

500.REP106

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REPORT OF THE COMMITTEE ON DELIMITATION OF FISHING ZONES FOR DIFFERENT TYPES OF FISHING BOATS

1. INTRODUCTION

1.1 At the 10th meeting of the Central Board of Fisheries held at New Delhi on 22nd and 23rd March, 1976, while discussing issues relating to "Regulation of Fisheries", the Board recognised the need to conduct studies on the scope and possibilities of demarcating fishing areas, in order to safeguard the interests of coastal fishermen operating small boats and crafts. While appreciating difficulties involved in adopting a legislative approach, the Board felt that executive action, without legislative support may be difficult. After detailed discussions of all relevant aspects of the problem, it recommended that :-

"Government may constitute a Committee headed by Shri A. K. Majumdar, Secretary in - charge of Fisheries, Maharashtra, as Chairman, to advise the Government of India on the need and scope of legislation on delimitation of fishing zones among non - mechanised, small mechanised and large mechanised fishing vessels".

1.2 In pursuance of the above resolution, the Ministry of Agriculture constituted a Committee, vide Notification No. 14 - 7/72 - FY (T - 1) dated the 24th May, 1976 (Annexure-I). The Committee, headed by Shri A. K. Majumdar, consisted of Secretaries in - charge of Fisheries of all maritime states, representatives of the Ministries of Law, Defence and Commerce, the Director, Integrated Fisheries Project, Cochin, as members with the Joint Commissioner (Fisheries), Department of Agriculture, as Member - Secretary. The terms of reference of the Committee were as follows :-

"The Committee shall examine the question of delimiting areas of fishing for different types of boats, particularly by big trawlers, so that there is no unfair competition with small mechanised boats and country crafts. The Committee shall also recommend measures for ensuring implementation of its recommendations."

1.3 The Committee held five meetings at Bombay (19. 7. 76), Delhi (2. 8. 76), Madras (2. 3. 77), Calcutta (13. 8. 77) and Delhi (18. 4. 78), duly assisted by the Directors of Fisheries of the respective State Governments. Representatives of State Fisheries Corporations and different sectors of fishing industry were also invited to give their opinion at the meetings at Madras and Calcutta.

1.4 The Committee was assisted in its deliberations by a Sub - Committee consisting of Joint Commissioner (Fisheries), Department of Agriculture, Government of India, Commissioner of Fisheries, Government of Gujarat, Director, Intergrated Fisheries Project

and Directors of Fisheries, Andhra Pradesh and Maharashtra which prepared a preliminary Draft Regulation. Subsequently, this Draft Regulation was considered by a group consisting of the Secretaries to the Government of West Bengal, Tamil Nadu and Kerala Director, Integrated Fisheries Project, Cochin and Joint Commissioner (Fisheries), Government of India. The Committee was also assisted by another Technical Sub-Committee consisting of Joint Commissioner (Fisheries), nominees of Chief Hydrographer to the Government of India, Ministry of Law, Naval Headquarters and Legal and Treaties Division of the Ministry of External Affairs for indicating the limits of jurisdiction in the sea for each maritime State.

1.5 In view of the complex nature of the problems involved in delimiting fishing zones the Committee had to deliberate in depth the technical and legal aspects of such regulations, discuss with the concerned parties, collect information, consider the views and other related issues. This required protracted discussions at different levels of technical committees, groups and sub-committees. This work could not be completed within the time stipulated. The Committee was also considerably handicapped due to frequent changes in the membership of the Committee due to transfer of the Secretaries in-charge of Fisheries in several states and some other members to other Departments.

2. The Present Status of Coastal and Off-Shore Fishing Operations in The Country and The Need for Regulatory Measures

2.1 India has a coastline of about six thousand five hundred kilometers with an estimated potential of 4.5 million tonnes of exploitable fishery resources in the two million square kilometers of exclusive economic zone. The coastal marine fisheries in India is traditionally exploited by the indigenous crafts such as Catamarans, Dug-out canoes, Plank-built boats, Beach-Seine boats and others, mostly confined to the inshore coastal waters. The numbers of such crafts in the marine sector are about 45,400 Catamarans, 33,300 Dug-out Canoes, 20,600 Plank-built boats, 9200 Beach Seine boats and 13,000 other types of boats, totalling 1,21,500 boats. *

2.2 In order to assist the traditional fishermen to obtain a better return of harvest by extending their area of operation, mechanisation of fishing crafts was encouraged since the inception of the First Five Year Plan. The mechanisation programme caught up rapidly with location of prawn grounds and heavy overseas demand for prawns. At present, out of 16,000 mechanised boats introduced so far, about 14,500 are reported to be in actual operation. These boats are engaged in trawling, gill netting, hand lining or operating other types of gears. A sizeable number of boats are also motorised merely for propulsion. It is tentatively proposed to have an additional fleet of 5,000 mechanised boats during the next five year period, 1978-83.

2.3 While efforts were being made to modernise coastal fishing, the necessity to establish deep sea fishing industry in the country was also felt in order to ensure exploitation of fishery resources to the fullest extent. The emphasis on deep sea fishing has

11th Live Stock Census, 1972 (State-wise based on final figure). Issued by the Economic and Statistical Adviser to the Govt. of India (1976).

gained further momentum with the declaration of 200 nautical miles Exclusive Economic Zone. The announced policy of the Government is to encourage fishermen Cooperatives, and private sector companies to take up deep sea fishing, which is a capital intensive industry requiring large investment. At present the commercial fishing fleet consists of 70 vessels and it is likely to go up to 200 by 1979 and to 400 by 1982-83.

2.4 With the introduction of mechanised boats the traditional fishing sector had voiced concern about fish being scared away by the sound of motor boats, besides depriving them of their share of catch due to higher efficiency of the mechanised fishing crafts. With the increase in the number of mechanised boats operating in the coastal areas the problem has been aggravated. With the further decline in the catch per unit of effort the mechanised boats started operating closer to the shore and disputes and conflicts between the traditional non-mechanised boat operators and the small mechanised boat operators assumed greater dimension. Such disputes and conflicts have been reported from practically all the marine States, particularly from Tamil Nadu, Pondicherry and Goa, and from a few other centres.

2.5 The coastal shrimp resources are generally limited to the inner belt of about 40 fathoms (5 to 35 nautical miles). The economics of operation of the existing offshore fishing vessels by and large depend on shrimp resources. In other words, the operation of both mechanised vessels as well as the medium sized offshore shrimp trawlers often exploit more or less the same resource, the former depending more on the inner area of the fishing ground and the latter exploiting the outer periphery. In the absence of adequate information on the commercial availability of living resources in areas beyond 40 fathoms the offshore fishing fleet have continued to exploit mainly the coastal resources. As soon as information about deep sea fishery potential becomes available, it should be possible for the offshore and deep sea vessels to move further out into the open sea, leaving the inshore resources for the coastal fishing vessels comprising both the non-mechanised and the small mechanised vessels.

2.6 The present development of marine fishery in the country presents a somewhat uneven picture. Whereas a stabilisation in the rate of returns from coastal shrimp fishery has been achieved in certain areas, there is considerable under-utilisation in some other areas. States like Kerala and Karnataka are fast reaching a level of stabilisation. Some pockets in these States have started showing, what appears to be, signs of depletion. On the other hand, more information on exploitable resources from Orissa and West Bengal has encouraged large scale migration of fishing boats during the peak seasons. With an accelerated programme of mechanisation in these two States, a level of stabilisation is expected to be achieved in the foreseeable future.

2.7 In the context of the situation prevailing in the country, some of the State Governments requested the Government of India (Ministry of Agriculture & Irrigation) to consider appropriate legislative measures regulating operation of larger vessels in the coastal area which is traditionally exploited by small fishermen. This question has come up for discussions in the meetings of the Central Board of fisheries and in accordance with the decision of the Board, the Indian Embassies abroad were addressed for

...restriction do not exist for delimiting fishing zones among large mechanised small mechanised and non-mechanised boats. The usual legislative action to ease the problem of conflict between artisanal and industrial groups has been to permit certain specified types of vessels or gear to operate in certain definite areas. For example, in Malaysia, vessels of 100 gross tonnes and above fitted with engines of 200 HP and above are permitted to operate only in waters beyond 12 miles and vessels of 25 tonnes with 60 HP, beyond 7 miles and those of 25 tonnes with less than 60 HP, beyond 3 miles. In Denmark, restrictions exist on fishing in specified areas in respect of tonnage, engine power, gear etc. In Fiji, certain restrictions are placed on the use of nets and in British Solomon Islands, restrictions on commercial fishing in areas traditionally used by local small scale fisheries are extended to include joint venture fishing. In Mexico, the law provides for granting of concession to Co-operative Societies for the exclusive exploitation of specific fishing areas. In Nigeria, the Sea Fisheries Decree 1971 regulates that no vessel shall fish within the first two nautical miles of the waters off Nigerian continental shelf and no shrimp trawling is permitted in inshore waters. In Thailand, three miles from the shore are reserved for coastal fishermen. In Japan, regulation and control of all phases of the fishing activity is entrusted to the Japan Fisheries Agency. Of all the different methods of regulations, those which aim at basic control, such as limitation of the area of operation and at number of fishing vessels and their tonnage are enforced through the fisheries rights system and licensing system, which are peculiar to Japan. The license system in Japan is a means to control offshore and deep sea fishing by highly mobile fishing vessels. Whereas the fishery rights is granted to the fishing operator to give him exclusive rights to exploit a certain fishing ground, the licence is issued to fishing craft engaging in a specific type of fishery. Restriction by license of activities of individual vessels applied to their size, equipment and scope of operation also. Regulation of activities of an entire fishery applies to the number of vessels, their aggregate tonnage, total horse power of engines to be employed in it, and to the size of combined catches. It would thus appear that a situation similar to ours has arisen in neighbouring countries like Malaysia, Indonesia and Thailand. These countries also are going through the stage where the traditional fishermen continue to feel insecure with the introduction of large and offshore fishing fleets. Delimitation measures are being considered with the view to protecting the interests of small fishermen.

2.8 The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 came into force on the 25th August, 1976. The provisions of the Act relating to the contiguous zone and the Exclusive Economic Zone were given effect from the 15th January, 1977. In accordance with this Act a 200 mile Economic Zone was declared for exclusive exploration, exploitation, conservation and management of the living and non-living resources in the seas. The Government are also empowered to take suitable steps for preservation of the environment and for controlling marine pollution. The important maritime land marks under the Act, are

- a) territorial waters extending upto 12 miles from the coast,
- b) a contiguous zone extending upto 24 miles, and
- c) an Exclusive Economic Zone extending upto 200 miles from the coast.

exclusive economic zone under the Act has considerably extended the scope of open sea fishing to be undertaken by bigger vessels leaving coastal fish exploitation by traditional fishermen as well as small mechanised operators.

A Coast Guard Organisation has also been established with responsibilities other things, for assisting in the enforcement of laws for preventing foreign fishing from encroaching the exclusive economic zone of the country.

3. DISCUSSIONS - DELIMITATION OF FISHING ZONES AND ITS VARIOUS ASPECTS

3.1 In the first meeting of the Committee, the present status of fisheries with reference to different types of crafts in operation was reviewed by the members and the nature of disputes as reported from some of the States, analysed. To have a assessment of the local situation it was also decided that the Committee have meetings on zonal basis to facilitate recording of evidence from the representatives of the different types of operators and other interest groups. The minutes of the first meeting are at Annexure - II.

3.2 After reviewing the local fisheries situations, the committee, in its second meeting discussed the need for the delimitation of fishing zones and the legislative enforcement that will be required to be undertaken to deal with the problems at the national and State level. As regards delimitations of areas, whether it should be based on distance from the shore or on depth, it was felt that the distance from the shore might be used as a working index, although it would have a bearing on depth contour. In this connection it was noted that due to various practical difficulties it would not be possible to prescribe a uniform distance limit from the shoreline for delimiting areas on an all India basis. However, fixation of limits also should not be done in such a manner to act as a disincentive resulting in the under-exploitation of the areas of the resources. The modality of enforcement of the legislation required for this purpose, regulation of fishing rights in different countries and other relevant provisions under the Indian Merchant Shipping Act etc. are gone into in detail.

On the issue of registration of fishing boats, during the discussion it was pointed out that, besides the registration done for all vessels above 15 tonnes under the Indian Merchant Shipping Act, MPEDA was also having a provision for registration of fishing vessels under the MPEDA Act. Keeping in view the objectives, it was felt that MPEDA would not be the appropriate agency for registration of fishing vessels and that it would be better to entrust this work to the concerned Governments.

A sub-Committee was also considered with Prof. P. C. George, Joint Commissioner (Fisheries), Department of Agriculture, Government of India, Shri Moosa Raza, Commissioner of Fisheries, Government of Gujarat, Shri M. Devidas Menon, Director, Integrated Fisheries Project, Cochin and the Directors of Fisheries, Andhra Pradesh and Maharashtra as members for preparing a draft bill for the consideration of the Committee. The Governments were requested to send details of their recommendations in the meantime. The minutes of the second meeting are given at Annexure - III.

3.3 The draft prepared by the technical group was considered in the third meeting of the Committee. The evidence given by the various fishing interests were also taken note of and this included representatives of the Catamaran Fishermen Association, the Mechanised Boat Owners Association and the large industrial houses engaged in fishing operations. The list of parties who gave evidence before the Committee is given in Annexure-IV

3.4 Some of the important points brought to the notice of the Committee are briefly stated as under:

- i) the operators of non-mechanised boats suggested that the mechanised boats should be allowed to fish only beyond three miles from the shore and that too only during day time, whereas no such restrictions should be imposed on non-mechanised boats.
- ii) Another suggestion made was to restrict the use of mechanised boats beyond five miles.
- iii) It was brought to the notice of the committee that mechanised boats generally have no unsettled problems with the bigger vessels except difficulties in settling certain compensation claims for damaged nets etc.
- iv) The representatives of deep sea fishing industry stated that the industry is already handicapped by inadequate data of resources availability, shortage of trained personnel and marketing problems. They also stated that except for isolated incidents of a casual nature they operate normally in areas not frequented by and often beyond the area of operation of coastal mechanised fishing vessels. Therefore they stated that restrictive policy would not be conducive for the development of the industry and hence, desired postponement of consideration of such legislation until the deep sea fishing programme has gathered momentum. The minutes of the meeting are given at Annexure - V.

