector can actually accommodate.

42. It was suggested that the marine fisheries policy of India should favour only a share system, not wage system, since the former is more conducive to fisheries management initiatives than the latter. An alternative scenario was also pointed out, viz., the ring seine sub-sector of Kerala, where irrespective of having a share system, the fishery is urgently in need of management. Rather than seeing share system versus wage system, shouldn't the main concern be to ensure the welfare of fishworkers and healthy status of fisheries resources, it was asked.

IV. SHOULD FISHERIES BE ON THE CONCURRENT LIST?

43. Considering that fishing vessels and fishers are now moving between territorial waters and beyond, it was asked if inclusion of fisheries in the Concurrent List of the Indian

Constitution, whereby the State and the Union governments would take joint responsibility for fisheries, would make better sense. It was also noted that a fishing conflict cannot be resolved by a State if it does not have jurisdiction over the sea where the conflict actually happens, and these days such conflicts between vessels below 20 m OAL and registered under State fisheries departments are taking place in waters beyond the territorial sea.

44. Moreover, the States are bankrupt and the Centre is relatively better off to meet the costs of introducing and sustaining fisheries management measures. It was brought to the attention of the Workshop that Forests were moved from the State List to the Concurrent List in 1976. Also, trade unions, social security, welfare of labour, including conditions of work, are in the Concurrent List.

45. The Workshop welcomed the idea and said moving fisheries into the Concurrent List prima facie looked good, that the implications of such a move should be well understood before it is proposed. Citing the Maharashtra

To address the jurisdictional shift in Indian fisheries conflicts from the state waters into the EEZ, it is imperative to have legislation for the EEZ. Harmonized and sustainable fisheries both in the territorial waters and the EEZ are possible only with a national legislation.

..... incidents of bag net conflicts outside the 12-nautical mile limit with bottom trawlers, it was commented that joint responsibility under the State and the Centre should be good for fisheries. Also, during monsoon ban on trawling, the trawlers registered and licensed by the state government authorities, undertake fishing operations outside the 12-mile limit, across the country, it was observed. The Workshop decided to follow up on this issue especially to clarify the responsibilities of both the state and the centre under a Concurrent List regime.

V. WELFARE OF FISHWORKERS  
V.1 SOCIO-ECONOMIC SECURITY OF FISHWORKERS



46. Should the national marine fisheries policy mainly ensure the “socio-economic security” of “artisanal fishermen” entirely dependent on fishing for their livelihood, or should it be concerned about ensuring socio-economic security of all fishworkers, both artisanal and mechanized, and the socio-economic development of all coastal fishing communities, it was asked.

47. The other importance issues to be considered while developing fisheries legislation include the need to address the unorganized nature of the fisheries sector, especially the need for government support in the form of guaranteed employment for at least 100 days to the workers in the fisheries sector, and the need to highlight the right to adequate food and national food security, including that of the fishing and coastal communities. In this context, attention was drawn to ongoing intergovernmental process at the Food and Agriculture Organization of the United Nations (FAO) to develop the ‘Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security’.

10

V. 2 ELIGIBILITY FOR FISHERIES AND COMMUNITY WELFARE MEASURES

48. There was animated discussion on who should actually be eligible for welfare measures meant for fishers. Should fishing caste-based owner-non-operators be treated on par with fishworkers, defined as men and women dependent on fisheries for a livelihood, including those who catch or vend fish head-load or cycle-load, mend or make nets, process fish, including drying and curing. The definition, however, would exclude categories of workers such as carpenters, drivers, and icemakers catering to the fisheries sector.

49. When it comes to investing in fishing units preferential treatment could be extended to those who come from the fishing community,

irrespective of their economic status, but not with regard to welfare benefits, which should go only to those who do not have any fishing assets or who have only rudimentary fishing equipment, it was suggested. An owner and his family from fishing castes, however, could benefit from general programmes for economically and socially backward communities, but not from specific programmes meant for economically backward fishers and fishworkers, it was further suggested.

V. 3 PARITY OF FISHERIES WITH AGRICULTURE

50. The draft fishing policy proposes to treat full time/occasional fishermen whose household does not own a boat on par with landless labourers. It was pointed out that an average trawler worker, even if he does not own a fishing vessel, would be better off than the owner of a teppa. Using the rationale of the Draft Policy, a teppa owner will not get the benefits that accrue to a trawler worker even if the former is poorer than the latter. It was proposed that owners of mechanized fishing vessels should be excluded from the saving-cum-relief scheme where only fishermen who do not own a boat should benefit from such a scheme.

