# LEX SCRIPTA MAGAZINE OF LAW AND POLICY

ISSN- 2583-8725

VOLUME-1 ISSUE-4
YEAR: 2023

EDITED BY:

LEX SCRIPTA MAGAZINE OF LAW AND POLICY

**LEX SCRIPTA MAGAZINE OF LAW AND POLICY, VOLUME-1: ISSUE-4**

LEX SCRIPTA MAGAZINE OF LAW AND POLICY, VOL-1, ISSUE-4
ISSN-2583-8725

# ENFORCEMENT OF FISHERIES LAWS IN INDIA

**Author: Tripti**

*(Research Associate, Rashtriya Raksha University)*

**Co-Author: Shivam Kumar Pandey**

*(Research Scholar, Rashtriya Raksha University)*

**Abstract**

India has a long history of fisheries exploitation and management, with early efforts to regulate fishing practices dating back to the late 19th century. This review examines the evolution of fisheries laws and regulations in India, focusing on critical policies, acts, and amendments over the past century. The Indian Fisheries Act of 1897 marked the first national legislation aimed at conserving inland fisheries through restrictions on gear, mesh sizes, closed seasons, and protected waters. In the following decades, individual states enacted more specific rules tailored to local contexts. The FAO Code of Conduct for Responsible Fisheries, adopted in 1995, supplied a framework for more sustainable fisheries worldwide. In India, however, poor enforcement and monitoring hindered its effectiveness. The 2021 Marine Fisheries Bill seeks to close gaps in high-seas governance and prioritize small-scale, traditional fishers. Despite these policy efforts, India's fisheries stay imperiled by continued overexploitation, habitat degradation, weak regulation, and climate change impacts. Improving outcomes will require stronger political will, co-management systems, and initiative-taking adaptation under uncertainty. This review synthesizes research on the strengths and limitations of India's fisheries policy, lessons learned, and recommendations for reform. It highlights the complex social-ecological dynamics in Indian fisheries and the critical need to balance food security, fair livelihoods, and ecological sustainability in an era of global environmental change.

**Keywords**: fisheries management, marine policy, traditional fishing, conservation, India

**Introduction**

The exploitation and conservation of marine living resources is paramount for the global community, given the importance of MLR as a source of protein for human consumption and the reliance of many local people on fishing.[1] Although international law has long regulated MLR, early codifications mirrored marine dominion sovereignty and exploitation interests more closely than conservation.[2]

Sir Arthur coined the idea of conserving fisheries resources in India.[3] He was responsible for constructing several dams and weirs on south Indian rivers. He was concerned that these constructions would harm the nearby inland and coastal fishing.[4] In 1869, the Government of India sent Dr. Francis Day on a mission to study the country's freshwater fisheries and develop a plan for enacting the required legislation for more excellent fisheries preservation.[5][6] The claim that catch fishery resources are inexhaustible has long been proven false. Experience has demonstrated that fisheries resources are eroded by unrestrained fishing and fish capture methods that are highly destructive.[7] Fisheries laws aim to ensure a repeating abundant fish harvest without depleting resources or wasting fishing efforts.[8] They also aim to acquire the maximum sustainable output of fish from water. The cornerstone of empirical rules is that every fish should be allowed to breed at least once. Considering this belief's corollaries, the following ideas are to be mentioned:

• That a species needs to have many spawners.

• all smaller fish need to be preserved because most of them will grow up to become spawners and

• That it is crucial to protect fish throughout the spawning season.

Fish conservation in public waterways is ensured by a set of laws and regulations governing fishing. Laws discourage harmful fishing practices and support conservation initiatives. People in ancient India were concerned about protecting the world's natural fisheries. According to FAO (2009),[9] fisheries management is an integrated process that includes information gathering, analysis, planning, consultation, decision-making, resource allocation, and formulation and implementation of regulations or rules that govern fisheries activities to keep the productivity of the resources and achieve other fisheries goals. Various elements, which

can be categorized as biological, ecological, environmental, technological, social, cultural, and economic considerations, limit the productivity and output of the fishing industry.[10]

The FAO Committee of Fisheries Meeting in 1991[11] advocated for more responsible methods and better management, realizing that fisheries worldwide were in a similar mess. FAO was requested by the 1992 Cancun Conference on Responsible Fishing to draft a code of conduct.[12][13] The FAO Conference of Member Governments adopted the Code of Conduct for Responsible Fisheries (CCRF) on October 31, 1995, as a result of the technical consultations that took place between 1992 and 1995.[14]

**Goals of CCRF**

• Sustainable advantages from fisheries in terms of food, employment, trade, and economic well-being for people worldwide are the main aims of CCRF.