3.5 After careful deliberations, the committee decided that a revised Draft Bill should be prepared by a group under the Secretary, Department of Fisheries, Government of West Bengal, incorporating the views and suggestions received from members and other interest groups.

3.6 Accordingly the draft Marine Fishing Regulation Bill prepared by the group was considered by the Committee at its fourth meeting held at Calcutta. Some of the main issues considered at the time of discussions of the Draft Bill were as follows :

- i) the administration of the Act should be by the Central Government or by the State Governments,
- ii) the registration of vessels by the State Governments and the question of extending area of operation to other States.
- iii) the extent to which the Ministry of Defence could be associated with the enforcement of the Act, particularly, the role of the Coast Guard Cell,
- iv) about the adequacy of punishment to be provided in the Bill.

- v) provision for exemption of certain fishing crafts from the provision of the Bill.
- vi) the need for issue of guidelines by the Central Government to ensure uniformity of rules.
- vii) the need to refer the preparation of a "Schedule" relating to the technical aspects of the delimitation to a small group of experts.

3.7 After careful considerations of the above points and other related matters, the committee revised the draft bill. The draft bill was revised on the assumption that the parliament is competent under Article 297 and entry 32 of List I of the Seventh Schedule to the Constitution of India to enact laws on this subject. It was decided that the matter should be examined by the Ministry of Law and Justice.

3.8 The representatives of the fishing industry met the Committee during this meeting and expressed their views on the demarcation of fishing zones and other problems. However, the assembled members of the industry could not give details of any disputes or conflicts or any concrete suggestion on delimitation. This was because the private fishing industry on the upper East Coast has only recently entered into mechanised coast fishing programmes. They were more interested in the details of the Public Notice issued by the Government of India in June, 1977 on the import of trawlers and joint collaborative projects. The invitees informed the Committee that they would submit their comments, if any, in writing through their Marine Products Export Associations at a later date. The minutes of the fourth meeting are given at Annexure-VI.

3.9 As discussed earlier, the committee decided to constitute a Technical Group for preparing a "Schedule" to the draft bill. The group consisted of Joint Commissioner (Fisheries) as Chairman, Chief Hydrographer to the Government of India or his nominee, Deputy Legislative Council, Ministry of Law, representatives of the Naval Headquarters and the Legal and Treaties Division of the Ministry of External Affairs. The Technical Group had five meetings and its recommendations are given at Annexure VII.

3.10. A draft Report incorporating the deliberations of the Committee, along with the draft bill was circulated to all the members of the Committee, members of the Technical Group, Directors of Fisheries of Maritime States/U. Ts, Marine Products Export Development Authority, Ministry of Shipping and Transport, State Fisheries Corporations, Maritime States, Naval Headquarters and Planning Commission, inviting for their comments.

3.11 The comments received from the various Governments/Organisations were further considered by the Committee in its last meeting held on 18.4.78. It was decided that the Committee's findings together with the draft Marine Fishing Regulation Bill, may be presented to the Central Board of Fisheries for further considerations. There was a suggestion that the enforcement of the proposed Marine Fishing Regulation Act may be vested with the Central Government. The members were, however, almost unanimously in favour of the legislative measures being implemented by the State Governments. This is because of the fact that the degree of development of marine fishing activity, in general and

mechanisation programmes, in particular, vary from State to State. The large variety of types of crafts and gears in operation in the various States, the wide variations in the availability of the different types of fishes in different areas and in different times and the disposition of the continental shelf with large variations in its width from coast to coast render uniform depth demarcation difficult and inadvisable. The mechanisation programme itself is so varied in that it is used in some States only for propulsion of boats, whereas in several others it is used not only for propulsion of boats but also for mechanised fishing. In view of the wide variations observed, it was found necessary that no uniform limits of operation would be possible on all India basis. The Committee noted the need for Central assistance and guidance in States, efforts for adopting legislative measures for implementation by the State Governments. In this connection the need for intensification of the survey programmes by the Centre was emphasised. It was also suggested that there should be no restriction on inter-State movement of the fishing vessels as any such restriction on inter-State movement of the fishing vessels as any such restrictions may lead to disputes and conflicts effecting exploitation of fisheries resources to the optimum extent. The Committee was informed that the Coast Guard Organisation would not be in a position to take the responsibility of enforcement of the proposed legislation. The Committee felt that the possibility of Coast Guard Organisation extending help to the extent possible in the implementation of the provisions of the Bill should not be ruled out. It was also decided by the Committee that the provisions on exemption of certain categories of fishing boats may be deleted from the Bill and this question may be left to the State Govts. to decide within their legislative powers. It was decided that the draft as emerged should be treated as approved based on which the report of the Committee should be redrafted before submitting to the Central Board of Fisheries through the Ministry of Agriculture and Irrigation. The minutes of the meeting are given at Annexure VIII.

3.12 In the context of such a situation, the Committee felt that the proposed Bill enclosed as Annexure X and as explained in the following Chapter would meet the immediate requirements for recommending legislative measures for delimitation of fishing zones for the various types of fishing crafts. The Committee was also of the view that notwithstanding the promulgation of the laws for the purpose, the possibilities of arriving at a consensus among the operators of various types of fishing crafts should be explored so as to ensure peaceful continuance of fishing activities in the area. (The committee also took note of the provisional guidelines issued by the Ministry of Agriculture to various Maritime States and Union Territories to adopt with modification, wherever necessary, certain operational areas Annexure IX) As per these guidelines, the first 5 kilometers from the shore are exclusively reserved for the traditional fishermen engaged in non mechanised fishing operations, whereas the small mechanised boats should operate beyond 5 kilometers from the shore and the larger off-shore/deep sea fishing vessels, beyond 10 kilometers from the shore. The implementation part of the programme which would be the responsibility of the State Governments is also complicated in that it involves considerable efforts for ensuring each group of vessels to stick to areas allotted to them. Demarcation by physical barriers and signs like buyos etc. is expensive and likely to give rise to problems in implementation. An active programme of education and extension on and strong punitive measures for chronic defaulters appear necessary to implement the programme of demarcation.

LEGISLATIVE SUPPORT FOR DELIMITATION OF FISHING ZONES

4.1 In view of the urgent need for legislative support for executive action to safeguard the interests of small fishermen, to avoid repeated conflicts between the different economic interests and to ensure conservation and optimum utilisation of coastal resources, the Committee has recommended for adoption of a draft "Marine Fishing Regulation Bill" as given at Annexure X. The salient features of the draft bill are discussed in the following paragraphs

4.2 The "Marine Fishing Regulation Bill" would cover all the Maritime States / U. Ts and would include all marine living resources and dead shells.

4.3 This Bill, to be enacted by Parliament, under Article 297 and entry 32 of List I of the Seventh Schedule to the Constitution of India, would enable the State Governments/ U. Ts to reserve and delimit specific areas of the sea for fishing by specified types of vessels, to lay down the number of specified vessels to be operated in specified areas, to regulate or prohibit catching of specified species of fish in any specified areas and to regulate or prohibit use of specified fishing gear in specified areas. On consideration of factors like contiguity of areas on ecological and physical features, the Central Government may direct each of the concerned States/U. Ts to follow a more or less uniform pattern of delimitation and coordinate the measures, wherever necessary.

4.4 All fishing vessels which are outside the purview of the Indian Merchant Shipping Act, should be registered with the Fisheries Department of the Government of Maritime States /U. Ts. The latter may, however, exempt disbandable crafts like "Catamaran", or small craft which have restricted mobility of operations from the requirement of registration. All registered vessels will have a distinguishing mark consisting of one of the groups of letters allotted to the State followed by a number containing not more than four digits. This would be spelt out in a Schedule to be prepared later while finalising the Bill. The modalities of registration, cancellation and refusal of registration and appeal against the same have also been specified.

4.5 The State Governments/ U. Ts may issue the necessary authority to the designated officer the power to decide on contravention of the rules and take appropriate action such as seizure of the vessels along with the fixtures, equipment, gear and the fish catch and to initiate follow up action of examining the case and pronouncing the decision. The penalty would not exceed Rs. 5,000 if the value of fish involved is Rs. 1,000 or less or if no fish is involved and not exceeding 5 times of the value of the fish in other cases. Other necessary measures like cancellation of registration could be also decided by the Adjudicating Officer. An Appellate Board also will be constituted for the benefit of the aggrieved parties. The Adjudicating Officer and the Appellate Board shall have all the powers of a Civil Court under the Code xxx of Civil procedure, 1908 and will be deemed to be a Civil Court for the purpose of Sections 345 and 346 of the Code of Criminal procedure, 1973.

4.6 The State Governments / U. Ts may further provide for levy of necessary fees in respect of any service provided under the legislation.

4.7 The seaward limit of each State would not be more than 24 nautical miles for the purpose of the proposed Bill. The outer limit should be described by a series of straight lines drawn tangentially to the outermost 24 miles area. The line demarcating the limit of the sea between adjacent States should be a line perpendicular to the general direction of the coast at the terminal point of the land boundary between the adjacent States. A map indicating these areas for the respective States is appended to the draft Bill alongwith the geographical coordinates defining the areas for easy reconstruction. No sea areas may be assigned, for the present to the U. Ts of Andaman and Nicobar Islands and Lakshadweep. With regard to the other U. Ts. on the main land, it was considered that in view of limited coast line for each of these territories, their marine areas would become assignable to the adjoining maritime States.

8 The draft Marine Fishing Regulation Bill would be circulated for the concurrence of the State Governments before the Bill is finalised in consultation with the Ministry of Law for introduction in Parliament.

5. Summary of Observations—Conclusions—Recommendations

5.1 The Government of India constituted on the recommendation of the Central Board of Fisheries a Committee in 1976, under the Chairmanship of Shri A. K. Majumdar, to examine the question of delimiting the areas of fishing for different types of fishing vessels so that there is no unfair competition with small mechanised boats and country crafts and to recommend measures for ensuring implementation of its recommendations.

(Paragraph 1. 1; 1. 2)

5.2 The Committee consisted of the Secretaries incharge of Fisheries of all maritime States, representatives of the Ministries of Law, Defence and Commerce, the Director, Integrated Fisheries Project, Cochin, as members, with Joint Commissioner (Fisheries) Department of Agriculture, as Member - Secretary.

(Paragraph 1. 2)

5.3 The Committee, which was also assisted by the Directors of Fisheries of the respective maritime State Governments, held five meetings. The Committee also obtained the views, suggestions and comments of the Ministry of Shipping and Transport, Planning Commission, State Fisheries Corporations and different sectors of fishing industry and these were also considered by the Committee in these meetings. The Committee was assisted by a Technical Committee consisting of Joint Commissioner (Fisheries), nominees of Chief Hydrographer to the Government of India, Ministry of Law Naval Headquarters and Legal and Treaties Division of the Ministry of External Affairs to prepare the schedule indicating the limits of jurisdiction in the sea for each maritime State.

(Paragraph 1.3; 1.4; 3.9; 3.10)

5.4 The Committee reviewed the present status of fishing operations in the different States of the country and the nature of disputes and conflicts reported from the different areas. The Committee took into account the existing arrangements for regulation of fishing in different countries, especially in those where the problems are of comparable nature and also the various provisions under the Indian Merchant Shipping Act.

(Paragraph 2.1, 2.2, 2.3, 2.4, 2.5; 2.6; 2.7; 3.1; 3.2)

5.5 The Committee noted that while in some areas, exploitation for certain varieties like shrimp, has reached a level of stabilisation in certain States the fishing is yet to reach optimum level not only for shrimp but also for other varieties as well. The Committee studied the pattern of coastal fishing with special reference to effective operational range and capability of the various crafts and gear and the phenomenon of occasional congregation of all types of crafts in certain areas to exploit the newly located resources.

(Paragraph 2.4; 2.6; 3.1)

5.6 The Committee examined all these and other main issues involved for making recommendations on legislative measures, such as problems involved in regulating fishing agency and modalities in administering the provisions of the Bill, registration of vessel, regulation of fishing offences, penalties, enforcement procedure etc.

(Paragraph 3.2; 3.6; 3.11; 3.12)

5.7 The different degree of development of Marine fishing activities, in general and mechanisation programme in particular, existence of a large variety of types of crafts and gear operating in various States with different levels of operational efficiency and range in operational capability the wide variation in the availability of the different types of fishes in the different areas and in different times and disposition of the continental shelf with large variation in its width from coast to coast, render uniform depth demarcation difficult and inadvisable on an All India basis. It was also found that the distance from the shore might be taken as a working index for delimitation purposes, although it would have a bearing on depth contour. Here in too, it would not be possible to prescribe a uniform distance from the shore line, on an All-India basis. Fixation of limits also should not be done in such a manner as to act as a disincentive resulting in the under exploitation of the areas of the resources.

(Paragraph 3.2; 3.11)

5.8 In spite of the complexity of the problems of delimitation of fishing zones for different categories of boats, it was found that it is necessary to provide legislative support for executive action to safeguard the interests of the small fishermen and to ensure conservation and optimum utilisation of coastal resource.

(Paragraph 3.2, 3.12, 4.1)

5.9 The Committee endorsed the need for Central assistance and guidance in State's efforts for implementing legislative measures by them.

(Paragraph 3.11)

5.10 In order to prevent any fall in fish production due to delimitation of fishing zones it was found that survey and monitoring of resources should be intensified by the Centre.

