

**Guidelines for Regulation of Fishing by Indian Flagged
Fishing Vessels in the High Seas, 2022**
(*i.e.*, for areas beyond the Exclusive Economic Zone of 200 nautical miles)

Draft

Note: This is a template of Draft Guidelines for inviting comments from stakeholders **by 30.8.2022**. The comments may be sent to:

Joint Secretary [Marine Fisheries],
Department of Fisheries,
Ministry of Fisheries, Animal Husbandry & Dairying,
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New Delhi-110001
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Definitions¹

Sl.No.	Item	Definitions
1.	Fishing Vessels	As defined under the Merchant Shipping Act of 1958.
2.	Issuing Authority	Department of Fisheries, Ministry of Fisheries, Animal Husbandry and Dairying, Government of India; or any other Issuing authority as authorized by the Department of Fisheries, Ministry of Fisheries, Animal Husbandry and Dairying, Government of India on its behalf.
3.	Authorized Officer	Indian Navy (IN) or Indian Coast Guard (ICG) personnel, or any other such person authorized by authorized by the Department of Fisheries, Ministry of Fisheries, Animal Husbandry and Dairying, Government of India.
4.	Operator	Any Indian citizen; Indian entrepreneur; Partnership Firm; Private Ltd. Company; Public Ltd. Company; Corporation; and Registered Cooperative Society.
5.	Permit	A permit issued by the Issuing Authority on behalf of the Central Government to fishing vessels for fishing in the high seas.
6.	High Seas	As defined by the United Nations Convention on the Law of the Sea-UNCLOS ²

¹*The definitions used in this document are specific to these Guidelines.*

²*All parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State (As defined in the UNCLOS – Part VII- high seas).*

Acronyms

AIS	Automatic Identification System
CBD	Convention on Biological Diversity
CCRF	1995 Code of Conduct for Responsible Fisheries of the FAO
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on the Conservation of Migratory Species of Wild Animals
DoF	Department of Fisheries
DAT	Distress Alert Transmitter
EEZ	Exclusive Economic Zone
EPIRB	Emergency Position Indicating Radio Beacon
FAO/UN	Food and Agriculture Organization of the United Nations
GoI	Government of India
GT	Gross Tonnage
GRT	Gross Registered Tonnage
ICG	Indian Coast Guard
ILO	International Labour Organization
IMBL	International Maritime Boundary Line
IMO	International Maritime Organization
IOTC	Indian Ocean Tuna Commission
ISRO	Indian Space Research Organisation
IUU fishing	Illegal, Unreported and Unregulated Fishing
LOA	Length Overall
MCS	Monitoring, Control and Surveillance
MFRA	Marine Fishing Regulation Act
MHA	Ministry of Home Affairs
MoEF&CC	Ministry of Environment, Forest & Climate Change
MoPNG	Ministry of Petroleum and Natural Gas
ReAL-Craft	Registration and Licensing of Fishing Craft, A database of the DAHD&F providing on-line status of fishing vessels in India
RFMO	Regional Fisheries Management Organization
SART	Search and Rescue Transponder
UT	Union Territory
UNCLOS	United Nations Convention on the Law of the Sea
UNFSA	United Nations Fish Stocks Agreement
VHF	Very High Frequency

Guidelines for Regulation of Fishing by Indian Flagged Vessels in the High Seas, 2022

A. Preamble

India has been a strong votary of international agreements and arrangement, be it the 1982 United Nations Convention on the Law of the Sea, the 1985 Code of Conduct for Responsible Fisheries, FAO's Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, and the United Nations Sustainable Development Goals. India also considers the role of the Regional Fisheries Management Organizations (RFMO) and the Regional Fisheries Bodies (RFBs) of paramount importance in carrying forward the task of the international agreements and arrangements.

The historic agreement on the Illegal, Unreported and Unregulated (IUU) fishing and Overfished Stocks by the World Trade Organization (WTO) reaffirms the commitment of the global community that Oceans have to be managed with shared responsibility. The UN Oceans Conference has taken the agenda of sustainability a step further by resolving to conserve and sustainably use the oceans, seas and marine resources for sustainable development and agreeing to scaling up ocean action based on science and innovation for the implementation of Goal 14: stocktaking, partnerships and solutions.

While the global community is making significant moves in improving the fisheries health of the Oceans, the present situation still remains grim. According to the 2022 report of the FAO - The State of World Fisheries and Aquaculture (SOFIA), the sustainability of marine fishery resources remains of significant concern, with the percentage of sustainably fished stocks falling to 64.6 percent in 2019, a 1.2 percent decline from 2017, which is largely due to overfishing, pollution and poor management. Fishing is one of the largest maritime industries, involving an estimated 59.51 million people, of which about 97 percent are living in the developing countries. Securing their livelihoods and building their resilience is key to sustainability and equitable development.

