

CONSTITUTION (AMENDMENT)
BILL*

(Amendment of Article 31B)

श्री बालासाहेब विखे पाटिल (कोपरगांव):
मैं प्रस्ताव करता हूँ कि भारत के संवि-
धान का और संशोधन करने वाले विधेयक
को पुरःस्थापित करने की अनुमति दी
जाये।

MR. DEPUTY-SPEAKER: The
question is:

"That leave be granted to intro-
duce a Bill further to amend the
Constitution of India."

The motion was adopted.

SHRI BALASAHEB VIKHE PA-
TIL: I introduce the Bill.

CONSTITUTION (AMENDMENT)
BILL*

(Amendment of article 51)

SHRI EDUARDO FALEIRO (Mo-
rmugao): I beg to move for leave
to introduce a Bill further to amend
the Constitution of India.

MR. DEPUTY-SPEAKER: The
question is:

"That leave be granted to intro-
duce a Bill further to amend the
Constitution of India."

The motion was adopted.

SHRI EDUARDO FALEIRO: I
introduce the Bill.

PROVIDING OF EMPLOYMENT,
UNEMPLOYMENT ALLOWANCE
AND UNEMPLOYMENT INSU-
RANCE, SCHEME BILL*

SHRI B. V. DESAI (Raichur): I
beg to move for leave to introduce
a Bill to provide employment to all

citizens of not less than 25 years of
age, payment of unemployment al-
lowance and for unemployment in-
surance scheme.

MR. DEPUTY-SPEAKER: The
question is:

"That leave be granted to intro-
duce a Bill to provide employment
to all citizens of not less than 25
years of age, payment of unemp-
loyment allowance and for unemp-
loyment insurance scheme."

The motion was adopted.

SHRI B. V. DESAI: I introduce
the Bill.

15.45 hrs.

COUNTRY FISHING BOATS PRO-
TECTION BILL—contd.

BY SHRI R. K. MHALGI.

MR. DEPUTY-SPEAKER: The
House will now take up further
consideration of the following mo-
tions moved by Shri R. K. Mhalgi on
19th December, 1980, namely:—

"That the Bill to provide for the
protection of country fishing boats
from the competition of motor
boats and trawlers, be taken into
consideration."

Shri Mhalgi to continue his speech.

†SHRI R. K. MHALGI (Thane):
Mr. Deputy Speaker, Sir, I introdu-
ced this Bill, the Country Fishing
Boats Protection Bill, 1980, in this
House some two months back. I rise
now to explain the various provisions
of this Bill. It has a special signi-
ficance from the geographical and eco-
nomic points of view. It is mainly

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20-2-1981.

†The original speech was delivered in Marathi.

intended to protect the interests of small fishermen. Fishing is a very important trade in our country. It concerns, therefore, the interests of many members of this House. I, therefore, expect that it will be supported by all sections of this House.

From the geographical point of view, this Bill should be of great interest to the ten coastal States of our country. The States of Gujarat, Maharashtra, Goa, Karnataka, Kerala, Tamilnadu, Pondicherry, Andhra, Orissa, West Bengal have a coastal line. If we recall the map of our country, we find that we have a coastal line of 6500 Kms. Nearly 65 lakhs fishermen are engaged in fishing. If we include the families dependent on them, the number of persons who depend for livelihood on this profession goes upto three crores. As it concerns a huge number of people, the Bill is very important and deserves serious consideration by this House.

My constituency, Thane has a coastal line. I have been in contact with the fishermen of this constituency for the last four years and know their problems. I propose to discuss some of their problems in regard to this Bill.

In Clause 2 of the Bill, some definition have been given. The areas for fishing should be demarcated in case of country boats, mechanised fishing boats and trawlers. Provision should be made to observe the restrictions. A country fishing boat shall fish only upto 5 Kms. from the coast, a motor boat shall fish only between 5 Kms. and 10 Kms. and a trawler shall not fish within 20 Kms. from the coast. The area beyond that limit would be available for trawlers. The areas prescribed for fishing should be strictly observed and owners of lanches or trawlers who contravene the provisions should be punished.

16 hrs.

Hon. Member, Shri Varma has suggested an amendment that trawlers should fish beyond 10 Kms. instead of 20 Kms. I propose to accept his amendment.

Clause 4 of this Bill makes provision for the appointment of an authority to see that areas prescribed for fishing are not violated and cases are filed against those who fail to observe the provisions of Clause 3 of this Bill. Appointment of an authority has become necessary now because many clashes are taking place among the small fishermen and lanch owners. Poor fishermen become the victim of injustice. The lanch owners can afford to spend money to fight court cases. It causes serious problems to small fishermen who have no means. They have to suffer injustice and their plight goes unnoticed. Protection should, therefore, be given to these fishermen. The Government often advocate the cause of small and marginal farmers. I insist that Government should now come forward to protect the interests of small fishermen without which they cannot have social justice. The slogan of social justice would be futile if the measures to protect the interests of small fishermen are not enacted. My Bill has been moved in the House with a view to giving legal shape to the necessary measures and to see that social movement for the protection of the interests of the small fishermen strengthens.

India is the seventh country in the list of countries who carry on fishing as a major occupation. That is why we must seriously consider as to how to encourage this profession. The area of 200 miles from the coast has already been declared as "exclusive economic zone" by the Government of India in 1977. A coastal line of 6500 Kms and an area of 200 miles from the sea shore gives us a vast potential for fishing. If fishing is encouraged, it is bound to help in strengthening our economy. But it is un-

[Shri R. K. Mhalgi]

fortunate that despite this vast potential, we are not in a position to exploit it as we should have been. We cannot go in for deep fishing because we have only 70 trawlers in India which can undertake it. A small country like Japan has 15000 trawlers. Taiwan has 7000 trawlers. Our exclusive economic zone is being captured by the ships of these two countries.