(Paragraph 3.11)

5.11 The Committee felt that restriction on inter-State movement of the fishing vessels was not advisable as any such restrictions may lead to dispute and conflicts affect in exploitation of the fisheries resources to the optimum extent.

(Paragraph 3.11)

5.12 The Committee found that, notwithstanding the promulgation of the laws for the purpose, the possibility of arriving at a consensus among the operators of various types of fishing crafts should be explored so as to ensure peaceful continuance of fishing activities in the area.

(Paragraph 3.12)

5.13 Implementation of legislative measures, the Committee was of the view is also beset with difficulties and complications for ensuring each group of vessels to stick to areas allotted to them. Demarcation of physical barriers and signs like buoys etc. is expensive and at times impracticable. An active programme of education and extension and strong punitive measures for chronic defaulters are necessary to ensure successful implementation of demarcation programme.

(Paragraph 3.12)

5.14 On the issue of registration of fishing boats, it was found that for those categories which are not covered under the Indian Merchant Shipping Act, the appropriate agency for registration would be the concerned State Governments.

(Paragraph 3.2)

5.15 The Committee took note of the view expressed that the operators of non-mechanised boats desired to have exclusive area of operation for 3 to 5 miles from the shore and that the mechanised boats should be allowed to fish only beyond this area and that too only during day time. The Committee, however, could not find acceptable the request of the deep sea fishing industry for a postponement of consideration of any legislative or other measures for demarcation of areas.

(Paragraph 3.3, 3.4)

5.16 In view of the urgent need for legislative support for executive action to safeguard the interest of the small fishermen, to avoid repeated conflicts between the different economic interests and to ensure conservation and optimum utilisation of coastal resources, the Committee recommended adoption of a Draft Marine Fishing Regulation Bill.

(Paragraph 3, 4.1)

5.17 The Draft Marine Fishing Regulation Bill would be circulated for the concurrence of the State Governments before the Bill is finalised in consultation with the Ministry of Law.

(Paragraph 4.3)

5.18 The Bill would cover all the Maritime States / U. Ts and would include all marine living resources and dead shells.

(Paragraph 4.2)

5.19 The Bill would enable the State Governments / U. Ts. to promulgate laws to reserve and delimit specific areas of the sea for fishing by specific types of vessels, to lay down the number of specific vessels to be operated in the specified areas, to regulate or prohibit catching of specific species of fish in any specified areas and to regulate or prohibit use of specified fishing gear in specified areas.

(Paragraph 4.3)

5.20 On consideration of factors like contiguity of areas on ecological and physical features, the Central Government may direct each of the concerned States / U. Ts to follow uniform pattern of delimitation and coordinate the measures, wherever necessary.

(Paragraph 4.3)

5.21 All fishing vessels which are outside the purview of the Indian Merchant Shipping Act should be registered with the Fisheries Departments of the Governments of Maritime States / U. Ts. The latter may, however, exempt such of those crafts which are disbandable or which have restricted mobility of operations. The State Governments / U. Ts. may issue the necessary authority to the designated officer the required power under this Bill. An Appellate Board and the Adjudicating Officer shall have all the powers of a Civil Court.

(Paragraph 4.4; 4.5)

5.22 The seaward limit for the purpose of the legislation proposed under the Bill of each State would not be more than 24 nautical miles and the area of jurisdiction of each State would be according to the prescribed geographical coordinates appended with this report. No sea areas have been assigned, for the present, to the Union Territories of Andaman & Nicobar Islands and Lakshadweep. With regard to the other Union Territories on the main land, their marine areas would become assignable to the adjoining maritime States.

(Paragraph 4.7)

No. 14 - 7 / 72 - Fy (T-1)

GOVERNMENT OF INDIA
 MINISTRY OF AGRICULTURE & IRRIGATION
 (Department of Agriculture)

NEW DELHI,

dated 24th May, 1976

ORDER

In pursuance of the recommendations made by the Central Board of Fisheries at its 10th meeting held on 22nd and 23rd March, 1976. it has been decided to set up a Committee consisting of the following to go into the question of delimiting fishing zones for different types of boats:-

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| 1. Shri A. K. Majumdar, Secretary Incharge of Fisheries, Government of Maharashtra, Bombay. | Chairman |
| 2. Shri A. S. Gill. Secretary Incharge of Fisheries Government of Gujarat, Ahmedabad. | Member |
| 3. Shri V. Venugopal Naidu, Commissioner & Secretary, Department of Social Welfare & Labour, Government of Karnataka, Bangalore. | -do- |
| 4. Shri P. Kandaswamy, Secretary Incharge of Fisheries, Government of Tamil Nadu, Madras. | -do- |
| 5. Shri D. K. Chatterjee, Secretary Incharge of Fisheries, Government of Orissa, Bhubaneswar. | -do- |
| 6. Shri S. M. Murshed, Secretary Incharge of Fisheries, Government of West Bengal, Calcutta. | -do- |

7. Shri M. K. S. Ramaswamy, Member
Secretary Incharge of Fisheries,
Government of Kerala,
Trivandrum.
8. Shri M. Devidas Menon, -do-
Director,
Integrated Fisheries Project,
Cochin.
9. Prof. P. C. George, Member-
Joint Commissioner (Fisheries), Secretary
Ministry of Agriculture,
New Delhi.

2. The Committee shall examine the question of delimiting areas of fishing for different types of boats, particularly by big trawlers, so that there is no unfair competition with small mechanised boats and country crafts. The Committee shall also recommend measures for ensuring implementation of its recommendations.

3. The Committee may co-opt members as and when necessary. The Committee shall give its final report within three months from the date of its constitution. The T. A. and D. A. shall be borne by the concerned State / Central Government Departments.

Sd/-

(S. P. Balasubramanian)
Joint Secretary to the Government of India

1. Chief Secretaries of all maritime States and Union Territories. The officers appointed as members of the Committee may kindly be allowed to take up the assignment.
2. Secretaries Incharge of Department of Fisheries of all maritime States and Union Territories.
3. Directors of Fisheries of all maritime States.
4. Members of the Committee.

Proceedings of the first meeting of the Committee set up by Government of India to go into the question of delimiting fishing zones for different types of boats, held in Bombay on 17-6-1976 at 11.00 A. M.

PRESENT

1. Shri A. K. Majumdar
Secretary (ADF),
Agriculture & Co-operation
Department, Bombay. Chairman
2. Shri B. V. Rama Rao, Deputy Secretary,
Department of Forests & Rural Development,
Government of Andhra Pradesh.
3. Shri. D. P. Chatterjee,
Secretary, Forest, Fisheries & Animal Husbandry,
Orissa.
4. Dr. P. M. Misra,
Director of Fisheries,
Orissa.
5. Shri M. Devidas Menon,
Director, Integrated Fisheries
Project, Cochin.
6. Shri S. N. Rao,
Director of Fisheries,
Kerala, Trivandrum.
7. Shri P. Kandaswamy,
Secretary, Forest & Fisheries,
Tamil Nadu.
8. Maj. Gen. B. M. Bhattacharya,
PVSM, MVC,
Managing Director,
Central Fisheries Corporation.
9. Brigadier T. Sudharsanam,
Regional Manager, (South)
Central Fisheries Corporation.
10. Shri H. K. Khan,
Secretary, Agriculture Department,
Gujarat Government.

11. Shri Moosa Raza,
Commissioner of Fisheries,
Gujarat.

Member

12. Shri A. G. Kalawar,
Director of Fisheries, Maharashtra.

13. Shri V. Venugopal Naidu,
Secretary, Social Welfare & Labour,
Karnataka.

14. Shri M. Jayaraj,
Director of Fisheries,
Government of Karnataka.

15. Prof. P. C. George,
Joint Commissioner (Fisheries),
Ministry of Agriculture, New Delhi.

Member
Secretary

2. Welcoming the members present, the Chairman stated that the question of delimiting fishing zones for different types of boats was discussed in the recent meeting of the Central Board of Fisheries. The Board, after considering the complexities of the opinions that existed and the necessity to decide policy on this question, appointed a committee to go into the question and submit its report within three months. Accordingly, first meeting of the Committee was being held today. Member - Secretary of the Committee has prepared a draft agenda for the meeting. The Chairman felt that it was not possible to discuss all the items on the agenda in this meeting. He desired to know whether representatives of the trade and other well informed people be consulted. The Chairman further stated that the Member - Secretary had mentioned that Marine Product Export Development Authority, Mercantile Marine Department, Fisheries corporations or co-operatives, representatives of research institutes be requested to depute their representatives It would also be necessary to consult Law Ministry.

3. Prof. George, Member-Secretary, expressed that Law Ministry be consulted at a later stage after the State Directors of Fisheries have helped the committee in crystallising the proposals. A small group be formed to give guidelines to the committee for preparing the report. Draft bill on this subject circulated by the Government of India to all states could also be considered. Prof. George further stated that Shri Sivaraman, Member, Planning Commission, was very anxious to have the report of this committee.

4. Shri Kandeswamy, Secretary, Tamil Nadu Government, stated that once the zones for different types of fishing boats were determined, it would be necessary to make arrangements for patrolling. He therefore, suggested that a nominee from Indian Navy be taken up on this Committee.

5. Shri Khan, Secretary, Gujarat Government, suggested that the question whether there was any need at all for delimitation of zones be looked into. Prof. George pointed out that the Central Board of Fisheries had indentified the need and had, therefore, constituted this committee. The Chairman stated that in agriculture also it was observed that there were clashes or conflicts between small and big agriculturists. Similar conflicts

would come up in fisheries also, when bigger boats start operating in areas near the shore. Problem of delimitation came up in many advanced countries also. This was a problem relating to economy of the nation. It was very necessary to protect interests of the small fishermen who had either not been able to mechanize their vessels or had succeeded in acquiring only small mechanised vessels. If mechanised boats operated in the area in which small sail boats operated, economy of the small boat owners would be affected. The same would happen when larger vessels fished in areas where small to medium mechanised vessels operated. It should be possible for this committee to delimit the areas for these different types of boats. Need to delimit the zones, therefore, existed. The Chairman then requested each state representative to approach the committee of position in their respective State.

6. Shri Kandaswamy stated that the problem did exist in Tamil Nadu. Besides, fishermen from Kerala also conducted fishing off Tamil Nadu coast. The problem was that a large number of boats operated in limited area. He narrated the efforts made by Government to resolve through executive orders the conflicts among the fishermen. Pointing out that these measures could not have a statutory effect, he expressed that there was need for delimiting fishing zones.

7. Shri Jayaraj, Director of Fisheries, Karnataka, stated that there were conflicts between Rampan groups and purse seine operators, Government was preparing a Fisheries Bill for that State but it was still to be finalised. The Chairman requested him to furnish a copy of the bill when drafted, for the use of the Committee:

8. Shri Rao, Director of Fisheries, Kerala, stated that there were clashes between country craft and mechanised boats in Kerala. State Government, therefore, issued orders that mechanised vessels should not conduct fishing in an area of 2 nautical miles, which was reserved for country craft. Collectors were empowered to take action against these mechanised vessels which conducted fishing in the area upto 2 nautical miles from shore. Delimitation of fishing zones was, therefore, necessary.

9. Shri Moosa Raza, Commissioner for Fisheries, Gujarat, stated that in Gujarat fishermen having non-mechanised canoes conducted fishing operations upto seven fathoms and mechanised boats upto 15-20 fathoms. On account of comparatively extensive fishable area available off Gujarat Coast, there were no conflicts between these fishermen and therefore, there was no need at present to delimit fishing zones.

10. Shri Chatterjee, Secretary, Orissa Government, stated that there were about 78 mechanised vessels and a number of catamarans. The problem was bound to come some day or the other and it was necessary to have some kind of executive order or legislation to avoid conflicts. The State Government had informed the Government of India that adequate machinery was necessary for enforcement of the Act. The State Government had suggested to the Government of India that country craft should operate upto 5 fathoms, between 5 and 20 fathoms gill netters of medium size should operate and larger vessels powered with 38 to 57 H. P. engine should operate between 20 and 40 fathoms.

11. Shri Chatterjee further stated that through delimitation of fishing zones was necessary, it would, perhaps, affect the country's fish production. He also suggested that survey of potentiality of the resources be conducted before enforcing any legislation. Representatives of all States supported this suggestion.

12. Shri Rama Rao, Deputy Secretary, Andhra Pradesh, stated that though number of mechanised vessels in his state was small, the problem of delimiting fishing zones was bound to come up sometime in future. There was, therefore need to delimit the fishing zones. He further suggested that since the cost of enforcing the Act would be very high, Central assistance was necessary.

13. Shri A. G. Kalawar, Director of Fisheries, Maharashtra stated that there were conflict between sail boats, mechanised boats and trawlers. Presently, the conflicts were tried to be resolved through mutual understanding with the help of Port Committees formed where necessary. The Chairman stated that fishermen from Gujarat were fishing of Bombay with Bombay port as base.

14. Shri Chatterjee stated that proceedings of the workshop on delimitation organised by FAO would be useful to this Committee. The Chairman agreed that the committee should go through these proceedings. Shri Chatterjee further suggested that conservation of fishery resources should be main argument in favour of delimitation.

15. Prof. George stated that the main purpose of this committee was to protect the interests of small fishermen. The problem will assume greater dimensions when big trawlers start operating. Areas of operation of mechanised and non-mechanised boats were not very different. Fisheries was in a nascent stage in India. Measures to be suggested by this committee should not restrict, but regulate fishing. The country had large fishery resources and it would be necessary to organise proper exploitation of these resources. Survey of these resources had not been completed. Government of India would be introducing big trawlers which would have to operate in unknown areas.

Regarding survey of fishery resources, Prof. George stated that Polish Government had agreed to conduct survey of Maharashtra and Gujarat upto 100 fathoms. Area between Goa and Tuticorin would be covered by the Integrated Fisheries Project. Efforts were being made for very large survey programme covering Orissa, West Bengal, Burma, Bangladesh, Sri Lanka, Malasia etc. Government of India was fully seized of the problem of survey.

