



IN THE HIGH COURT OF BOMBAY AT GOA

**WRIT PETITION NO. 403 OF 2022
WITH
P.I.L WRIT PETITION NO. 32 OF 2022
WITH
MISC. CIVIL APPLICATION NO. 1133 OF 2025 (F)
IN
P.I.L WRIT PETITION NO. 32 OF 2022
AND
MISC. CIVIL APPLICATION NO. 1635 OF 2024 (F)
IN
P.I.L WRIT PETITION NO. 32 OF 2022**

WRIT PETITION NO. 403 OF 2022

1. Mr. Joaquim Reginaldo Mendes,
Son of Mr. Reginaldo Mendes,
45 years of age, married,
Fishermen, Indian National,
R/o H. No. 794, Dandadi Waddo,
Nerul-Bardez-Goa.
2. Mr. Deric Cardozo,
Son of Mr. Francisco Cardozo,
28 years of age, unmarried,
Fishermen, Indian National,
R/o. H. No. 807/1, Dandadi Waddo,
Nerul-Bardez-Goa.
3. Mr. Jose Mario D'Souza,
Son of late Mr. Minguel D'Souza,
53 years of age, married,
Fishermen, Indian National,

R/o. H. No. 7/142, Saunta Waddo,
Calangute-Bardez-Goa.

4. Mr. Joao Fernandes,
Son of Late Mr. Pasquina Fernandes,
59 years of age, married,
Fishermen, Indian National,
R/o. H. No. 7/132, Saunta Waddo,
Calangute-Bardez-Goa.
5. Mr. Avinash G. Shirodkar,
Son of Mr. Ganglo G. Shirodkar,
45 years of age, married,
Fishermen, Indian National,
R/o. Firangebhat,
Nerul-Bardez-Goa.
6. Mr. Bhim Raguveer Pednekar,
Son of Mr. Raguveer Pednekar,
54 years of age, married,
Fishermen, Indian National,
R/o. H. No. 1278, Temb-vaddo,
Morjim-Goa.
7. Mr. Gregory Mariano D'Souza,
Son of Mr. Mariano D'Souza,
49 years of age, married,
Fishermen, Indian National,
R/o. H. No. 96, Ashvem,
Mandrem-Goa.
8. Mr. Sudhakar V. Joshi,
Son of Mr. Vital Joshi,
53 years of age, married,
Fishermen, Indian National,
R/o. H. No. 36, Posta-wado,

Betul, Velim-Goa.

9. Mr. Custodio De Souza,
Son of Mr. D'Souza,
44 years of age, married,
Fishermen, Indian National,
R/o H. No. 116/3, Non Mon,
Vasco De-Gama Goa.
 10. Mr. Bhau S. Kalangutkar,
Son of Mr. Shridhar Kalangutkar,
48 years of age, married,
Fishermen, Indian National,
R/o. H. No. 678, Firange Bhat,
Nerul, Bardez-Goa.
 11. Mr. Francisco Braganza,
Son of Mr. Braganza,
45 years of age, married,
Fishermen, Indian National,
R/o. R/o H. No. 2215, Velsao,
Salcette-Goa.
- ... Petitioners

Versus

1. State of Goa
Through Chief Secretary,
Having office at Secretariat,
Porvorim, Bardez, Goa.
2. Directorate of Fisheries,
Through its Director,
Office at Dayanand Bandodkar Marg,
Panaji, Goa.

3. Ministry of Agriculture and
Farmers Welfare,
Department of Animal Husbandry,
Dairying & Fisheries,
Krishi Bhavan,
New Delhi.
4. The Officer in Charge,
Maritime Rescue Sub Centre (MRSC),
Goa Headquarters,
Coast Guard District No. 11, Goa.
4th Floor, Old Admin Building,
Mormugao Port Trust,
Vasco da Gama, Goa, 403803.
5. Smt. Cruzinha Silva,
Owner of Boat Santa Catarina,
IND-GA-01-MM-3256,
House No. 235,
Novowaddo, Near Lourdes Chapel,
Ambelim, Assolna,
Salcete, Goa.
6. Josman Valencio Rodrigues,
Owner of Boat Joecons 5,
IND-GA-01-MM-2624,
House No. 1170, Mazilwado,
Benaullim, Salcete, Goa.
7. Shri. Remy Rodrigues,
Owner of Boat Star of Colva,
IND-GA-01-MM-3250.
House No. 469/1,
4th Ward, Colva,
Salcete, Goa.