The small-scale and artisanal fisheries, which provide about 40 percent of global fish catch and employ more than 90 percent of people working in fisheries value chains, face significant challenges in accessing marine resources and markets. There is need to promote small-scale and artisanal fishers (SSAF), building their capacities and encouraging them to go beyond their traditional fishing areas and to

engage and undertake deep sea and high sea fishing. It is estimated that about 4.0 million people in India depend for their livelihoods on the marine fisheries sector, which is recognized as an important source of food, nutrition, employment and income generation. The sector also contributes significantly to export earnings of the country and in the balance of trade. India is committed to promoting SSAF in line with the UN-SDG 14.B so as to provide them greater access to marine resources and markets and in the process improving their socio-economic status.

Accepting that the marine living resources offer potential for enhancement of production through sustainable means, provide opportunities for livelihoods to small and artisanal fishermen and their families in the coastal areas of the country, and also acknowledging that these resources are not in-exhaustive and are subject to over-exploitation, it is essential to introduce the Guidelines for sustainable use of the fishery and marine living resources in the high seas by Indian flagged vessels.

The Constitution of India in its Seventh Schedule, List I [Entry 57] empowers the Central Government, viz. the Department of Fisheries (DoF) in the Ministry of Fisheries, Animal Husbandry and Dairying (MoFAHD) on matters pertaining to '*Fishing and fisheries beyond territorial waters*'. In accordance with this allocation, the '*Guidelines for Regulation of fishing by Indian Flagged Vessels in the High Seas*' are being issued hereby in exercise of executive powers of the Union, which as per article 73 in the Constitution, extends to the matters with respect to which Parliament has power to make laws.

B. Guidelines

1.0 No person shall engage in any fishing operation specified in the Schedule I hereto in the High Seas except under the authority of a valid permit granted by the Issuing Authority.

2.0 All Indian flagged fishing vessels, including mother ships and any other vessels directly engaged in fishing operations in the high seas, shall be permitted to fish with a 'Permit' granted under these Guidelines. The Central Government shall exempt any class of vessel(s) operated by a Government entity or corporation engaged in R&D activities from the requirement of a PERMIT under these Guidelines.

3.0 Every application for a Permit for fishing operations in the High Seas referred to in clause- 2 shall be substantially in the form specified in Schedule II hereto and be submitted to the Issuing Authority accompanied with the relevant permit fee specified in the Schedule III hereto. The Issuing Authority shall issue Permits to eligible applicants. High Seas Permits are 'non-transferable' so cannot be sold to other operators. Every order granting or rejecting an application for the grant of a PERMIT under these Guidelines shall be in writing.

4.0 Every Permit granted under clause 2.0 shall be substantially, in the form specified in the Schedule IV hereto and shall be valid for a period of two calendar years from the date of grant of such permit unless suspended or cancelled earlier. The holder of a permit granted under clause 2.0 may apply to the Issuing Authority for renewal of permit, not later than thirty days before the expiry of the permit accompanied with relevant permit fee specified in the Schedule III hereto.

5.0 The holder of a Permit granted for fishing operations in the High Seas shall comply with the following conditions for fishing operations in the High Seas under the conservation and management measures adopted in keeping with the United Nations Convention on the Law of the Sea of December 10, 1982, the Indian Ocean Tuna Commission (IOTC), the South Indian Ocean Fisheries Agreement (SIOFA) and Fish Stocks Agreement 1995 and other such applicable measures :-

- (i) The Skipper/Master shall keep the operation permit for high seas fishing together with the registration certificate of the boat and the skipper permit or a certified copy thereof on board at all times and shall produce such permit, the registration certificate of the boat and the skipper permit upon the request of an authorized officer;
- (ii) The boat shall fly the flag of India and clearly display on both sides of the deck, the name of the country (flag state) and the registration number of the Boat. The Boat Markings shall be displayed in accordance with the Merchant Shipping Act, 1958, and clearly marked as per FAO Standard Specification for the Marking and Identification of Fishing vessels and fishing gear marking (the ends of nets, lines and gear in the sea, shall be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent; Marker buoys be clearly marked at all time with the letter(s) and/or number(s) of the vessel);
- (iii) Boat's international radio call sign, IMO number etc., if eligible, displayed clearly on it according to internationally recognised standards; All fishing

gear is properly stowed when transiting areas closed to fishing in the permit conditions or through another country's EEZ;