In 1979, a ship belonging to Taiwan carried fish worth Rs. 8 lakhs from Tuticorin. We cannot compete with other countries as we have a very limited number of trawlers. We should encourage mechanisation and see that mechanised boats are manufactured on a large scale in our country.

Fish is the main item of food of crores of non-vegetarians in our country. It is the responsibility of the Government to make fish available in sufficient quantity. We make attempts to increase our foodgrains production in order to be selfsufficient. In this case also we must make vast fishing area available and provide food to the people who depend upon it.

The number of trawlers needs to be increased in a geometric proportion. Otherwise the field will be dominated by the foreigners. A trawler from Sri Lanka dipped one of our trawlers very recently in Jan. 1981. This is not for the first time that such an incident was repeated. I want to know from the hon. Minister as to what assurance of protection has been given to our fishermen. The report regarding this should be presented to the House.

It is true that Government did take some steps by organising the coast guard. But what is the use of it if our marine wealth is looted from our exclusive economic zone. What has the Indian Navy done in this respect?

I feel that fishermen of all categories must get protection from Government. A question in this connection was asked in Lok Sabha in 1978. The Agriculture Minister had then assured that Government was concerned about this matter and they were going to take some steps in the near future. As the Janta Party Government could not remain in power the Agriculture Minister could not pursue the matter further.

Another question of a similar nature was asked on 29th July, 1980 by the hon. Member Shri Jadeja. In reply the Government have accepted some facts. I am glad that whatever provisions that I have proposed for the protection of the interests of fishermen have already accepted in principle by this Government. They have framed certain guidelines to demarcate area of fishing. A Committee called, Marine Products Development Authority was also set up some two years back. The Committee made 8 recommendations. One of the recommendations is exactly on the line of provisions of my Bill. But I feel that Central Government have some difficulty in implementing the recommendations. The difficulty appears to be constitutional. If the provisions have to be legislated, it is necessary to get such a resolution passed in Legislative Assemblies of such States who have a coastal line. The Central Government can present such a Bill only after receiving the approval of State Governments. The Central Government has already notified the guidelines to State Government. I want to know the date on which they have notified the guidelines to State Governments. I think at least a year and half has passed, but State Governments have not responded. Let the hon. Minister tell the House whether he is consulting State Governments in the matter and what steps have been taken to get their approval. I want to know from the hon. Minister whether he has pursued the matter by sending reminders or discussing the subject at the meeting of

Agriculture Ministers of States. I am interested in knowing what progress has been made in getting the consent of State Governments.

I do not see any difficulty in having the approval of State Governments because out of the 10 States mentioned earlier, 7 State are ruled by Congress-I. What have then States done in this matter? The Governments of Kerala Tamilnadu and West Bengal deserve congratulations as they have taken some concrete steps. The Government of Kerala issued an ordinance in November 1980 and accepted principles laid down in the guidelines. The Government of Tamilnadu have also issued notification prohibiting the mechanised boats from fishing within 3 Kms of the coast. Though some Governments have taken steps, the power of legislating lies with the Central Government. There is difference between notification and legislation. Unless a comprehensive legislation is passed the problem of small fishermen would not be solved. It is, therefore, necessary that the State Governments pass a resolution in their respective Assemblies and communicate their consent to the Central Government for legislating measures along the lines suggested by me.

If there are any technical difficulties in the case of the State Governments passing such a resolution, the Central Government should hold discussions with them, solve their difficulties and take an early decision in the matter.

Let me quote some figures to project the magnitude of the problem of fishermen. We have 1,92,000 small boats, 16,500 lanchas and 70 trawlers in our country. There are 2000 villages on the coastal line which have fishermen population. I have obtained these figures from "Marine Information Service, Cochin."

I would request the hon. Minister to fix a time limit to get the consent of State Governments and present a comprehensive Bill to this House.

Please accept my demands in principle and bring forward a Bill during this session.

16.10 hrs.

[SHRI HARINATHA MISRA in the Chair]

MR. CHAIRMAN: Motion moved:

"That the Bill to provide for the protection of country fishing boats from the competition of motor boats and trawlers, be taken into consideration."

SHRI BAPU SAHEB PARULEKAR (Ratnagiri): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by 30 May, 1981."(1).

MR. CHAIRMAN: Shri Eduardo Faleiro.

SHRI BAPUSAHEB PARULEKER: Sir, I want to make one request. I have already intimated to the hon. Speaker that today I am going to speak in Marathi and, therefore, the Interpreter may be made available at that time.

MR. CHAIRMAN: At present, I am occupying the Chair. I can permit you. I have absolutely no objection to that.

SHRI EDUARDO FALEIRO (Margao): Mr. Chairman, Sir, with the declaration of a 200-mile exclusive economic zone (EEZ) in 1977 and rapid acceleration in exports during the past two decades from Rs. 4 crore to over Rs. 260 crore—a great deal of interest has been aroused in the marine foods industry in India. We have made a tremendous progress as far as marine foods out of fish are concerned during the last two decades or so. But while making this big progress, we have not been able to, or the Government of India, at any stage, been able to provide a direction or a clear policy on different aspects of this industry. One of the vital issues of this industry is highlighted in this debate which is going on in this House.

[Shri Eduardo Faleiro]

The problem of traditional fishermen who have been fishing on our shores, on our coasts, with traditional means of small boats is not only confined to this country. I learn that it exists all over the area—wherever fishing is done. There is a big conflict between the traditional fishermen and the mechanised boats which is going on. I have just seen an article written by a Malaysian where he makes a case which is absolutely like the facts that we witness in our country. He styles the article as "Big crisis for Asia's small fishermen". This is what he writes. I quote:

"Nearly all of Asia's fishermen—an estimated 90 per cent—are small-scale operators working the coastal waters. The majority of them live below the officially-recognised poverty line of their respective countries. In Malaysia, 65 percent of the small fishermen fall into this category, with an annual income well below that of rubber, small-holders and paddy farmers. In Thailand, 70 per cent of fishing families fall below the poverty line.

