

MR. DEPUTY-SPEAKER :

The question is :

"That leave be granted to introduce a Bill further to amend the Regional Rural Banks Act, 1976."

The motion was adopted.

PROF. MADHU DANDAVATE:

I introduce the Bill.

15.37 hrs.

COUNTRY FISHING BOATS PROTECTION BILL—Contd.

MR. DEPUTY-SPEAKER :

The House will now take up further consideration of the following motion 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 UTTAM RATHOD

(Hingoli) : Sir, this Bill was allotted only two hours and there are other Bills pending for discussion. Instead of allowing more time, I would suggest that the Minister may reply.

MR. DEPUTY-SPEAKER : Mr.

Chitta Basu is already on his legs. Mr. Chitta Basu you will be the last speaker.

15.38 hrs.

[SHRI HARINATH MISRA in the Chair]

SHRI CHITTA BASU (Barasat) : Sir, I was discussing the problem which faces the country's fishermen on the last occasion. Sir, I think you know that according to certain estimates in our country there

are about fifteen lakh self-employed country-boat fishermen in the maritime straits of the country. And according to another estimate taken in 1972 these country boat fishermen possess nearly two lakh country crafts and catch about 75 per cent of the total fish haul all over the country. This constitutes about 80 per cent of the foreign exchange earned from fish export in the whole of our country. This figure I quote only to underline the importance of the country-boat fishermen because they contribute to the 80 per cent of foreign export earning by way of fish export in our country. Therefore, their interests are to be looked after, well protected and the legislation or the Bill which is before us for consideration aims at protecting the interests of these self-employed country-boat fishermen of our country.

Sir, there are certain problems before them. Let us enumerate them. The major problem before this country boat fishermen of our country is that the trawlers or the mechanised boats have started invading their area of operation. There has been constant erosion, rather invasion in their areas.

Sir, as a result of the invasion of the trawlers or mechanised boats, the lion's share of the catch is being taken by those trawlers and mechanised boats, who are naturally owned by the richmen i. e. the rich section or rich traders or those who can afford to have a trawler or mechanised country boat can have more catch of the fish in these coastal areas.

There are certain processes by which these trawlers and mechanized boats operate. Usually, they draw wooden logs or wooden hard-boards or something like them—big ones ; and with them, they plough the entire sea-bed of the shore area. The result is that the fish eggs and larvae are killed and destroyed; and this distorts the very fishing ecology of the area. In technical terms, it is called 'killing of baby

[Shri Chitra Basu]

fish. By this process, the trawlers and mechanised boats drive the fish shoals away from the shores, because there is noise, turbidity and oil discharge. Fish run away to a much greater distance because of these invasions by trawlers and mechanised boats.

You know that prawns and shrimps are the prize catch for trawlers. I only want to cite one figure, to show the importance, in foreign trade, of shrimps and prawns. In 1978, shrimp export in our country earned a total amount of Rs. 179.06 crores out of the total export earning, for that year, of Rs. 212 crores. Shrimps and prawns are the prized item for the trawlers and mechanized boats. So, these prawns and shrimps grow very near the shore. So, in order to have more catch of these shrimps and prawns, the trawlers move closer to the shore; and naturally, the country fishermen or traditional fishermen who are used to have quite a considerable catch of the shrimps and prawns could have earned money. But now, because of this invasion by trawlers and mechanized boats, their catch has been lessened. Ultimately many traditional fishermen who were engaged in this profession have become jobless.

There are other handicaps also. The trawlers cut the nets of the fishermen. There is an estimate that in the last 5 years, nets worth Rs. 7 crores have been damaged. Therefore, you can understand the difficulty of the country fishermen. They cannot go deep into the sea for the catch. They have to confine themselves along the shore area. The shore areas are being invaded, by trawlers and mechanized boats, rendering them jobless. Bearing in mind that these country-boat fishermen earn about 84% of the total export earnings of the country. They are now in such a situation that they have become jobless or they are

going out of their traditional profession. The Planning Commission made some study about the plight of the country's fishermen. In 1974, they prepared a report and made recommendations. Their recommendation, according to the report on this very subject was that traditional fishermen needed a protected zone. I am glad that the Government has prepared guidelines keeping in view that report and those guidelines now required statutory backing..

I quite support Mr. Mhalgi because of the fact that the Bill contains the guidelines—the guidelines were prepared by the Central Government on the basis of the study made by the Planning Commission recommending—protected zone for the country's fishermen. As I said earlier, now these guidelines require statutory backing. Without statutory backing, the guidelines already prepared by the Central Government would not be effective. Therefore, the purpose of the Bill is to give statutory backing to those guidelines. This is what I have understood from the Bill, from the Government accepted basic principle of the Bill. What stands in the way of the Government not to accept the spirit of the Bill? Therefore, I would urge upon the Government and the members of the House belonging to different sections to protect the interest of the country's fishermen and it merits support of all.

