

**Bill No. 168 of 2022**

THE FISHERMEN (PROTECTION AND WELFARE) BILL, 2022

By

SHRIMATI APARUPA PODDAR, M.P.

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BILL

*to provide for the welfare and protection of the fishermen and for matters connected therewith or incidental thereto.*

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

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

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

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

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

Definitions.

(a) “appropriate Government” means in the case of a State the Government of that State and in other cases the Central Government;

(b) “Board” means Fishermen Welfare Board constituted under section 3;

(c) “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;

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(d) “Fishermen Welfare Officer” means an officer appointed under section 7;

(e) “Fund” means the Fishermen Welfare Fund constituted under section 8;

(f) “prescribed” means prescribed by rules made under this Act; and

(g) “Tribunal” means the Fishermen Tribunal constituted under section 6.

Constitution  
of Fishermen  
Welfare Board.

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

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**(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.**

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**(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;**

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**(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.**

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Formulation of  
a scheme for  
the welfare of  
fisherman.

**4. (1) As soon as may be, but not later than one year from the commencement of this Act, the Board shall, in consultation with the appropriate Governments, formulate a scheme for the welfare of fishermen.**

**(2) Without prejudice to the generality of the foregoing provision, the scheme shall provide for,—**

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

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

**(iii) provision of cold storage facilities for fish and other ‘catches’ by fishermen at subsidized rates;**

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**(iv) facilitating the export of fish;**

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

**(vi) insurance facilities for the fishermen;**

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

(viii) old age pension for the fishermen;

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

5 (x) housing facilities at concessional rates; and

(xi) payment of compensation in cases of accident during fishing operations.

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

Compensation to fishermen.

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

(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.

15 **6. (1) The appropriate Government may, by notification in the Official Gazette, constitute for any area specified therein a Tribunal to be known as the Fishermen Tribunal for carrying out the purpose of this Act.**

Constitution of Fishermen Tribunal.

(2) The Tribunal constituted under sub-section (1) shall consist of a sole member, who shall be an officer not below the rank of Deputy Collector of the district concerned to be appointed by the appropriate Government in such manner as may be prescribed.

20 (3) The Tribunal shall hear and adjudicate all cases relating to welfare of fishermen in such manner as may be prescribed.

(4) The Central Government shall, in consultation with the State Government prescribe rules for the procedure of the Tribunal.

25 **7. (1) The appropriate Government shall appoint a Fisherman Welfare Officer for carrying out the purpose of this Act.**

Appointment of Fisherman Welfare Officer.

(2) The salary and allowances payable to and other terms and conditions of services of Fisherman Welfare Officer shall be such as may be prescribed.

30 **8. (1) The Central Government shall in consultation with the State Government shall constitute a Fund to be known as the Fishermen Welfare Fund to which the Central Government and the State Governments shall contribute in such a ratio as may be prescribed.**

Constitution of the Fishermen Welfare Fund.

(2) The Fund constituted under sub-section (1) shall be utilised to give effect to the provisions of this Act.

35 **9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.**

Central Government to provide funds.

Power to  
remove  
difficulties.

**10.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of three years from the commencement of this Act. 5

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to make  
rules.

**11.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. 10

(2) Every rule made under this Act 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 the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of 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. 15

## STATEMENT OF OBJECTS AND REASONS

Fishing is one of the major livelihoods practiced by the fishermen in the coastal areas. It is an important sector in India. It provides employment to millions of people and contributes to the food security of the country with extensive freshwater resources, fisheries play a vital role. There are approx. 2,80,63,537 fishermen in India are gaining livelihood only through this sector.

There are many problems experienced by traditional fishermen, including a lack of skills, limited facilities, and extreme competition. They have been bearing the brunt of sea erosion and climate change. The Covid outbreak and the economic slowdown affected the fisheries sector and many people have lost their source of income. The local fisher folk says that they fear of losing their livelihood as they're neither catching enough fish nor are they get paid enough for what they catch. Moreover, the ban along with perpetual bad weather due to low pressure in the sea further adding to their woes.

This bill seeks to provide for the welfare and protection of the rights of the fisherman and the matters related to it. The bill's main objective is protection and welfare of the fishermen. It establishes a tribunal that will carry out the functions of the Fisherman Tribunal which will help in solving and addressing the fishing and fishermen-related disputes. The bill seeks to establish a fund to help provide compensation and award the money to the fishermen who have suffered an injury, loss, or damage owing to any dispute and climate-related events. The Bill also aims to provide a specific scheme for the welfare of the fishermen, it will help them to obtain the benefits from the given scheme which will provide them with benefits of provisions of boats, nets, jetties, and lifeboats at concessional rates, loan facilities, cold storage facilities at the subsidized rates, transportation facilities, insurance facilities, healthcare and educational facilities for fishermen and family members, age-old pension, housing facilities and lastly than the compensation and losing for the livelihood owing to the extreme weather events causing damage.

This bill seeks to protect these fishermen of the coastal regions, then their occupation of fishery besides being a constant source of income for the people of the region, also support their daily meal requirements.

Hence this Bill.

NEW DELHI;  
5 July, 2022.

APARUPA PODDAR

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Fishermen Welfare Board. Clause 5 provides for compensation to fishermen in case of serious injury or death. Clause 6 provides for constitution of Fishermen Tribunal. Clause 7 provides for appointment of Fishermen Welfare Officer. Clause 8 provides constitution of Fishermen Welfare Fund. Clause 9 provides that the Central Government provide requisite funds for carrying out the purposes of this Act. 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 twenty thousand crore per annum from the Consolidated Fund of India.

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

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 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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*(Shrimati Aparupa Poddar, M.P.)*