• supplies guidelines and standards for developing, managing, and conserving all fisheries.

All FAO members and non-members, fishing entities, sub-regional, regional, and global organisations, whether governmental or non-governmental and all other interested stakeholders involved with fisheries resources and fish commerce are the critical actors in the voluntary code.[15] The code contains 221 sub-articles that are divided into 12 main articles.[16] The code's goal is to set guidelines, standards, and rules that will make it easier to exploit and use fishery resources sustainably and responsibly. In India, the fisheries are regulated by the Indian Fisheries Act 1897. It has a total of 7 sections. Sec 3 discusses the definition of fish, private water, and fixed engines. The Indian Fisheries Act of 1897 was implemented in different states, as explained above.[17]

The Indian Fisheries Act of 1897 was put into effect in the following ways in various Indian states:

• Restriction on types of gear and mesh: Nets must have a minimum mesh size of 30 mm to prevent catching smaller fish. However, Andhra Pradesh and Tamil Nadu's fringe areas and some reservoirs are allowed to deploy nets with smaller mesh sizes. [18] In New Delhi since 1948, there have been restrictions on fishing, except using a rod and line, hand line, and long line or any other net with a mesh size smaller than 1.5 inches from July 1 to August 10 every

year. Manipur, the Andaman Islands, and the Nicobar Islands show mesh regulation.[19] The size of bamboo fencing gaps used for fishing has been constrained in Assam. There are restrictions on the usage of specific nets during particular times of the year and on the mesh sizes of the nets used in Assam, Maharashtra, MP, Punjab, and many other states.[20] Drag nets with a mesh size of 2.2 inches are not permitted in any Assam water body from April 1 to June 15.[21]

• Restriction on the size of the fish to be caught: To ensure that every fish can reproduce at least once throughout its lifespan, many authorities have made it illegal to catch economically valuable fish smaller than 25 cm. The selling of fish that are too small to eat is likewise subject to restrictions. 1956 saw the state of Punjab outlaw the capture of rohu, catla, mahseer, and mrigal shorter than 25.4 cm in length.[22] Since 1948, it has been illegal to collect and sell any of these species in Delhi that are smaller than 20.4 cm. Since 1954, the state of Uttar Pradesh has outlawed the capture and sale of large carp fry and fingerlings, measuring 5.1-2.5.4 cm in length from July 15 to September 30, as well as breeders from June 15 to July 31 in the restricted zones, unless the government has granted a license. For the capture of rohu, catla, mahseer, and mrigal in MP, a size limit of 22.9 cm was set up in 1953.[23]

• Closed Seasons: To prevent fishers from being hindered during their spawning migrations and to give them time to mate at least once, closed seasons are seen in Bihar, Madras, Jammu & Kashmir, M.P., and Mysore. From July 1 to September 15, the entire state of Rajasthan is off-limits to fishing. However, there are no netting or fish size restrictions at Jaisamabad, and no closed season is followed.[24]

• Declaration of sanctuaries or protected waters: A total of 3.2 km of river have been appointed as sanctuaries below the dams Mettur, Tungabhadra, and Gandhisagar. Assam, Bihar, and Punjab have all been selected as sacred places. Fishing in forbidden waters is also subject to regulations in Delhi, UP, MP, TN, J&K, and AP. In J&K, it is forbidden to remove Hakreza, water nuts, aquatic vegetation, gravel, or stones between November and February, when fish are spawning in protected and reserved waters, unless authorised by the relevant authorities.[25] In Kerala, it is prohibited to draw prawns into private waters unless permission is in place. The rivers Cauvery, Harangi, Sampaja, and Barapole in T. N., as well as its tributaries, are off-limits to fishing from March 15 to June 1. Cauvery Bridge to Ellis's point of confluence. In the region of Uhlriver Lambadug and Haryana, development and conservation measures have been

adopted. Pabar River and Bapsa River are in the Mandi District, and their tributaries are in Mahasu.

• Leasing of lakes and reservoirs in alternate years: This is followed in Madhya Pradesh.

¬ Prohibition on indiscriminate fishing: MP, Madras, Kerala, Haryana, Punjab, and Delhi forbid fishing with fixed engines or constructing weirs.[26]

¬ Ban on the use of explosives or poisonous substances: The use of explosives and poisons for fishing has been outlawed in several states, including UP, AP, Kerala, J&K, Karnataka, Rajasthan, Kerala, Himachal Pradesh, Delhi, and Coorg. Since 1953, Assam has outlawed the retting of jute to pollute the water.[27]

There are certain loopholes in the Indian Fisheries Act 1897 as it only has 7 sections, which does not entirely deal with the entire fisheries resources. During the Monsoon session, the Marine Fisheries Bill 2021 was introduced in Parliament.