- (iv) At least 48 hours before the vessel leaves port with the intention of entering high seas, the Skipper must inform the Permit Issuing Authority via email of:
- Name and international call sign (if eligible); registration number of the vessel and address of the owner/operator
 - estimated date and time of departure
 - port of departure
 - Intended area of fishing
 - Expected date and time of arrival after fishing, and port of arrival
 - Number of and details of the Crew
 - Details of observers, if available.
- (v) The Skipper of any boat shall not use or cause to be used any fishing boat in respect of which operation permit granted under these guidelines for fishing operations in the Exclusive Economic Zone or territorial waters of another coastal state unless authorized to do so in accordance with the laws of that state;
- (vi) The boat shall not catch, land, transport, tranship, receive or keep in the possession of any prohibited species such as Marine Mammals, Turtles, Thresher Shark species or Seas Birds or any species listed in the Wildlife (Protection) Act of 1972 or prohibited species under relevant IOTC CMMs;
- (vii) The skipper shall keep in possession and maintain an updated log book at all times and shall certify that the information contained in the logbook maintained to be accurate, complete and correct;
- (viii) Use of large-scale driftnets (gillnets or other nets or a combination of nets that are more than 2.5 kilometres in length) on the high seas shall be prohibited. Vessels other than squid jiggers are prohibited from using, installing or operating surface or submerged artificial lights for the purpose of aggregating fish.
- (ix) Unless prior authorisation, transshipping at sea is prohibited. If the owner/operator wishes to unload catch in a foreign port, prior permission must be sought from the Agency/Institute authorised by the Government of India at least 48 hours before unloading with the following information:
- the name, permit number of the boat and address of the owner/operator

- the proposed foreign port or ports of unloading
- the estimated time and date the boat will arrive at that foreign port
- quantities of all species on board the boat.

(xi) Additionally, the owner/operator must ensure that :

- All fishing gear remains stowed and secured on the nominated boat when transiting any other country's EEZ.
- Where the boat has entered the EEZ of another country from the high seas for the intention of mooring in port, the boat must travel to port by the most direct route possible, unless approval for fishing within that jurisdiction has been obtained from that country in respect of the boat.
- Where the boat leaves any foreign port, the boat must travel directly to the high seas by the most direct route possible unless approval for fishing within that jurisdiction has been obtained from that country in respect of the boat.
- Fishing activity is not conducted within the EEZ of another country during a trip unless approval for fishing within that EEZ has been obtained from that country in respect of the boat.
- Any unloading activity is not undertaken within any foreign port unless an approval for unloading within that foreign port has been obtained from that country in respect of the boat.

5.0 The Issuing Authority may cancel or suspend the PERMIT if there is a reasonable cause to believe that there has been a violation/contravention of any of the provisions of these Guidelines. However, a PERMIT shall not be cancelled or suspended until the holder of the PERMIT has been given reasonable opportunity of 30 days of showing cause why the PERMIT should not be cancelled or suspended. Further, the Central Government shall also take appropriate action where it deems necessary.

6.0 If the registration of a fishing vessel is cancelled or suspended under the provisions of the Merchant Shipping Act, 1958 the PERMIT issued to the operator under these Guidelines shall automatically stand cancelled.

7.0 Every person whose PERMIT has been cancelled or suspended shall immediately upon such suspension or cancellation, stop fishing or fishing activity in the high seas, surrender the permit, and shall not resume such fishing or fishing related activity, until such order has been revoked in writing.

8.0 The Authorised Officer shall for the purpose of ascertaining whether or not the requirements of these Guidelines have been complied with, stop or board a fishing vessel in the high seas and search such vessel for its documentation (registration certificate; PERMIT; or any other such document) and fishing gear/ equipment and examine the fish catch onboard and make such enquiries as may be necessary to ascertain the compliance of the provisions of the Guidelines / PERMIT. In the event of a non-compliance of the provisions of the Guidelines / PERMIT, the fishing vessel will be directed to proceed to a nearest port specified by the Issuing Authority and shall remain impounded until the matter is resolved. The costs for proceeding to the specified port and impoundment shall be borne by the operator.

9.0 In the event of the operator violating the conditions of the PERMIT or resorting to Illegal, Unreported and Unregulated fishing (IUU fishing), the PERMIT shall be suspended until the operator has been absolved of the violation and the same agreed to by the Issuing Authority following due process of domestic law and under these Guidelines.

10.0 In case the operator is not absolved of the violation committed within EEZ, the domestic law would be applicable. For areas beyond the EEZ and in the high seas, the competent/issuing authority shall take action as per the provisions contained in the relevant international conventions and agreements and applicable to the laws of India.