Over the past two decades, total fish production from Asian waters has registered a dramatic increase. But the small fishermen have had no share in this bonanza. For them, catches have declined in size and the whole basis of their livelihood is threatened.

This situation has been brought about by the introduction in the sixties of large-scale trawling operations. Trawling produced spectacular results at first and spread rapidly. In Malaysia, in 1966—a year after trawling began—there were 590 trawlers, licensed and unlicensed. A year later, the number had increased to 1,090 and ten years later, there were 4,720 licensed trawlers alone."

I am reading this because it shows how much similar is the case in those

countries to our own and experience in India, in the coastal areas. He, further, goes on to say:

"By law, the trawlers are supposed to confine their activities to the open sea, outside the twelve mile limit. But in practice, they completely disregard this regulation."

The trawling nets, dragged through coastal waters, destroy the nets of the small fishermen and sweep up all the marine life in their path.

But not only is the small fishermen's livelihood endangered by trawling. The rapid development of trawling represents a long-term threat to the fish resources of south-east Asia. Current regulations permit the trawlers to use a net with a 25 mm mesh. This takes in a large number of young fish which should be left in the sea to reproduce. The minimum mesh size which can be used without depleting the fish population is 37.5 mm. The trawl nets, as they drag along the sea bed, are also likely to destroy the fishes' breeding grounds, and so on and so forth.

He first mentions our experience here. Why has the industry been booming and why has export been booming? Actually, the catch in actual terms, the total fishing catch, has not increased and this is brought out by the Indian writer Mr. Christopher Fouseca, Matanhy Saldanha and Urban Lobo in the Business Standard of 19th August, 1980, which is an in-depth article on the cost to the nation from mechanised shipping. The facts in India are given. Now, I have represented the position to show how much similar is the problem here and to show how seriously the people there are looking at this problem and I request the Minister to look at this problem with the same seriousness. It is a very serious problem. You should intervene. I would just like you to see to this problem.

We have been contemplating this question of small fishermen mainly as a law and order problem. Now and then, there are clashes between trawlers and small fishermen and then the police intervene and they are taken to the Police station and that is the way we have been looking at this problem. This is a very narrow way of looking at the problem, a very short way of solving the problem. It solves nothing. One has to go into the grievances of the small fishermen. One has to see how far their personal problems and grievances can be solved. The depletion of natural resources are a loss to the country and, therefore, to the economy of the country at large.

The facts as far as this country is concerned have been brought out in the article in the Business Standard which I have mentioned and the facts and statistics are there. The traditional or artisan fishermen only constitute a community of 6.5 million people, fishing with 1,92,000 country-boats in Kattamaran. 2.7 million contribute 70 per cent of the total fish catch today. We get our total fish catch today of this 70 per cent from small fishermen and only 30 per cent come from the mechanised, from the big trawlers as far as domestic consumption is concerned. They are facing acute economic distress owing to the reckless and indiscriminate fishing activity in 16,500 mechanised trawlers in shallow waters owned by 8,000 persons employing directly or indirectly, 1,55,000 persons and contributing around 30 per cent of the total fish output.

Now the problem is this. These trawler mechanised boats, as Mr. Mhalgi has mentioned, come very close to the shore because there is shrimp, the main export material as far as fish products are concerned. There is also another reason, that is, going farther away is expensive in terms of diesel and we do not have also the skill and experienced people to man those trawlers, who know exactly how much fish and where and

how far away from the shore they are available. Now, as a result of coming close to the shore and fishing there, they put the small fishermen out of business practically and the small fishermen, as the article shows, in Malaysia and Thailand are in the same position as in this country. There are statistics which show that by and large the majority of them are below the poverty line as in this country and they do not have educational or any skills and they are unable to get a job elsewhere. It is not time to tell them to leave the profession. It affects them personally and also affects the fishing resources because the trawlers, when they come, they drag in such a manner, so violently, that the breeding grounds are destroyed, and therefore, the fish resources are affected. This is the problem in a summary form.

Now, what are the remedies that one finds? Mr. Mhalgi is right when he mentions the need for delimitation. He is not actually correct when he said that none of the States got the methods but, in any case, it is not true to say that this type of demarcating the States which are governed by the ruling party at the Centre, this kind of legislation demarcating a zone for the small country-boats, has not been promulgated. In Goa, for instance, the territory from where I come, we have this type of regulation, and the difficulty is there. The fishermen of Goa are dissatisfied. They are dissatisfied for the obvious reason that, in the sea, you cannot demarcate easily; you cannot demarcate a five-kilometre zone or, for that matter, any other zone. The alternative to this appears to be and which deserves serious consideration is that, in view of the fact that trawlers and mechanized boats destroy the breeding ground, during that season....

PROF. MADHU DANDAVATE
(Rajapur): How do you demarcate the territorial waters in the case of international conventions?

SHRI EDUARDO FALEIRO: We know the clashes that are going on. All the countries are quarrelling all the time that one is fishing in another's territorial waters. England, Iceland, Finland and others are quarrelling. And we should start quarrelling now. That is another that this Bill does not contemplate, because we find that big trawlers of foreign countries are coming within our own territorial waters and are fishing our fish away; our fishing resources are being depleted.