8. Rosy Gomes,
Owner of Vailankanni Vencilla IV,
IND-GA-01-MM-2658,
House No. 214/B7,
Calvaddo, Varca,
Salcete, Goa.
9. Shri. Rosario Fernandes,
Owner of Boat Queen Mary II,
IND-GA-01-MM-3080,
House No. 459, 4th ward,
Colva, Salcete, Goa.
10. Brazilia Fernandes,
Owner of Boat of St. Anthony
Fisheries Colva,
IND-GA-01-MM-3162,
House No. 40, Copelvaddo,
Sernabhatim, Colva,
Salcete, Goa.
11. Shri. Cruz Rodrigues,
Owner of Boat Holy Cross VI,
IND-GA-01-MM-3137,
House No. 512, Uttodoxi,
Pedda, Varca, Goa.
12. Ivo D'Silva,
Owner of Boat A M Silva Sons,
IND-GA-01-MM-2567,
House No. 56, Assolna,
Ambelim Band,
Salcete, Goa.
13. Mr. Menino D'Souza,
Owner of Boat Pacific II,

IND-GA-01-MM-484,
Agaccaim, Ilhas, Goa.

14. Savio D'Souza,
Owner of Boat Sea Jewel II,
IND-GA-01-MM-257,
Siridao, Ilhas, Goa.
 15. Mr. Thomas D'Souza,
Owner of Boat SEA LORD
IND-GA-01-MM-962
Dona Paula, Goa.
 16. Mr. Francisco A. Fernandes,
Owner of Boat T Francis (Dondu)
IND-GA-01-MM-107,
Candolim, Goa.
 17. Mr. John Mendes,
Owner of Boat THREE KING II,
IND-GA-01-MM-958,
Nerul, Bardez, Goa.
 18. Mr. Francisco Silveira,
Owner of Boat VAILANKANI II
IND-GA-01-MM-836,
Agaccaim, Ilhas, Goa.
 19. Mr. Cruz Mascarenhas,
Owner of Boat PAI BOSTIAO II,
IND-GA-01-MM-3156,
Gaurawada, Calangute,
Bardez, Goa.
- ... Respondents

**WITH
P.I.L WRIT PETITION NO. 32 OF 2022
WITH
MISC. CIVIL APPLICATION NO. 1133 OF 2025 (F)
AND
MISC. CIVIL APPLICATION NO. 1635 OF 2024 (F)**

The Goa Foundation
through its Secretary,
Dr. Claude Alvares,
Age 74 years, Having Regd. Office at
Room No 7, Above Mapusa Clinic,
Mapusa, Goa 403507
PAN No. AAAAG0249C.
Income: Rs 10 - 15,00,000/- per annum (approx.),
Registration No. - 23/Goa/86,
Email id: goafoundation@gmail.com ... Applicant

Versus

1. THE STATE OF GOA,
Through the Secretary [Fisheries],
Secretariat, Porvorim, Goa – 403521.
2. THE DIRECTORATE OF FISHERIES,
Thr. its Director,
Dayanand Bandodkar Marg,
Panaji, Goa - 403001.
3. THE COAST GUARD,
DISTRICT NO. 11 (GOA),
Through its District Commander,
4th Floor, Old Administrative Building,
Mormugao Port Trust, Vasco da Gama,
Mormugao, Goa - 403803.