**PALK BAY SCHEME**

• As a centrally sponsored scheme, the "Diversification of Trawl Fishing Boats from Palk Straits into Deep Sea Fishing Boats" initiative was introduced in 2017.

• It was introduced as a part of the overarching Blue Revolution Scheme.

¬ To help farmers quadruple their incomes, the government promoted fishing as a supplementary activity in the Blue Revolution.

• It is a program unique to Tamil Nadu that aims to supply 2,000 vessels to State fishers over three years to persuade them to give up bottom trawling.

• Bottom trawling, which significantly depletes aquatic resources, involves trawlers dragging weighted nets down the sea floor.

• To prevent Tamil Nadu fishers from crossing the International Maritime Boundary Line (IMBL) and fishing in Sri Lankan waters, the initiative aims to "reduce fishing pressure" around the IMBL.

• The center of the program receives 50% of the funding, followed by the state (20%), institutions (10%), and beneficiaries (20%).

• The Scheme is only available for boats that cost up to Rs. 80 lakhs.

• The Pradhan Mantri Matsya Sampada Yojana is not included in the program.

**INDIAN MARINE FISHERIES BILL, 2021**

The Indian Marine Fisheries Bill strives to promote responsible and sustainable practices in the harvesting of fisheries by Indian fishing vessels, while also supporting the livelihood and socioeconomic well-being of traditional and small-scale fishers. Additionally, the bill seeks to facilitate the sustainable development of fisheries resources within India's exclusive economic zone. Comprised of 7 chapters and 43 sections, the bill clearly defines terms such as "fish" in section 3 (d), while also outlining fishing-related activities in section 3 (g).[28]

The term "fish" encompasses a variety of marine life, including finfish, mollusks, crustaceans, and other plants and animals, with the exception of marine mammals, reptiles, and sea birds. Fishing-related activities, as defined in the Bill, involve the landing, packaging, marketing, processing, preserving, or live transportation of fish, as well as the transshipment or transportation of fish that has not yet been landed at port. The Bill provides clear definitions for each term, including the licensing authority, maritime zones of India, Indian fishing vessels, and other related topics.

Moving further to Chapter II, Section 4 talks about the National Policy on Marine Fisheries [29], while Sec 6 and 7 are crucial when the conservation and sustainable use of fisheries are discussed. Section 5 gives the Central Government the power to consult the State government in preparing Marine Fisheries Development Plans under the National Policy on Marine Fisheries. Whereas Sec 7 supports Sec 6 to have the proper data on fisheries.

Sec 11 prohibits foreign fishing vessels from engaging in fishing or fishing-related activities in the maritime zones of India under this Act. Whereas Sec 14 lays a standard section that prohibits juvenile fishing. It says that in the EEZ or high seas. It also lays down measures to prevent young fishing. This power is vested in the hands of CG. The Central Government must compulsorily consult the State Government to lay down measures to prevent young fishing-

related activities. The State Governments' licensing authorities will serve as the licensing authority for this Act. (sec 16) There are several important sections of the Act which talk about the Consultative Committee on Marine Fisheries (sec 21),[30] powers of the authorised officers (sec 23), appellate authority (sec 26), powers of appellate authority (sec 28) and so. Though there are laws for fisheries, the fisheries are still being exploited. Hence, it is possible to conclude that fisheries management is quite tricky. When one aspect of the issue is solved, it may make other parts of the case more challenging. The latest biological and ecological studies have revealed that India's inland fisheries resources are in a critical state and require immediate and effective measures to be taken for their protection, conservation, and management.. In addition, before laws are made, the traditional fishing communities, the ones who use the help, must be consulted and their aspirations considered.

The draft Indian Marine Fisheries Bill 2021 is a significant step towards modernizing the governance of India's marine fisheries. The Bill aims to promote the livelihoods of small-scale fishers while also enabling sustainable harvesting and conservation of fisheries resources. Key strengths of the Bill include mandating licenses for fishing in the EEZ, restrictions on juvenile and destructive fishing, and measures to curb IUU fishing. Establishing a National Marine Fisheries Policy, Marine Fisheries Development Plans, and Marine Fisheries Management Plans will ease an ecosystem-based approach.[31] Proposed institutions like the Consultative Committee, Marine Fisheries Development Fund, and strengthened monitoring and enforcement are also positive features.