It is definitely difficult to demarcate the 5-kilometres. I should think, and I agree, that just because it is difficult it should not be given up. An effort should be made. It may not be possible to book all the cases of transgression, but definitely some cases of transgression can be booked. There, I would request the hon. Minister to arrange, in consultation with and with the cooperation of the Defence Ministry, to use the newly constituted coast guards to man the line to see that there is no transgression in this regard. They are doing this work as far as smuggling is concerned wherever there is a line. They may not be doing it in a foolproof manner, but definitely they are doing something. To that extent, the coast guards can be tried here also.

There is another aspect which deserves consideration. In view of the fact that these trawlers and mechanized craft come near the shore and destroy the breeding ground, a suggestion which I am making based on expert advice which has appeared in newspapers is that, during the breeding period of fish near the coast which begins in May and goes on for a period of six months, these mechanized craft should not be allowed to operate.

Due to our over-optimistic and not-very-scientific policies, at a particular stage, we encourage purchase of mechanized craft and we gave them subsidy and loans. As a result, a lot of people who are not affluent

have purchased mechanized craft taking loans. There, I should think that their demand that subsidy on diesel consumed by these mechanized craft should be made available to them in the same manner as is available to farmers, should be considered favourably, because, there is definitely a point there. The owner of a mechanized craft will say, "If a farmer gets subsidy to farm the land, I am farming the sea; there is also a food product here; there is, therefore, no reason why I should not get the benefit of subsidy on the diesel which is available to the farmer".

MR. CHAIRMAN: Why don't you be more generous to fishermen? There are crores and crores of farmers, but the fishermen are fewer in number and are more poverty-stricken. (*Interruptions*)

SHRI EDUARDO FALEIRO: I fully agree. As I have said, it is a human problem. Apparently, there is discrimination. Due to our policy of encouraging purchase of mechanized craft, these people had gone in for buying these craft, and we must be able to compensate them. This will be a fair compensation. Of course, protection to the traditional fishermen is essential.

I have a few more words to add. Apart from the problem of fishermen which requires a very serious consideration and on which I am with the Mover of the Bill that there must be a time limit for the Government to bring in legislation to this effect—because this matter has been pending for a long time—, there was a report of a Committee; I understand, a Committee was constituted on fishing zones. Now, the committee, I further understand, has submitted its report, but we are not aware of what that report says.

In any case, I also understand that they have agreed in principle to this idea of fishing zones. So this fishing zone scheme should be implemented in a very categorical manner. It was a question of protecting first the traditional fishermen and then the owners of these mechanized craft which are

not actually trawlers. It is a misnomer to call them trawlers because they are small mechanised crafts.

Thirdly, the Ministry and the government should encourage the trawlers, the deep sea fishing trawlers to explore our tremendous wealth in fishing resources which lie untapped all over our territorial waters. Deep sea fishing trawlers should be encouraged and not these small mechanised boats and when you encourage the manufacture, constructing and putting into the water the deep sea fishing trawlers, you please see that munity to all the extent possible, are involved either in the ownership or in involved either in the ownership or in the manning or in the productivity and the benefit that these deep sea fishing trawlers produce because very often the grievance is that in this very profitable business, only the large industrial houses are there and this is really not a very healthy pattern. One cannot at least discourage today large industrial houses or anybody from tapping resources which lie untapped. But to all the extent possible, we must see that this business is also owned by the small man and particularly, by the people who have been in this line, who have been traditional fishermen, who have no other alternative and no other option in life.

There is an important aspect here for us who come from the coastal areas. I think most of the people are helpless. Many of us are fish-eaters and many of us find that the prices of fish are ruling very high. While we are speaking about all this legislation, the common people who are a larger percentage of people than the fishermen, are paying exorbitant prices for the type of fish they consume. The reason is that the fishermen first go to the intermediary and the intermediary will sell and make a substantial profit. Cooperatives of fishermen for this purpose must be encouraged. Refrigeration facilities must be there and fishing harbours also must be there.

Now I come from a place where we have such a huge and substantial com-

munity. We do not have single fishing harbour. We do not have any refrigeration facilities anywhere and as a result, both the fishermen and the common man who consume this particular type of food are suffering. The fishermen do not get remunerative prices and the consumer is paying exorbitant prices. This type of a very great economic gap exists and this can be cured by the government by bringing in this fundamental and elementary facility.

MR. CHAIRMAN: The hon. Member's time is up. Please conclude.

SHRI EDUARDO FALEIRO: Well, Sir, you have rung the bell and I also end my speech.

PROF. MADHU DANDAVATE: (Rajapur): Fortunately, in this House there are quite a good number of MPs who come from the coastal areas and I am sure the Bill that has been moved hereby my colleague cuts across partylines.

As far as the coastal areas are concerned, if you analyse their economic conditions, you will find that these are the beautiful areas of the country where we find that poverty is clothed in beauty and if you try to set aside this beauty, you will find that a strange type of poverty is there. That is because of the conditions of work. I am one among those who believe that in this line of activity, our stress will have to be on labour-intensive professions and industries and the Bill which is moved by my colleague is nothing else but a fulfilment of one of the dreams of Gandhiji that whenever we try to encourage new professions, new industries and new innovations, we must try to see that the labour-intensive professions and industries do not suffer at all.

As far as this problem is concerned, fortunately, there was a forum for country boat fishermen rights held at Bangalore in August 1979. I think the fishermen's representatives, representing various States, wherever the coastal areas are involved, had attended this. They have prepared documents.

[Prof. Madhu Dandavate]

They had elaborate discussions and as a result of that, certain consensus was arrived at. I know that in implementing the provisions of the Bill that has been moved by my friend, there might be some difficulty. But, there is always a gap between what is real and what is ideal. It is always our effort to see that the real thing comes as close to the ideal thing as possible. That is not exactly the purpose of this Bill. In our country, according to the document that has been prepared by the forum, we find that throughout India, the coastline is of the order of 5,600 KM. Those who resort to non-mechanised fishing number 6.5 million. This is a fairly large number. Unfortunately, there is an unhealthy competition between mechanised fishing and non-mechanised fishing. Very often technical problems arise.