I would only suggest to the Mover of the Bill that the Bill should also provide for the registration of the vessels including the trawlers country-boats and the mechanised boats. Therefore, if there is a system of registration, then the Government of India and the State Governments will be in a position to know what is the exact number of trawlers operating, what is the exact number of mechanised boats working, what is the exact number of country boats working which are given licences. There should be some control and

they can operate it if there is such a system of registration. Along with those guidelines which have been incorporated in the Bill itself, my suggestion to the Mover of the Bill is to include a provision by which the registration of those vessels is made compulsory for future guidance and for formulation of action. With these words, I support the Bill.

MR. CHAIRMAN : Now, the Minister. A lot of it depends on the Minister. Let him have his say and full say.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND RURAL RECONSTRUCTION (SHRI R. V. SWAMINATHAN) : At the outset, I have to express my sense of gratitude to Mr. Mhalgi for bringing forward this Bill because he had given some ideas regarding this.

MR. CHAIRMAN : The very sentence is indicative of the way the minister's mind is working.

SHRI R. V. SWAMINATHAN : Many members from the other side as well as from this side have participated in the discussion and given very valuable suggestions ; particularly with regard to the traditional fishermen who unfortunately form the weakest section of our society and who are living in very very poor conditions. Hon. members will be happy to know that our fish production in marine fish has gone up from 5.34 lakh tonnes in 1951 to 15 lakh tonnes now. The value of our fish exports also has gone up from Rs. 3 crores in 1951 to Rs. 250 crores last year. Where is 3 crores and where is 250 crores ? With our total fish production of 20 lakh tonnes, including 9 lakh tonnes of inland fisheries, we rank seventh among the world fishing countries. Our Marine fisheries export comes to nearly 5% of our total exports earning in the country.

Though the mover of the Bill has brought it forward with very good intentions, still there are loopholes in it. It is not perfect, the simple reason that he has inserted in the Bill that upto 5 km. of our territorial waters should be left for our country boats, canoes, etc., from 5 to 10 Km. for mechanised boats, but between 10 to 20 Km., he has left it without saying anything.

SHRI R. K. MHALGI (Thane) : An amendment has been given for that.

SHRI R. V. SWAMINATHAN : From 20 Km. onwards, trawlers can fish. This is what he has stated in his Bill. Our intention is that our traditional boats should be allowed to fish not only up to 5 Km. but up to any distance they can go and desire without any limit and fish.

MR. CHAIRMAN : It should be up to a distance to which they can go and come back alive.

SHRI R. V. SWAMINATHAN : Of course, they will come back. Only for coming back, they will go. So far as mechanised boats are concerned they should not fish within 5 Km. But they can go from 5 Km. onwards upto any distance. We do not want to put any restriction for them also. They can go upto 15 or 20 Km. or any distance they want. From 10 Km. onwards our Indian trawlers can fish. Beyond 20 Km. foreign trawlers can fish. That is our idea.

A committee was appointed by the Government of India which went into the question and prepared a model Bill on the lines I have just indicated. That model Bill has been circulated to all the maritime States. Kerala and Goa have already enacted the law on the basis of the model Bill. Orissa has prepared the draft Bill and sent it to us. We have approved it and returned it. So,

[Shri R. V. Swaminathan]
that will also become law very soon. We are asking the other Maritime States to enact laws on the basis of the model Bill we have circulated.

MR. CHAIRMAN : When was the model Bill circulated ?

SHRI R. V. SWAMINATHAN : One year ago, in 1980.

SHRI R. K. MHALGI : That is not correct. Please check up.

SHRI R. V. SWAMINATHAN : It is subject to correction. Any how, we have sent the model Bill to all the maritime States.

MR. CHAIRMAN : So far as the year is concerned, you are cent per cent correct.

SHRI R. V. SWAMINATHAN : That is not a big thing.

We have got an exclusive economic zone which has been defined by UNO extending from 12 nautical miles i.e. 22 Km. to 200 nautical miles or 360 Km.—this zone is exclusively reserved for our own country. We have got vast resources. The sea wealth, the marine wealth, has not been properly used. We have not properly tapped it. We have to tap all our resources. As I said, our trawlers can go from 10 KM. onwards. A number of people engage foreign trawlers for fishing. We have given permission to them to fish from 20 Km. onwards.

PROF. MADHU DANDAVATE : Trawlers belonging to foreign countries are fishing in our sea ?

SHRI R. V. SWAMINATHAN : Foreign trawlers engaged by Indians are fishing in our sea.