V. 4 SOCIAL SECURITY MEASURES FOR FISHWORKERS

51. Providing social security benefits to fishers and fishworkers was discussed. In this context, attention was drawn to extending the provisions of the 1952 ILO Social Security (Minimum Standards) Convention (No. 102) to the fisheries sector. The nine principal branches of social security, according to this Convention are: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors benefit. Some of these branches of social security are offered to the fisheries sector in India.

52. Medical care benefit has been introduced, which also covers fisher’s families. The government will make a contribution of Rs. 100 per person below poverty line. There is

also a life insurance scheme that extends to the fishing communities. Health insurance in Karnataka also covers open-heart surgeries at a premium of Rs. 60 (Yasaswini Yojana) for members of fishermen's co-operative societies. Kerala, Tamil Nadu and Maharashtra provide old age benefit (Rs. 175 per month for any old person below poverty line in Maharashtra). Maharashtra also provides maternity benefit, up to two pregnancies, for women below the poverty line. Under Sanjay Gandhi Niradhar Yojana, Maharashtra further extends destitute benefit to fishing communities. West Bengal has an exclusive old age pension for fishermen amounting to Rs. 100 per person per month. Karnataka fishermen's co-operatives also have a scheme to assist members during monsoon closure of their fisheries.

53. It was proposed that both the State and the Centre should ensure that fishworkers receive social security benefits under the ILO Convention 102. The provident fund scheme for the un-organized sector should also extend coverage to all fishers. It was further proposed that saving-cum-relief schemes should also be extended to women who are involved in post-harvest activities. It was demanded that the government's contribution should be doubled. For every share of worker, the government should contribute two shares. It was also proposed that co-operatives, non-governmental organizations (NGOs), local self-governments (LSGs), etc may be treated as nodal agencies for implementing welfare schemes to ensure maximum coverage.

V. 5 CONDITIONS OF WORK AND WELFARE OF WOMEN IN THE POST-HARVEST SECTOR

54. Under post-harvest operations, conditions of work of women were discussed. It was proposed that women in processing and pre-processing sub-sectors, both domicile and migrant, should have a minimum wage and medical assistance, as well as protection of their rights. In addition to other benefits migrant women workers should be provided with decent and safe accommodation. It was also proposed that there should be effective implementation of the inter-state migration act.

V. 6 HOUSING OF FISHERS

55. Regarding housing schemes for fishermen, it was proposed that the beneficiaries should be prioritized. It was further proposed that the government need not build houses, and that it could request other agencies to undertake such projects in a more decentralized fashion.

56. The Workshop proposed that there should be changes to the Coastal Regulation Zone notification to accommodate housing facilities in fishing villages.

VI. REGIONAL ARRANGEMENTS FOR FISHERIES MANAGEMENT AND FISHERS' WELFARE

57. A sub-regional agreement—possibly, at the South Asian Association for Regional Cooperation (SAARC) level—for fisheries management and to address trans-border movement of fishers and fishing vessels should be entered into, it was proposed. The recent Association for Release of Innocent Fishermen (ARIF) experience about how a human rights initiative became a resource management initiative between India and Sri Lanka in the

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Considering that the fisheries resources and fishing fleet need urgent attention in the territorial waters, shouldn't the policy start from the shore-end, first try to address near-shore fisheries management problems using the resource potential of the EEZ, before considering other development options for under-exploited resources of the EEZ?

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Palk Bay, and how the small fishermen of Sri Lanka taught a big lesson to the Rameswaram fishermen, was shared,

VII. FISHERIES CO-OPERATIVES

58. The discussion on promotion of co-operatives highlighted several points. It was observed that genuine member-controlled co-operatives in the fishing sector are very few and that they exist mainly in northern

Maharashtra and Karnataka. Co-operatives as they exist are mainly quasi-government organizations controlled by politicians and government officials. They function mainly as delivery mechanisms for government financial assistance to the sector. Genuine member-based co-operatives are discriminated against, it was alleged. In the artisanal sector, except for SIFFS, there are no genuine co-operatives, it was argued.



59. It was proposed that the existing co-operative act should be amended to allow genuine member-controlled fishermen's co-operatives to function without unnecessary outside intervention, where the scope of co-operative is redefined to include not only marketing and supply of inputs, but also fisheries management programmes. Importance of plurality should be recognized in the co-operative act, it was pointed out.