My hon. friend from Goa asked whether it would be possible for us to demarcate certain distances as reserved for non-mechanised fishing. Even in the international field, there has been a certain regulation and we always talk in terms of territorial waters. There we do not raise the theoretical and practical issues. How is it possible for us to define what exactly the territorial water is?

There are certain disputes. The disputes are overcome and ultimately the problems are settled. In settling those problems, new problems are created. I do not know whether we will be able to demarcate even the territorial waters at the international level. For fishing, why should we not be able to have a prescription of 20 km distance from the shore exclusively reserved for those who are fishermen? There are two types here—one is a distance of 10 k.m. The other is a distance of 20 k.m. At that conference, actually, the distance suggested was 20 k.m., as a compromise, 10 k.m. distance was accepted.

MR. CHAIRMAN Was India represented there?

PROF. MADHU DANDAVATE: Fishermen's representatives from almost all the coastal were represented there. I have with me a document from which you will find this. My friends from Goa, Maharashtra, Andhra Pradesh including Kerala and West Bengal were represented. They actually prepared this document. They arrived at a certain consensus. But, when we sit around the table there can be certain compromises or certain adjustments made. I am one of those who feel that this is the problem which should be solved with some adjustments. If necessary some sort of accommodation or adjustment should be there. But, in the Bill, the limit that has been prescribed is actually 20 k.m. This was the consensus arrived at this conference which was held in Bangalore.

MR. CHAIRMAN: I have not gone through the paper. I want to know whether they were representatives of the Indian farmers only or there were others from other countries also who were present.

PROF. MADHU DANDAVATE: Only Indian farmers were present at this forum. We can take a hint from you and suggest that an international forum should be organised. We are thankful for your constructive suggestion.

MR. CHAIRMAN: My information is that there are fishermen or may be there are some capitalists who own big trawlers. They bring them to our coastal area for fishing.

PROF. MADHU DANDAVATE: We are giving the slogan 'workers of the world, unite'. Your slogan 'Fishermen of the world unite' is welcome. We shall pass on this to our friends in different countries. As far as the demand of the small farmers is concerned, they have put forth three or four demands. I would not like to repeat all the points that have been stated here.

The first point was this. All of them agree that 20 k.m. distance should be

a protected area for non-mechanised fishing. The second demand that they have made is that since the trawlers rush to the port for catching prawns they create disturbances in our area. Sir, very often in the peak season it happens that if a small number of trawlers go in for catching the prawns in that case the entire field is not largely disturbed and as a result of that non-mechanised fishermen are not disturbed but if the number of trawlers that run into the sea are in very large number in that case the whole sea atmosphere is disturbed and as a result thereof the non-mechanised fishermen suffer to a great extent. Therefore, I do not want to take that idealistic stand that big trawlers should not be allowed to enter even in peak season but unless certain restriction is kept on the number of trawlers the sea will be disturbed and the non-mechanised fishermen will suffer to a great extent. This is one of the demands made at this conference.

Then there is the third demand. Very often the nets that are utilised by those who resort to certain implements—which are sophisticated implements—are different from those which are used by non-mechanised fishermen. There are Persian nets. Those who have Persian nets can utilise them in shallow waters and if you use Persian nets in shallow waters in that case also the non-mechanised fishermen suffer to a great extent. Therefore, some sort of restriction has to be kept not only on mechanised fishing but also on the use of Persian nets.

Then, Sir, as far as country boats are concerned they are required to approach the customs authorities and after every 21 days they are required to renew their passes. This results into lot of mal-practices. Those of us who are conversant with the problems of the fishermen know it very well that this is the common complaint of fishermen in a number of areas that if after every 21 days they are required to renew their passes in that case it gives room for lot of bureaucratic

complications and malpractices. Therefore, fishermen have demanded that customs authorities should allow them to extend their passes once a year.

Then, Sir, very often in a number of States fisheries and agriculture are clubbed together. At the Centre also fisheries and agriculture are treated by the same department. Now, there is certain reasoning behind that. There are certain common problems and common difficulties. If small agriculturists set-up a certain cooperative very often they require loan and are able to get loan at concessional rates. In some cases they are able to get loans at a concessional rate to the extent of 4 per cent. It has been the consistent demand of the small fishermen, especially those who resort to non-mechanised fishing that whenever they are able to set up small fishermen's cooperative they should be able to get the same facilities as are available to the agriculturists. Since the fishermen and agriculturists are very often clubbed together, as far as loans are concerned, the same facilities should be made available to them. I know it very well, Sir, that as far as this aspect is concerned, this is not strictly within the jurisdiction of this Bill, but it is an allied problem. Just as there are certain basic industries and there are certain ancillary industries, so also, this Bill is there and there are certain ancillary aspects of this Bill. Connected with this Bill there are also certain ancillary aspect of the problem. There are problems connected with non-mechanised fishing etc. I hope that this will be properly taken care of.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND RURAL RECONSTRUCTION (SHRI R. V. SWAMINATHAN): You mentioned 21 days. Can you explain this further? Where is this stated? Who issues the licence for 21 days?

PROF. MADHU DANDAVATE: I will give you a concrete instance. As for as Maharashtra is concerned, in

[Prof. Madhu Dandavate]

the coastal area of Konkan, these people go to the Customs authorities and they take a pass for undertaking this kind of an activity. They have to take a pass from them. Then they continue their operations. After 21 days what happens is this. If they are not able to renew the pass, in that case, they are served with a notice by the Customs authorities. They are not allowed to undertake any fishing operation at all. I am suggesting that this leads to a number of malpractices and also leads to bribery. (*Interruptions*). You can call it 'licence' or 'pass'—whatever you like. So, my point is this...

