



MARINE FISHERIES

REGULATION &

MANAGEMENT BILL

2019

Presented by:
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The Bill

- ▶ The Union Government is planning to bring in more regulations for the marine fishing sector by enacting an act in the name of Marine Fisheries (Regulation & Management) Act 2019.

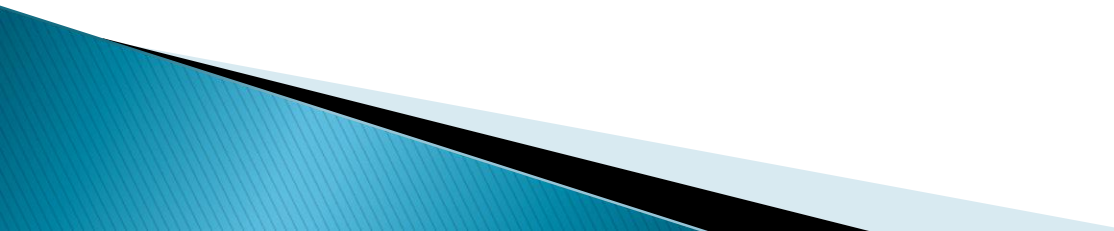
The Salient Features

- ▶ The sea is divided into three segments, first up to 12 nautical miles (nm.), next 12 to 200 nm. and third beyond 200 nm.

- ▶ The first 12 nautical miles is the territorial area under the control of the State Governments, and from 12 to 200 nautical miles is under the control of Government of India and it is known as Exclusive Economic Zone (EEZ), and beyond 200 nautical miles is known as the high seas or International waters.

- ▶ The Proposed bill envisages central government's **license for all types of fishing vessels** in addition to the state registration. It also envisages imposing a **special cess** aimed at the development of the fisheries sector as per the following clauses.

“No Indian fishing vessel shall engage in any fishing or fishing related activity within the exclusive economic zone of India or the high seas, **except with a permit issued by the Central Government** or any authority notified under this Act for fishing, and shall be subject to such **conditions and restrictions as prescribed.**”




“Permit issued under this Act shall be subject to **levy of fee and charges for fishing** and fishing related activities and in such manner **as prescribed.**”

- ▶ No permit shall be issued unless the fishing vessel is registered under **the Merchant Shipping Act, 1958.**
- ▶ **(216 pages – small boats and traditional fishermen would not be able to maintain the registration provisions of the Merchant Shipping Act)**

With-hold of License

- ▶ The draft states that those vessels, **including country boats**, without licenses, would be banned as per the proposed central legislation. Those boats, heading to the sea without the permit, would be seized and a fine would be slapped on the owner.


Unreported and Unregulated Fishing Activity

- ▶ As per the proposed bill no fishing vessel, granted permit under this Act, shall indulge in any form of **Illegal, Unreported and Unregulated fishing activity** in the maritime zones of India, the high seas and in the waters under national jurisdictions of other countries **without authorization**.
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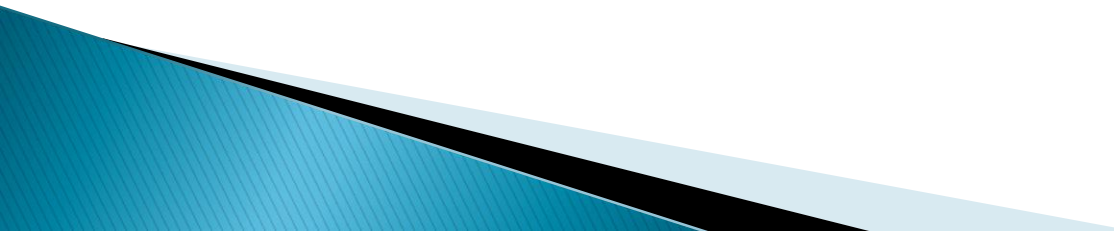
Infringement in State's Powers

- ▶ The **central permit would be made mandatory** in the coastal zones within the state limits of 12 nautical miles also, though fishing and fishing related activities in territorial waters are a state subject.