16. It was decided that MPEDA and Mercantile Marine Department be addressed for nominating their representatives on the committee. It was also decided that the next meeting of the committee be held at Bangalore / Cochin on 12th and 13th of July, 1976. These dates were subject to confirmation by the State Government. Representatives of Union Carbide, Tata, Chougule, New India Fisheries, Kerala Fisheries Corporation, South Canara Co-operative Federation, Central Marine Fisheries Research Institute, Central Institute of Fisheries Operatives and some representatives of co-operative organisations in other States to be selected by the respective Secretaries, be invited to the next meetings at Bangalore / Cochin to express their views regarding delimitation of zones for different types of boats.

17. The Chairman, while thanking the members for a very useful discussion in the first meeting, requested them to furnish to the committee any material note, draft legislation, etc. on the subject, which may prove useful to the committee.

The meeting then concluded with a vote of thanks to the Chair.

MINUTES OF THE SECOND MEETING OF THE COMMITTEE TO RECOMMEND
PROPOSALS FOR DELIMITATION OF FISHING ZONES

Date : Tuesday, 3rd August, 1976.

Venue : Room No 134, Krishi Bhavan, New Delhi.

Time : 11.00 hrs.

Participants attended

| <i>Sl. No. Name of participant</i> | <i>Designation</i> |
|------------------------------------|---|
| 1. Shri A. K. Majumdar | Secretary Incharge of Fisheries, Maharashtra. |
| 2. Shri H. K. Khan | Secretary Incharge of Fisheries, Gujarat |
| 3. Shri Moosa Raza | Commissioner of Fisheries, Gujarat. |
| 4. Shri A. G. Kalawar. | Director of Fisheries, Maharashtra. |
| 5. Shri V. Venugopal Naidue | Secretary Incharge of Fisheries, Karnataka. |
| 6. Shri M. S. K. Ramaswami | Special Secretary Incharge of Fisheries (Development) Kerala. |
| 7. Shri S. N. Rao | Director of Fisheries, Kerala. |
| 8. Shri P. Kandasamy | Secretary, Forest & Fisheries, Tamil Nadu. |
| 9. Shri S. S. Jayarao | Director of Fisheries, Andhra Pradesh. |
| 10. Shri N. C. Behuria | Secretary Incharge of Fisheries, Orissa. |
| 11. Shri S. N. Ray | Director of Fisheries, West Bengal. |
| 12. CDR Nipinder Singh | DINP, Naval Headquarts, (Naval Plan). |
| 13. Shri M. Devidas Menon | Director, Integrated Fisheries Project, Cochin. |
| 14. Prof P. C. George | Joint Commissioner (Fisheries) Govt. of India & Member/Secreary. |

Special Invities

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| 1. Shri S. P. Balasubramanian | Joint Secretary (Fisheries). |
| 2. Dr. T. A. Mamman | Dy. Commissioner (Fisheries Planning) |
| 3. Dr. Vijai Dev Singh | Asst. Commissioner (Fisheries Planning) |

The representative of the Ministry of Commerce did not attend.

The Chairman Shri S. K. Majumdar briefly referred to the discussions of the first meeting held at Bombay on the 17th June 1976. The Committee endorsed the minutes of the meeting as circulated by the Director of Fisheries, Maharashtra.

Shri Moosa Raza felt that there was no immediate need for any formal delimitation of fishing zones along the Gujarat coast as the fishing intensity was very low. He also enquired about the magnitude of the problem requiring formal delimitation measures and whether the cost on enforcement of delimitation would commensurate with the benefit of delimitation.

Shri Majumdar, however, felt that the need for delimitation had been well recognised and the cost need not be a deterrent. He explained that need for delimitation was partly with a view to avoiding conflicts between economic interests and partly with a view to conserving of resources. He, however, admitted that precise data on the cost and benefits was not available. This view was endorsed by Shri P. Kandaswamy who stated that the expenditure on Police Department would not be justified on economic grounds alone. In the interest of avoiding conflicts among nonmechanised boats-coastal mechanised boats and larger vessels, he felt that some kind of legislative and enforcement measures were inescapable and cost by itself should not be a deciding factor.

Against a query from the Chairman on how far the coast guards would be in a position to undertake enforcement of the proposed delimitation, Commander Nipinder Singh of the Naval Headquarters indicated that the coast guard system was being thought of for the safety of off-shore installations and may not be available for enforcement of delimitation of fishing zones. He, however, stated that the proposal was still in a formulative stage. The Chairman therefore suggested that before the proposals were finalised, the Fisheries Division might make a request to the Naval Headquarters to make suitable provision for assistance in the matter of delimitation of fishing zones. Against another query from the Chairman, Commander Nipinder Singh mentioned that there would be no objection for the Navy to pass on such information as were relevant to the enforcement of the Act, without prejudice to their normal duties.

Having already recognised the need for delimitation the Chairman desired that the Committee might, examine the type of legislation and enforcement measures needed.

Shri A. G. Kalawar referred to the arrangements in Japan. Explaining the provisions of the regulations Shri Moosa Raza stated that in Japan each vessel was given a licence to fish in a particular area with a specific gear. Movement of the same vessel into another area would need fresh approval. He suggested a similar approach in India as the movement

of mechanised boats from the home base often created problems in the recovery of loans. This led to a detailed discussion on the need for registration of fishing vessels.

According to the Indian Merchant Shipping Act all vessels above 15 tonnes were required to be registered with the Mercantile Marine Department. The nature of registration in respect of smaller boats varied from place to place and quite a large number of boats were not registered with any organisation. It was pointed out during the discussions that MPEDA was having a programme of registration of fishing vessels, fishing for profit. The Committee was unanimous in their opinion that Marine Products Export Development Authority would not be the appropriate agency for registration of fishing vessels and felt it to be the rightful domain of the State Fisheries Departments. Even as it was, Marine Products Export Development Authority was carrying out the registration through the Department of Fisheries. The Committee felt that Marine Product Export Development Authority might confine its activities only to export promotion; and all activities connected with fisheries development should be the direct responsibility of the Fisheries Division of the Ministry of Agriculture and the State Fisheries Departments. It was accordingly resolved that the Committee might include a special recommendation to the effect that all fishing vessels which were outside the purview of the Indian Merchant Shipping Act should be registered with the Fisheries Department according to the norms to be prescribed by the Fisheries Division in the Ministry of Agriculture. It was also decided that similar to transport vehicles each fishing vessels should be assigned a number and a registration book indicating the hull number, engine number and broad specifications. All new boats to be introduced should be constructed in approved yards. Such a measure would lead to improvements in design and construction. It would also help in locating boats which had shifted their base of operation.

It was pointed out during the continued discussion on the subject that MPEDA had the authority of MPEDA Act in registering fishing vessels. The Committee noted that the MPEDA Act covered all aspects of fisheries development and it was resolved that steps should be taken to get the MPEDA Act revised and MPEDA should limit its function to matters relating to export promotion only. All other activities relating to production and development should be delisted from the present MPEDA Act. In order that the fisheries activities taken by MPEDA is in conformity with the development programme in fisheries it was decided to recommend that the MPEDA might work under the administrative control of the Ministry of Agriculture.

On the question whether delimitation should be based on distance from the shore or in terms of depth, it was decided that for purposes of delimitation by distance from shore might be taken as a working index for delimitation, although it would be based on the depth contour. As the depth contour is seldom a straight line it was decided that depending on the local conditions the reserved area for the non-mechanised boats may be a distance of 1 to 3 miles from the shore lines. Shri Devidas Menon explained that the traditional fishing by country crafts was mostly in the surface waters. Shri P. C. George explained that in States of Kerala and Karnataka the "Paithu Vala" was a form of trawl net operated by two country crafts and was effective in fishing from bottom, although its operational range in terms of depth was limited to a maximum of 3 to 4 fathoms. In other areas exclusive fishing zone for country crafts would mean a part of the resources remaining un-utilised.

As regarding inner limits of large fishing vessels i. e., for vessels more than 1000 tonnes; it was agreed after a brief discussion, that the limit should be fixed with reference to fishing capabilities and practices followed by the mechanised boats. It might not be possible to prescribe a uniform distance as for instance in Gujarat-Maharashtra area a distance of 40 fathoms would cover a distance of 40 miles, while in Andhra - Orissa coast this distance would be only 10 miles.

Shri P. C. George mentioned that the distance fixed should not work as a disincentive for deep sea fishing which had already a number of uncertainties and restrictions. Shri Kalawar mentioned that the 48 ft. boats of Maharashtra could effectively fish at a depth of 30 fathoms which was more or less a distance of 30 miles from the shore. Shri Moosa Raza observed that if the deep sea fishing vessels were not allowed to come within 30 miles of the coast practically all the known resources would be outside the limits of deep sea fishing. This, most of the members considered, to be undesirable. Shri S. P. Balasubramanian mentioned that steps taken in delimiting zones should not come in the way of increased production.

The question of inter - state delimitation also came up for discussion. Shri Kandaswamy pointed out that during the season a large number of boats from Tamil Nadu and neighbouring States concentrated opposite Tuticorin and during 1975 there were several cases of boats burnt down by the local fishermen who object the fishermen from outside operating in that area.

Shri Moosa Raza felt that if the Japanese system of Registration was followed, boats of neighbouring states would not fish in another unless an endorsement to this effect was obtained on the registration books. The Chairman, however, considered that there should be no embargo on the migration of fishing boats. He felt that such inter - State problem could be left to the zonal Committees to decide depending on the merits of the case. Shri Devidas Menon observed that migration of boats was a regular feature of coastal fishing. When the monsoon was active on the South West Coast the fishermen from Kerala went as far as Goa following the fish shoals. Similarly the Gujarat boats operated from Bombay base during monsoon period. It was considered that the demand for exclusion of fishing boats from neighbouring States should not be given encouragement as this may lead to disrupted tendencies.

Shri P. C. George stated that a sub - committee may be formed to draft legislation. He also recalled the earlier approach that an opportunity should be given to various fishing interests to give evidence before the next meeting of this Committee. It was decided that a sub-committee be formed with Shri P. C. George as Chairman and Shri Moosa Raza and Shri Devidas Menon and the new Director of Fisheries, Andhra Pradesh as members.

In order to immediately start with the drafting of recommendations it was requested that all State Governments should be requested to give details their requirements for inclusion in the draft recommendation within a period of 10 to 15 days so that the Sub-Committee could give final shape to the recommendation in a meeting to be held towards the end of this month. A meeting of the main Committee was fixed provisionally to be held at Bangalore or at any other convenient place towards the 2nd week of September, 1976.

The meeting was concluded at 1.30 p. m. with the vote of thanks to the Chairman.

LIST OF PARTIES WHO GAVE EVIDENCE

List Of Members Representing Trawlers

Name of the Organisation

1. New India Fisheries Ltd., Bombay.
2. I. T. C. Ltd., Calcutta.
3. E. I. D. Parry (India) Ltd., Madras.
4. Union Carbide India Ltd., Madras.
5. Britannia Biscuit Co. Ltd., Bombay.
6. Tata Oil Mills Co., Ltd., Madras.
7. Rallis India Ltd., Madras.

List of Written Representations Received

1. Messrs. Chola Fish and Farms (P) Ltd.,
97/98, Armanian Street,
Madras - 600001 (On behalf of Mechanised Fishing Vessel Operators & Owners).
2. The Repatriate Fisherman Welfare Society,
Virapandianpattinam,
Tirunelveli District.
3. The Meenavar Panchayat Sabai,
Kasipuram. Madras-600013.
4. Thiru R. G. Marini,
Free Lance Journalist and Fisheries,
Entrepreneur,
Res : No. 5, Third Main Road (Plot No. 94)
C. I. T. Extension,
Madras - 600035.
5. The Madras and Chingieput District
Mechanised Fishing Boat Owners'
Association,
S. N. Chetty Street,
Madras - 600013.
6. The Palk Strait Fishermen Welfare Association,
(Comprising of Thanjavur, Pudukkottai, Ramanathapuram Districts)
Head Office : ADIRAMPATTINAM
Thanjavur District.
7. The Tamil Nadu Cattamaram Fishermen
Welfare Association,
32/6, Ayothianagar, Triplicane,
Madras-600005

List of Members Representing Catamaran Fishermen Association

1. Catamaran Fishermen National Protective Committee.
2. Tamil Nadu Cattamaran Meenavarga! Nala Sangam,
32/6 Ayothia Nagar, Triplicane, Madras - 60005
3. Meenavar Panchayat Sabha,
Kasipuram, Madras - 600013.
4. The Palk Strait Fishermen
Community Association,
Adirampattinam, Thanjavur Dist.
5. Thiru S. M. Muthiah (Pappa)
Secretary, Pudukottai Dist. Congress, Athani P. O.,
Aranthangi Taluk
6. Manamelkudi Fishermen Co-op. Society,
Pudukudi, Pudukottai Distect.
7. Tuticorin Fishermen Association
402/1, Lions Town, Tuticorin.
8. Nambuthalai, Fishermen Co-op. Society,
Nambuthalai, Ramnad District.
9. Tondi Fishermen Co-op. Society,
Tondi, Ramnad District.
10. Tamil Nadu Meen Pidikkum Thozhilalar Sangam,
322/323 Linghi Chetty Street, Madras - 600001.

List of Members Representing Mechanised Boat Owners Association

1. Madras Chingelput Mechanised Boat Owners' Association.
2. The Mechanised Fishing Boat Owners
of Mallipattinam, Thanjavur District.
3. Keezhakarai Mechanised Boat Workers and Owners Association,
Keezhakarai, Ramnad District.
4. Indian National Congress,
Mandapam Branch, Ramnad District.
5. The Veerapandiapattinam,
Repatriates Fishermen Welfare Society,
Veerapandiapattinam.
6. S. Ambrose Fernando,
Fish Exporters Chamber,
41, Kerecope Street, Tuticorin.
7. Tirunelveli District Mechanised Boad
Fishermen Association, Tuticorin.
8. Kanyakumari Dist. Fishermen Mechanised
Boat Owners Association,
Colachel, Kanyakumari District.
9. Madras Pablo Boat Operating Fishermen,
Co-op Society Ltd., F. M. C. 10,
12-A, Kuppam Road, Madras-600013.

