

## Uniform ban on fishing by mechanized boats and trawlers during the monsoon period

ITEM NO.33

COURT NO.1

SECTION X

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS  
WRIT PETITION (CIVIL) NO(s). 393 OF 2005

GOA ENVIRONMENT FEDERATION  
VERSUS  
UNION OF INDIA & ORS.

...Petitioner(s)

...Respondent(s)

[With appln(s) for stay and office report]

Date: 17/07/2006 This Petition was called for hearing today.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s)

Mr.Sanjay Parikh, Adv.  
Ms.Anitha Shenoy, Adv.  
Mr.A.N. Singh, Adv.

For Respondent(s) Mr.A. Sharan, A.S.G.

Mr.Amit Anand Tiwari, Adv.  
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Mr.Dhruv Mehta, Adv.  
Mr.Harsh Vardhan Jha, Adv.  
Mr.Yesh Raj Singh, Adv.  
for M/s. K.L. Mehta & Co., Adv.  
Mr.P.V. Dinesh, Adv.  
Ms.Sindhu T.P., Adv.

Mr.Jogy Scaria, Adv.  
Mr.K.R. Sasiprabhu, Adv.  
Mr.Anil K. Mishra, Adv.  
Mr.Sanjay R. Hegde, Adv.

UPON hearing counsel the Court made the following

## ORDER

In the Writ Petition, direction is sought against the respondents, States of Karnataka, Gujarat, Maharashtra, Kerala and Goa, to observe uniform ban on fishing by mechanized boats and trawlers during the monsoon period from 10th June to 15th August every year. This petition is pending in this Court for about a year. The States of Maharashtra and Gujarat have no objections to such a ban being imposed. The objection, however, is raised by the States of Goa, Karnataka and Kerala. In fact, the ban imposed in the earlier years by the State of Goa was upto 15th August but now it is upto 31st July commencing from 10th of June. In Karnataka and Kerala it is upto 29th July commencing from 15th June.

The basic questions to be examined are two, namely,

(1) depletion of natural fishing resources if fishing is allowed during the monsoon period from 10th June to 15th August by mechanized boats and trawlers, and (2) protection of the rights of the traditional fishermen.

We have heard learned counsel for some time. For final disposal of the Writ Petition, learned counsel seek further time to place on record detailed material. However, the question is, for the present year, should the ban on fishing by mechanized boats and trawlers be extended upto 15th August or not in the five States above-noted, out of which two States are not objecting to. The question remains in respect of the States of Goa, Karnataka and Kerala.

We have perused the minutes of the meeting which was held to discuss the issue of uniform ban during monsoon period both of East and West Coasts, we are concerned about the West Coast in the present petition. The record of the meeting held on 31st January, 2003 shows that all concerned were heard and decision taken that uniform fishing ban in West coast during monsoon period may be imposed for a period of 67 days starting from 10th June to 15th August every year. It further appears from the order dated 12th May, 2003 issued by the Government of India, Ministry of Agriculture, Department of Animal Husbandry and Dairying that having regard to the consensus arrived

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at the meeting aforesaid, Government imposed uniform ban on operation of deep sea fishing vessels in the Exclusive Economic Zone of West Coast States/UTs, viz. Tamil Nadu, Kerala, Karnataka, Goa, Maharashtra, Gujarat and Lakshdweep Islands, Daman & Diu operative from 10th June to 15th August, 2003 both days inclusive. We are told that in subsequent years, including the present year, the ban in respect of deep sea fishing has been imposed by the Government of India. The self-same order dated 12th May, 2003 required the West Coast States/UTs to issue similar ban for the period 10th June to 15th August within the territory falling under the territorial waters of the States/UTs. As already noted, in earlier years, Goa did impose ban upto 15th August and now it stands reduced to 31st July by issue of an Ordinance issued by that Government.

Having regard to the aforesaid and keeping in view the prime need to preserve the natural fishing resources as also to protect the traditional fishermen, for the present, till we further hear the matter on parties filing further documents, it would be appropriate to extend the ban upto 15th August, 2006. It is ordered accordingly. Therefore, there will be a ban for mechanized boats and trawlers for fishing in the coastal waters of Maharashtra, Gujarat, Goa, Karnataka and Kerala upto 15th August, 2006.

For the present purpose, a mechanized boat/mechanized fishing vessel will mean a ship or boat fitted with mechanical means of propulsion and includes country crafts and canoes fitted with an inboard or outboard motor of the capacity above 10 B.H.P. horsepower.

In the Writ Petition, we issue rule and expedite the hearing so that the matter can be decided before the commencement of monsoon next year.

The aforesaid order is without prejudice to the rights and contentions of the parties in the Writ Petition.

(N. Annapurna)  
Court Master

(V.P. Tyagi)  
Asstt. Registrar