

**Bill No. 316 of 2019**

THE FISHERMEN WELFARE FUND BILL, 2019

By

SHRI RAM MOHAN NAIDU KINJARAPU, M.P.

A

BILL

*to provide for the protection and welfare of fishermen in the country by establishing a welfare Fund for their benefit and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Fishermen Welfare Fund Act, 2019.

(2) It extends to the coastal States of India.

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

Short title,  
extent and  
commencement.

Definitions.	<p><b>2.</b> In this Act, unless the context otherwise requires, —</p> <p>(a) "administrator" means an administrator appointed under section 6;</p> <p>(b) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;</p> <p>(c) "accident" means an accident caused during the course of fishing; 5</p> <p>(d) "coastal hazards" refer to disasters that cause damage to life and property in the coastal areas and include natural disasters like sea storms, cyclones, tsunami, flooding and man-made disasters such as marine oil spills;</p> <p>(e) "fisherman" means person of any gender who earns his livelihood by catching fish from the fisheries and whose only source of income is the money he earns from selling such fish; 10</p> <p>(f) "partial disablement" refers to such disablement which reduces the working capacity of a fisherman which he was capable of having before the accident;</p> <p>(g) "total disablement" refers to such disablement which incapacitates a fisherman for all work which he was capable of performing prior to the accident; and 15</p> <p>(h) "welfare fund" means the Fishermen Welfare Fund established under section 4.</p>
Formulation of a National Policy for Fishermen.	<p><b>3.</b> The Central Government shall, as soon as may be, but within one year from the commencement of this Act, formulate, in consultation with the Government of the States having substantial population of fishermen, a long-term national policy for the welfare of fishermen. 20</p>
Establishment of Fishermen Welfare Fund.	<p><b>4.</b> (1) The Central Government shall, by notification in the Official Gazette, establish a Fishermen Welfare Fund for the purposes of this Act.</p> <p>(2) The Central and State Governments shall contribute to the Fund in such ratio as may be prescribed after due appropriation. 25</p> <p>(3) Moneys received by way of donations from persons or body corporates shall also form the corpus fund of the Welfare Fund.</p>
Utilisation of the Fishermen Welfare Fund.	<p><b>5.</b> The Welfare fund established under section 4 shall be utilised for—</p> <p>(a) maintaining digital data of fishermen and their dependant family members;</p> <p>(b) Payment of disability allowance to fisherman who meets any accident or suffers due to coastal hazards; 30</p> <p>(c) payment of adequate compensation to a fisherman's family whose death is caused by accident;</p> <p>(d) payment of adequate compensation to fishermen families for the damage caused by coastal hazards; 35</p> <p>(e) rehabilitation measures for fishermen and their families affected by coastal hazards;</p> <p>(f) financial assistance to the fishermen for the purchase or repair of fishing nets, boats and other necessary equipment for fishing;</p> <p>(g) financial assistance during lean periods; 40</p> <p>(h) payment of old age pension to fishermen who have attained the age of sixty years;</p> <p>(i) payment of monthly assistance to the family of fishermen caught by pirates or by security forces of other countries;</p>

(j) provide adequate and hygienic marketing facilities to the fishermen for their catch;

(k) provide subsidy for hatcheries for those fishermen who intend to setup shrimp/prawn farms;

5 (l) establish adequate number of chill room facilities in fishermen areas; and

(m) such other measures as the Central Government may deem necessary for the protection and welfare of fishermen and their families.

10 **6.** The Central Government shall, by notification in the Official Gazette, designate such number of Administrators as it may deem necessary, who shall entertain the claims for payment of compensations under this Act. Administrators to entertain claims.

15 **7.** Subject to the provisions of this Act, the amount of compensation payable to a fisherman in case of an accident resulting in his partial or total disablement or death or in case of his sweeping away by the water currents or in case of damage caused to fishermen facilities and housing due to coastal hazards, shall be such as may be specified by the Central Government from time to time by notification in the Official Gazette. Fixation of the Compensation.

**8.** In case of death of a fisherman, the compensation so fixed under section 7 shall be paid to the spouse of the deceased or to his legal heir, as the case may be, and in case the deceased being unmarried the compensation shall be paid to his parents. Compensation in case of Death.

20 **9.** The rehabilitation measures in case of fishermen affected by coastal hazards shall include the following along with all other necessary actions— Emergency Assistance.

(a) set up rehabilitation centres for the affected fishermen families with all the basic facilities including potable water, nutritious food and healthcare facilities;

(b) restore the means of communication and warning systems;

(c) special care has to be given to proper sanitation facilities;

25 (d) providing and proper disposing of sanitary napkins; and

(e) utilization of Welfare Fund to compensate the damage caused to life and property.

30 **10.** (1) The Central Government shall secure earliest possible release of Indian fishermen caught by pirates or by security forces of other countries. Provisions to get released from Foreign Captivity of Indian Fishermen.  
(2) The families of such fishermen shall be given monthly assistance as mentioned in section 5.

**11.** Every Claimant for payment of compensation under this Act shall apply to the Administrator in prescribed format giving such details as may be prescribed. Form of claim.

35 **12.** Every claim for compensation under this Act shall be finalised by the Administrator and payment of the compensation be made within thirty days of filing of the claim. Finalisation of Claim.

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

40 (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  
45 be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

The fishery sector has witnessed serious crises during the last decade owing to its limitations to adjust to the changing environment. It is facing multiple problems like lack of finance, lack of storage facilities, lack of awareness of market information, low level of education among fishermen, inadequate income, lack of alternative profitable occupation for them, losses caused by natural calamities like sea storms, cyclones, tsunami, flooding etc. and man-made disasters like marine oil spills.

In Andhra Pradesh alone there are lakhs of such families who survive on fishing and are doing it from generations. However, the fishermen and their families live in abject poverty whereas the middleman, wholesalers and retail traders of fish are flourishing at their cost as the sea food is becoming popular worldwide. Sea products are very much in demand but the status of fishermen has remained the same.

Many of the fishermen are carried away by water currents particularly during storms and cyclones or get drowned during fishing or receive injuries leading to partial or total disablement or get caught by pirates and foreign security forces. The disablement or death of a fisherman ruins his family who remain at the mercy of fate alone.

The fishermen and their families are also vulnerable to coastal hazards and suffer huge losses due to it.

There is a long pending demand of a Fishermen Welfare Fund for the protection and welfare of fishermen and their families.

Hence this Bill.

NEW DELHI;  
*November 5, 2019.*

RAM MOHAN NAIDU KINJARAPU

#### FINANCIAL MEMORANDUM

The Clause 4 of the Bill provides welfare for the establishment of a Fishermen Welfare Fund. The Fund shall be utilized for various measures provided under this Clause 5 for protection and welfare of fishermen families. The Clause 9 provides for emergency assistance to fishermen families affected by coastal hazards.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It would 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

The clause 13 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. The rules will relate to matters of details only, the delegation of Legislative power is of a normal character.

LOK SABHA

---

A

BILL

to provide for the protection and welfare of fishermen in the country by establishing a welfare Fund for their benefit and for matters connected therewith and incidental thereto further to amend the Constitution of India.

---

*(Shri Ram Mohan Naidu Kinjarapu, M.P.)*