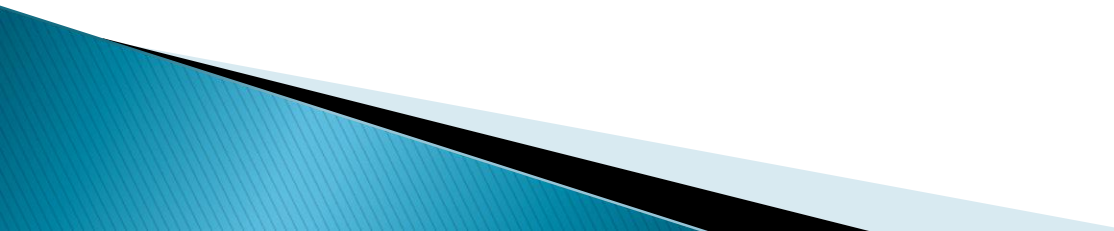
Exemption of Permit

- ▶ The Bill empowers the Central Government to exempt a Government entity, or corporation or any category or class of vessel(s) from the requirement of a permit, and **the Central Government may, from time to time, notify one or more plans for management of one or more fisheries or fishing related activities in such area(s) of the maritime zones of India as may be prescribed.**
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Merchant Shipping Act 1958

- ▶ The bill proposes that only those vessels registered as per the Merchant Shipping Act 1958, passed by the Parliament on 30th October 1958, would be given the license. **Vessels without the required standards would not be given the license**
 - ▶ **No permit shall be granted under this Act to foreign fishing vessels for fishing and fishing related activities within the exclusive economic zone of India.**
 - ▶ **This is a positive aspect of the bill.**
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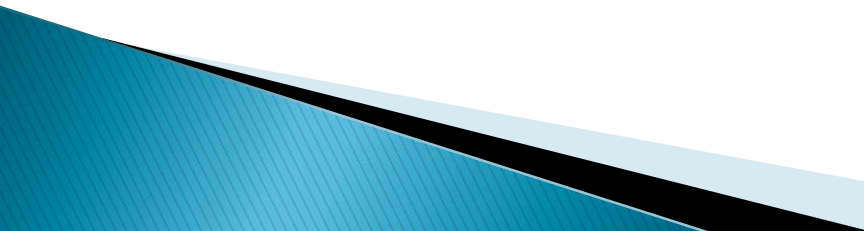
Cancellation of license

- ▶ According to the proposed bill, the Central Government may cancel or suspend a permit granted under this Act, if there is reasonable cause to believe that safety norms are not followed and **official would be authorized to inspect the vessels at any time and seize those violating the norms.**
 - ▶ Obstructing the officials' duty can lead to slapping of fines or even imprisonment
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POWERS TO BOARD, SEARCH AND SEIZURE

“Power corrupts; absolute power corrupts absolutely.”

Enormous powers are proposed in this bill to the Coast Guard, which will be detrimental to fishing and fishing related activities. Some of the powers vested with the coast guard are as follows.

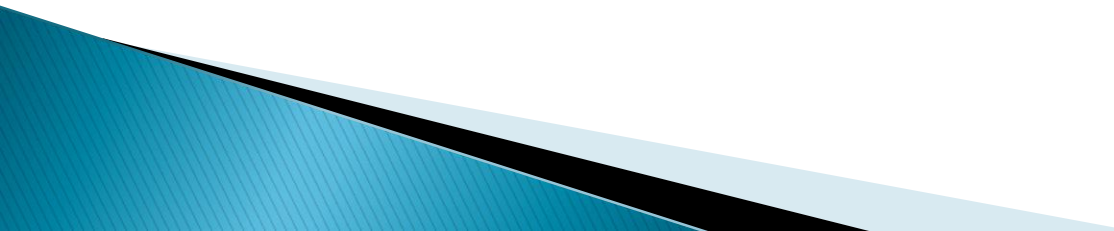


“Any authorized officer may, to ensure compliance with this Act, **either with or without a warrant** may board, search and seize a fishing vessel in any maritime zone of India, and or in the high seas as may be prescribed for foreign vessels.”

“In taking any action the Authorized Officer may use such force as may be reasonably necessary.”