MR. CHAIRMAN: Prof. Dandavate, may I know, how has this custom started? May I know how this practice of 21 days started actually? What is the sanctity for it? What is the reasonableness or otherwise for it?

PROF. MADHU DANDAVATE: By implication you are agreeing with me.

MR. CHAIRMAN: Yes. But I want an elucidation from you. You have studied this problem.

PROF. MADHU DANDAVATE: My elucidation is that it is an absurd limit. Their elucidation is that it is a necessary limit. So, I cannot elucidate on behalf of the Customs authorities. I can only elucidate it on behalf of the Fishermen's representatives. They feel that there is no sanctity about these 21 days at all. On the contrary, what I feel is, that this has been created due to adherence to bureaucratic procedures. They give rise to some lacuna or the other; it results in some malpractice or the other. I do not wish to cast aspersion on anybody. That is not in my nature; I never do it. But the entire bureaucratic machinery will function in such a manner that there will be scope for bribery; there will be scope for corruption; there will be scope for malpractice. Therefore, I do feel that this limit should be extended for one year.

Now I come to the operative part. If this Bill (which has been moved by

my colleague) is adopted, then what happens? How is this going to be implemented? As far as Goa is concerned, the position is this. They are able to implement the scheme effectively—they are having launches which are called Police Patrolling Launches. They are constantly on the move. If they find that certain trawlers are not able to keep up to the limit, in that case, they are arrested; they are prosecuted. As a result of that, it acts as a deterrent. In number of cases this limitation has been met. But at the same time this type of Police Patrolling Launches in sufficient numbers are not available with the Customs at all. So, this is the type of thing which one finds in the entire coastal region. They say, yes, there is a provision, but because we have not got adequate equipment, we are not able to resort to Police Petrolling on the high sea. I do feel that whatever Bill is introduced, it would be meaningless unless there are adequate safeguards provided so far as Police Petrolling is concerned, in order to see that this particular limit is maintained. And therefore my suggestion to the hon. Minister is that he must give proper guidelines. There must be Central legislation. If you leave the problem only to the State this problem cannot be solved at all. It is necessary that in certain matters priority has to be given for Central legislation. If a Central legislation cannot be adopted, let there be certain Central guidelines. And if there are Central guidelines, let there be some authority to find out whether the Central guidelines are implemented and properly operated or not. Unless this type of machinery is created, I am afraid, it will not be possible to see that Central legislation is adequately implemented. Therefore, only if this operative portion of the Bill is effectively implemented, will the Bill have some meaning. Otherwise, it will just be on the Statute Book. It will not be implemented. I hope and trust that the Bill will be adopted and it will be implemented effectively.

PROF. N. G. RANGA (Guntur): Mr. Chairman, Sir, almost all the important points have already been covered

and I am glad that Prof. Dandavate has noted the fact that this Bill cuts across party lines. We are generally in favour of the principle underlying this Bill. But I am concerned about the manner in which the Central Government moves about these things. Let me take, in this context, a particular problem. More than 1½ years ago, possibly one year and 9 months ago, the fishermen met in Bangalore and they made their recommendations. Ever since the present Central Government has been installed, the Department of Fisheries has been busy to preparing a Bill sending it to the States and awaiting their response. They had to wait for Mr. Mhalgi to come forward and introduce this Bill before they could possibly open their eyes and begin to think of what they have to do. It is not a satisfactory state of things. My fear is that the same sort of things prevails in all Departments, in most of the Departments at the Central Government level. I would like the departments concerned to be more active, more concerned about the social welfare aspect of these problems and try to respond to the call of the people concerned in the respective spheres and themselves try to bring forward the necessary legislations.

What is the use of having a Department here with so many officers and at the same time all of them depending only on correspondence so far as the State Governments are concerned? Would it not be possible and should it not be their duty to send their own high-placed officers to the States, wake them up wherever necessary, encourage those Governments where they are already thinking on these lines and get things done so that their response will be available as soon as possible and the Government would be able to come forward with the necessary Bill to be introduced in this Parliament and get it passed. I would like the Government at the Centre to give some attention to this aspect of this Bill.

Coming to the Bill, I agree with my hon. friend Prof. Dandavate, that there should be a Central legislation. If a

Central legislation is objected to by a majority of the States, let them have a kind of legislation which would lay down the general guidelines and leave it to the State Governments to adopt it, with necessary modifications adding some detailed clauses. But it should be taken up by the Central Government. Let there be no more delay in regard to this matter. It is not possible for our Government to see what other Governments are doing in other parts of the world because this is a special problem concerning employment of these country boats and their owners. This is a special problem for India because we suffer from overpopulation, unemployment in general and then on top of it we have got this large number of people already employed in it and their dependants come to more than a crore of people all over India. They have to be given necessary protection. It does not matter whether it is 5 kilo metres or 10 kilo meters or 20 kilo meters. Let them state clearly that no mechanised trawlers should encroach upon this area of 10 kilometers. But at the same time let it be understood by them that they should try to keep away, as far as possible, upto 20 kilometers, or between 10 and 20 kilometers. By mistake, sometimes they may possibly encroach upon it, in that case they need not be prosecuted, but they should be certainly warned. There should be a space which would be something like 'no man's area' where there can be encroachments but under proper supervision and constraints. All these people who are working with country boats need special protection. That protection is sought to be given by the State Government and wherever it is found to be inadequate, the Central Government should consider it its duty to supplement whatever the State Governments are able to do and are willing to do. That has not been done satisfactorily till now. I hope the Central Government will take note of this suggestion and try to help these people.