However, realising the Bill's aims will require robust implementation and compliance monitoring. Critical gaps persist around fisher participation in decision-making and the integration of traditional knowledge. The Bill focuses heavily on regulation without equal emphasis on aiding fishers' transitions towards sustainability.[32] Greater attention is needed to build stewardship and adaptability to climate change impacts. Conservation efforts should be coupled with livelihood alternatives and social safety nets to garner community support. Co-management systems that empower fishers as resource stewards and decision-makers will prove more effective than top-down governance.[33]

Ultimately, solutions must balance ecological sustainability, food security, and equitable livelihoods within India's small-scale fisheries social-ecological system.[34] Although the 2021 bill represents progress, genuinely transformational change will depend on political will,

sufficient resourcing, transparent and participatory processes, and adaptive governance as this complex social-ecological system evolves.[35] Ongoing research, monitoring, and critical analysis will be vital to inform evidence-based improvements to the Bill and its implementation over time.

## Suggestions and Conclusion

### Suggestions

While India has made significant strides in fisheries governance through policies like the Indian Fisheries Act, the Marine Fisheries Bill, and the adoption of the FAO Code of Conduct, critical gaps still exist in ensuring sustainable, fair, and effective management. Several suggestions for strengthening fisheries policy and outcomes moving forward:

- Improve compliance monitoring and enforcement. Laws are only as good as their implementation. Issues like understaffing fisheries departments, lack of patrol resources, and weak penalties undermine rule adherence. Boosting monitoring via technologies like vessel tracking and port inspections, paired with stiffer fines for violations, can enhance compliance.
- Incorporate traditional knowledge and participation. Top-down governance often fails due to a lack of community buy-in. Co-management arrangements that empower fishers in decision-making perform better. Platforms to integrate Indigenous knowledge and practices with scientific fisheries management should be institutionalized in policy.
- Aid transitions toward sustainability. Regulations to curb overfishing will only succeed if fishers are supplied with alternative livelihood options. Policy should bolster skill-building, access to finance and markets, supply chain improvements, and social safety nets to help fisheries transition to sustainable models without sacrificing incomes.
- Adapt to climate change proactively. From fluctuating stocks to habitat shifts, climate impacts will grow. Fisheries policy needs an adaptive lens for assessing vulnerabilities, building resilience, harnessing predictive tools, and responding flexibly as conditions change.
- Align development projects for sustainability. Dams, harbors, and coastal development affect fisheries ecology, which policies try to protect. Ensuring responsible

environmental and social impact assessment and mitigation strategies for these projects is imperative.

- Strengthen regional coordination. Fish stocks straddle political borders. Policy harmonization through South Asian fisher forums and collaboration in research, enforcement, and habitat protection across boundaries is vital for coherence.
- Invest more in fisheries. Increased budgetary allocations for fisheries departments, research programs, and modernization are essential for effective policy implementation and innovative, adaptive solutions.

**Conclusion**

This review traces India's fisheries policy evolution and analyzes strengths, weaknesses, and lessons learned. While regulations have expanded, overexploitation and bycatch still impede sustainability. The 2021 Marine Fisheries Bill promises progress but needs supplementation. Key recommendations include boosting compliance monitoring, integrating co-management and traditional knowledge, aiding fisher livelihood transitions, adapting proactively for climate change, aligning development projects with conservation, strengthening regional coordination, and increasing fisheries investment.

India must use policy synergistically with awareness-building, incentives, and participatory governance to sustain its precious marine resources. The complexity of social-ecological systems like fisheries merit an adaptive, multi-pronged strategy. Laws form a crucial foundation but must be bolstered by finances, research, technology, and human dimensions for effectiveness. India's policymakers can lead globally by pioneering such holistic, inclusive fisheries governance. With reform and implementation, India can blaze a trail in balancing marine conservation with fisher livelihoods and food security amidst global environmental change. The above recommendations chart a path towards this goal. Sustainable fisheries will only grow in urgency and importance as climate impacts accelerate and population pressures rise. The time is now for India to solidify itself as a champion of responsible, fair, adaptive fisheries governance for the 21st century.

## References

[1] “The Exploitation and Utilization of Marine Living Resources,” link.springer.com, (Accessed October 29, 2023).

[2] T. N. Lawrence and R. S. Bhalla. “Spatially explicit action research for coastal fisheries management.” Jul. 2018.

[3] “Conservation of Fisheries Resources in India - CMFRI,” eprints.cmfri.org.in, (Accessed October 29, 2023).