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### VIII. SEA SAFETY MEASURES

60. With reference to sea safety and early weather warnings, it was proposed that sea safety measures should be incorporated, at the state level, into the MFRA.

### IX. INFRASTRUCTURE

61. It was proposed that fishers' associations should manage infrastructure facilities like fish landing centres and minor fishing harbours. It was also proposed that fishing harbours and fish landing centres should be used as a tool for improved fleet management and quality control. Dredging costs associated with fish landing centres and harbours should be met by the State, it was proposed.

### X. HEALTH AND HYGIENE STANDARDS IN FISHING HARBOURS AND MARKETS

62. The importance of promoting health and hygiene in fish markets was recognized. Packaging and bar coding should not displace small vendors from participating in fish trade,

it was cautioned. Fish quality should be improved as a process. Regulations to improve hygiene standards should first be implemented in harbours and landing centres. Coastal panchayats should be involved in keeping beaches clean of debris and filth. Use of ammonia to preserve fish should be curbed. There should be provision made for toilets in market places, raised platform for keeping fish, and safe water in adequate quantity and quality to help improve health and hygiene standards.

63. There should be training and support to women to improve quality of fish sold. Coastal pollution from chemical waste is a major matter of concern. It was suggested that movements similar to organic agriculture should be developed in fisheries, especially to sell 'safe fish', based on self-regulation and independent standards acceptable to consumers worldwide. Women should also experience the dignity of undertaking their own initiatives for improving the quality of fish, it was suggested.

### XI. SEAFOOD TRADE AND HUMAN DEVELOPMENT

64. It was proposed that a cess on seafood exports should be imposed to improve drinking water, sanitation, and education facilities in most backward fishing villages of India.

### XII. WHO SHOULD FISH?

65. The main recommendations of an informal meeting among the NFF participants on 15 July 2004, after the Workshop hours, were presented. They were: (i) the Mandal Commission recommendation for separate constituencies and scheduled caste/scheduled tribe benefits to the fisher people should be upheld; (ii) fishworkers from non-fishing castes should be allowed to work in the mechanized sector only if they have an insurance coverage; (iii) granting fuel subsidy should be subject to the particular fishery in question not having overcapacity; (iv) mechanized fishing vessels should prove that they have indeed gone for deep sea fishing to avail subsidy benefits for deep sea fishing; and (v) training for safety should be made mandatory for all fishworkers.

66. The above report sparked a debate on the issue, viz., who should fish or own fishing vessels, which was not discussed in the draft marine fishing policy. There was some concern about the reference to the Mandal Commission report since it was mainly focusing on different castes, but not deliberating on fisheries policies. The fear of some fishermen from fishing castes is that their children may not be able to obtain a licence if only active fishermen are allowed to participate in fishing. The caste factor becomes important in the light of the Mandal Commission recommendation to include fisher people under scheduled tribe/scheduled caste and to establish their constituencies.

67. It was commented that one should not mix up the action programme of a caste organization with that of a trade union. It was proposed that members of a fishing caste whose main source of income is from fishing operations should be given preferential treatment while deciding who should fish. Within this category greater preference should be given to those who actually fish. The third priority should go to actual fishers and fishworkers from non-fishing castes who actually work at sea.

68. Drawing attention to non-fishing castes actively engaging in fishing for the past 40 years in Tamil Nadu, it was suggested that the first preference to engage in fishing should go to owner-operators and workers from fishing castes, the second preference to owner-operators and workers from non-fishing castes, and third preference to members of a fishing castes whose main source of income is from fishing, irrespective of whether or not he or she actually engages in fishing. The Workshop accepted the new ordering of categories. These categories are subject to only those using vessels below 20 m OAL.

XIII. CONCLUSION

69. Several proposals in the draft fishing policy could not be discussed because of time constraint. More clarity and discussion are required before a coherent national fisheries policy can be developed. It was proposed that the Draft Marine Fishing Policy should be

further discussed before finalizing it with other stakeholders, including scientists and government officials. The Workshop recommended to the Minister of Agriculture to hold a meeting to further discuss the fisheries policy and to make it a comprehensive document, especially to cover marine and inland fisheries and coastal and inland aquaculture.

70. In the evaluation of the Workshop it was noted that it was for the first time that NFF is reviewing a central government policy before its legislation and implementation. The participants found the Workshop informative and useful. There is need for a more in-depth discussion on CRZ, especially about representation of fishers in the national body and the role of panchayats in the implementation of CRZ notification. It was regretted that here was not sufficient discussion on environmental issues mentioned in the Draft Policy. It was proposed that the coastal members of parliament should be mobilised for the

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In addition to capacity reduction and fleet diversification, there is need to introduce effort control measures. The Workshop proposed a series of such measures, such as mesh size regulations, restricting size of gear, reducing the number of gear units including reducing the number of trawl gear on board each trawler, reducing fishing time at sea, especially by reducing trawling hours and by extending the duration of the monsoon ban on fishing.