My hon. friend wanted to make some distinction between the owners of big trawlers and owners of

[Prof. N. G. Ranga]

small mechanised crafts. I do not know how far it is a reasonable thing to do, but then let not this distinction be made in such a manner as to encroach upon the opportunities for employment and profits for the country boat owners. Most of these people are very poor people and small people. They need assistance in regard to the purchase of these country boats, nylon nets and the supply of nylon yarn and supply of credit as also dresses. On top of all these things, they need also compensation. Often times they lose their limbs and lives because of accidents in the sea and also because of shark bites etc. Such people when they die or are seriously disabled should be provided with necessary protection at the cost of Government, whether it is the local Government or the Union Government; let these Governments make up their mind in regard to that.

When all these protections are given to these people; it is also necessary for the Government to see that their housing conditions are improved. Today their housing conditions are in a very bad state. Very few of them have a one-room house with RCC roof. More or less, all of them have thatched huts, all along our coastal line. These people have also got to be provided with necessary protection from fire. Fire accidents take place almost every year in most parts of these areas and no protection has been given till now. Wherever there are huge congregations of these people, I would like fire stations to be opened.

The World Bank has come forward to give loans and grants to the State Governments as well as the Union Government to develop deep-sea fishing. In the name of deep-sea fishing, many of our educated people, enterprising people and some rich enough young people are now going in for these trawlers and they go on developing fishing as a kind of industry. But when it

comes to country boat people, it is, more or less, like agriculture. Actually they call their catches as crops. 'We have a big crop', they say. Like an agriculturist, they look upon this as a kind of crop. Therefore, they have got to be given all the facilities that are being given to the agriculturists and these facilities should be extended to these people.

I am not in favour of Shri Parulekar's suggestion for circulation of this Bill, because I am impatient to get things done and I would like the Government to straightway go ahead and see to it that they get response from the State Governments and they call a conference of the Ministers and Directors dealing with this particular problem and get some agreement out of that conference. They should then try to implement whatever conclusions they reach by way of introducing a Bill here and get it passed and also sanction the necessary funds for helping the country boat people especially as if it is a special responsibility of the Government of India.

*SHRI BAPUSAHEB PARULEKAR (Ratnagiri): Mr. Chairman, Sir, my hon. friend Shri Mhalgi has come forward with a Bill before the House which concerns the intimate problems of fishermen living on the sea coast. Mr. Mhalgi is in touch with the people of coastal area for the last four or five years as he says. He has also collected information regarding the problem of fishermen in his constituency.

I would humbly like to submit, Sir, that the constituency from which I have been elected has 250 miles of coast line. From my childhood sea had been my companion. I have played with the tides and also fought with them. Many friends of mine happen to be fishermen by profession. I can certainly understand sentiments behind this Bill. I share with them. I also endorse the statement of objects and reasons of this Bill. The small fisher-

*The original speech was delivered in Marathi.

man and their profession must be secured and must be protected. I definitely agree with these views of Prof. Madhu Dandavate. There cannot be any difference of opinion on this point. But the question is whether passing of this Bill is going to solve their problems. Hon. Members who spoke on this Bill did not mention anything regarding this. If this Bill is passed as it is, I am afraid that it is neither going to solve the problems of owners of mechanised boats and trawlers nor those of small fishermen using country boats. The problems will, on the hand, aggravate creating serious problems.

My hon. colleague, Prof. Rangaji opined that he does not agree with my amendment. I would like to know from hon. Minister whether Government have consulted experts in this field before writing to the State Governments about their consent to the proposal of fixing area of fishing. I request the hon. Minister to kindly enlighten me on this point. If we study oceanography, we will realise that these problems are not going to be solved by stipulating areas of fishing. I did not find either in the speech of Mr. Mhalgi or other hon. Members the basis on which the limit of 5 Kms. is prescribed. Why it is not 2, 3 or 6 Kms. I also seek an explanation of this point. We seem to forget that even if we fix the limit of 5 Kms. it is not going to solve the problem. If we study east and west coast of India, we observe that the depth of water is not uniform upto certain distance from the coast. As we move towards South from North, the depth of water varies. At the distance of 5 Kms. from the coast, the depth may be 2 fathom, at some point 5 fathom, 20 fathom and so on. The movement of shrimps, the most cherished delicacy which we export to foreign countries and earn foreign exchange does not depend upon the distance from the coast but upon the depth of water. This problem has to be studied from this angle. By fixing the limit of 5 Kms. for fishing we are not going to solve the problem of owners of country boats.

In this context I would like to place some facts before the hon. Members for their kind consideration. We will have to obtain operational details regarding the technique of Fishing from the persons who are engaged in this profession. We presume that the owners of non-mechanised boats are poor and those of mechanised ones are affluent. We look at this problem from this view point. But I think that this is a very wrong approach of looking at this problem. Owners of mechanised boats are not rich. They have loans to be paid off, court cases are filed against them. They have mechanised their boats by getting loans from Government and nationalised banks.

I would like to point out that fishing is carried on by four types. The fishing carried on in Goa known as fishing by Rapan is upto the limit of two kilometres where fishing nets are thrown on both sides of boat and the net is pulled by hand in the catchment area of two km. This kind of fishing does not come under the purview of this Bill.

17.00 hrs.

Fishing is also carried on by gillnets. Fishing done by these gillnets would be jeopardised with the enactment of this Bill. I will request the hon. Minister to kindly consider this before legislating. There are two types of gillnets—bottom nets and surface gillnets. Fishing by these nets is done only beyond 5 K.M. I would like to tell Mr. Mhalgi who comes from Thane that fishing on the coast of Thane district border is done by bottom nets from 5 to 10 K.Ms. from the sea shore. It is not done within 5 kilometres from the coast. While going to Goa when we leave Bombay we see poles; the nets go deep down. The owners of non-mechanised boats reach at catchment area with their country boats and do fishing and earn their livelihood. If the area of 5 Kms. is stipulated, thousands of these fishermen of Thane district will lose their business and face starvation. That is why I had pointed

[Shri Babu Saheb Parulekar]

out that the owners of both mechanised and non-mechanised boats are going to suffer if these provisions are implemented.