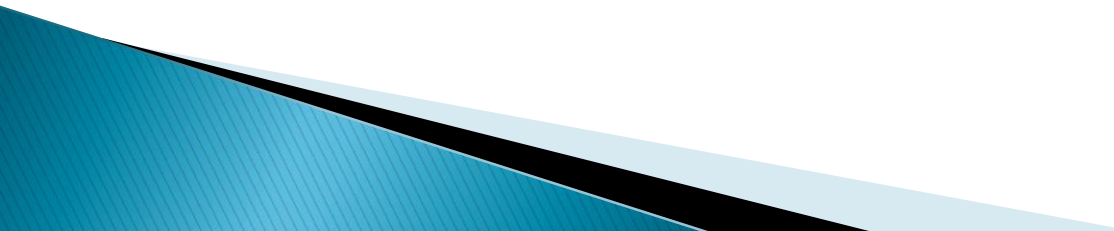
“The seized vessel shall be provided with docking facility by the port notified for the purpose and **charges towards docking, maintenance and other related costs of the seized vessel shall be made as prescribed.**”



“Where any vessel or other things are seized, the same may be produced before a Magistrate competent to try an offence under this Act, as soon as possible, and the Magistrate shall make such order **as prescribed.**”

- ▶ (Think about the conditions of vehicles seized by RTOs)

“Where, in pursuance of the commission of any offence under this Act, any vessel is pursued beyond the limits of the exclusive economic zone of India, the powers conferred on an Authorized Officer by this section may be exercised **beyond such limits** in the circumstances and to the extent recognized by international law and applicable laws of India.

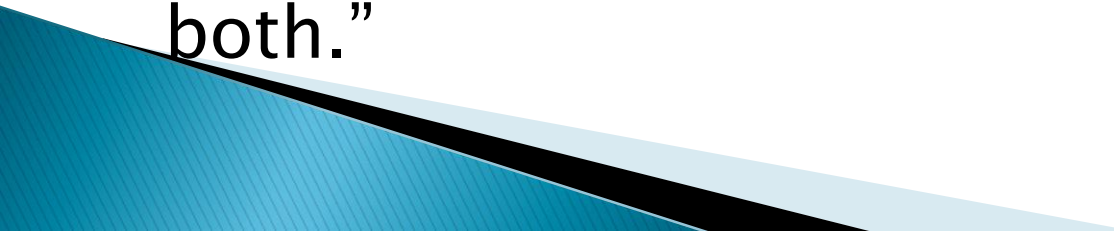


OFFENCES AND PENALTIES

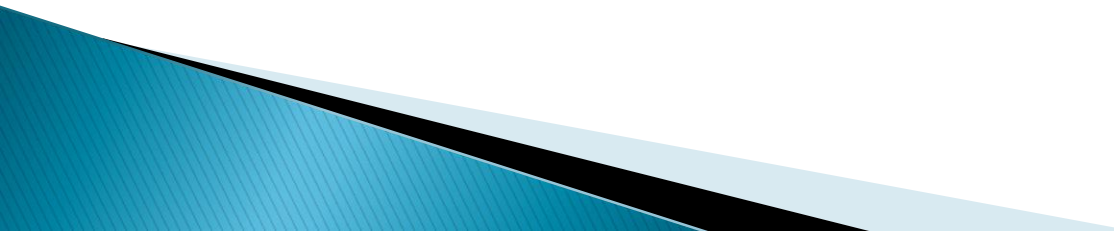
- ▶ Where any Indian fishing vessel is fishing in the exclusive economic zone of India and or the high seas without obtaining a permit granted, such vessel shall be impounded and the owner or master of such vessel shall be punishable with a fine **as prescribed.**

“Where any Indian fishing vessel is used in contravention of the permit granted the owner and or master of such vessel shall be punishable with a fine **as prescribed.** “

“Any person who fails to comply with an order made by the officer in respect of compounding the offence, shall be punishable with imprisonment for a term which may extend to six months, or with fine **as prescribed,** or with both.”



“If any person intentionally obstructs any authorised officer in the exercise of any powers conferred under this Act or in the discharge of the duties of the authorised officer, he/she shall be punishable with imprisonment for a term which may extend to one year or with fine as prescribed or with both.”