11.0 All matters concerning national security will be under the jurisdiction of the Central Government and administered through the ICG or any other authorised entity as considered appropriate. In the event of an operator creating a situation that has bearing on the law and order in the EEZ or in the high seas and or concerns the National security of India, or any other matter relating to public interest, the PERMIT shall be cancelled and any such cancellation will be recorded with the reason in writing.

12.0 A PERMIT issued under these Guidelines shall be:

12.1 valid for a period of two years and may be renewed from time to time; and

12.2 applicable only for such areas, for such period, for such method of fishing and for such purposes as may be specified in the PERMIT. [Areas/species covered under RFMOs where India is member].

13.0 The operator shall ensure that the PERMIT (in original) is prominently displayed at all times on board the fishing vessel and produced when required by the authorized officer.

14.0 The PERMIT shall be specific to a fishing vessel registered under the uniform on-line registration system (Real Craft) and shall be non-transferable.

15.0 Each fishing vessel provided with a PERMIT shall operate from a designated base port and on completion of the fishing trip return to the same base. In the event of a change in the base, the operator shall inform the Issuing Authority in writing and take due approval before operating from a different base port to ensure the safety of the vessel and the crew.

16.0 Each fishing vessel provided with a PERMIT shall provide details of the voyage to the Issuing Authority or any authority designated by DoF, MoFAHD, GoI before embarking on a fishing trip. Such details would include the proposed duration of the fishing trip, proposed areas of fishing, number of crew on board with their Identity numbers, communication and safety equipment on board, insurance policy number for both fishing vessel and crew and emergency contact details to ensure the safety and well-being of the fishing vessel and the crew. The issuing authority may also consider implementation of token system by designated authority for allowing the vessel to proceed on high-sea fishing.

17.0 The operator shall ensure the safety and security of the fishing vessel and the crew deployed in the vessel by ensuring the availability of approved communication and safety equipment (as per applicable national and international regulations/Convention). In this regard, the operator shall ensure the following minimum standard provisions in the vessel:

- (a) Automatic Identification System (AIS)
- (b) Satellite based Vessel Monitoring System (VMS)
- (b) Distress Alert Transmitter (DATs) or
- (c) Emergency Position Indicating Radio Beacon (EPIRB)
- (d) Life Buoys
- (e) Life Jackets – 150% of the authorized crew
- (f) 25 watts VHF Radio/Satellite-voice communication

18.0 The VMS and AIS units must remain switched on at all times when the boat is out at sea. The vessels need to transmit the details (vessel identification; the current geographical position of the vessel; the date and time through VMS to the notified national Fisheries Monitoring Center (FMC) at least once every 4 hours.

19.0 The operator shall maintain and operate the fishing vessel in sea-worthy condition and shall ensure insurance of both fishing vessel and crew against all risks, accidents and natural calamities and further shall also ensure good working conditions for the crew as per Convention 188 of the International Labour Organization (ILO).

20.0 Each fishing vessel issued with a PERMIT shall strictly comply with the security measures as detailed in the Standard Operating Procedures (SOP) issued by the Central Government and annexed to these Guidelines (***Annex 1..... to be appended***).

21.0 Each fishing vessel issued with a PERMIT shall strictly comply with the Standard Operating Procedures (SOP) issued by the Central Government to avoid collision incidents involving fishing boats in the coast of India and annexed to these Guidelines (***Annex 2... to be appended***).

22.0 The Indian flagged vessel fishing in the high seas will require to have the International Maritime Organization's (IMO) number, if it is eligible for the same.

23.0 The operator shall ensure that at the end of each fishing voyage full details of the fish catch and other relevant information (species caught and their numbers and weight, area(s) where fished; number of days of the fishing trip, etc.) shall be made available to the issuing authority and the Fishery Survey of India (FSI) or any authority designated by DoF, MoFAHD, GoI in a prescribed format of the log sheet/ electronic log book.

PRESCRIBED FISHING OPERATIONS FOR HIGH SEAS

1. Purse Seine fishing operations.
2. Long Line fishing operations.
3. Gillnet cum Longline fishing operations.
4. Gillnet fishing operations.
5. Pole and line fishing operations.
6. Handline fishing operations.
7. Trolling fishing operations.
8. Mid-water pelagic trawl fishing operations.
9. Squid jigging fishing operations.

Any other fishing gear to be introduced with the development of fisheries in agreement with the international/regional convention/resolution ratified/complied by India.