MINUTES OF THE THIRD MEETING OF THE COMMITTEE ON DE-LIMITATION OF FISHING ZONE
HELD ON 28th FEBRUARY AND 1st MARCH, 1977, At MADRAS

The 3rd meeting of the Committee on De-limitation of Fishing Zones was held in Rajaji Hall, Madras, on 28th February and 1st March 1977, under the Chairmanship of Shri. A. K. Majumdar, Adviser, Planning Commission, Government of India. The following were present :-

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|---------------------------------|---|--|
| 1. Government of West Bengal | | |
| 1. Shri S. M. Murshed | — | Secretary to Government |
| 2. Government of Orissa | | |
| 1. Shri N. C. Behuria | — | Secretary to Government |
| 2. Dr. P. M. Misra | — | Director of Fisheries |
| 3. Government of Andhra Pradesh | | |
| 1. Shri E. V. Ramma Reddy | — | Secretary to Government |
| 2. Shri S. Nagaraja Rao | — | Director of Fisheries |
| 3. Shri S. Krishnamurty | — | Managing Director - Andhra Pradesh Fisheries Corporation. |
| 4. Government of Tamil Nadu | | |
| 1. Shri B. Vijayaraghavan | — | Secretary to Government |
| 2. Shri R. Nagarajan | — | Director of Fisheries |
| 5. Government of Kerala | | |
| 1. Shri R. Ramachandran Nair | — | Secretary to Government |
| 2. Shri P. K. Eapen | — | Chairman, Kerala Fisheries Corporation, Cochin. |
| 6. Government of Karnataka | | |
| 1. Shri V. Venugopal Naidu | — | Secretary to Government |
| 2. Shri M. Jayaraj | — | Director of Fisheries |
| 7. Government of Maharashtra | | |
| 1. Shri A. G. Kalawar | — | Director of Fisheries |
| 8. Government of Gujarat | | |
| 1. Shri P. Basu | — | Commissioner of Fisheries |
| 9. Ministry of Commerce | | |
| 1. Shri R. R. Singh | — | Under Secretary to Govt. of India |
| 2. Shri S. G. Sundram | — | Chairman, Marine Products Export Development Authority, Cochin |
| 3. Shri K. Chidambaram | — | Director, MPEDA. |
| 10. Ministry of Defence | | |
| 1. Cdr. N. K. Bhanot | — | Naval Headquarters, Coast Guard Cell, New Delhi, |

Shri B. Vijayaraghaven, Secretary, Government of Tamil Nadu, Welcomed the members on behalf of the State Government. The Chairman in his introductory remarks reviewed the work carried out by the Committee so far and requested the members to offer comments on the subject of De-limitation of Fishing Zones as a whole and with special reference to the draft prepared by the sub-group. He also expressed his sense of appreciation on the work of the sub - group that produced a draft for consideration of the Committee.

While offering comments the Committee took special note of the material furnished by the various members by way of preliminary comments on the draft. The secretary to the Government of Tamil Nadu and the Secretary, Government of West Bengal. (in the written comments furnished in advance) suggested that the Committee should devote its attention primarily to the approach and should come to basic conclusions which could later be put in the form of a draft legislation in consultation with the Ministry of Law and with the Legal Departments of the State Governments. Shri P. C. George, while agreeing to this approach suggested that it would be easier to work with some sort of a draft so that our views are very clear to the representatives of the Legislative Departments who would be requested to assist in the preparation of the final drafts.

Shri Behuria, Secretary to the Government of Orissa expressed the view that a Licensing Procedure should be adopted and basis for regulation of fishing should be brought out. The chairman clarified that regulation is a part of legislation only and that levying a licence fees as suggested might invite other problems because any taxation proposal should have proportionate built-in provision for service facilities etc. Shri A. G. Kalawar, Director of Fisheries, expressed the view that any measures on conservation could be taken only after a good deal of research on the optimum utilisation of the fish stock. Cdr N. K. Bhanot explained the proposed role of the Coast Guard in fishery protection and control work.

The question of defining mechanised boats from bigger vessels came up for discussion. The Chairman suggested that we should have proper definition of the different types of crafts and suggested that Shri P. K. Eapen, Chairman Kerala Fisheries Corporation and Shri D. A. S. Gnanadoss, Director, Integrated Fisheries Project, could jointly examine the suggestion and give a definition for incorporation in the proposal.

The Committee took up the suggestion on the need for compulsory registration of all the crafts both mechanised and non mechanised engaged in fishing. While it was recognised that it would not be possible to register all the crafts, should be possible to get fairly reliable information on and the boats (both mechanised and non mechanised) and also the bigger vessels. It was recognised that the difficulty comes particularly in the case of Catamarans where the logs can be dismantled without much effort making it difficult to identify the craft employed. The secretary to the Government of Tamil Nadu suggested that instead of registering vessels such as Catamarans, the owner can be registered who will be held responsible in connection with any responsibilities consequent to legislation. Emphasising the need for registration of fishing vessels the Secretary to the Government of Andhra Pradesh quoted the case of too many applicants coming forward

with claims for aminestry when boats get wrecked due to cyclones etc. It was agreed that some sort of an inventory is necessary not only for statistical purpose but also for Supervision of activities carried out by the different types of fishing vessels. The Secretary to the Government of Karnataka brought to the notice of the Committee the problems arising out of fishing crafts of neighbouring States operating in the territorial waters of other States such as Karnataka. He suggested some sort of provision to be included that could empower the State Government to prevent the vessels of other States from coming into the waters. There was difference of opinion in the Committee in view of its restrictiveness and expressed the view that the matter requires more close study with special reference to the availability of fish stock in the area. The secretary to the Government of Karnataka also desired that "Rampani" boats also should be specially mentioned alongwith other types of fishing vessels in the drafts to be prepared. The Chairman suggested that irrespective of the fact whether states could insist on vessels from other states to take a licence it would be desirable to have the information which could be collected by bringing such boats to report the local officers prior to fishing in the coastal waters of neighbouring states.

During the afternoon session the representatives of the various fishery interests such as owners and operators of Catamarans, mechanised boats and deep sea fishing vessels gave evidence to the Committee as to their difficulties and brought out suggestions for consideration. The operators of non-mechanised boats and Catamarans suggested that the mechanised boats should be allowed to fish only beyond three miles from the shore and that too during day time whereas the operators of Catamarans should be allowed to fish in the coastal waters irrespective of distance from shore, during the night. They also expressed the view that mechanised boats should be allotted to members of the fishermen community only.

Another point raised by a representative was that the mechanised boats are causing damages to lives and crafts of other categories of boat owners and that Catamaran owners should get reservation of the sea upto 5 miles limit for their exclusive use.

The representative of the mechanised boats who gave evidence expressed the view that, at present, they have no unsettled problems with the bigger vessels except difficulties in settling the compensation amounts for loss of nets due to operation of mechanised boats. The Chairman of the dried fish exporters chamber expressed the view that trawlers should be allowed to operate beyond 20 miles only.

The representatives from the deep sea fishing industry gave evidence to the Committee bringing out the problems likely to be faced by them in case there is restriction on the areas of operation. They have stated that the industry is just in the beginning stage and hence any restrictive policy would not be conducive to the accelerated development of the deep sea fishing industry. It might also leave the industry in a state of doubt and uncertainty for future programmes. The representative also stated that so far there were very few complaints against the larger fishing vessels and hence he is of the view that the agitation made against big vessels is more inspired than real. The inadequate data of resources in the deeper areas and shortage of qualified personnel are still worrying the industry and at this stage the government policy should be for more relaxations rather

than for restrictions and regulations. It was also mentioned by the representatives of the trawler operators that until the stock position of the resources in the various areas are fully known and the marketing problems are indentified assuring a reasonable return for the investment, restrictive legislation should be postpond for the time being. Another representative of the industry stated that the trawlers are operating normally in areas beyond 20 fathoms to which the secretary to the Government of Tamil Nadu enquired whether the industry would be agreeable for a legislation by which it would be free to operate beyond 20 fathoms. Winding up the discussions the Chairman clarified that the intension of the Government is to give maximum latitude in the operation of the different types of fishing vessels. At the same time, he stated Government have to protect the interest of the small fishermen. He cited the example of giving protection to khadi industry and at the same time encouraging the development of latest textile technology from the social angle.

The forenoon session held on 1st March, 1977, concentrated attention on future programmes of work. The Secretary to the Government of West Bengal suggested that it would be desirable to prepare a revised draft in the light of discussions already held and comments received from the industry and from the various State Governments. The Chairman suggested a subgroup consisting of the following members to sit together and prepare a revised draft for consideration at the next meeting

1. Shri S. M. Murshed, Secretary to the Government of West Bengal.
2. Shri B. Vijaraghavan, Secretary to the Government of Tamil Nadu.
3. Shri R. Ramachandran Nair, Secretary to the Government of Kerala.
4. Shri D. A. S. Gnanadoss, Director, Integrated Fisheries Project, Cochin.

The Member-Secretary of the Main Committee was to act as member-Secretary of this group as well. Shri S. M. Murshed, agreed to prepare a basic draft in the light of the suggestions of the Committee for consideration by the group during the latter half of March, 1977. The members were desired to send direct to him their comments for consideration by the sub-group.

The Chairman suggested that the sub-committee shall meet at Calcutta on the 14th March and that the main committee could be called some time during the middle of April. It was also suggested that the revised draft should be circulated and representatives of the Ministry or Law also should be invited to furnish comments.

The Chairman thanked all the participants and requested the members and the members of the sub-group to furnish whatever comments they would wish to so that the work could be expedited and a report finalised in time for the next meeting of the Central Board of Fisheries. Shri R. Nagarajan, Director of Fisheries, Tamil Nadu, proposed a vote of thanks to the members of the committee and participants.

**MINUTES OF THE FOURTH MEETING ON THE DELIMITATION OF FISHING ZONES
HELD FROM 18-8-1977 TO 20-8-1977 AT CALCUTTA**

The 4th Meeting of the Committee on Delimitation of Fishing Zones was held at the Conference Hall of the Great Eastern Hotel, Calcutta, from 18th to 20th August, 1977. The following were presents :

Ministry of Agriculture & Irrigation Govt. of India, New Delhi.

1. Shri A. K. Majumdar : Additional Secretary to Govt. of India and Chairman of the Committee
2. Prof. P. C. George : Jt. Commissioner of Fisheries & Convenor of the Committee.
3. Shri D. A. S. Gnanadoss : Director, CIFNET, Cochin.
4. Shri D. Sudarsan : Dy. Director, Exploratory Fisheries Project, Calcutta.

Government of West Bengal

1. Shri S. M. Murshed : Commissioner and Secretary, Department of Fisheries, Govt. of West Bengal.
2. Shri S. N. Roy : Director of Fisheries, Govt. of West Bengal
3. Shri A. Sengupta : Jt. Director of Fisheries, Govt. of West Bengal
4. Shri Ajit Gupta : Public Relations Officer, Department of Fisheries, Govt. of West Bengal.

Government of Gujarat

1. Shri P. Basu : Commissioner of Fisheries, Ahmedabad

Government of Maharashtra.

1. Shri L. C. Gupta : Secretary, Department of Fisheries, Govt. of Maharashtra, Bombay.
2. Shri A. G. Kalawar : Director of Fisheries, Bombay.

Government of Karnataka.

1. Shri V. Venugopal Naidu : Commissioner & Secretary, Social Welfare & Fisheries, Govt. of Karnataka, Bangalore.

Government of Tamil Nadu.

1. Shri G. Thirumal : Secretary to the Govt. of Tamil Nadu, Department of Forests & Fisheries Madras.
2. Sri B. Krishnamurti : General Manager, Tamilnadu Fisheries Development Corpn Ltd.,

Government of Orissa.

1. Sri N. C. Behuria : Secretary, Department of Forests, Fisheries and Animal Husbandry.

Government of India, Ministry of Law

1. Sri. P. C. Rao : Deputy Legislative Counsel, Ministry of Law
Justice & Company Affairs. New Delhi.

Government of India, Ministry of Defence.

1. Commander N. K. Bhanot : Naval Headquarters / Coast Guard Cell
New Delhi.

Government of India, Ministry of Commerce.

1. Dr. M. Saktivel : Dy Director, MPEDA, Calcutta.

2. Representatives of the Government of Kerala, Andhra Pradesh and the Union Territories of Goa and Pondicherry did not attend the meeting.

3. Sri S. M. Murshed, Commissioner and Secretary to the Government of West Bengal welcomed the members on behalf of the State Government. Sri Murshed recalled the background of the formation of the Committee and the discussions held on the major items in the previous meetings, and presented a draft "Marine Fishing Regulation Bill", prepared by the sub-Committee. A copy of this draft was circulated before the commencement of the first session of the current meeting to all the participating members of the Committee for their views, comments and discussion at the present meeting.

