

Bill No. 28 of 2024

THE TRADITIONAL FISHERMEN (PROTECTION AND
WELFARE) BILL, 2024

By

SHRI RAVI KISHAN, M.P.

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BILL

to provide for protection of traditional fishermen in the country and for welfare measures including life insurance coverage, healthcare, educational facilities to the children of traditional fishermen and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Traditional Fishermen (Protection and Welfare) Act, 2024.

Short title and commencement.

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

Definitions.

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

(a) “accident” means an accident caused during the course of fishing activity including drowning;

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

(c) “Authority” means the National Traditional Fishermen Welfare Authority constituted under section 3;

(d) “traditional fisherman” means a person who generation by generation earns his livelihood by catching fish from the fisheries and whose only source of income is the money he earns from selling such fish;

(e) “fisheries” which includes the management, catching, processing and marketing of fish;

(f) “Fund” means the Traditional Fishermen Welfare Fund constituted under section 5; and

(g) “prescribed” means prescribed by rules made under this Act.

National Policy for the welfare of traditional fishermen.

3. The Central Government shall, as soon as may be, but within one year from the commencement of this Act, in consultation with the Government of the States having substantial population of fishermen, formulate, a national policy for the welfare of traditional fishermen and their families and protect their fishing rights and interests.

Constitution of the National Traditional Fishermen Welfare Authority.

4. (1) The Central Government shall, as soon as may be, by notification in Official Gazette, constitute an Authority to be known as the National Traditional Fishermen Welfare Authority for carrying out the purposes of this Act.

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

(3) The Authority shall consist of—

(a) **a Chairperson having adequate knowledge and professional experience in fisheries sector to be appointed by the Central Government in such manner as may be prescribed;**

(b) **a Deputy Chairperson with such qualification, to be appointed by the Central Government in such manner as may be prescribed;**

(c) **three members to represent traditional fishermen to be appointed by the Central Government in such manner as may be prescribed;**

(d) four members to represent the Union Ministries of Ministry of Fisheries, Animal Husbandry & Dairying (Department of Fisheries), Finance, Planning and Labour and Employment, to be appointed by the Central Government in such manner as may be prescribed;

(e) five members of Parliament, of whom three shall be from the House of the People and two shall be from the Council of States, to be nominated by the Presiding Officers of the respective Houses; and

(f) four members to be nominated by the Government of the States on rotation basis in alphabetical order.

(4) The term of Office of the Chairperson, Deputy Chairperson and members of the Authority and the procedure to be followed in the discharge of the functions of the Authority shall be such as may be prescribed.

(5) The salary and allowances payable to, and other terms and conditions of the service of the Chairperson and members of the Authority shall be such as may be prescribed.

(6) The headquarter of the Authority shall be at Gorakhpur in the State of Uttar Pradesh.

(7) The Authority may establish its offices at such other places, as it may deem necessary for carrying out the purposes of this Act.

5 (8) The Authority shall have a secretariat with such Officers and members of staff and with such terms and conditions of services as may be prescribed.

5. (1) The Authority shall, subject to guidelines issued by the Central Government in this regard, in coordination with the State Governments take, steps for the overall welfare of traditional fishermen including, removal of poverty and indebtedness, raising the standard of living and making easy availability of market for selling fish.

Functions of the Authority.

10 (2) Without prejudice to the generality of the foregoing provisions, the Authority shall,—

(a) implement the national policy for the traditional fishermen formulated under section 3;

15 (b) maintain records of traditional fishermen in all villages and districts throughout the country;

(c) maintain a district-wise register of traditional fishermen with such particulars and in such manner as may be prescribed;

(d) provide modern tools and techniques for fishing to the traditional fishermen;

20 (e) encourage and provide all necessary assistance to traditional fishermen cooperatives;

(f) organize exhibitions, *melas* and such other activities to promote fisheries in different parts of the country;

25 (g) make suitable arrangements for purchase of fishes by Government agencies on cash and carry basis;

(h) encourage export of fish; and

(i) perform such other functions as may be assigned to it by the Central Government from time to time.