4. THE UNION OF INDIA,
Through the Secretary (Department of Fisheries),
Ministry of Fisheries, Animal Husbandry
and Dairying,
Krishi Bhawan, Rafi Ahmed Kidwai Marg,
Rajpath Area, Central Secretariat,
New Delhi, Delhi - 11000.
5. THE DISTRICT COLLECTOR
[NORTH GOA], Collectorate Building,
Opposite Municipal Garden,
Panaji, Goa - 403001
6. THE DISTRICT COLLECTOR
[SOUTH GOA], Matanhy Saldanha
Administrative Complex,
Near KTC Bus Stand,
Margao, Goa, India - 403601.
7. THE SUPERINTENDENT OF POLICE
Goa Police Headquarters.
Panaji, Goa - 403001.
8. THE SUPERINTENDENT OF POLICE,
[SOUTH], Margao, Goa – 403601.
9. THE SUPERINTENDENT OF POLICE,
[COASTAL SECURITY],
Goa Police Headquarters,
Panaji, Goa - 403001.
10. THE POLICE INSPECTOR.
HARBOUR COASTAL SECURITY
POLICE STATION,
Mormugao Port Trust Colony,

Vasco da Gama, Goa - 403803.

11. THE MANDОВI FISHERMEN MARKETING
CO-OPERATIVE SOCIETY LTD.,
Through its Chairman,
Malim, Betim, Bardez-Goa, 403101.

12. THE CUTBONA FISHERIES
CO-OPERATIVE SOCIETY LTD.
Through its Chairman, P.O. Velim,
Cutbona, Salcete, Goa - 403723.

13. THE CHAPORA BOAT OWNER FISHERIES
CO-OPERATIVE SOCIETY LTD.,
Through its Chairman, Chapora,
Bardez, Goa - 403509.

13. THE CHAPORA BOAT OWNER FISHERIES
CO-OPERATIVE SOCIETY LTD.,
Through its Chairman, Chapora,
Bardez, Goa - 403509.

14. THE VASCO FISHING BOAT OWNER
MARKETING CO-OPERATIVE
SOCIETY LTD.,
Behind T.B. Cunha Chawk,
Vasco-da-Gama, Goa, - 403802.

15. THE GOA FISHING BOAT
OWNERS ASSOCIATION,
Through its Chairman,
Behind T.B. Cunha Chawk,
Vasco-da-Gama, Goa, 403802.

16. THE ALL GOA FISHERMAN'S

CO-OPERATIVE ASSOCIATION LTD;
Through its President,
C/o the Sahauddhar Urban Credit
Co-Op Society Ltd;
Fernandes Bidng.,
Malim, Betim,
Bardez, Goa – 403101.

... Respondents

Mr. Nigel Da Costa Frias with Mr. Shane Coutinho and Ms. Barbara Andrade, Advocates for the Petitioners in WP No. 403 of 2022.

Mr. Neehal Vernekar, Additional Government Advocate for the Respondent-State in WP No. 403 of 2022 and PILWP No. 32 of 2022.

Mr. Raviraj Chodankar, Central Government Standing Counsel for Respondent Nos. 3 and 4 in WP No. 403 of 2022 & PILWP No. 32 of 2022.

Mr. Shivan Desai with Ms. Maria Costa Viegas and Ms. Riya Amonkar, Advocates for Respondent Nos. 5, 6, 7, 9, 10, 13, 16, 17 and 19 in WP No. 403 of 2022 and for Respondent No.12 in PILWP No. 32 of 2022.

Ms. P. Kakodkar, Advocate for Respondent Nos. 11 and 12 in WP No. 403 of 2022.

Ms. Norma Alvares, Sr. Advocate with Ms. Malisa Simoes and Mr. Om D'Costa, Advocates for Petitioner in PILWP No. 32 of 2022 and for Applicant in MCA(F) 1635 of 2024.

Mr. Balkrishna Sardessai, Advocate for Respondent No. 15.

CORAM :

**M. S. KARNIK &
VALMIKI MENEZES, JJ.**

RESERVED ON : 23rd AUGUST, 2024.

PRONOUNCED ON : 8th MAY, 2025.

JUDGMENT: (Per Valmiki Menezes, J.)