4. In the absence of Shri A K Majumdar, Shri S. M. Murshed presided over the meeting of the Committee on the first day. Detailed discussions were held on the draft Bill. It was finally resolved that the work on the draft Bill should be completed at this meeting itself. Sri Murshed suggested that the main points for discussion be listed out and given to the members for their perusal and their comments in writing be placed before the Committee on the 19th August, 1977. The main points on which clarifications were sought were as follows

- (i) Whether the Act should be administered by the Central Government or the State Governments;
- (ii) Whether vessels registered in one State be prohibited from fishing in the waters assigned to another State as provided for in clause (4) of Section 9 of the draft bill;
- (iii) Whether the offer of the Ministry of Defence shall be availed of for enforcement of the Act and if so whether the State Governments while framing the rules under the Act should provide provisions in the Act for associating Officers of Defence and Coast Guard in the enforcement of the Act;
- (iv) whether the draft bill provides for the principle of double jeopardy for persons who violate the provisions of the Act and the rules and orders made thereunder;
- (v) Whether the quantum of punishment indicated in the draft bill shall remain or be reduced and if so what should be the quantum of punishment;
- (vi) Whether the catamarans (consisting of a number of logs tied together to form a floating raft) be exempted from the purview of the Bill;

The Government of India should prepare model rules and circulate them to the various States for framing uniform rules under the Act;

- (viii) What should be the mechanics of day-to-day operation of the Act by the various State Governments;
- (ix) Whether there should be any regulation on the size and species of fish to be caught in the delimited zones;
- (x) Whether it would not be better to leave the preparation of the Second Schedule concerning the operation limits of sea of each State to a technical group to be formed by the Government of India.

After obtaining the comments of the members on the aforesaid issues, the Committee considered the draft bill clause by clause and prepared a revised draft. The draft of the bill as revised may be seen in Annexure - i

The Chairman said that while drafting the bill, the Committee was proceeding on the assumption that Parliament has the requisite competence to enact law on this subject. However, this matter would be referred to the Ministry of Law, Justice and Company Affairs, Government of India for their comments.

The Committee decided that the preparation of the 'Second Schedule dealing with delimitation of the limits of the sea which shall be assigned to each State was a technical question and should be entrusted to a committee to be constituted by the Ministry of Agriculture and Irrigation, Government of India

The following membership was suggested with provision to co-opt additional experts :-

1. Prof. P. C. George, Joint Commissioner (Fisheries), Ministry of Agriculture and Irrigation Government of India.
2. Rear-Admiral Fraser, Chief Hydrographer, Govt. of India or his nominee.
3. Sri. P. C. Rao, Dy. Legislative Counsel, Ministry of Law, Government of India.
4. Commander N K. Bhanot, Naval Headquarters, Coast Guard Cell, New Delhi.
5. Representative of the Legal and Treaties Division, Ministry of External Affairs, Government of India.
5. The Secretary to the Government of Karnataka expressed the view that the regulations of the State Government on the Bill should be in the form of rules instead of orders.

The chairman said that the legal aspects and the precise drafting of the Bill would be taken care of by the Ministry of Law, Government of India.

6. The Chairman said that the formal draft of the bill would be circulated to the State Government for clearance before the Bill could be finalised for presentation to Parliament.

7. A meeting of the representatives of the fishing industry was held on the afternoon of 19-9-77 to obtain their views on the subject-matter of the bill. The Chairman of the Committee explained the intension of the Government in proposing this Bill and invited views of the members assembled on the latest proposals of the Government of India on the import of trawlers and joint collaboration projects. These clarifications were given in detail by Prof. George. They also informed the Committee that they would submit their comments on the subject matter of the draft bill in writing through their Marine Products Exports Association. They were requested to do so immediately as the draft provisions are under finalisation.

8. Prof. George said that the final draft bill has to be got ready before next session of the Central Board of Fisheries which is likely to be held in November. It was decided that the next meeting of the Committee should be held towards the end of September, 1977, and that alongwith the final draft of the bill the Report of the Committee would also be finalised and submitted to the Central Board of Fisheries at its next meeting.

9. As regards making a provisional recommendation on the areas of operation of deep sea fishing vessels, the Committee felt that since this will be decided by the various States taking into consideration the levels of exploitation by Coastal vessels and other relevant facts, it was agreed that until such orders are issued, the deep sea fishing industry may be instructed not to operate in areas usually covered by the coastal mechanised fishing boats in addition to the clause that "areas of operation will be those decided by Government of India, from time to time".

10. The Meeting of the Committee then came to the close and the Chairman thanked all those who attended the meeting in response to the invitation of the Government of India. The Committee expressed its deep appreciation for all the cooperation extended to its members by the Government of West Bengal.

REPORT OF THE TECHNICAL COMMITTEE UNDER COMMITTEE ON
DELIMITATION OF FISHING ZONES

PART I

The Committee on Delimitation of fishing Zones at its 4th meeting held on 18-20th August, 1977 at Calcutta recommended the constitution of a "Technical Committee" to go into the question of "delimitation of limits of sea which shall be assigned to each State for fishing by different types of fishing vessels". The Committee was constituted with the following members.

1. Prof. P. C. George, Joint Commissioner (Fisheries) as the Chairman of the Technical Committee.
2. Rear Admiral Fraser, Chief Hydrographer to the Government of India or his nominee.
3. Shri P. C. Rao, Dy. Legislative Counsel, Ministry of Law.
4. Comm. N. K Bhanot from the Naval Headquarters/Coast Guard Cell or his nominee.
5. Representative of Legal and Treaties Division, Ministry of External Affairs.

LCDR D. Sen Gupta, Territorial Waters Officer representing Chief Hydrographer to the Government of India and Shri Bhim Sen Rao, Law Officer, Legal and Treaties Division Ministry of External Affairs participated as members of the Committee. The Committee held five meetings to finalise its report. The object of this Committee was to prescribe inner limits of operation of bigger vessels so that the interest of smaller boats is safe-guarded. It has become necessary to assign limits of sea to each State for purpose of the Second Schedule dealing with delimitation of fishing zones.

2. The question of demarcating limits between the adjacent maritime states was considered by the Sub-Committee. The Committee considered that the seaward limit of each maritime State/Union Territory should be 24 nautical miles from the Coast. The Committee considered that this outer limit will fully protect the interests of small boats. As regards the demarcation of limits between adjacent states, the Sub-Committee was of the view that the principle to be applied in this connection, should as far as possible be simple, uniform and should not create any complications vis-a-vis our maritime boundaries with neighbouring countries. In order to achieve the foresaid objectives the following method of demarcation were considered.

- a) Parallels of latitude extended from the terminal point of land between adjacent States.

This method of demarcation could not however be uniformly applied especially in relation to West Bengal and Gujarat States vis-a-vis neighbouring maritime States. For this reasons it was considered necessary to use

parallels of longitude for these two States. This method though considered simple, involved two separate methods of demarcating limits between the adjacent maritime States.

- b) Alternatively a uniform principle of drawing perpendiculars from the terminal points of the land boundaries between States taking into account general direction of the Coast could be adopted as the method of demarcating limits between all maritime States.

This method of demarcation was however considered slightly more difficult in its practical application.

3. The matter was examined by the Legal and Treaties Division of the Ministry of External Affairs, who pointed out that the parallel of latitude or longitude extended seawards from the terminal point of the land boundary may adversely affect our position on maritime boundaries between India and Bangla Desh and India and Pakistan and therefore it was suggested that the delimitation of areas between adjacent States may be done on the basis of a perpendicular line drawn from the terminal point of the land boundary of each State taking into account the general direction of the Coast. This method could be employed uniformly except in the area between India and Bangla Desh and India and Pakistan where international maritime boundary has yet to be settled. This was discussed by the Technical Committee. In view of the advice given by the Ministry of External Affairs, the Committee recommends that perpendiculars drawn from the terminal points of the land boundaries be accepted as the limits between the adjacent maritime States.

It was pointed out by Shri P. C. Rao, that members of the Technical Committee were giving their opinion in their personal capacity.

4. The Technical Committee recommended that the question of competence of Parliament to enact this Bill, taking into account the constitutional provisions of the Maritime Zones Act, 1976 should be referred to the Law Ministry for their opinion.

5. The Committee further recommended that the Bill should also contain a provision enabling the Central Government to alter by means of a notification the limits of the area specified in the Second Schedule. Similarly there should also be a provision in the Bill enabling the Central Government to assign (for the purpose of second schedule) by means of notification sea areas to such Union Territories, who will not be assigned any areas in the proposed enactmen.

PART II

RECOMMENDATIONS OF THE TECHNICAL COMMITTEE ON THE PREPARATION OF SECOND SCHEDULE

The Technical Committee considered the following points in connection with the preparation of the Second Schedule :-

- a) Sea-ward limit of each State.
- b) Seaward limit of Union Territories.
- c) Limits between adjacent States.
- d) Limits of the States adjacent to Pakistan and Bangladesh where international maritime boundary is yet to be settled.
- e) Determination of geographical coordinates of the seaward limit of each State.

2. The recommendations of the Committee with regard to each of the above points are given below:-

a) **Seaward limit of each State**

A limit of 24 nautical miles was considered adequate for the purpose of the proposed Bill. From the data available, it was seen that the area of operation of small boats was well within this limits.

b) **Seaward limit of Union Territories**

The Committee was of the view that at this stage no sea- areas may be assigned to the Union Territories of the Andaman and Nicobar islands and Lakshadweep pending demarcation of maritime boundary between India and Burma on the one hand and the drawing up of appropriate baselines for these composite group of islands, on the other.

The Committee considered that having regard to the Coastal front of the Union Territory of Goa, it could be assigned marine areas of its own. As regards other Union Territories i. e., Daman and Diu, Mahe, Pondicherry, Dadra and Nagar Haveli, the Committee considered that in view of limited coast - line of the said territories, very limited and narrow strips of sea areas would become assignable to these territories. In the light of these technical considerations the Committee is of the view that the marine areas which would otherwise become assignable to these territories should be assigned to the adjoining maritime States.

c) **Limits between adjacent States**

The line demarcating limits of sea between adjacent States should be a line perpendicular to the general direction of the coast at the terminal point of the land boundary between the terminal adjacent States. This principle should be uniformly applied except in the areas between India and Bangladesh and India and Pakistan where the International Maritime Boundary is yet to be settled.

- d) Limit of the States adjacent to Pakistan and Bangladesh where international maritime boundary is yet to be settled

As regards the limits of sea between States adjacent to Pakistan and Bangladesh, pending settlement of the maritime boundary with respective countries, the Ministry of External Affairs stated that India's legal claim based on equidistance principle was well protected under sub-sections 9 (1) of the Maritime Zones Act, 1976. However, the drawing of such a boundary line, even for purposes of proposed Bill may have some political implications, act as a provocation and affect negotiations with these countries. Therefore, at this stage no such boundary line between India (West Bengal) and Bangladesh, and India (Gujarat) and Pakistan need be included in the Second Schedule of the Bill. Further it was also recommended that the line showing the 24 mile limit should stop short by about 20 nautical miles from the point where it was likely to touch the national equidistant boundary (in terms of sub-section 9 (i) of the Maritime Zone Act, 1976) between India and Bangladesh and India and Pakistan. This portion should be shown with dots indicating that the line will be extended up to the boundary after it has been settled with Bangladesh and Pakistan, as the case may be.

The Technical Committee desired that this should be brought to the notice of the main Committee.

- e) **Determination of geographical coordination of the seaward limit of each States**

It was seen that a uniform limit of 24 nautical miles drawn from the coastline would appear as a series of area of 24 nautical miles radius along the coast. Such a limit would pose problems to the fishing trawlers when determining whether they were inside the limit or outside of it. It was decided that the outer limit should be simplified as much as possible ensuring that it was never less than and as close as possible to 24 miles. It was recommend that the outer limit should be described by a series of straight lines drawn tangentially to the outermost 24 miles area. By doing so, a minimum distance of 24 nautical miles from the coast would be ensured and at same time the maximum distance from the coast would marginally be more in a few places where the coast had bays or was indented.

The limit of the area between adjacent States would be the point where the straight lines described earlier intersects the perpendicular at the terminal point of the land boundary between adjacent States. The maps illustrating the method used for defining seaward limits of States are enclosed as Appendix I & II. The tangential straight lines are shown in red and the perpendicular lines demarcating the interstate limits are shown in green. The geographical Coordinates defining the areas are indicated in Appendix III.

GEOGRAPHICAL COORDINATES OF TURNING POINTS MARKING AREA OF RESPONSIBILITY OF STATES REGARDING MARINE FISHING REGULATION BILL