30 6. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Traditional Fishermen Welfare Fund with a corpus of rupees five thousand crore.

Constitution of the Traditional Fishermen Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

35 (3) There shall also be credited to the Fund such other sums as may be received by way of donations, contributions, assistance or otherwise from individuals, body corporates, financial institutions, firms and partnerships.

(4) The Fund shall be administered by a Board of Trustees, which shall be constituted by the Central Government in such manner as may be prescribed.

(5) The Fund shall be utilized for:—

40 (a) interest free loans to traditional fishermen for purchasing of boats, nets and life boat;

(b) making *ex-gratia* payments at prescribed rates to each of the bereaved families of traditional fishermen who die in accident;

(c) life insurance cover to the traditional fishermen and their families;

45 (d) healthcare facilities to the traditional fishermen and their dependent family members;

(e) financial assistance to the traditional fishermen for the purchase and repair of fishing nets, boats and other equipments required for fishing;

(f) unemployment allowance during illness or financial crisis during lean periods;

(g) providing educational facilities and vocational training to the wards of traditional fishermen; and

(h) such other welfare measures as may be prescribed.

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Miscellaneous Provisions.

7. The appropriate Government shall,—

(a) establish adequate number of schools and vocational training institutes and healthcare centres in and around the areas inhabited by traditional fishermen for their benefit including their families and children;

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(b) protect the fishing rights and interests of the traditional fishermen; and

(c) take such other measures as it may deem necessary for the protection and welfare of traditional fishermen.

Central Government to provide Funds.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Authority such sums as may consider necessary for the efficient functioning of the Authority.

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Annual Report.

9. (1) The Authority shall prepare, in such form and manner, as may be prescribed, an annual report giving a true and full account of its activities during the previous year and submit it to the Central Government.

(2) The Central Government shall cause the report submitted to it under sub-section (1) to be laid before each House of Parliament.

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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 appear to it to be necessary or expedient for removing the difficulty:

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Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

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

Act not in derogation of any other law for time being in force.

11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

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Power to make rules.

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

(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.

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STATEMENT OF OBJECTS AND REASONS

There are millions of traditional fishermen spread across various parts of our country. In the State of Uttar Pradesh the traditional fishermen are termed as 'nishad' or 'mallah'. Their main occupation and means of livelihood is catching fish and selling it in the market and they are doing this for generations. However, the fishermen and their families live in abject poverty nearly hand to mouth. There are many problems experienced by traditional fishermen, including a lack of skills, limited facilities, and extreme competition.

For most of the traditional fishermen, it is their family profession which passes on from one generation to other and their entire families are involved in this profession. For them, fishing is the only source of their livelihood and prosperity.

Since these poor fishermen are part and parcel of our society and ours being a welfare State, it is necessary that the fisherman too are provided with adequate insurance cover against accidents, healthcare, financial assistance in case of need, educational, vocational facilities for their children, etc.

Urgent remedial measures have to be taken for the welfare and protection of traditional fishermen. It has, therefore, been proposed to establish the National Traditional Fishermen Authority and also the Traditional Fishermen Welfare Fund to improve the lot of traditional fishermen and save them from starvation in various parts of our nation.

Hence this Bill.

NEW DELHI;
June 14, 2024

RAVI KISHAN

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to constitute the National Traditional Fishermen Welfare Authority. Clause 5 provides for certain steps to be taken by the Authority for welfare of traditional fishermen. Clause 6 provides for the constitution of the Traditional Fishermen Welfare Fund. Clause 7 provides for the appropriate Government to establish adequate number of schools and vocational training institutes and healthcare centres in and around the areas inhabited by traditional fishermen for their benefit including their families. Clause 8 provides that the Central Government shall provide Funds to the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees two hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 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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(Shri Ravi Kishan, M.P.)