1. Heard Mr. Nigel Da Costa Frias who appears with Mr. Shane Coutinho and Ms. Barbara Andrade, Advocates for the Petitioners in WP No. 403 of 2022, Mr. Neehal Vernekar, Additional Government Advocate for the Respondent-State in WP No. 403 of 2022 and PILWP No. 32 of 2022, Mr. Raviraj Chodankar, Central Government Standing Counsel for Respondent Nos. 3 and 4 in WP No. 403 of 2022 & PILWP No. 32 of 2022, Mr. Shivan Desai who appears with Ms. Maria Costa Viegas and Ms. Riya Amonkar, Advocates for Respondent Nos. 5, 6, 7, 9, 10, 13, 16, 17 and 19 in WP No. 403 of 2022 and for Respondent No.12 in PILWP No. 32 of 2022, Ms. P. Kakodkar, Advocate for Respondent Nos. 11 and 12 in WP No. 403 of 2022, Ms. Norma Alvares, Senior Advocate who appears with Ms. Malisa Simoes and Mr. Om D'Costa, Advocates for Petitioner in PILWP No. 32 of 2022 and for Applicant in MCA(F) 1635 of 2024 and Mr. Balkrishna Sardessai, Advocate for Respondent No. 15.

2. Rule. With the consent of the learned Advocates for the parties, petitions are heard finally.

3. These petitions have been filed seeking the following reliefs:

a) In PIL Writ Petition 32/2022:

A) For a direction to the Director of Fisheries to forthwith cancel registration of fishing boats found operating in violation of the ban orders dated 10.05.2016 and 10.11 2017:

A-i) For a direction prohibiting all mechanised fishing vessels from carrying LED lamps on board;

A-ii) For a direction prohibiting all mechanised fishing vessels from carrying a diesel genset on board, or fixed to a dingy attached to the boat, except if it also has a refrigerated hold;

A-iii) For a direction to the Director of Fisheries to inspect all fishing vessels at the 7 jetties in the State in association with the coastal police, at the time the vessels are setting out to sea, and to issue a Fishing Pass to those who meet the norms;

A-iv) For a direction to the Director of Fisheries not to allow any boat to proceed to sea until and unless its name and registration number is painted at a prominent place easily visible to law enforcement authorities;

A-v) For a direction to the State Govt. to set up the proposed Enforcement Wing with adequate staff and patrol vessels, within a time bound period;

A-vi) For a direction to the Coast Guard to take necessary action against vessels it detects carrying out LED fishing in the territorial waters / EEZ / Continental shelf, including seizure of offending boats / equipment, and report the same to the Fisheries Department for cancellation of registration permits of offenders.

B. For a direction to the Director of Fisheries to issue notices to cooperative fishing societies for cancellation of registration of these cooperatives who do not carry out the inspection of the fishing boats prior to their departure from the jetty.

b) In Writ Petition No.403/2022:

A. Issue a writ of mandamus or any other appropriate writ, order or direction to the Respondent no. 1, 2 and 3 to implement and execute the orders dated 10/5/2016 passed by the Director of Fisheries and order dated 10/11/2017 passed by the

Under Secretary to the Government of India, in true letter and spirit.

B. Issue a writ of mandamus or any other appropriate writ, order or direction to the Respondent no. 1 and 2 to take strict action against the violators in accordance with Goa Daman Diu Marine Fishing Act Regulation Act, 1980.

C. Issue a writ of mandamus or any other appropriate writ, order or direction to the Respondent no. 4 to take appropriate action against the Violators including seizure of vessel/s.

CC. Issue necessary direction to the Respondent no.2 to direct authorised person to inspect the boats prior to their fishing voyage and on their return and take immediate actions in case of contravention of rules and/or provisions and/or order issued, under the Goa Daman and Diu Marine Fishing Regulations act 1980.

D. Issue necessary order or direction to the Respondent no.1 and 2 to bring statutory changes in the penal provisions of the Goa Daman Diu Marine Fishing Act Regulation act 1980.

