



IUU Risk Intelligence

Putting Compliance First

GLOBAL EVALUATION OF FISHERIES MONITORING CONTROL AND SURVEILLANCE IN 84 COUNTRIES

INDIA - COUNTRY REPORT

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SUMMARY

*This evaluation of Fisheries Monitoring Control and Surveillance report for **India** is one of 84 such country evaluations that covers nations landing 92% of world's fish catch. Using a wide range of interviews and in-country consultations with both military and civilian agencies, the report exemplifies the best attempt by the author(s) at evaluation of MCS compliance using 12 questions derived from international fisheries laws. The twelve questions are divided into two evaluation fields, (MCS Infrastructure and Inspections). Complete details of the methods and results of this global evaluation would be published shortly through IUU Risk Intelligence website.*

Over a five-year period, this global assessment has been subjected to several cross-checks from both regional and global MCS experts' familiar with compliance aspects in the country concerned. Uncertainty in assigning each score is depicted explicitly through score range. However, the author(s) are aware that gaps may remain for some aspects. The lead author remains open at any time to comments, and revisions will be made upon submission of evidence where necessary. Throughout the report, extreme precaution has been taken to maintain confidentiality of individuals who were willing to share information but expressed an inclination to remain anonymous out of concern for their job security, and information from such sources was cited as 'anonymous' throughout the report.

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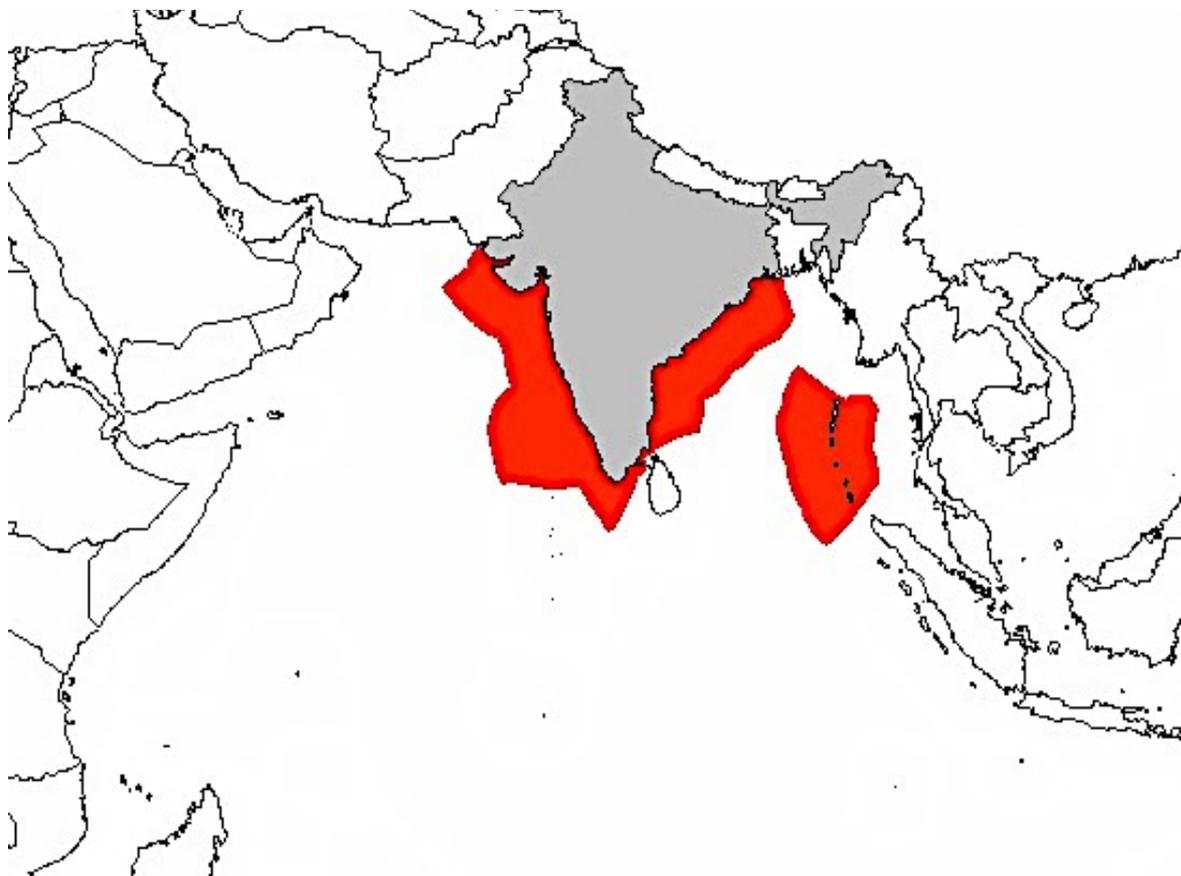
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INDIA – COUNTRY REPORT



FAO landings (2013): 3,418,815 tonnes

Fisheries Contribution to the GDP (2013): 0.8%

Law of the Sea (Ratification/accession): 29th June 1995

Coastline: 7000 km

RFMO Membership: CCAMLR, IOTC

Patrolling agencies: Indian Coast Guard, Marine Police

Rank	Priority for maritime security tasks
1.	Arms Smuggling
2.	Narcotics Trafficking
3.	Cross-Border Incursions

SECTION 1: MCS INFRASTRUCTURE

1. Does the country have adequate surveillance infrastructure (maritime patrol aircraft, inshore and offshore patrol vessels) to effectively patrol fisheries resources within its EEZ?

Score: 7.5

Score Range: 7-8

Although the country has adequate patrolling capacity in offshore waters; gaps remain in the nine coastal provinces (From the State of Gujarat on the West Coast to West Bengal in the Bay of Bengal). Further, a very small proportion of Indian Coast Guard patrols are focused on fisheries enforcement. In recent years, coastal surveillance has received technical upgrades (46 coastal radars and 87 AIS receivers) to detect intruders along the coast.

The Indian Coast Guard (ICG) has fifth largest Coast Guard fleet in the world with 121 ships and 62 aircraft. ICG is moderately effective in patrolling offshore fisheries, but large gaps exist in many coastal waters where most of the domestic fishing activity ensues (Anon 2011; BOBP 2008; Pant 2009; Pramod 2012; Dey 2013). The Indian Coast Guard (ICG) is equipped with 5 Advanced offshore patrol vessels, 9 Offshore patrol vessels (1 OPV (*Vikram class* (Range 8500 nm – *Vigraha*), 6 OPVs (*Samarth class* – *Samarth*, *Shoor*, *Sarathi*, *Shaunak*, *Sharya*, *Sujay*), 4 OPVs (*Samar Class* – *Samar*, *Sangram*, *Sarang*, *Sagar*), 2 OPVs (*Sankalp Class* – *Sankalp*, *Samrat*), 3 OPV (*Vishwast Class* – *Vishwast*, *Vijit*, *Vaibhav*)), 42 Fast Patrol vessels, 13 Inshore Patrol vessels, 2 Seaward Defence boats, 45 Interceptor boats, 28 Interceptor crafts (*Vadyar class* & *Bristol class*), 18 Hovercraft (12 *H-187 class* & 6 *H-181 class*), 28 Fixed Wing (*Dornier-228*) aircraft, 20 Chetak helicopters and 4 Advanced Light Weight helicopters to patrol the Indian EEZ (Ramsay 2016; Indian Coast Guard 2013a). Dornier aircraft are equipped with Marec or Super Marec Search radars, cameras and searchlights. According to Roy-Chaudhary (1998) these aircraft can detect a violation in the EEZ and communicate the information to the nearest patrol craft at sea. Indian Navy recently commissioned unmanned aerial vehicle squadron (Kochi, Porbander and Ramanathapuram) along maritime boundaries with Pakistan and Sri Lanka to monitor vessel activities along its EEZ boundaries; three such UAV aircraft have been commissioned (Anon 2012). See IISS (2013); Anon (2014) for more information on surveillance infrastructure.

Indian Coast Guard (ICG) is the primary monitoring agency responsible for control and scrutiny of fishing vessels operating within Indian waters. The Coast Guard is also responsible for boarding and inspection of domestic and

foreign deep-sea vessels operating under charter agreements within the Indian EEZ. The Maritime Zones of India Act, 1976 and Coast Guard Act, 1978 give ICG exclusive rights for inspection, protection and management of living and non-living resources within 2.01 million sq.km EEZ. However, Coast Guard is only responsible for monitoring fishing vessels through deep-water missions, with coastal provinces responsible for regulating, monitoring and controlling fishing vessels in their 0-12 nm jurisdictions. This has left large coastal sections in territorial seas with less than effective fisheries enforcement. Further, the number of dedicated ICG missions for exclusive fisheries enforcement remain limited in offshore waters.

2. Does the country have adequate trained officers to conduct MCS operations?

Score: 4

Score Range: 2-4

Indian Coast Guard has sufficient manpower to monitor fishing vessels between territorial seas and sizeable offshore sections within the EEZ. However, even within offshore locations monitored by Coast Guard, at-sea boarding operations for fisheries enforcement are constrained (Pramod 2010; ICG 2008). Indian navy has equipped 60% of Indian fishermen with Biometric IDs to enhance coastal security at sea (Anon 2015). Marine Police & Fisheries Departments (in coastal states i.e. *Gujarat to West Bengal*) do not conduct regular enforcement at either fisheries harbours or artisanal landing beaches leading to extensive fisheries violations within the 24-mile inshore coastal zone.

The IUU situation is much worse for coastal areas (0-12 nm), where large gaps are reported for monitoring waters under the jurisdiction of nine coastal states (provinces). Virtually none of the coastal states have adequate manpower for sea-based patrolling, with MCS assets limited to a few fishing harbors and jetties. The only exception is the state of Orissa, which receives adequate fisheries inspections through Forest Department officers in a 120 km area (Marine Sanctuary) to prevent encroachment of trawlers into turtle breeding grounds for a few months every year (BOBP 2008; Dey 2013; Pramod 2010; Pramod 2012).

3. Does the country have adequate management plans to monitor their fishing vessels on the high seas?

Score: 0

Score Range: 0-0

No, Coast Guard Act, 1978 and the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 do not suggest management plans to

monitor Indian fishing vessels beyond the EEZ. Several Indian flagged vessels have been detained for illegal fishing in British Indian Ocean Territory of Chagos Islands over the past few years. See Pramod (2010, 2012) for more information.

4. What proportion of fishing vessels is equipped with vessel monitoring system (VMS) to monitor movements on a continuous basis?

Score: 0

Score Range: 0-0

Indian Fisheries laws do not require Indian fishing vessels to be equipped with a vessel monitoring system. This problem is further aggravated by large number of unregistered fishing vessels operating within the 12-mile inshore zone. See Pramod (2010) for more information. India has not complied with VMS requirements of the Indian Ocean Tuna Commission (IOTC 2013).

5. What percentage of fishing vessels (>20 m OAL) is monitored through onboard observers at sea (for major commercial fish stocks)?

Score: 0

Score Range: 0-0

None of the industrial fishing vessels take onboard observers during fishing trips in India (Pramod 2010). An observer programme is not reported for Indian flagged tuna vessels operating in the Indian Ocean Tuna Commission (IOTC 2013).

SECTION 2: INSPECTIONS

6. How often fishing vessels are inspected at sea (Identification by sight and boarding for inspections)?

Score: 4.5

Score Range: 3-5

Indian Coast Guard has adequate surveillance infrastructure (Ramsay 2016) but it is seldom used effectively for fisheries enforcement. Available information from Indian Coast Guard suggests limited at-sea boarding's per year for offshore tuna longliners operating under joint charter agreement (LoP) with Indian companies (ICG 2008a; ICG 2008b; Anon 2016). However, no concrete conclusions can be drawn on the frequency of inspections at sea for domestic fishing vessels (trawlers and semi-industrial fishing boats) due to lack of Fisheries Department inspections data in relation to large number of vessels



that operate within territorial waters up to 20 nm from the shore. Domestic trawlers and gillnetters are rarely boarded at sea for fisheries inspections (most of the inspections are related to documentation and license checks by officials from the Indian Customs and Indian Coast Guard (Pramod 2012).

Patrols in the coastal states from Gujarat to West Bengal from coast to coast are under the responsibility of provincial governments, which never take the fisheries enforcement tasks seriously. Patrols at sea are well-organized in some coastal states such as Gujarat, Tamil Nadu and Kerala for a few months each year but interviews with Deep-sea fishing trawler captains gives a grim picture of robbing of fish resources in the Bay of Bengal. 30 skippers were interviewed recently, and their estimates suggest that up to 50 trawlers from Bangladesh and 17 Thai trawlers were regularly seen fishing illegally in Indian EEZ around waters of Orissa and West Bengal, often at night while up to 10 Taiwanese tuna boats are seen fishing illegally up to 7 months each year. Thai and Taiwanese vessels were also reported fishing illegally in Andaman Islands EEZ, but incursions from Thai vessels have decreased since last year. Taiwanese vessels fly their own flag, while LOP vessels (of Taiwan) fly Indian flag while fishing for tuna in the Bay of Bengal. The Coast Guard often spends lakhs of rupees each year to detain local fishing trawlers operating in Orissa during the closed period but has not taken action on foreign trawlers looting fish and shrimps well within the north-eastern Indian maritime boundary (Anon, *pers.comm.*, 2017).

7. How often fishing vessels are scrutinized through aerial patrols?

Score: 7.5

Score Range: 7-8

Occasionally; there is adequate maritime surveillance of vessels operating in the Indian EEZ. The frequency of aerial surveillance to detect fishing vessels is difficult to predict due to varying surveillance priorities in different jurisdictions. Offshore fisheries inspections are moderately effective in detecting the presence of illegal foreign vessels in the Indian EEZ. A string of recent arrests of Sri Lankan fishing vessels in the Bay of Bengal and Burmese vessels in the Andaman Islands is attributed to good use of Dornier aircraft. Maritime patrol capabilities have increased with procurement of four new Boeing P-8I Neptune long-range maritime patrol aircraft for INR43.8 billion; in addition to eight similar aircraft ordered for Indian Navy in 2009 (Bedi 2015). Two such Boeing P-8 maritime surveillance will be deployed in Andaman & Nicobar Islands. Recently, use of Unmanned Aerial Vehicles (UAVs) has been envisaged in Tamil Nadu & Andaman and Nicobar Islands to improve enforcement (Anon 2007, 2012).

8. How often are fishing vessels inspected at landing centers and docks for foreign and domestic vessels (Dockside monitoring)?

Score: 1

Score Range: 0-1

Hardly any fisheries inspections at fishing ports, small harbors and artisanal beaches along the coastline (Pramod 2010, 2012). A recent study of domestic trawlers operating from Indian fishing harbors revealed that 80-95 % of fishing vessels are never inspected at landing centers. Moreover, there are no plans to inspect Indian registered deep-sea fishing vessels (LoP tuna longliners) at ports, as bulk of the catch is transhipped at sea without adequate controls on quantity of catches reported through national authorities (Pramod 2010).

9. Are there adequate plans to monitor catches in coastal areas through coastal patrols (beach patrols, small-scale fishing gear and catch inspections) on a regular basis?

Score: 1

Score Range: 1-2

No, there are no plans to monitor inshore fishing fleet or fishing gear through coastal patrols. Market inspections are never undertaken to check sale of illegal fish and endangered fish. Seafood banned under the Indian Wildlife Act are openly sold and traded in fishing harbours and markets. During the annual fishing ban period some coastal states like Orissa and Goa undertake seasonal patrols within inshore waters to apprehend illegal fishing trawlers and seize illegal gear, but such practices are not reported in other coastal provinces. In the coastal state of Tamil Nadu time-restrictions and token system, prevent trawlers from fishing after dusk thwarting them from operating in coastal waters at night and encroaching into Sri Lankan waters. See Pramod (2010, 2012); BOBP (2008, 2010); Dey (2013) documents for more information.

10. Are all the catches that are caught in this jurisdiction at sea accounted for (i.e., unreported Trans-shipments at sea)?

Score: 1.5

Score Range: 1-2

Unreported transshipments from tuna longliners have been a problem in Indian waters for a long time. This problem can only be curtailed if the Indian Government makes it mandatory for all tuna longliners to land their catches in Indian ports prior to export. When Indian longliners land their catches in Indian ports, why can't the chartered longliners follow the same rules? Transshipments at sea should be banned; sending VMS signals to the Coast Guard should be made mandatory under the condition of the chartered tuna vessel licenses; observers should be present during all transshipments. Only then, can we see any credible change in compliance with this aspect. IOTC

should also put more pressure on the Indian Government to enhance transparency of illegal tuna transshipments by chartered Taiwanese longliners at sea (Anon, *pers. comm.*, 2016).

Paragraph 12 of the new guidelines for LoP vessels (vide Entry 57, List 1 of the Seventh Schedule of the Constitution) for all deep-sea fishing vessels incl. LoP vessels states that “*all deep sea fishing vessels operating in the Indian EEZ are subject to inspection by Coast Guard before and after completion of each voyage*” (Indian Coast Guard 2013b). The new guidelines also require master of the LoP tuna vessel to notify 72 hours in advance of any mid-sea transfer of catches along with details on reefer or catcher vessel to which transfer is envisaged. None of these guidelines are being implemented satisfactorily right now, allowing foreign-joint venture vessels to illegally transship and conduct other prohibited activities within the Indian EEZ (Anon, *pers.comm.*, 2016).

The new system is not fool proof. There is shortage of information on how effectively these new guidelines (Coast Guard Circular FE/1505/5, dated February 15, 2013) will be implemented LoP tuna vessels do not land their catches in Indian ports, nor do they transmit VMS signals to Indian Coast Guard Monitoring Centres, and there are very few Coast Guard vessels operating along the locations in offshore waters where LoP vessels operate and transship at sea. Past records of transshipments verified show that less than 3% of tuna transshipments were ever monitored by Indian Coast Guard or declared to the Indian Customs within the Indian EEZ. The current and new system (as per 2013 FE/1505/5 guidelines) from Indian coast Guard will continue to rely on random inspections during patrols at sea since none of the LoP vessels transmit their VMS signals to Indian fishing companies/ Indian Customs or the Indian Coast Guard. 72 hour’s notice is largely voluntary and skippers of LoP vessels continue to transship catches outside Indian EEZ and resume operations in Indian waters without declaring the actual quantity of catches caught in Indian waters. In the past, there have been no penalties or license cancellations for vessels infringing on requirement to notify Indian Customs and Coast Guard. Indian fishing companies participating in the LoP permits are aware of illegal transshipments at sea and are well aware of the low volume actually declared to Indian Government, but nothing has been done until now. There are allegations of corruption at the highest corridors of power in central government and within the Indian tuna companies which act as front for the Taiwanese longliners and other foreign trawlers (e.g. China) enabling them to fish illegally and under-report catches from Indian EEZ (Anon, *pers. comm.*, 2017).

Indian Coast Guard undertakes inspections at sea for LoP chartered tuna longliners few times every year, but bulk of illegal transshipments remain unmonitored (Pramod 2010). According to domestic fishing vessel operators and interviews with fishing crew (Pramod 2010) working on-board LoP vessels;

most of the foreign tuna longliners operate their vessels through Letter of Permit (LOP) vessels without touching Indian Port. “The vessels are inspected by Indian Registry of Shipping and necessary certificate of inspection is issued when the vessels are first registered in India. Coast Guard accepts the same registration. Once the vessel sails out from the Foreign Port, they anchor outside port limits of an Indian Port and send Indian crew clandestinely without informing immigration and customs authorities. The Coast Guard goes out to outer anchorage, inspect the vessels and give necessary clearance for fishing. The above operations violate the customs Act, the immigration Act and the Mercantile Shipping Act, wherein under section 435 K, it is very clearly mentioned that it is mandatory for the vessels to be inspected by MMD before proceeding for fishing. After completion of fishing, the vessels without touching any Indian Port, sails out and transship the cargo in international waters. There is no verification of the quantity and value of the exports. The Indian companies are also not registered with Marine Product Export Development Authority (MPEDA) as an exporter, which is a gross violation under MPEDA Act. There is no proper record of the export figures for making a case to IOTC” (Prithviraj, *pers. comm.*, 2009).

See Patnaik (2008) and Pramod (2010) documents for more information.

11. Are vessels required to undergo inspection of equipment and fishing gear for every fishing trip?

Score: 0

Score Range: 0-0

Domestic fishing trawlers are not required to undergo inspection of equipment and fishing gear before leaving and upon arrival in fishing harbours. A recent study of Indian fisheries revealed that many fishing vessels in several coastal states carry more than three types of fishing gear even when licensed for one fishing gear under their current fishing license (Pramod 2010, 2012). Fishing gear and mesh size violations are prevalent throughout the coastline in both small-scale and industrial fisheries (BOBP 2010; Pramod 2012; Dey 2013).

12. Has the country taken adequate measures to revise and implement national fisheries laws to curtail illegal fishing practices; and does it comply with national and international laws signed?

Score: 4

Score Range: 2-4

Indian Fisheries Act of 1897 consolidated in the year 1956 is the main national legislation for fisheries management in Indian EEZ. The country has not adopted a NPOA on IUU Fishing. India is not a party to the UN Port State Measures Agreement and FAO Compliance Agreement. India has ratified the UN Fish Stocks Agreement on 19 August 2003. See BOBP (2008); Ramsay

(2016); Pramod (2010); Pramod (2012); Ali *et al.*, (2014); Anon (2016) documents for more information.

Indian fishing vessels have demonstrated very poor compliance with national laws within its EEZ and RFMO regulations while fishing in IOTC waters. Indian fishing vessels have also been implicated for poaching in neighbouring countries. None of the vessels fishing on the high seas (tuna fleet) have VMS surveillance, high seas authorization or entry exit notification requirements alluding to poor flag state accountability. There is a clear lack of coherence in the management efforts of central versus state Governments leading to high incidence of illegal fishing in the EEZ and beyond. Indian fishing vessels have been detained by BIOT (Chagos islands), Pakistan and Sri Lanka, with most of the vessels and fishermen released after languishing in jails (Pakistan) or released due to good bilateral relations with its southern neighbours (Sri Lanka).

As far as Indian trawlers detained in Sri Lanka is concerned the problem has never been addressed as politicians from Tamil Nadu often use political pressure to get the crew and vessels released using diplomatic channels. This arrangement encourages boat operators to continue such transgressions into Lankan maritime territory (Anon, *pers.comm.*, 2016).

Flag of Convenience	No
Vessels on the RFMO - IUU vessel list	Yes

RFMO	Year of the assessment	Compliant	Partially compliant	Not Compliant	Source
CCAMLR	2013	Yes			CCAMLR (2014)
IOTC	2014-2017			Yes	IOTC (2015a)

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Note:

Bibliography and other notes relevant to this country report including methods, results and discussion for the global evaluation of 84 countries would be released shortly through IUU Risk Intelligence website (<http://iuriskintelligence.com/>). (The author can be contacted at prammod.raju@gmail.com to provide any feedback).

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