Fishing by gillnets is done by non-mechanised boats and that too beyond 5 Kms. from the coast. I request, Sir, we will have to consider this question in consultation with the marine experts and fishermen who have been in this profession for many years, and then legislate on this subject. Otherwise, a Bill which intends to protect the interests of fishermen will do them harm.

Another kind of fishing is done on the west coast with the help of dole-nets. This is also done beyond 5 Kms. from the coast because these nets cannot be fixed within 5 Kms. That is why I would like to know what are we going to do about small fishermen who carry on fishing by these 3 types from Bombay to Bangalore, excluding Goa. If we are not in a position to answer this question, it is better to consult an expert and on the basis of his experience and knowledge a decision can be taken.

We will also have to give a serious thought to the problems of owners of mechanised boats. Sir, people generally presume that as in case of agriculture certain crops can be grown in certain areas, so also particular variety of fish is available within 5 Kms. and another variety is available beyond that limit. This seems to be the presumption while formulating the Bill, but it is completely a wrong notion.

We seem to forget that fish keep on moving.

In this connection, one or two points have to be looked into seriously. Nationalised banks have sanctioned loans worth lakhs of rupees to the fishermen for mechanising their boats. All these fishermen are poor who did not have

a mechanised boats. The Government sanctioned the scheme of giving loans to fishermen thinking that they can fish superior quality of fish, export to foreign countries and earn foreign exchange. We also tend to forget that fishing cannot be done in the months of May, June, July and August. Shrimps or Prawns are available in the month of September, October, November and December only within 5 Kms. from the coast because the food for this variety of fish is available only in that area. If the restriction of 5 Kms. is put for fishing, fishermen who have been given loans worth lakhs of rupees will not be in a position to fish in that area during that period.

*I may invite the attention of the hon. Minister to this particular point and request him to kindly reply to this. I have gone through certain reports of the Ministry of Agriculture, which mention that 90 per cent of the shrimps and prawns caught by the trawlers or mechanised boats are exported and we get foreign exchange out of it. The report further mentions that during the period September to December these shrimps and prawns are available within an area of 5 Km. from the shore. If that is the position, kindly consider whether the mechanised boats would get any prawns or shrimps from September to the end of December. The only season when they would be available to them would be from January to April, because from May the season ends. When these fishermen have taken lakhs of rupees by way of loans, they will not be in a position even to pay back the interest if you lay down this limit of 5 Km. This is a point which has to be investigated. It is for this purpose that I have given my amendment, not with the purpose of helping or serving the interests of either big fishermen or the small fishermen.

A reference was made by my friend, Shri Faleiro, to the consumption of diesel. You have fixed the 5 Km. limit. If the trawlers or mechanised boats

have to reach that point, they have to go from the shore 10 Km. and come back another 10 Km., which means 20 Km., which will consume a barrel and a half of diesel, which costs Rs. 650. In these days whether Rs. 650 can be spent economically on such trips is a question which has to be considered.

Then, Prof. Madhu Dandavate referred to the territorial waters and said that if we can decide what are the territorial waters, why can we not decide this line of 5 Km. With all due respect to him, I feel that this is not correct, because we are making this provision penal. If the trawler comes within the area of 5 Km., it is an offence and he will be prosecuted. But is it possible to prove in a court of law that a particular trawler came within 5 Km? It is well nigh impossible. So, all these persons would be acquitted, because they will get the benefit of doubt. So, what is the use of such laws, which cannot be implemented, which will simply remain as dead laws in the statute book? If you want to see that the interests of the small fishermen are protected, this is not the way of coming up with legislation.

Further, this cannot be implemented by the coastal guards, because we have only one ship. Taking into consideration the length of this coastline, I think it is not possible. Even the small launches, to which a reference was made by Prof. Dandavate, even they cannot do it. Therefore, I would request you to consider one aspect. Instead of spending on the coastal guards, or on police and other things, is it not possible for us to assist the small boatmen, who have small boats, for getting their boats mechanised. So, why not formulate a scheme to financially assist those, whose boats are not mechanised. We can give them money for mechanisation. This is the only way in which we can solve the problem. If you make 5 Km. and beyond 5 Km. limits, you are only asking them to fight among themselves, and that will not solve the problem.

I would, therefore, request the Government not to get this Bill passed, but to take the opinion of the experts. So, I press my amendment. Let us have the opinion of the experts on this particular issue.

17.15 hrs.

RE. AMENDMENTS TO THE MOTION OF THANKS ON THE PRESIDENT'S ADDRESS

MR. CHAIRMAN: A list showing the numbers of amendments to the Motion on Address by the President treated as moved on the basis of the slips received from Members concerned, has been put up on the Notice Board for the information of Members.

In case any Member finds any discrepancy in the list, he may kindly bring it to the notice of the Officer at the Table immediately.

17.15 hrs.

COUNTRY FISHING BOATS PROTECTION BILL—Contd.

MR. CHAIRMAN: Now, Mr. B. K. Nair may speak.

SHRI XAVIER ARAKAL (Ernakulam): Sir, I am on a point of order. I gave my name two days ago. But my turn has not yet come.

MR. CHAIRMAN: I am keeping your name in my mind and your name will be the next.

(Interruptions).

SHRI XAVIER ARAKAL: Will you tell me when my name will come, so that I can go after speaking?

MR. CHAIRMAN: I have already told you. Probably you did not care to listen. I told you very definitely that your name will be next after he has