4. The common background facts as pleaded by the Petitioners, are the following:

- a) That the Department of Fisheries (**DOF**) (Respondent No.2 in WP No.32/2022), in pursuance of powers vested in it under Sub-Section 1 and 2 of Section 4 of the Goa, Daman and Diu Marine Fishing Regulations Act, 1980 (**Marine Act**), by an order of 10.05.2016 (**Ban order 2016**), banned/prohibited LED (Light Emitting Diode) fishing by any vessels in the territorial waters.
- b) By an order of the Government of India dated 10.11.2017 (**Ban order 2017**), Ministry of Agriculture and Fisheries, with reference to fishing activities in the Exclusive Economic Zone (**EEZ**), beyond territorial waters, prohibited fishing in the aforementioned zone by bull and pair trawling or by use or installation or operation or of surface or submerged artificial lights/LED lights, fish light attractors or any other light equipment, with or without generator on a mechanized fishing vessel or motorized fishing craft for trawling, purse-seining and gill netting operations.

- c) Pursuant to amendments to the Marine Act of 17.09.2019, powers were vested under Section 18 of the Act in the Authorized Officer empowering it to enter and search any fishing vessel and to impound or seize such vessel or accessories on it in the event of the vessel or its crew indulging in contravention of any of the provisions of the Marine Act.
- d) That despite complete ban on bull trawling, pair trawling and LED fishing having been imposed, hundreds of fishing vessels operating from the coastal harbours and jetties on the coast of the State of Goa breached this ban with impunity and indulged in large scale fishing operations of the above nature, thereby depleting the marine/fish population; that the various authorities which are impleaded as respondents namely; State of Goa, Directorate of Fisheries, Coast Guard, Union of India, District Collector (North Goa), District Collector (South Goa), Superintendent of Police (North), Superintendent of Police (South), Superintendent of Police (Coastal Security), Police Inspector Harbour Coastal Security Police Station have been refusing to

enforce the ban imposed by the said provisions, resulting in large-scale overfishing.

5. Vide order bearing Reference No. DF/ENF/ORDER/2016-17/ dated 10.05.2016, Directorate of Fisheries, Government of Goa, prohibited fishing in the “specified area” by bull or pair trawling and use of or installation of surface or submerged artificial lights/LED Lights, fish light attractors, or any other light equipment with or without generator, on mechanised fishing vessels or motorised fishing craft, for trawling, purse-seining or gill netting operations in exercise of powers conferred by sub-section (1) and (2) of section 4 of the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 (Act 3 of 1981). The ban was imposed considering the need to conserve fish, to regulate fishing, to protect the interests of traditional fishermen, and to maintain law and order in the sea.

6. Subsequently, the Union Government, Ministry of Agriculture & Farmers Welfare, Department of Animal Husbandry, Dairying and Fisheries issued an order bearing F.No. 21001/3/2014-Fy(Ind) dated 10.11.2017, prohibiting the following activities in the Indian Exclusive Economic Zone:

- a) Fishing by bull or pair trawling;
 - b) Use or installation or operation of surface or submerged artificial lights/LED lights, fish light attractors or any other light equipment with or without generator on mechanised fishing vessel or motorized fishing craft for trawling, purse seining and gill netting operations.
7. By this order, the Coast Guard was requested to take necessary steps to prevent LED fishing in the Indian EEZ beyond territorial waters. Similarly, all maritime States and Union Territories were advised to take the necessary steps to prevent LED fishing in territorial waters and beyond.
8. Fishing with LED lights essentially requires a string of light emitting diode bulbs to be hung from the mast of the fishing vessel or an LED fish attractor which is submerged into the sea from the fishing vessel; the shoals of fish get attracted towards the bright light that is emitted from the LEDs, which are then trapped in nets lowered from winches on board these vessels. The use of LED lights for fishing is banned.

Pair trawling and bull trawling is a method of banned fishing, where a pair of trawlers releases a net between them and traps a shoal of fish by dragging this net in unison.

9. Respondent No. 2/DOF, vide affidavit dated 27.11.2020, stated that it is mandatory for the owners of every fishing vessel to obtain a valid fishing pass from the Department of Fisheries when the vessel ventures in the sea for fishing, failing which they are liable to pay penalty. It is further stated that at the time of issuing the pass, the officials of the Fisheries Department inspect the fishing vessel before it leaves the jetty. A reference is made to an order dated 20.11.2020 issued by the Department, instructing officers of the Fisheries Department to conduct inspection of the Fishing vessels to check the use or installation of illegal fishing gear such as LED lights, fish light attractors, or any other such equipment.

