

Bill No. LVIII of 2000

**THE FISHERMEN (PROTECTION AND WELFARE)
BILL, 2000**

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BILL**

to provide for the protection and welfare of fishermen in the country by establishing a Welfare Fund for their benefit and for extending adequate life insurance cover, medical care, financial assistance for fishing nets, boats and other necessities, unemployment allowance during lean periods, free education including vocational education to their children and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Fishermen (Protection and Welfare) Act, 2000.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Short title,
extent and
commence-
ment.

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

Definitions.

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

(b) "administrator" means an administrator appointed under section 5;

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

(d) "fisherman" means a person 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; 5

(e) "partial disablement" means such disablement which has reduced the working capacity of a fisherman temporarily which he was capable of having before the accident;

(f) "prescribed" means prescribed by rules made under this Act; 10

(g) "total disablement" includes any disablement which incapacitates a fisherman for all work which he was capable of performing prior to the accident;

(h) "welfare Fund" means the Fishermen Welfare Fund established under Section 4.

Long term national policy for fisherman.

3. The Central Government shall, as soon as may be, but within one year from the commencement of this Act, formulate, in consultation with the Governments of the States having substantial population of fishermen, a long term national policy for the welfare of traditional fishermen and their families and protect their fishing rights against the onslaught of big fishing companies including the multinationals. 15

Establishment of Fishermen Welfare Fund.

4. (1) The Central Government shall, by notification in the Official Gazette, establish a Fishermen Welfare Fund for the purposes of this Act. 20

(2) The initial corpus fund of the welfare Fund shall be five hundred crore rupees of which four hundred crore rupees shall be provided by the Central Government after due appropriation made by Parliament in this behalf and one hundred crore rupees shall be provided by the State Governments in proportion to their fishermen population relevant for the purposes of this Act; 25

(3) After the establishment of the Welfare Fund, moneys to the Fund shall be provided by the Central and State Governments in such proportion as may be agreed to from year to year and moneys received by way of donations from persons or body corporates shall also form the corpus fund of the Welfare Fund. 30

Administrators.

5. The Central Government shall, by notification in the Official Gazette, appoint such number of Administrators as it may deem necessary, who shall entertain the claims for payment of compensation and other facilities under this Act.

Utilisation of Welfare fund.

6. The Welfare Fund established under section 4 shall be utilised for;

(a) adequate life insurance cover to the fishermen and their families; 35

(b) free medical care to the fishermen and their family members;

(c) financial assistance to the fishermen for the purchase or repair of fishing nets, boats and other necessary equipments for fishing;

(d) financial assistance during illness and financial crisis during lean periods;

(e) free education including technical and vocational education to the children of fishermen; 40

(f) financial assistance for marriage in the family of fishermen.

Fixation of the compensation.

7. Subject to the provisions of this Act, the amount of compensation payable to a fisherman sustaining injury resulting in his death or total or partial disablement or in case of his drowning or sweeping away by the water currents or in his disappearance in a storm or cyclone, shall be such as may be specified by the Central Government from time to time by notification in the Official Gazette. 45

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| | Compensation in case of death. |
| 5 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 or to the children, as the case may be, and in case the deceased being unmarried the compensation shall be paid to his parent or parents, as the case may be. | |
| | Form of claim. |
| 10 9. Every claimant for payment of compensation under this Act shall apply to the Administrator in prescribed format giving such details as may be prescribed. | |
| | Finalisation of claim. |
| 15 10. Every claim for compensation under this Act shall be finalised by the Administrator and payment made within thirty days of filing of the claim. | |
| 20 11. The appropriate Government shall establish adequate number of educational institutions including vocational training institutions and health care centres in and around the areas inhabited by fishermen. | Appropriate Government to provide health and educational facilities. |
| | Marketing facilities. |
| 15 12. It shall be the duty of the appropriate Government to provide adequate and hygienic marketing facilities to the fishermen for their catch. | |
| 20 13. The appropriate Government shall protect the fishing rights of the traditional fishermen by preventing national companies and Multinational Companies from fishing in the fisheries within the jurisdiction of traditional fishermen as may be determined by the Central Government from time to time. | Protection from body corporates and multi-nationals. |
| | Central Government to prevent trespassing by foreign fishermen. |
| 20 14. The Central Government, through the Coast Guard and Navy, shall prevent the trespassing by fishermen of other Countries into the fisheries in Indian Waters. | |
| | Power to make rules. |
| 20 15. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. | |

STATEMENT OF OBJECTS AND REASONS

There are millions of fishermen and their families spread over Southern, Eastern and Western parts of the Country. Their main occupation and means of livelihood is catching fish and selling it in the market and they are doing this for generations. In Andhra Pradesh alone there are lakhs of such families who survive on fishing. However, the fisherman and their families live in abject poverty nearly hand to mouth whereas the middleman, wholesalers and retail traders of fish etc. flourish at their cost as the sea food is becoming popular not only in the country but 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 and they lose their lives. Similarly they get drowned during fishing or receive injuries leading to partial or total disablement. But there is nobody to look after them except their hapless poor families. In fact the disablement or death of a fisherman ruins his family who remain at the mercy of fate alone.

Since the poor fishermen are a part and parcel of our society and ours being a welfare state it is necessary that the fishermen too are provided with adequate insurance against accident, health care, financial assistance in case of need, educational facilities for their wards etc. They are also to be protected from the onslaught of big companies and multinationals. Sometimes fishermen from neighbouring countries trespass into our water and carry the catch which need to be stopped. In fact the nation has to give maximum security and facilities to the fishermen of the country.

Hence this Bill.

DR. DASARI NARAYANA RAO

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of fishermen welfare fund. Clause 5 provides for the appointment of Administrators, clause 11 provides that appropriate Government shall provide health and educational facilities to fishermen. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of two hundred crore rupees may involve as recurring expenditure every year.

A non recurring expenditure of about ten crore rupees may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill gives power to the Central Government to make rules for carrying out the purpose of the Bill. The rules will related to matters of details only.

The delegation of legislative power is of normal character.

RAJYA SABHA

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(Dr. Dasari Narayana Rao, M.P.)