[4] “Review of Effects of Dam Construction on the Ecosystems of River ... - MDPI”, mdpi.com, (Accessed October 29, 2023).

[5] M. Wafar, K. Venkataraman, B. Ingole, S. A. Khan, and P. Loka Bharathi. “State of Knowledge of Coastal and Marine Biodiversity of Indian Ocean Countries.” Jan. 2011.

[6] “The economics of reversing fisheries-induced evolution - Nature,” nature.com, (Accessed October 29, 2023).

[7] R. M. Desai and G. E. Shambaugh. “Measuring the global impact of destructive and illegal fishing on maritime piracy: A spatial analysis.” Feb. 2021.

[8] “Understanding Laws and NOAA Fisheries | NOAA Fisheries”, fisheries.noaa.gov, (Accessed October 29th 2023).

[9] “FISHERIES MANAGEMENT - Food and Agriculture Organization,” fao.org, (Accessed October 29, 2023).

[10] “Ecosystem approach to fisheries: a review of implementation guidelines1 ...”, academic.oup.com, (Accessed October 29, 2023).

[11] “Responsible fisheries: An overview of FAO policy ... - ScienceDirect”, sciencedirect.com, (Accessed October 29, 2023).

[12] “Twenty Years of the FAO Code of Conduct for Responsible Fisheries,” thefishsite.com, (Accessed October 29, 2023).

[13] “Code of Conduct for Responsible Fisheries | Illegal, Unreported and ...”, fao.org, (Accessed October 29, 2023).

[14] “Legal Challenges of Non-binding Instruments: The Case of the FAO Code ...” link.springer.com, (Accessed October 29, 2023).

[15] “FAO - News Article: FAO Code of Conduct for Responsible Fisheries ...”, fao.org, (Accessed October 29, 2023).

[16] “Legal Challenges of Non-binding Instruments: The Case of the FAO Code ...”

link.springer.com, (Accessed October 29, 2023).

[17] "India Code: INDIAN FISHERIES ACT 1897", India code. Nic. In, (Accessed October 29, 2023).

[18] "Indian Fisheries Act, 1897 (Act No. 4 of 1897). | UNEP Law and ...", leap.unep.org, (Accessed October 29, 2023).

[19] "Indigenous Bamboo-Made Fishing Implements of Assam," researchgate.net, (Accessed October 29, 2023).

[20] "Mesh mash: Legal fishing nets cause most bycatch mortality of ...", sciencedirect.com, (Accessed October 29, 2023).

[21] "Marine fisheries legislations The Indian Fisheries Act, No. 4 of 1897", courseware.cutm.ac.in, (Accessed October 29, 2023).

[22] "Marine Fisheries Minimum Sizes & Possession Limits", dem.ri.gov, (Accessed October 29th 2023).

[23] "(PDF) INLAND-FISHERIES-LEGISLATION-IN-INDIA - ResearchGate", researchgate.net, (Accessed October 29th 2023).

[24] "Recognizing Seasonal Fishing Restrictions and Regulations," consumerenergycenter.org, (Accessed October 29, 2023).

[25] "Fish Fauna of Kashmir Valley and Their Conservational ... - Springer", link.springer.com, (Accessed October 29, 2023).

[26] "India's first attempt at regulating fishing trawlers underway," india.mongabay.com, (Accessed October 29, 2023).

[27] "From organic poison to blast fishing, the technique has an impact," earth.com (Accessed October 29, 2023).

[28] "Opinion | The Blue Lining – Indian Marine Fisheries Bill 2021", onmanorama.com, (Accessed October 29, 2023).

[29] "'National Fisheries Policy (2020)' - Press Information Bureau", pib.gov.in, (Accessed October 29, 2023).

[30] "REGIONAL FISHERY BODIES AND GOVERNANCE: ISSUES, ACTIONS AND FUTURE ..." fao.org, (Accessed October 29, 2023).

[31] "Achieving governance synergies through institutional interactions among ...", sciencedirect.com, (Accessed October 29, 2023).

[32] "Adaptive management of fisheries in response to climate change," climate-adapt.eea.europa.eu, (Accessed October 29, 2023).

[33] “Co-management in fisheries – Experiences and changing approaches in ...”, sciencedirect.com, (Accessed October 29, 2023).

[34] “Adaptive governance: Towards a stable, accountable and responsive ...” sciencedirect.com, (Accessed October 29, 2023).

[35] “FISHERIES MONITORING - The Nature Conservancy,” nature.org, (Accessed October 29, 2023).