10. Respondent No. 4/Indian Coast Guard, in its affidavit dated 19.04.2021, stated that the Coastal Police and the DOF have been undertaking inspection of trawlers before their departure from the jetties. It is further stated that the DOF should ensure that the fishing vessels do not carry such gears which enable LED Fishing and/or Bull or Pair trawling at the

stage of issuing fishing permits to these vessels; such stringent checks before the vessel leaves the jetty would ensure that such illegal fishing gear is not carried on board, dissuading the vessel owners from indulging into Bull or Pair Trawling and/or LED Fishing.

11. Subsequently, DOF filed an Affidavit in Reply dated 12.09.2022, outlining the initiatives taken by the Department to enforce and implement the orders dated 10.05.2016 and 10.11.2017 as follows:

- (i) That vide order dated 29.10.2020, the Government of Goa has authorized the Assistant Superintendent of Fisheries, Fisheries Officer and Junior Technician of the department, to exercise the powers conferred on and the discharge of duties imposed upon the authorized officer under the Goa Daman and Diu Marine Fishing Regulation Act, 1980 (**The Marine Act**).
- (ii) That DOF, vide order dated 30.06.2022, has made it mandatory for the crew on board fishing vessels to carry QR-enabled Aadhaar Card to enable identification and essential documentation for verification of the fishing vessel.

- (iii) That vide Order dated 28.07.2022, DOF instructed the authorized officers enlisted therein with the assistance of Coastal Police, to conduct routine inspections at the jetties to keep a check on the installation of LED lights, flashlight attractors, or any other light equipment with or without a generator.
- (iv) That, in furtherance of the Order dated 28.07.2022, DOF states to have deputed the Fisheries Officer/Fisheries Surveyors on a 24 by 7 shift at the jetties to check and issue fishing passes to the vessels before venturing out into the sea after inspecting every vessel to check for presence of any equipment that could be used for LED Fishing or other banned practices.
- (v) That, prior to the mechanism put in place by order dated 28.07.2022, the Department would conduct such inspections against only those vessels against which information was received or reasonable doubt perceived concerning use of illegal fishing equipment. DOF denies that selective inspection was carried out for the purpose of avoiding fixing

liability against fishing vessels which were engaged in illegal fishing practices.

- (vi) That DOF has been conducting patrolling in Territorial Waters to check for any violation of the ban on illegal fishing practices.
- (vii) That in the fishing season of 2022, two cases of violation of ban were registered and that in these cases, the fishing vessel was impounded, fish found on board was auctioned and the case was referred to the adjudicating officer who in turn on hearing, imposed a fine of Rs.5,000/- each.
- (viii) That to strengthen the existing mechanism, DOF has proposed an enforcement wing of 58 staff, for patrolling the territorial waters and keep in check any illegal fishing activities, including LED fishing being undertaken in the Goan Territorial Waters. Such enforcement wing will have to work in coordination with the police department (Coastal Police). That the proposal has been administratively approved by the Minister for Fisheries.
- (ix) That the DOF have sent a proposal to the Central Government under Pradhan Mantri Matsya

Sampada Yojana to sanction the purchase of 05 patrol vessels for the fisheries department and 07 patrol vessels for the coastal police to conduct patrolling in the territorial waters of Goa.

- (x) That the generators used on board, are for hydraulic purposes particularly for hauling the fishing net, power block, illumination on the vessel, battery recharge and cooking purpose, given that the fishing vessel is out at the sea for 15-20 days and has to support 20-35 crew members.

12. By an affidavit dated 30.09.2022, Respondent No. 3/Indian Coast Guard brought on record a list of 17 fishing vessels found by them to have been violating the ban order by indulging in LED fishing. It is further stated that the Coast Guard does not have the requisite statutory powers to proceed against the violators by itself; it can only report such violations to the DOF.

13. In pursuance of this Court's order dated 19.10.2022, DOF filed an Affidavit dated 07.12.2022 reporting the action taken against the 17 fishing boats found by the Indian Coast Guard to be indulging in LED fishing. It has been stated that for 11 out of 17 fishing vessels, a report has been made by the

Authorised Officer and referred to the Adjudicating Officer u/s 20 of the Marine Act for necessary orders. It has been further stated that by an Email dated 01.12.2022, the Indian Coast Guard has informed the Department that the confiscated documents from the vessels have been forwarded to the Coast Guard Authorities of Karnataka State for further action.

