

Bill No. 120 of 2022

THE FISHERMEN (DEVELOPMENT AND WELFARE) BILL, 2022

By

DR. SUKANTA MAJUMDAR, M.P.

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BILL

to provide for the development and welfare of fishermen in the country and for matters connected therewith or incidental thereto.

BE it enacted by the Parliament in the Seventy-third year of the Republic of India as follows:—

1. (1) This Act may be called the Fishermen (Development and Welfare) Act, 2022.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "Board" means the Fishermen Development and Welfare Board established under section 3;

(ii) "fisherman" means a person engaged in fishing and fishing related works such as repairing, maintaining and manning boats, nets and other equipments used in fishing or peeling, drying and selling of fish and solely dependent on the income earner from selling of fish; and

(iii) "prescribed" means prescribed by rules made under this Act. 5

Fishermen
Development
and Welfare
Board.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a Board to be known as the Fishermen Development and Welfare Board.

(2) The Board shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of properties, both movable and immovable, and to contract, and shall, by the said name, sue or be sued. 10

(3) The Board shall consist of,—

(i) a Chairperson and four other members to be appointed by the Central Government in such manner as may be prescribed;

(ii) not more than one representative each from the Coastal States and Union territories to be nominated by the respective State Governments and Union territories Administrations; 15

(4) The Central Government shall provide to the Board such number of officers and staff as may be necessary for the efficient functioning of the Board.

(5) The salaries and allowances payable to and other terms and conditions of service of the Chairperson and other members, officers and staff of the Board shall be such as may be prescribed. 20

(6) The headquarters of the Board shall be at Kolkata and a regional office at Balurghat in the State of West Bengal and the Board may, with the previous approval of the Central Government, establish offices in all Coastal States of the country.

Board to
formulate a
scheme for
Development
and Welfare
of fishermen.

4. (1) The Board shall formulate schemes for the Development and Welfare of fishermen.

(2) Without prejudice to the generality of the foregoing provision, such schemes shall provide for— 25

(i) formulation of various welfare schemes for fishermen;

(ii) augmenting all fishermen welfare and development schemes of Central Government and other State Governments;

(iii) facilitating the export of fish; 30

(iv) provision of boats, nets, jetties and life boats at concessional rates;

(v) provision of loan facilities for purchasing of boats, nets and life boats;

(vi) provision of cold storage facilities for fish and other 'catches' by fishermen at subsidized rates;

(vii) transportation facility of processed fish to seaport or airport for the purpose of export at concessional rates; 35

(viii) insurance facilities;

(ix) free health care facilities to fishermen and their family members;

(x) old age pension;

(xi) subsistence allowance during such situations as floods, storms or rains when fishermen cannot go into sea for fishing; and 40

(xii) housing facilities at concessional rates.

5. Notwithstanding anything in this Act or any other law for the time being in force, the Central Government shall pay compensation of—

Compensation
in case of death
or serious injury.

(i) rupees ten lakh to the nearest kin of a fisherman in case of his death which shall be in addition to any assistance extended by a State Government or;

5 **(ii) rupees five lakh to the fisherman in case of a serious injury to him due to any accident while catching fish on the high seas or actions of the pirates.**

10 **6. (1)** Where a fisherman while fishing is imprisoned by a foreign country on account of straying into territorial waters of that country or is kidnapped by any person including pirates, the Central Government shall take all necessary measures to facilitate the early release and transportation of fisherman to his home.

Measures to
facilitate release
of fishermen from
imprisonment
by a foreign
country.

(2) The Central Government shall pay a subsistence allowance of rupees five thousand per month in such manner as may be prescribed to the family of a fisherman imprisoned under the circumstances referred to sub-section (1) till the fisherman is released and brought home.

15 **7. The Central Government shall, after due appropriation made by the Parliament by law in this behalf, provide to the Board by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.**

Grants by the
Central
Government.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make
rules.

20 **(2)** Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of
25 no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Fisherman community are engaged in fishing as their primary occupation. Fishing collectively refers to catching aqua creature that are fit for consumption by humans. Fishing is done both in fresh water sources like lakes, stream and rivers as well as in marine eco-systems like seas and oceans. Also fishing as an occupation involves sorting and selling them in local and global markets.

Fishing is an important occupation for lakhs of people in our country since ancient times. The fish is processed and exported to many countries thereby generating a considerable monetary benefit to the country. Fishing industry provides employment to lakhs of people directly or indirectly. Fish is consumed by many people and fish oil is also used in making medicines.

Location of a fisherman plays an important role in the type of catch a fisherman would acquire to both run his business and make a livelihood. One must note just like farming even fishing is done in all States of the country. Lakhs of fishermen are involved in this occupation. But the difficulties the fishermen are facing are manifold. Fishing is seasonal occupation in the sense that fishermen cannot go into sea throughout the year for fishing. There is also no facility for processing, storage, marketing, transportation and export of fish. Moreover, a fisherman has to pay huge rent for boats, etc. which he has to hire during fishing and on a given day, he may not earn anything. Besides, in the recent times, fishermen are facing another grave situation of being fired upon, killed or attacked either by mistake or deliberately by defence forces of another country on the plea of intruding into the territorial waters of that country.

There have been many instances when our fishermen were killed or captured or imprisoned and tortured. The chances of being kidnapped by pirates on the high seas also add to their problems. No compensation or subsistence allowance is given by the Government in such cases. A mechanism for the Development and Welfare of fishermen is absolutely essential and the Bill aims at in that direction.

Hence this Bill.

NEW DELHI;
March 31, 2022.

SUKANTA MAJUMDAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Fishermen Development and Welfare Board. Clause 4 provides that the Board shall formulate a scheme for the Development and Welfare of fishermen. Clause 5 provides for compensation to a fisherman in case of death or serious injury. Clause 6 provides for subsistence allowance to the family of fishermen while they are imprisoned in a foreign country. Clause 7 provides for grants by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten thousand crore per annum.

A non-recurring expenditure of rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Dr. Sukanta Majumdar, M.P.)