CONCLUSION

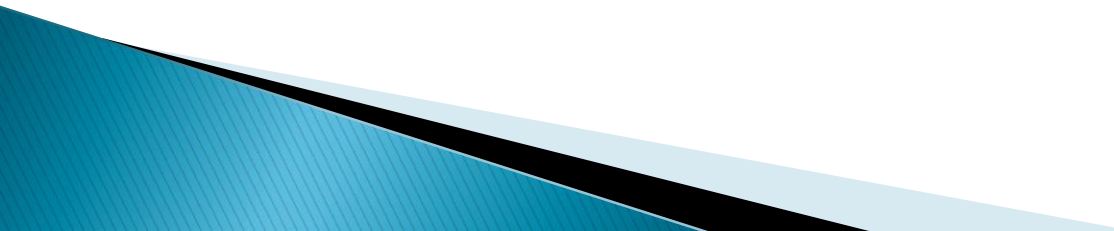
- ▶ In toto, the bill is not acceptable and needs to be dropped
ab-initio



The draconian act

“We are the people, we are the Ocean”

We The people and the opposition parties including the Congress, have alleged that the central government's move was aimed at helping the corporate and the small boats would not be able to maintain the registration provisions of the Merchant Shipping Act. **The traditional fisher folk would be thrown out of the coast, which they are enjoying for centuries.**



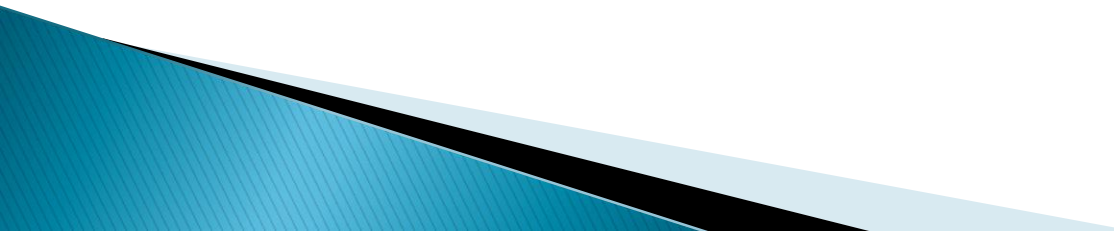
Part – II

CRZ & CZMP

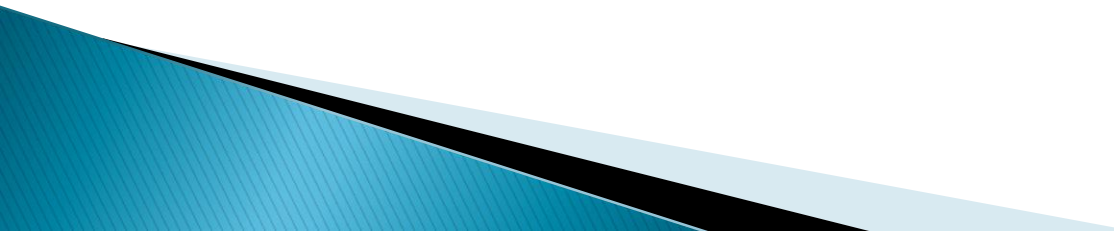
COASTAL ZONE MANAGEMENT (CZMP)

- ▶ Tamil Nadu has a coastal length of 1076 kms. (about 15% of the total coastal length of India.)
- ▶ The Government of India issued the Coastal Regulation Zone Notification in 2011 under Environment (Protection) Act, 1986 to protect the coastal environment and to regulate development activities to ensure livelihood security to the fishing communities, other communities living in the coastal areas, and to conserve and protect the coastal stretches.

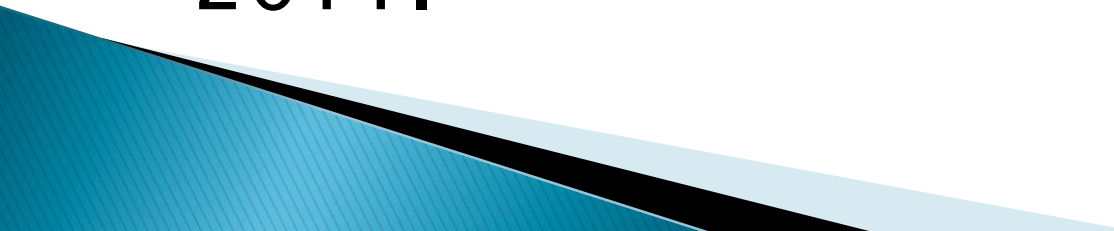
As per this notification, the coastal areas have been classified into four zones.

- ▶ CRZ-I (ecologically sensitive),
 - ▶ CRZ-II (built-up area),
 - ▶ CRZ-III (Rural area) and
 - ▶ CRZ-IV (water area which includes the water areas up to 12 Nautical miles (Nm) of the territorial waters and the tidal influenced water bodies.)
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Integrated Coastal Zone Management (ICZM)

- ▶ It is a dynamic, multidisciplinary and iterative process to promote sustainable management of coastal zones.
 - ▶ At present Public Works Department (PWD), Fisheries and Forest Departments are proposing several coastal protection works for clearance under CRZ notification 2011.
 - ▶ The State Coastal Zone Management Authority ensures that the said works are not taken in adhoc manner.
 - ▶ The Authority take decisions based on the high, medium and low eroding areas, and also based on sediment cells and shoreline maps prepared as a part of Coastal Zone Management Plan.
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Coastal Regulation Zone (CRZ) 2019

- ▶ The Union Ministry of Environment, Forest and Climate Change on January 18, 2019 notified the 2019 Coastal Regulation Zone (CRZ) norms, replacing the existing CRZ norms of 2011.
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CRZ Regulations 2019

SALIENT FEATURES OF THE NOTIFICATION

1 As per CRZ, 2011 Notification, for CRZ-II (Urban) areas, Floor Area Ratio (FAR) had been frozen as per 1991 Development Control Regulation (DCR) levels. In the CRZ, 2018 Notification, it has been decided to de-freeze the same and permit FAR for construction projects, as prevailing on the date of the new Notification.

2 CRZ-III has been divided into two separate categories:

(a) CRZ-III A - These are areas with a population density of 2161 per sq km as per 2011 Census. Such areas shall have a No Development Zone (NDZ) of 50 m from the High Tide Line (HTL) as against 200 m stipulated in the 2011 notification.

(b) CRZ-III B - Areas with population density of below 2161 per sq km as per 2011 census shall continue to have an NDZ of 200 m from the HTL.

3 Tourism infrastructure to be promoted: Temporary tourism facilities such as shacks, toilet blocks, change rooms, drinking water facilities etc. are permissible in the NDZ of the CRZ-III areas. However, a minimum distance of 10 m from HTL should be maintained.

4 The procedure for CRZ clearances has been streamlined. Only projects located in the CRZ-I (Ecologically Sensitive Areas) and CRZ IV (area covered between Low Tide Line and 12 nautical miles seaward) shall be dealt with for CRZ clearance by the Ministry of Environment, Forest and Climate Change. The powers for clearances with respect to CRZ-II and III have been delegated at the state level.

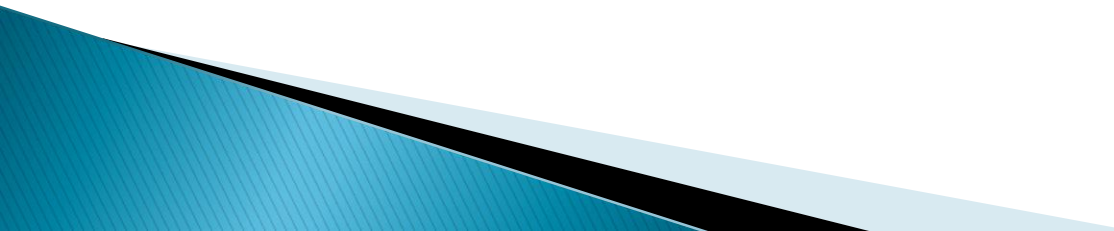
5 For islands close to the main land coast and for all backwater islands NDZ of 20 m has been stipulated.

6 Specific guidelines for the conservation and management of Ecologically Sensitive Areas.

7 In order to address pollution in Coastal areas treatment facilities have been made permissible in CRZ-I B area subject to necessary safeguards.

8 Defence and strategic projects accorded necessary dispensation.

We demand the withdrawal of the CRZ notification because,

- ▶ While the CRZ 2011 had guaranteed environmental protection and livelihood security to the coastal community, the sole purpose of the CRZ 2019 is to pave the way to sell off the coastal land and water to corporate business houses.
 - ▶ The intention of this government is to hand over the coast to the corporate and the tourism lobby.
 - ▶ “The notification is aimed at providing legal sanctity to the encroachments on coastal land. This will lead to the destruction of the coastal ecosystem and eventually lead to surrendering the coastal land to the construction–tourism–real estate lobbies,”
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Thank you.