The area of responsibility of each state shall be the area bounded by the coastline and the straightlines joining the points in the sequence given below:-

| State | Point | Latitude North | Longitude East |
|-----------------------------------|-------|----------------|----------------|
| Gujarat | G1 | 23° 09'.0 N | 68° 01'.0 E |
| | G2 | 22° 44'.0 N | 68° 28'.0 |
| | G3 | 22° 10'.0 N | 68° 27'.0 |
| | G4 | 20° 34'.0 N | 70° 00'.0 |
| | G5 | 20° 18'.0 N | 70° 43'.0 |
| | G6 | 20° 18'.0 N | 71° 10'.0 |
| | G7 | 20° 46'.0 N | 72° 20' |
| Gujarat Maharashtra Border | | | |
| | GM 1 | 20° 08.0 N | 72° 13' |
| | GM 2 | 20° 7.7 | 72° 43.9 |
| Maharashtra | | | |
| | M1 | 20° 00'.0 N | 72° 12' |
| | M2 | 18° 00'.0 N | 72° 30' |
| | M3 | 15° 44'.0 | 73° 04' |
| Maharashtra Goa Border | | | |
| | MGa1 | 15° 32'.0 | 73° 11' |
| | MGa2 | 15° 43'.5 | 73° 40'.5 |
| Goa Karnataka Border | | | |
| | GaK1 | 14° 40' | 73° 41.5 |
| | GaK2 | 14° 54'.0 | 74° 05'.2 |
| Karnataka | | | |
| | K1 | 13° 52'.5 | 73° 56' |
| Karnataka - Kerala Border | | | |
| | KKI 1 | 12° 37' | 74° 27'.0 |
| | KKI 2 | 12° 45'.5 | 74° 52' |
| Kerala | | | |
| | KI 1 | 10° 00' | 75° 48' |
| | KI 2 | 08° 55' | 76° 00' |
| Kerala Tamil Nadu Border | | | |
| | KIT 1 | 07° 56'.8 | 76° 50.5 |
| | KIT 2 | 08° 17'.5 | 77° 05'.9 |

| State | Point | Latitude North | Longitude East |
|----------------------------------|-------|----------------|----------------|
| Tamil Nadu | | | |
| | T 1 | 07° 40' | 77° 10' |
| | T 2 | 07° 40' | 77° 35' |
| | T 3 | 08° 00' | 78° 22' |
| | T 4 | 08° 42' | 78° 38' |
| | T 5 | 08° 53'.8 | 79° 29'.3 |
| | T 6 | 09° 00.0 | 79° 31'.3 |
| | T 7 | 09° 06' | 79° 32' 0 |
| | T 8 | 09° 13'.0 | 79° 32'0 |
| | T 9 | 09° 21'.8 | 79° 30'7 |
| | T 10 | 09° 40'.15 | 79° 22'.60 |
| | T 11 | 09° 57' | 79° 35'.0 |
| | T 12 | 10° 05' | 80° 03'.0 |
| | T 13 | 10° 05'.8 | 80° 05'.0 |
| | T 14 | 10° 08'.4 | 80° 09'.5 |
| | T 15 | 10° 18.5 | 80° 15'.5 |
| | T 16 | 12° 00 | 80° 20'.0 |
| | T 17 | 12° 22' | 80° 35'.0 |
| Tamil Nadu Andhra Border | | | |
| | TA 1 | 13° 33'.8 | 80° 48'.0 |
| | TA 2 | 13° 33.8' | 80° 16'.5 |
| Andhra | A1 | 15° 02' | 80° 32' |
| | A2 | 16° 09' | 82° 30' |
| | A3 | 18° 00' | 84° 25' |
| | A4 | 18° 33' | 84° .54 |
| Andhra Orissa Border | | | |
| | AO 1 | 18° 50' | 85° 07' |
| | AO 2 | 19° 04'.6 | 84° 46'.0 |
| Orissa | O1 | 19° 04'.6 | 85° 21' |
| | O2 | 19° 37' | 86° 37' |
| | O3 | 20° 05 | 87° 07'.0 |
| | O4 | 20° 37 | 87° 32' |
| Orissa-West Bengal Border | | | |
| | OWB 1 | 21° 09' | 87° 37 |
| | OWB 2 | 21° 36'.6 | 87° 29'.3 |
| West Bengal | *WB 1 | 21° 05'.0 | 89° 10'.5 |

*** Note :-** The line indicating area of responsibility of the states of Gujarat and West Bengal had been terminated 20 n. m short to the national boundaries between India and Pakistan and Indian and Bangladesh respectively. These portions are indicated in pecked lines in the enclosed chart.

MINUTES OF THE FIFTH MEETING ON THE COMMITTEE ON DELIMITATION OF FISHING ZONES
Held on 18th April, 1978 at 2.30 P. M. at KRISHI BHAVAN, NEW DELHI

The Fifth meeting of the Committee on Delimitation of Fishing Zones was held at Room No. 49, Krishi Bhavan, New Delhi on 18. 4. 1978, from 2.30 P. M. The following were present:-

GOVERNMENT OF INDIA:

1. Shri A. K. Majumdar, Secretary to the Government of India, Department of Civil Supplies and Cooperation and Chairman of the Committee.

Department of Agriculture

2. Shri R. K. Saxena, Joint Secretary (Fisheries)
3. Prof. P. C. George, Joint Commissioner (Fisheries) (Member Secretary).
4. Shri B. Krishnamurthy, Director, Integrated Fisheries Project, Cochin (Member).
5. Dr. B. T. Antony Raja, Deputy Commissioner (Fisheries).

Ministry of Law

6. Shri R. V. Parisastry, Joint Secretary (Member).
7. Shri P. C. Rao, Deputy Legislative Counsel.

Ministry of Commerce

8. Shri R. R. Singh, Under Secretary (Member)
9. Dr. T. A. Mammen, Director (MPED), Cochin.

Ministry of Defence

10. Cdr. N. K. Bhanot, Coast Guard Cell (Member).
11. Lt. Cdr. K. P. Vidhyadharan, Territorial Waters Officer
(Representative of Chief Hydrographer to the Govt. of India)

Ministry of Shipping and Transport

12. Shri Vinod Nair, Senior Deputy Director - General of Shipping, Bombay.
13. Shri B. K. Zutshi, Director (MM).

Planning Commission

14. Shri T. Narayanan, Director (AH).

STATE GOVERN. NTS:

Government of West Bengal

15. Shri S. M. Murshed, Commissioner and Secretary.
Department of Fisheries (Member)

Government of Orissa

16. Shri N. C. Behuria, Secretary, Department of Forest, Fisheries and Animal Husbandry
(Member)

Government of Andhra Pradesh

17. Shri P. P. Williams, Director of Fisheries.

Government of Tamil Nadu

18. Shri C. G. Thirumal, Secretary, Department of Forest and Fisheries (Member)

Government of Pondichery

19. Shri C. Ramou, Secretary in - charge of Fisheries
20. Shri E. Purushothaman, Director of Fisheries.

Government of Kerala

21. Shri S. N. Rao, Director of Fisheries.

Government of Karnataka

22. Shri K. R. Ramachandran, Secretary Social welfare and Labour and Fisheries
(Member)
23. Shri M. Jayaraj, Director of Fisheries.

Government of Maharashtra

24. Shri L. C. Gupta, Secretary Agriculture and Co-operation

Government of Gujarat

25. Shri P. G. Ramrakhiani, Deputy Secretary.
26. Shri K. V. Navathe, Deputy Commissioner (Fisheries).

The Secretaries incharge of the Government of Andhra Pradesh, Kerala and Gujarat, who are members of the Committee, did not attend the meeting.

Chairman welcomed the members and other invitees for the meeting and gave a short resume of the earlier deliberations of the Committee. He indicated that this would be the final meeting of the Committee and its draft report together with the draft Marine Fishing Regulation Bill, which has been earlier circulated to all the members and other organisations, has to be finalised.

The comments received on the draft report from the various members and other organisations which were compiled and circulated at the meeting were taken up for

discussion. The representatives from Ministry of Shipping and Transport drew attention to Chapter II of the Marine Fishing Regulation Bill regarding registration of fishing vessels and said that under the proposed amendment to the Merchant Shipping Act, 1958, which Department of Agriculture have also concurred in, all the fishing vessels are being brought under registration and hence the proposed provisions under Chapter II of the Marine Fishing Regulation Bill, being duplicatory, may be deleted.

Joint Commissioner (Fisheries), Department of Agriculture, confirmed about the concurrence given by the Department of Agriculture to the proposed amendment to the Indian Merchant Shipping Act and said that this was concurred in under the understanding that the power & Programme of registration would be delegated to the State Department of Fisheries. The Commissioner and Secretary to the Government of West Bengal stated that the committee's attention has not been drawn to this development and since the Committee has been formed on the recommendations of the Central Board of Fisheries, the Committee's report together with the draft Marine Fishing Regulation Bill could be presented to the Central Board of Fisheries, where after necessary deletion could be considered by the Ministry of Agriculture at the time of finalisation of the Bill. The Members agreed to this proposal and it was decided by the Chairman that at the appropriate stage, the Ministry of Agriculture would take into account all the amendments to the Indian Merchant Shipping Act before finalising the Bill.

It was agreed on the suggestion of the Secretary to the Govt. of Tamilnadu that item - 2 of Part - III of the Draft Report of the Committee Members, the Chairman assured that editorial refinements would be made on the final report of the Committee so as to remove inaccuracies, ambiguities and contradictions if any.

The Secretary to the Government of Maharashtra desired that the enforcement of the Act may be vested with the Central Government Agency as it would not be possible for the State Government to enforce the law in the high seas. This was not agreeable to the other Members of the Committee who desired that the powers of enforcement should be with the State Governments. The Chairman clarified that the proposed Bill is of enabling nature for State Governments to bring in necessary legislation as the requisite support for executive action. Further, the State Governments could develop a machinery for covering that much limited area, as required to ensure protection for the traditional fishermen from the small mechanised boats and for the latter from the large size trawlers.

The suggestion of Director of Fisheries, Andhra Pradesh, for prohibiting inter - State movement of trawlers was not agreed to by the Committee since it has been already decided that any such more should not be encouraged as this may lead to unhealthy tendencies. It was also decided that it is not necessary to obtain any formal permission for taking a fishing vessel from one state to another and that it would be sufficient if only intimation is made.

Regarding other points raised by the Director of Fisheries, Government of Andhra Pradesh, on stipulation and maintenance of Log Book, nature of action to be taken on violation of rules, validity period for the registration etc. It was clarified that all these need not be brought under the draft Bill since under the powers vested with the State Governments, necessary rules could be framed by them.

With regards to the role of Coast Guard Organisation for the enforcement of rules on delimitation, representative from the Coast Guard Organisation explained that the responsibility for enforcement of the proposed legislation has not been included in the charter of duties of the Organisation and that the Ministry of Defence would not like to get involved in controversies between the State Governments while enforcing the provisions of the Act. Moreover, the organisation does not have the means or machinery for effectively enforcing the provisions. The Chairman appreciated the inability of the Coast Guard Organisation in view of its present limitations but said that as and when expanded, the possibility of the Organisation extending help in this matter cannot be ruled out.

After considerable discussions on the provisions of exemption of certain types of vessels including Catamaran from the scope of compulsory registration, it was decided that the provision on exemption may be totally deleted from the Bill. If respective State Governments should feel that certain types of fishing boats have to be excluded, then they may do so within their legislative powers.

On the question of registration, it was also pointed out by the representatives of Ministry of Commerce that Marine Products Export Development Authority's Act also provides for power to register fishing vessels and that one of the functions of MPEDA is developing and regulating offshore and deep sea fishing. The Chairman desired that on this and any other item or activities contemplated in the Bill there should be no conflict or overlap with the provisions of the MPEDA's Act. If there are any, it should be ensured that there is an over-riding clause in the present Bill, since the purpose of this Bill is of more fundamental nature of providing protection to the comparatively weaker sections of the industry and for conservation of the resources.

On the suggestion of the Director, MPEDA that the opening sentence of the Bill indicating its scope may have to be revised as "a Bill to regulate marine fishing through reservation of zones and regulation and prohibition of fishing of specified species and specified crafts and gear", it was assumed that such and other necessary editorial changes would be taken care of when finalising the Bill.

Regarding the points raised by some participants on the definition of 'fish' so as to include all marine plants and animals and dead shells, the definition of "State Government" and other definitions as well as the foot notes in the Bill, the Chairman assumed that the views of the participants would be considered and in consultation with the Ministry of Law necessary changes would be incorporated by the Ministry of Agriculture.

On the points raised by Secretary to the Government of Orissa to include areas like Chilka Lake within the purview of the Bill, the Chairman brought to the notice of the Member that such water bodies form inland waters and as such they are already within the powers of the State Governments to promulgate the requisite legislation for ensuring optimum economic utilisation of the resources.

The members approved the summary of the draft with exclusive of the words "before enforcing the legislation" of para 9.

The Territorial Waters Officer, representing the Chief Hydrographer to the Government of India, presented the area of the jurisdiction of each State with relevant Geographical Coordinates of latitude and longitude upto 24 nautical miles from the coast line. Pending settlement of the maritime boundaries with neighbouring countries the respective boundary of the West Bengal with Bengala Dēsh and between Gujarat and Pakistan should stop short by about 20 nautical miles from the point where it would likely to touch the national equi-distant boundary between India and Bengala Dēsh and India and Pakistan respectively. This portion is shown with dots indicating that the line will be extended upto the boundary after it has been settled with Bangladesh. He also stated that even without reference to the Map with the help of the statement on the coordinates of latitude / longitude that is supplied, it would be possible for each maritime State to delimit their areas of jurisdiction for the purpose of the proposed Bill.

The Committee approved the report of the Technical Committee set up for the delimitation of sea to be assigned to each State for the purpose of the Marine Fishing Regulation Bill.

The Commissioner and Secretary to the Government of West Bengal agreed to make the necessary changes in the draft Bill after receipt of the minutes of this meeting.

Subject to editorial adjustments incorporating the changes agreed to in the meeting, draft report of the Committee was approved by the Members of the Committee. The Members also agreed that the Chairman may approve the Report alongwith its Annexures including the Draft "Marine Fishing Regulation Bill". The Chairman desired that the Member - Secretary may prepare a master copy of the Committee's report taking into consideration the minutes of today's meeting for his final approval.

The Member - Secretary, on behalf of the Members placed on record the appreciation of all the Members of the Chairman's able handling of this difficult assignment and for his valuable guidance and advice in the deliberations of the Committee. He also draw attention to the valuable time spared by the Chairman for listening to the view points of the various sectors of fishing industry who were invited to present their cases, for accommodating the various opinions expressed by different Members of the Committee and for contributing to crystallise these view points into an agreed consensus.

The Chairman, while regretting the delay in completing the task of the Committee, stated that it was inevitable and unavoidable as the Committee was entrusted with the responsibility of not only consider delimitation of fishing zones for the different types of crafts but also to consider the question of ensuring optimum exploitation and conservation of the resources while framing the rules for delimitation. Since the problem is very complicated, including several changes in the membership due to transfer of Secretaries to other Departments and inductions of new members in their place etc, it was necessary to take into consideration various issues and views.

He thanked all the members for their active cooperation and interest for the successful completion of this assignment. He specifically thanked the Convener of the Committee and Members of the Technical Committee for advice and cooperation which made his task easier.

D. O. No. F. 30035 / 10 / 77 - FY (T-1)

GOVERNMENT OF INDIA
MINISTRY OF AGRICULTURE & IRRIGATION
(Department of Agriculture & Rural Development)
Secretary to the Government of India

Krishi Bhavan,
New Delhi, the 29th March, 1978.

My dear,

(By name to the Secretaries in charge of Fisheries off all maritime States/Uts.)