DEPARTMENT OF FISHERIES,
MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING
GOVERNMENT OF INDIA

APPLICATION FOR A PERMIT FOR HIGH SEAS FISHING OPERATIONS

1. Details of the Owner(s) and Operator(s)

- (a) Full Name of owner: _____;
- (b) National Identity Card Number of Owner: _____;
- (c) Permanent address of the Owner: _____;
- (d) Mailing Address: _____;
- (e) Telephone No. : _____;
- (f) E-mail: _____;

2. Details of the Skipper/Master

- (a) The name, address, telephone numbers and National Identity Card number of the Skipper / Master: _____;
- (b) Number and date of license of the skipper: _____;

3. Details of the boat

- a) Registration number of the Boat: _____;
Date of the first Registration: _____; Date of Renewal: _____;
- b) Name of the Boat (if any): _____;
- c) International Radio Call Sign(s)(if any) or indicate non-availability: _____;
- d) Port of Registry: _____;
- e) The Boat's previous flags (if any): _____;
- f) Country of origin, year of built: _____;
- g) Type of Boat and Gear(s) used: _____;
- h) Hull Material: _____;
- i) Gross Tonnage: _____;
- j) Length Overall: _____;
- k) Total volume of fish hold(s) (in m³) : _____;
- l) Type of the Engine: _____;
- m) Engine Number: _____;
- n) The power of the main engine/engines of the boat: _____;
- o) IMO number (for the vessels more than 100 GT that are at least 15 metres in length overall). IMO number does not apply to vessels which are not eligible to receive IMO numbers;
- p) Colour photographs of the vessel (to be attached).

4. Details of fishing Gear/Methods

(a) Gill nets (it should be less than 2.5 k.m.in length)

<i>Total length</i>	<i>Depth</i>	<i>Mesh Size/Ply</i>	<i>Target Species</i>

(b) Long line:

<i>Total Number of Hooks</i>	<i>Number of Units</i>	<i>Target Species</i>

(c) Pure Seine

<i>Length of the Net</i>	<i>Depth of the Net</i>	<i>Free Swimming/FAD (Anchored/Drifting)</i>	<i>Target Species</i>

(d) Other type of Gear used

I, hereby confirm that the information provided in the above declaration is true and correct to the best of my knowledge.

In the event of issuing a PERMIT to me for high seas fishing, I, undertake to comply with the conditions specified therein in accordance with High Seas Fishing Operation Guidelines issued vide Order No..... Dated..... 2022 by DoF, MoFAHD, GoI and comply with conservation and management measures adopted in keeping with the United Nations Law of the Sea Convention 1982, United Nations Fish Stock Agreement 1995, and Indian Ocean Tuna Commission, etc. to which India is party.

.....

Signature of the Applicant

.....

Date & Place

SCHEDULE III

Fee for Fishing Operation Permit in the High Seas

1. Boats more than twenty four (24) metres in length
500,000) - Rupees Five Hundred Thousand (Rs.
2. Boats between fifteen (15) to twenty four (24) meters in length
(Rs. 100,000) - Rupees One Hundred Thousand
3. Boats between twelve (12) to fifteen (15) meters in length - Rupees Fifty Thousand
(Rs. 50,000)

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DEPARTMENT OF FISHERIES,
MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING
GOVERNMENT OF INDIA

FISHING OPERATIONS PERMIT FOR HIGH SEAS FISHING

PERMIT for engaging in fishing operations in high seas is hereby granted to Mr./Ms/.....offromtoin terms of the provisions of High Seas Fishing operation Guidelines No. of 2022 dated and comply with the conservation and management measures (CMMs) under the United Nations Law of the Sea Convention 1982, United Nations Fish Stock Agreement 1995, Indian Ocean Tuna Commission, South Indian Ocean Fisheries Agreement (SIOFA) or any other CMMs as applicable for fishing in the high seas. (please see the overleaf for conditions of the Permit)

1. Registration number of the boat for which the Permit is issued:
.....
2. Length of the fishing boat:
3. Authorized Fishing Operations under the Permit:

<i>Authorized fishing gear</i>	<i>Details of fishing gears, nets & Mesh size</i>	<i>No. of hooks, Length of the floating line & Length of the branch lines</i>	<i>Authorized species of fish</i>	<i>Area of fishing in high seas</i>

4. Home port landing:
5. Fishing duration:

Catching, keeping in possession, transporting and transshipping of Marine mammals, Turtles, Thresher Sharks, species of Sea birds are totally prohibited. No fishing operation should be conducted within the radius one km of the data buoys installed in high seas.

.....

Issuing Officer

Date: