

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 370 OF 2024

All Goa Small Scale Responsible Fisheries
Union, Thr. Its Secretary Laximan ... Petitioners
Mangueshkar

V e r s u s

The State of Goa, Thr. The Chief Secretary, & 6 ... Respondents.
Ors.

Mr. Nigel da Costa Firas, Advocate *with Mr. Vishal Sawant,*
Advocate for the Petitioners.

Mr. Nehal Vernekar, Additional Government Advocate *for*
Respondents.

CORAM: M. S. KARNIK &
VALMIKI MENEZES, JJ.

DATE: 27th August, 2024

P.C.

1. The petition can be disposed of in view of the draft minutes of the order tendered by the learned Counsel for the petitioners which are taken on record and marked exhibit 'X' for identification signed by the petitioners. The petitioners suggested measures that need to be taken by the concerned authorities to stop illegal purse seine and mechanised fishing vessels in the specified area (within 5 kms of the coastline) of the coastal waters of Goa.

2. The draft Minutes of the Order, read thus :

“i) Regular Patrolling by the officials from the Fisheries Department and Captain of Ports especially in the Mandovi and Zuari River.

ii) Patrol boats of the Fisheries department as well as Coastal Security Police must be stationed at the Dona Paula Jetty and not only at Vasco-da-Gama, because the illegal purse seine fishing takes place mostly at the Siridao/Dona Paula bay area.

iii) The Patrolling should also be after sunset as most often purse seine fishing takes place under the cover of darkness.

iv) The fisheries department to procure the required number of boats for patrolling and the officials of fisheries department and captain of ports should also be assisted by the coastal police.

v) On detection of illegal purse seine fishing by trawler or vessel, the vessel should be seized and prosecution initiated against the vessel operator/owner in accordance with sections 18 & 21 of the Goa Daman and Diu Marine Fishing Regulation Act, 1980.

vi) The Respondent nos. 2 to 4 and 7 should establish an effective monitoring, control and surveillance system to control and detect the illegal purse seine fishing, the system could be by

equipping the patrol boats used by the coastal police and fisheries department with radar systems to track vessels used in purse seine fishing.

vii) All fishing boats registered with captain of ports and fisheries department should have compulsorily fitted with GPS Tracking devices, so that their movements can be regulated and monitored.

viii) The Captain of Ports and Coastal Police should maintain a register to record the number of rounds taken while patrolling.”

3. Shri Vernekar, learned Additional Government Advocate, invited our attention to the Minutes of the Meeting, which are at page 120 in respect to Writ Petition No. 2844 of 2023. Relevant portion of the Minutes of the Meeting reads thus :

The Addl. Govt. Advocate initiated the discussion by briefing all stakeholders about the ongoing court matter pertinent to illegal fishing activities within 5 Km of territorial waters. It was highlighted that the petitioners have suggested increasing the frequency of patrolling as a potential measure to mitigate such activities.

Upon inquiry by the Addl. Govt. Advocate regarding the availability of vessels, the Captain of Ports Department informed that their patrolling vessel is currently under maintenance. It is expected to be operational within approximately 20 days, subject to the condition of the vessel. The Coastal Security informed that they had already deployed

one Dinghy in the Zuari river (Cacra) for continuous patrolling to counter illegal fishing activities. Furthermore, they pledged to allocate additional personnel to support the Fisheries Department during patrolling.

The Fisheries Department committed for conducting patrols along the Zuari river on alternate days, owing to the availability of only one Bosun to operate the vessel.

The Coastal Security also informed regarding a tender that has been floated for the procurement of five HDPE rescue boats. These boats may enhance patrolling efforts along the Zuari river.

The Addl. Govt. Advocate advised the Fisheries Department to implement stringent measures against violations, including the suspension of licenses for repeat offenders.

The Captain of Ports Department assured support and collaboration with both the Fisheries Department and Coastal Security in their efforts to curtail illegal fishing activities along the Zuari river.

In conclusion, all stakeholders agreed to carry out the continuous patrolling along Zuari river to curb down the illegal fishing activities.”

4. It is also significant to note that vide Office Order dated 08.03.2024, the Director of Fisheries has ordered that “*Shri Narayan Naik, Bosun along with Fishing vessel “Ocean Queen” and crew/deckhands are hereby posted at Vasco jetty and shall operate*

from the station w.e.f. 11th March, 2024 until further orders and conduct patrolling as per instruction/orders.” Furthermore, by order dated 29.02.2024, the Superintendent of Police, Coastal Security, Panaji Goa, has in partial modification to this office Order no. SP/COASTAL/SEC./F-04(2023)/525/2023, dated 11.12.2023, ordered the halt place for Dinghy-4 allotted to Harbour Coastal Security Police Station and as indicated in Column-III shall henceforth be Cacra (River Zuari) in place of Rassaim, until further orders. The learned Additional Government Advocate submitted that there will be strict compliance of the aforesaid orders.

5. In view of what was discussed in the Minutes of the Meeting dated 01.03.2024, which learned Additional Government Advocate assured that the same would be scrupulously followed and in view of the positive stand of the respondents that they will act on the suggestions made by the petitioners as recorded in this order, accepting such assurance which the respondents shall follow in letter and spirit, the petition is disposed of. No costs.

VALMIKI MENEZES, J.

M. S. KARNIK, J.