

PRESS RELEASE

Text of the D.O. Letter dated 3.5.2015 addressed by Thiru O. Panneerselvam, Hon'ble Chief Minister of Tamil Nadu to Shri Narendra Modi, Hon'ble Prime Minister of India is reproduced below:

"I wish to bring to your kind attention a serious issue relating to two recent decisions of the Ministry of Agriculture, Government of India that could in effect lead to swamping by foreign fishing vessels in India's Exclusive Economic Zone and also increase the regulatory burden on domestic fishing fleets.

The new Deep Sea Fishing Guidelines issued by the Department of Animal Husbandry Dairying and Fisheries, Ministry of Agriculture on 12th November, 2014, have changed the definition of 'Deep Sea Fishing Vessels' reducing the Over All Length (OAL) to 15 metres instead of the OAL of 20 metres as per the original guidelines issued in 2004 and continued in the guidelines issued in 2013. Further, the definition of 'Operator' has been expanded to include "joint ventures" with up to 49% foreign equity. This definition also includes now 'Any Indian Citizen'. The procedure for engaging foreign crews has also been made easier with the removal of the requirement for prior clearance from Government of India. Further, as per a Public Notice issued on 28th November, 2014, by the Department of Animal Husbandry Dairying and Fisheries, Ministry of Agriculture, the system of issuing Letters of Permission (LOP) has been expanded for Deep Sea Fishing Vessels to conduct fishing in the Exclusive Economic Zone (EEZ) which will operate for all vessels with an OAL of 15 metres and above. Thus even the existing Indian coastal fishing vessels which are between an OAL of 15 metres and 20 metres will now be required to obtain a LOP which was not required earlier.

The new Guidelines issued by the Government of India will adversely affect the local fishermen in Tamil Nadu because out of the 5,500 Mechanised fishing boats in Tamil Nadu more than 80% of the boats are above 15 metres OAL and are engaged in near shore fishing just beyond the territorial waters of India. Obtaining LOPs from the

Government of India and voyage clearances from the Indian Coast Guard for each fishing voyage is extremely impractical.

In this connection, I also wish to point out that the new Guidelines are per se illegal because they are contrary to the existing laws on the subject. As per Section 7(5) of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act 1976, a citizen of India need not get any licence or letter of authority from the Central Government for fishing in the EEZ. The rights granted to an Indian citizen by an Act of Parliament cannot be abrogated by an Executive Order of the Government.

Even an independent agency like the Indian Ocean Tuna Commission (IOTC) categorizes 'coastal fisheries' as fisheries carried out by vessels having an overall length of less than 24 meters and operating within the EEZ of its flag state.

It is seen from the consolidated FDI policy published by the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Government of India that no foreign investment is permitted in the Fisheries sector. Therefore, the Notification dated 12.11.2014, which brings within the ambit of the operator, a joint venture company with at least 51% Indian equity is not in conformity with the consolidated FDI Policy Circular, 2014.

The new Guidelines have led to strong protests from the fishermen community across India including Tamil Nadu. The stance of the Government of Tamil Nadu, based on our revered leader Puratchi Thalaivi Amma's consistent re-iteration, is that the rights of Indian citizens and fishermen to fish in India's Exclusive Economic Zone should not be unnecessarily restricted. The Government of Tamil Nadu reiterates its stand that all vessels below an OAL of 20 metres owned by fishermen should be given free access to the Indian EEZ whether they are registered under the State Marine Fishing Regulation Act or by other approved agencies.

The system now proposed to be applied by the Government of India needlessly promotes an LOP regime which has proved to be unsuccessful at the cost of domestic fishermen. In fact, a careful

reading of the Report of the Expert Committee headed by Dr. B. Meenakumari reveals that the final recommendations do not automatically flow from the data and analysis contained in the Report. To quote from the position statement of the Central Marine Fisheries Research Institute (CMFRI) on the Expert Committee Report, "the Thoothoor fishermen of Kanniyakumari District of Tamil Nadu are harvesting approximately 45,000 mt annually from the deep sea region, whereas, the vessels operating under Letter of Permission (LOP) report an annual catch of 1,900 mt as per the data presented in the Expert committee report". This not only depicts the failure of the LOP scheme in exploiting the deep sea resources but also clearly indicates that our fishermen have attained the capacity and skill to venture into the deep sea and exploit the country's deep sea resources.

The new guidelines not only restrict the open access of our fishermen in the EEZ, but also set a dangerous precedent of allowing foreign vessels of more than 15 metres OAL under LOPs to compete with our fishermen for resources which need to be conserved for utilisation by our Nation and its citizens. The Government of Tamil Nadu under the visionary guidance of our revered leader Puratchi Thalaivi Amma, has initiated various schemes and training programmes so that the Tamil Nadu fishermen acquire international standard capabilities for undertaking deep sea fishing, including the provision of 50% subsidy assistance up to Rs.30 lakh to our fishermen for exploiting the untapped deep sea fishery resources. Hence allowing LOP vessels would adversely tilt the balance against our fishermen.

In view of the above, I request you to instruct the Department of Animal Husbandry Dairying and Fisheries to withdraw its order dated 12th November, 2014.

I also urge the Government of India not to issue any fresh guidelines for fishing operations in India till a new Fisheries Act is enacted. Before the Bill for the new Act is introduced in Parliament, this should be discussed with the Ministries in charge of Fisheries of the coastal States and a consensus on the bill arrived at.

In the above context, I request the Government of India:-

- To summarily reject the recommendations of the Expert Committee on Comprehensive Review of Deep Sea Fishing Policy and Guidelines under the Chairpersonship of Dr. B. Meenakumari, DDG, ICAR as it contains recommendations which are detrimental to the welfare and livelihood propositions of our fishermen. The recommendations are not based on the data and analysis made in the report itself but are alien and extraneous to this.
- To rescind the Guidelines on Deep Sea Fishing issued on 12th November, 2014, and the Public Notice issued on 28th November, 2014, allowing the foreign fishing vessels under LOP in the Indian EEZ in order to fully protect the interests of our fishermen.
- No permission should be afforded to foreign fishing vessels or engagement of foreign crew under the LOP mechanism or through any other mechanism to fish in India's EEZ.
- No joint venture or any other form of agreement with a foreign individual or company should be permitted for undertaking deep sea fishing in India's EEZ.
- Protect and preserve the fishery resources in our EEZ for our artisanal fishing community which is now gearing up to exploit the untapped resources.
- Clearly define fishing vessels of length below 24 metres OAL as coastal fishing vessels and fishing vessels of length 24 metres OAL and above as Deep Sea Fishing Vessel (DSFV).
- The coastal fishing vessels of length below 24 metres OAL owned by our fishermen should be given open access in the Indian EEZ as provided under Section 7(5) of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act 1976, which provides to Indian citizens the freedom to fish in India's EEZ. The operation of such coastal fishing vessels belonging to Tamil Nadu fishermen may be regulated under the Tamil Nadu Marine Fishing Regulation Act 1983.

- The Government of India should delegate powers to regulate fishing by vessels of 24 metres OAL and above to the Maritime States.
- The Government of India should consider developing specialised infrastructure for landing of Deep Sea Fishing Vessels, safe berthing, reception and handling of high valued deep sea catch (like cold chain from harvest till consumption) to deliver premium quality fish to fetch premium value in the domestic and international markets.

I request you to direct the Department of Animal Husbandry, Dairying and Fisheries to issue appropriate orders on the above lines. I sincerely hope that the Government of India will accord top most priority to this sensitive livelihood issue of our fishermen.

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