SHRI R. K. MHALGI : What about Taiwanese ships coming into Indian seas ? What action has the Government taken ?

SHRI R. V. SWAMINATHAN : At present, we have no Act to punish those people who are poaching in our territory illegally. Now we have prepared a Bill. It has been approved by the Cabinet also. Very soon it will be introduced in this House. It will be passed into Act, which will enable us to punish foreign trawlers coming illegally to poach in our territory.

SHRI ATAL BIHARI VAJ-PAYEE : There is no law at the moment to punish them ?

SHRI R. V. SWAMINATHAN : We have no proper law to punish the foreigners who come and poach in our territory. Hitherto we have no law for confiscation that is the state of affairs now.

MR. CHAIRMAN : If you are not in a position to catch the fish, at least cannot you catch hold of the foreign trawlers ?

SHRI R. V. SWAMINATHAN : We have caught many. For instance, we have caught many boats in Tuticorin and in Vizag also. We brought them here and confiscated the fish.

MR. CHAIRMAN : Have they been regularly prosecuted ?

SHRI R. V. SWAMINATHAN : We have no Act to prosecute them. We are confiscating the fish catch. The boats we let off. For that we have no proper Act. Now we are bringing a Bill which will give powers to the Government to punish them.

16.00 hrs.

SHRI G. NARASIMHA REDDY (Adilabad) : If any foreign trawler catches fish in our area, our hon. Minister has said that there is no law at present to punish them. Can we not book them under theft

MR. CHAIRMAN : This is for the Law Minister and his Ministry to frame a comprehensive bill and get it passed.

SHRI R. K. MHALGI : In 1977 an exclusive economic zone of 200 miles had been declared.

SHRI R. V. SWAMINATHAN : In that zone they are coming and poaching. Our Department considered all this. The Law Department also considered this.

MR. CHAIRMAN : That may be indicative of their cleverness and our passive attitude.

SHRI R. V. SWAMINATHAN : Now, we are chasing them.

SHRI R. K. MHALGI : In the month of January, one vessel of our Government was drowned by the Ceylonese vessel.

SHRI R. V. SWAMINATHAN : That aspect is quite different. A vessel of the Ceylonese Navy intruded in our area. It was caught. But that is a different aspect. The question of poaching is altogether different.

Therefore, we have got very great interest in the welfare of our poor fishermen. We have got 1.2 lakh country-boats. Six lakh of our population is depending on these country boats. If you go into details, 62 per cent of the catch is done by the traditional fishermen. Only 37 per cent of the catch is done by the mechanised boats though we have got thousands of mechanised boats. One per cent of the catch is done by Indian trawlers. This is the situation. We must protect our traditional fishermen who are having very long standing in this trade. They deserve our protection. We must also give them more incentives and better facilities to fish.

MR. CHAIRMAN : What is the difficulty with our trawlers? Are they not effective? Are the people managing them not skilled?

SHRI R. V. SWAMINATHAN : We have got about 70 to 75 trawlers. Small countries like Thailand and Taiwan have got 4000 trawlers each. Japan has got 7000 trawlers. Our country is very backward in this respect. We have given them permission to fish from 10 kms.

One more loophole has been left by Mr. Mhalgi in his Bill. He has not mentioned anything about punishment. If anybody violates, he has left it to the Government to deal with that.

MR. CHAIRMAN : As you are not punishing the foreign trawlers?

SHRI R. V. SWAMINATHAN : What is this? You have not understood it? When you are in the Chair do not talk like this. I am talking of the foreign trawlers which are poaching in our area.

These are our own country boats and, if they violate the law, they will meet with punishment. In fact, there are model Bills in Kerala and other States, which prescribe punishment. You should not mix up our country boats and mechanised boats with foreign trawlers. I was saying that we have no provision to punish foreign trawlers who violate the law. So far as our country crafts and mechanised crafts are concerned, we have already provided the punishment. If a mechanised boat comes within the 5 km. limit, it can be punished with fine which may extend to Rs. 10,000. Under the Kerala and Goa Act nobody can fish within the 5 km. limit except our Traditional Fishermen. In fact, we are calling a meeting of the Ministers in charge of fisheries to consider this question. Apart from that, there is also a Board by the name Central Board of Fisheries in which the Ministers of all the States and some Members of Parliament are represented. We are going to convene a meeting of that Board very soon. Since it is one of the

[Shri R. V. Swaminathan]

important sources of food and income, we pay very special attention to this subject of fishing.

The Prime Minister is interested in seeing that we have another law on the subject. We are consulting the Law Ministry and we will bring it forward very soon.

MR. CHAIRMAN : Your word is sufficient.

SHRI R. V. SWAMINATHAN : The suggestions which he has made will be incorporated in the Bill which we will bring forward soon. So, I would request hon. Member Shri Mhalgi to withdraw his Bill.