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implementation of the national fisheries policy once it is ready. SIFFS and ICSF were thanked for organizing the Workshop. It was suggested by several participants that there should be Workshops of this sort in future for better understanding of issues.

## Appendix

### History of the Marine Fishing Regulation Act of India

71. The genesis of the MFRA and the problems faced in its implementation were explained. In 1976 a big fight broke out between the kattumaram fishermen and trawlers in Tuticorin. 16 fishermen were killed, and many trawlers and kattumarams were set ablaze. This incident led to the appointment of a Committee under Majumdar, who was the then Secretary-in-Charge of Fisheries, Maharashtra. It was a high-powered committee to study the conflict and to bring about law and order in the sea. Several Secretaries connected with fisheries were members of this Committee.

72. In 1978, through Jyotirmoy Basu, Member of Parliament belonging to the Communist Party of India (Marxist) (CPM), a bill for fisheries was introduced in the Lok Sabha before the Majumdar Committee Report was submitted. Morarji Desai, the then Prime Minister of India, intervened in the debate on the Bill and said his government would present another model bill, which would be legislated as an act of the parliament. The new model bill, based on the Majumdar Committee Report, was later presented. Indira Gandhi was the opposition leader at that time and she said she would also support the bill. Since fishing and fisheries straddled the territorial waters and EEZ the subject should be negotiated and legislated by the Parliament, recommended the Majumdar Committee.

73. Subsequently, the Morarji Desai government fell and Indira Gandhi came to power. Instead of presenting the bill in the Parliament, Indira Gandhi asked the State legislatures to enact the MFRA. Goa was the first state to do so and under MFRA it prohibited trawling up to 3km from the shoreline. The Act was challenged in Goa and it went up to the Supreme Court.

74. Kerala enacted MFRA in December 1980 and it was the second state to do so. In May 1981 Kerala banned monsoon trawling and purse-seining, but the ban was soon lifted. The NFF went on a long-standing agitation. Six commissions were appointed, one after the other, because of the agitation. The first was the Committee under the chairmanship of Babu Paul. Although the Babu Paul Committee was divided on the question of monsoon trawl ban, it made 16 unanimous recommendations, including a ban on purse seine fishing.

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75. In 1982 purse-seining was banned in Kerala as per the above recommendations and the ban was challenged in the Kerala High Court and the Supreme Court of India. In 1987, at the recommendation of the Balakrishnan Nair Committee, monsoon trawling was banned again in Kerala. The boat owners went to the High Court and then to the Supreme Court. Litigation went on until 1993 when the Supreme Court upheld the ban. In Tamil Nadu also the boat owners association challenged the act when it was introduced, but the Supreme Court upheld it. The NFF has been demanding seasonal ban on trawling since 1978. Today uniform trawl ban is being implemented all over India and it is the result of an NFF struggle, it was observed. The main objectives of MFRA, viz., conservation of fisheries resources and protection of fishers on board traditional fishing vessels were acclaimed at a recent meeting of the FAO.

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#### Programme

SIFFS and ICSF Discussion on Indian Fisheries Policy (Draft), 15 to 17 July 2004, Animation Centre, Kovalam

Day 1 Thursday, 15 July 2004

- 09.30 – 10.00 Introductory Session
- 10.00 – 12.00 Overview of the National Fishing Policy (Draft)
- 12.00 – 13.00 Discussion on the Scope of National Fisheries Policy
- 13.00 – 14.00 Lunch
- 14.00 – 17.00 Detailed Discussion on the Draft Fishing Policy (Sections 1 and 2)

Day 2 Friday, 16 July 2004

- 09.30 – 10.30 Subsidies and WTO Negotiations
- 10.30 – 13.00 Discussion on draft fishing policy (Sections 3 to 5)
- 13.00 – 4.00 Lunch
- 14.00 – 17.00 Discussion (Sections 6 to 9)

Day 3 Saturday, 17 July 2004

- 09.30 – 10.30 Additional considerations for the national fisheries policy of India
- 10.30 – 12.00 Strategies towards policy and follow-up activities
- 12.00 – 13.00 Evaluation and winding up session