With increase in the tempo of induction of coastal mechanised fishing vessels and offshore and deep sea trawlers, fears have been expressed in several quarters about likely conflict of interest between the operators of mechanised boats and trawlers and traditional fishermen using non-mechanised vessels.

A committee of Secretaries of State Fisheries Departments of all maritime States headed by Shri A. K. Majumdar, Government of Maharashtra, was constituted to look into the problems faced by operators of different kinds of vessels. The Committee is likely to submit its report along with a draft bill shortly.

In the meanwhile, several representations have been received indicating need for immediate steps for demarcating area of operation to ensure smooth functioning of different types of boats. It is not feasible to demarcate such operational areas on all India basis in view of difference in nature of the resources exploited, the extent of effective fishing carried out by the various crafts and gear and several oceanographic factors. However, the following guidelines are suggested which the State Governments may like to adopt with or without modification for demarcating operational areas for fishing vessels of different types:-

- (a) Non-mechanised traditional fishing crafts should be allowed to operate freely without any restriction, but waters upto 5 Kilometers from the shore may be reserved exclusively for such fishing crafts and no other type of vessels should be allowed to operate in that area.
- (b) Mechanised fishing vessels should operate beyond a five kilometers limit from the coast.
- (c) Off - shore and deep sea fishing vessels i. e., vessels of 25 gross tonnes and above which require to be manned by skippers under existing statutory rules, should operate beyond 10 kilometers from the shore. Normally, vessels above 15 meters O. A. L. come under this category.

I shall be grateful if the matter is examined by the State Government and appropriate instructions are issued under intimation to us.

With kind regards,

Yours sincerely,
Sd/-
(G. V. K. Rao)

MARINE FISHING REGULATION BILL, 1978

A Bill to regulate marine fishing through reservation of zones and regulation and prohibition of fishing species and specified Fishing Crafts and gears.

Be it enacted by Parliament in the twenty ninth Year of the Republic of India as follows :-

CHAPTER - I

1. (1). This Act may be called the Marine Fishing Regulation Act, 1978.
- (2). It extends to the State of Andhra Pradesh, Gujarat, Karnataka, Kerala, Maharashtra, Orissa, Tamil Nadu and West Bengal and to the Union Territories of Goa, Daman Diu and Pondicherry and the Andamans, Nicobar and Lakshadweep Islands.
- (3). it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf.
2. In this Act, unless the context otherwise required-
 - (a) "Central Government" means the President of India.
 - (b) "Fish" includes prawns, lobsters and all other marine animals, plants and dead shells.
 - (c) "Vessles" means any vessel craft or boat engaged in fishing in the sea, with all its fixtures, equipments and fishing implements.
 - (d) "Master" where used in relation to any fishing vessel, includes the person for the time being in command or charge of the vessel.
 - (e) "prescribed" means prescribed by the rules made under this Act
 - (f) "schedule" means a schedule attached to this Act.
 - (g) "State Government" means the Governor of a State to which this Act extends and in relation to a Union Territory the Administrator of that Union Territory to which this Act extends, appointed by the President under Article 239 of the constitution.

CHAPTER - II

REGISTRATION OF FISHING VESSELS

3. A fishing vessel shall not proceed on any voyage unless it has a certificate of registration in force in respect thereof and granted under this act and no owner of a fishing vessel shall cause or permit the vessel to proceed on a voyage unless the vessel is registered in accordance with this chapter and the certificate of registration of the vessel has not been suspended or cancelled and the vessel carries a registration mark displayed in the prescribed manner.

Provided that the State Government may by a general or special order exempt any specific type of fishing vessel from the requirement of registration.

4. Every owner of a fishing vessel shall cause the vessel to be registered by the prescribed Registering Authority in the State in which the vessel is normally kept for fishing.
5. (1). An application by or on behalf of the owner of a fishing vessel shall be in the prescribed form, shall contain the information required by such form, and shall be accompanied by the prescribed fee
- (2) The registering Authority shall issue to the owner of a fishing vessel registered by it a certificate of registration in the prescribed form and shall enter into a register to be kept by it particulars of such certificate.
- (3) The Registering Authority shall assign to the vessel, for display thereon in the prescribed manner, a distinguishing mark consisting of one of the groups of letters allotted to the state by the First Schedule* followed by a number containing not more than four figures.
6. The Registering Authority may, before proceeding to register a fishing vessel, cause the vessel to be inspected and it may cause such other enquiry to be made with a view to satisfying itself that the particulars contained in the application are true.

The Registering Authority may refuse to register any fishing vessel if the owner furnishes inaccurate particulars in the application for the registration of the vessel or if by an order of State Government made under section 13 the registration of fishing vessel is suspended and it shall furnish the person whose vessel is refused registration with the reasons in writing for such refusal.

8. Where a fishing vessel registered in one State is taken for fishing to another State the owner of the Vessel shall give intimation about this in the prescribed manner to the prescribed authority in the other State and also to the Registering Authority by which his vessel has been registered.

9 (1). Any person agrieved by any order of the Registering Authority refusing the registration of his vessel may, within thirty days from the date on which the order is made, prefer an appeal to the prescribed appellate authority.

Provided that the prescribed authority as aforesaid may entertain any appeal after the expiry of the said period of thirty days but not after sixty days from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause for failing to appeal in time.

(2) On receipt of an appeal under sub - section (1), the appellat authority may, after making such enquiry as it seems fit, confirm or set aside the order appealed against and the decision of the authority shall be final.

* This schedule may be drawn up later.

CHAPTER - III
REGULATION OF FISHING

10. Subject to any special or general direction that may be issued by the Central Government in this behalf, the State Government may, within the limits assigned to each state and Union Territory in the Second schedule* and either unconditional or subject to such conditions as may be deemed fit, by order published in the Official Gazette.

- (i) reserve a specified area of the sea for fishing by vessels of a specified type;
- (ii) prohibit vessels of a specified type or specified types from fishing any specified area;
- (iii) lay down the number exceeding which vessels of a specified type shall not be used for fishing in a specified area
- (iv) Regulate or prohibit the catching of specified species of fish in any specified area.
- (v) regulate or prohibit the use of specified fishing gear in specified areas.

EXPLANATION

“Specified” means specified in the order made under this section.

11. No owner or master of a vessel shall use, or allow the use of the vessel for fishing in any manner which contravenes any order made under section 10.

Provide that nothing in any order as aforesaid shall be constructed to prevent the passage of any vessel through any area for reaching the shore

12 (1) Where the Central Government is satisfied upon consideration of a report submitted to it by a Committee consisting of a representative each of the State Governments Union Territories concerned and of the Central Government that an area lying within the limits assigned to one State in the Second Schedule is contiguous to, or an extension of, a similar area lying within the limits of another state, the similarity being based upon ecological factors upon the nature of the subjacent continental shelf or sea bed, and that it is desirable and feasible to make similar provisions for the two area, it may direct each or the State Governments to make under section 10 in respect of the area with which it is concerned an order in such terms as the Central Government may lay down.

(2). The Central Government may upon its own motion, and shall upon the motion of any of the State Governments set up the Committee referred to in sub-section (1).

13. Where an order has been made under clause (iii) of section 10 the State Government may direct that the registration of vessels of any specified type shall be suspended as soon as the number of registered vessels of such type reaches the number laid down in the order.

*This schedule will have to be drawn up by a competent Technical Group.

OFFENCES AND PROCEDURE

14. Any officer not below the rank of a Gazetted or Commissioned officer* specially authorised in this behalf by a general or special order of the State Government, may, if he has reason to believe that any vessel is being, or has been used in contravention of any of the provisions of this Act or of any order or rule made thereunder, enter and search that vessel and may seize the vessel and any fish found in it.

15. Any vessel or fish seized under the last preceding section may be kept by the officer seizing it in such custody as may be directed by the Adjudicating officer referred to in section 18.

Providing that in the absence of suitable facilities for the storage of fish the officer who has seized it may dispose of the fish in the prescribed manner and deposit the proceeds thereof at the office of the Adjudicating Officer.

16.** Any officer not below the rank of Gazetted or Commissioned officer authorised in this behalf by a general or special order of the State Government, may for the purpose of determining whether there has been any contravention of any of the provision of this Act or of any rule order made thereunder.

(a) require any person to produce or deliver any document relevant to the enquiry.

(b) Examine any person acquainted with the facts and circumstances of the case.

17. (1) Every officer referred to in the last preceding section shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document during the course of any enquiry

(2) All persons so summoned shall be bound to attend either in person or by authorised agents, as such officer may direct; and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements and produce such documents as may be required.

(3) Every enquiry as aforesaid shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

18 (1). If any person contravenes any of the provisions of this Act or of any rule or order made thereunder, he shall be liable to such penalty not exceeding rupees five thousand if the value of the fish involved is rupees one thousand or less if no fish is involved and not exceeding five times the value of the fish in other cases as may be adjudged by any officer not below the rank of Gazetted or commissioned officer specially empowered in this behalf by a general or special order of the State Government (here in after referred to as the

* This ~~shall~~ include officers of the Navy and Coast Guard and other State and Central organisations that have facilities and competence.

** The enquiry contemplated by Section 16 is investigative in nature and is different from that contemplated in Section 18. The latter is really the trial stage of the offence.

Adjudicating Officer) and such person shall be also liable to forfeit to the State Government any vessel of fish that may have been seized under section 14.

18 (2). In addition to any penalty that may be imposed under subsection (1) the Adjudicating officer may direct that the registration certificate of any fishing vessel in respect of which there has been a contravention of any of the provisions of this Act or of any rule or order made thereunder, shall be cancelled or shall be suspended for such period as he deems fit.

19. For the purpose of adjudging under section 17 whether any person has committed a contravention of any of the provisions of this Act or of any order made thereunder, the Adjudicating Officer shall hold an enquiry in the prescribed manner after giving that person a reasonable opportunity for making a representation in the matter and if, on such enquiry, he is satisfied that the person has committed the contravention he may impose such penalty as he thinks fit in accordance with the provisions of that section.

20 (1). The State Government may by notification in the Official Gazette constitute an Appellate Board to be called the Marine Fishing Appellate Board Consisting of a Chairman not below the rank of Joint Director of Fisheries and two other members for hearing appeals against orders of the Adjudicating Officer made under section 19.

(2) Any person aggrieved by any order of the Adjudicating Officer may, after depositing the sum imposed by way of penalty under section 18 and within thirty days from the date on which the order is made, prefer an appeal to the Appellate Board

Provided that the Appellate Board may entertain any appeal after the expiry of the said period of thirty days but that not after sixty days from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause for failing to appeal in time;

Provided further that where the Appellate Board is of the opinion that the deposit to be made will cause undue hardship to the appellant, it may in its own discretion dispense with such a deposit either unconditionally or subject to such conditions as it may deem fit.

On receipt of an appeal under sub - section (2), the Appellate Board, may after making such further enquiry as it deems fit, confirm, modify or set aside the order appealed against and the decision of the Appellate Board shall be final and if the sum deposited by way of penalty under sub - section (2) exceeds the amount directed to be paid by the Appellate Board, the excess amount shall be refunded to the appellant.

20 (4). The Appellate Board may call for the records of the proceedings before the Adjudicating Officer relating to the order appealed against.

20 (1). The Adjudicating Officer and the Appellate Board shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters:-

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the discovery and production of any document;

- (c) requisitioning any public record or copy thereof from any court or Office;
- (d) Receiving evidence on affidavits; and
- (e) issuing summons for the examination of witnesses or documents.

(2). The Adjudicating Officer or the Appellate Board while exercising any powers under this Act shall be deemed to be a Civil Court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

22. (1) Where a person committing a contravention of any of the provisions of this Act or of any rule or order made thereunder, is a Company, the company as well as every person who, at the time of the contravention so committed, was in charge and was responsible to the company for the conduct of the business of the company shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2). Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule or order made thereunder, has been committed by a company with the consent or connivance of, or by reason of any neglect on the part of the, any Director, Manager, Secretary or other employees of the company, such Director, Manager, Secretary or other employees shall also be deemed to be guilty of the contravention and shall be liable to be produced against and punished accordingly.

EXPLANATION

For the purpose of this section

- (i) "Company means any body corporate and includes a firm or other associations of individuals; and
- (ii) "Director" in relation to a firm means a partner in the firm.

23. Where any penalty imposed on any person or Company under this Act is not paid

- (i) the Adjudicating Officer may recover the amount so payable by detaining or selling any goods belonging to such persons or Company which have been seized under section 13.
- (ii) if the amount cannot be recovered in the aforesaid manner the Adjudicating Officer may prepare a certificate signed by him specifying the amount due from such person or company and send it to the Collector of the district in which such person or Company owns any property or carries on business and the said collector on receipt of such certificate shall proceed to recover from the said person or company the amount specified thereunder as if it were a public demand.

CHAPTER V

FEE\$ AND RULES

24. Any rule which the State Government is empowered to make under this Act notwithstanding the absence of any express provision to that effect, provide for the lev of such fees in respect of applications, issues of certificates, supply of statistics or copie of documents or orders or for any other purpose or matter involving the rendering of an service by the officers or authorities under this Act or any rule made thereunder as may b considered necessary;

Provided that the State Government may, if it considers necessary so to do, in th public interest, by general or social order, exempt any class of persons from the paymen of any such fee either in part or in full.

25 (1). The State Government may, by notification in the official Gazette, make rules fo carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may-

- (a) prescribe the forms for the purpose of this Act;
- (b) prescribe the procedure for the issue and transfer of registration certificates and for making modifications in such certificates;
- (c) prescribed the manner in which enquiries may be held and the procedure to be followed in respect of proceedings before the Adjudicating Officer or the Appellate Board;
- (d) provide for any other matter which is to be or may be prescribed under this Act;

(3) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the Legislature may make during the session in which they are so laid.

(4) All rules made under this Act shall, unless some later date is appointed, come into force on the date on which they are published in the Official Gazette.