*SHRI R. K. MHALGI (Thane) : Mr. Chairman, Sir, I am thankful to the hon. Minister and Members who participated in the debate on my Bill. S/Shri Faleiro, Prof. Madhu Dandavate, Prof. Ranga, Bapusaheb Parulekar, Nair, Arrakkal, Paswan and Chitta Basu participated in the debate and made various suggestions for the upliftment of the weaker section of the society. Three crores of fishermen and their dependents depend on fishing ; ten States have coastal lines. Our coast is 6,500 kilometres long and the problem of country fishermen concerns vast areas and large multitudes of our people.

The Bill was moved so that economic upliftment of the fishermen could be ensured : the discussion on it showed that all the party lines were washed away and the whole House expressed its concern about the problems of fishermen. All the members desired that immediate legislation on the lines suggested by me is undertaken. The Government did take some decisions but they were unable to implement them and that is why I moved my Bill. The dis-

cussion on the Bill has drawn the attention of the Government pointedly to the problems of fishermen and assurances have been given that action would be taken. I am happy that the Government has given the assurance.

Some loopholes have been pointed out in the Bill. I do not want to argue whether they really are there or not. Shri Parulekar made some new points and suggested some steps. If Government introduces a Bill after taking into consideration all the points made, it would be a welcome thing. The Bill should come in this session. If that is not possible it may be introduced in the next session.

From Hon'ble Minister we have heard today that foreign trawlers come into our territorial waters but we have no law to deal with them. I am surprised that even after thirty years of independence we have failed to enact such a law. Trawlers of foreign origin come to the Indian ocean and stray into our territorial waters and go back merrily. I am glad that the Government have expressed their intention to introduce also legislation to deal with them.

As the Government have given the assurance to introduce a Bill, I seek leave of the House to withdraw my Bill.

SHRI R. V. SWAMINATHAN : Sir, so far as the territorial waters are concerned, up to 22 kilometres it is the concern of the maritime states. It is not for the Centre to enact any legislation about it. The States can pass laws. We can only suggest to the States to bring proper bills to protect our fishermen. The area up to 22 kilometres is under their control. The area after 22 kilometres is the Government of India's concern. Therefore, we can enact and bring a law in respect of the

*The original speech was delivered in Marathi.

area after 22 kilometres to regulate fishing. Upto 12 kilometres it is the jurisdiction of the States. That is why we have sent a model Bill to them to enact the law to protect the fishermen and we are taking the follow-up action by convening a meeting of the State Ministers in charge of fisheries and the Central Board of Fisheries. So, we are leaving this matter to the State Governments.

MR. CHAIRMAN : I think the people who are running the State Governments are also reasonable men and certainly they will listen to you and act.

(Interruptions)

AN HON. MEMBER : He has asked for the permission to withdraw the Bill.

MR. CHAIRMAN : I am conscious of it and I am doing the needful.

SHRI B.K. NAIR (Quilon) : What about the assurance of subsidised supply of diesel to mechanised boats ?

(Interruptions)

MR. CHAIRMAN : The hon. Member who has moved the Bill wants to withdraw the Bill.

SHRI R.V. SWAMINATHAN : I want to inform the House and also want to correct my previous statement. Though we have law to punish the foreign Trawlers under some Acts we have no law to confiscate the foreign trawlers. That is what I want to say.

SHRI R.K. MHALGI : Therefore, my word 'shock' was correct.

MR. CHAIRMAN : Instead of arresting some people, putting them behind the prison bars, feeding them for a few months, that will be the most effective punishment.

(Interruptions)

MR. CHAIRMAN : I shall now deal with the amendments.

Shri Bapusaheb Parulekar had moved an amendment. Unfortunately, he is not here in the House. I put his amendment to the vote of the House.

Amendment No. 1 was put and negatived.

MR. CHAIRMAN : Shri R.K. Mhalgi wants to withdraw the Bill.

SHRI R. K. MHALGI : I beg to move for leave to withdraw the the Bill to provide for the protection of country fishing boats from the competition of motor boats and trawlers.

MR. CHAIRMAN : The question is :

"That leave be granted to withdraw the bill to provide for the protection of country fishing boats from the competition of motor boats and trawlers."

The motion was adopted.

SHRI R.K. MHALGI : I withdraw the Bill.

16.17 hrs.

CONSTITUTION (AMENDMENT) BILL

(AMENDMENT OF ARTICLE 15, ETC.)—
Contd.

SHRI BHOGENDRA JHA (Madhubani) : I beg to move :

"That the Bill further to amend the Constitution of India, be taken into consideration."

This Bill arises in the background of the experience that we have got since the enforcement of our Consti-