The affidavit further states that the Proposal under the Pradhan Mantri Matsya Sampada Yojana to sanction the purchase of 05 patrol vessels for the fisheries department and 07 patrol vessels for the coastal police to conduct patrolling in the territorial waters of Goa is pending before the Central Government.

14. By orders dated 19.10.2022 and 17.12.2022, this Court directed DOF to consider whether letting off violators for a paltry fine of Rs.5,000/- amounts to implementation of the ban. In response, the DOF filed an additional affidavit in reply dated 23.01.2023, stating that they have proposed an Amendment to the Goa Daman Diu Marine Fishing Regulation Act Rules, 1982 to incorporate a provision for imposition of penalty for the use or carriage or installation of unregistered fishing gear or unauthorised fishing equipment and that the said proposal has received approval of the Government.

15. On 19.06.2023, the DOF filed a synopsis before this Court stating the steps that had been taken by the State of Goa in

enforcing the LED fishing ban. Apart from having issued certain guidelines to its officers, under paragraph 12 of the synopsis, the DOF stated that a tender had been floated for engaging private fishing trawlers for the purpose of patrolling the territorial waters, since the mechanism of using LED lights and bull trawling is generally a stationary exercise or at slow speed. The synopsis further stated that the fishing trawlers proposed to be engaged for patrolling would be sufficient to enforce the ban in the territorial waters. The synopsis also stated that the State of Goa had commissioned one 15 metre Fast Interceptor Patrol Boat on 13.04.2023 to be used by the Coastal Police for patrolling and the Coastal Security Force (Coastal Police) had moved a proposal for repairs or replacement of nine interceptor boats which was under consideration. In paragraph 19 of this synopsis, the DOF claimed it was setting up of a hotline between the Coastal Police, Coast Guard and Department of Fisheries for effective communication in detecting LED fishing and bull trawling.

16. In paragraph 17 of the synopsis, the DOF contended that the duty is cast for enforcement of the ban on the Coast Guard under Section 14 of the Coast Guard Act to enforce the provisions in the Maritime Zones. It was further contended in paragraph 18 that the order dated 10.11.2017 of the Central Government under the Territorial Waters Act suggests that the duty of enforcement of the LED fishing ban was to be carried out by the Coast Guard. It was

further stated by the DOF that vide notification of 05.12.2019 issued by the Union Government, the Coast Guard was empowered to board, arrest and seize vessels, and detain persons who are found contravening any provisions of any Central Act and Acts specified under Section 121 of the Coast Guard Act, in the EEZ.

17. An MCA (F) 1635/2024 came to be filed on 08.07.2024 by Goa Foundation wherein directions were sought of this Court to submit the GSL report which the DOF had sought from Goa Shipyard Ltd., a premier ship building unit at Vasco da Gama, which mainly manufactures defence vessels. Directions to produce the GSL report had been given by this Court, earlier on 20.03.2024, despite which the same was not produced on record.

18. The DOF submitted an affidavit dated 18.07.2024, stating that by an email dated 20.02.2024 it had sought a report from Central Institute of Fisheries Nautical and Engineering Training (CIFNET) seeking their opinion as to whether DG sets were required or it was advisable for fishing vessels to be operated without the DG set. Along with the affidavit, the DOF placed on record a report issued by CIFNET dated 22.02.2024. According to the DOF, the findings of CIFNET were that there were no requirements or restrictions in the Rules requiring the use of DG sets or auxiliary engines on fishing vessels. The CIFNET report further stated that adequate electrical power to operate safety

equipment on board fishing vessels may be sourced from the main engine, auxiliary engine, DG set or batteries. Further, it was stated that fishing vessels may carry a DG set or an auxiliary engine as a safety measure.

19. However, on 31.07.2023, the DOF had already addressed a letter to the Goa Shipyard Ltd. (GSL), requesting them to hold an inspection of fishing vessels at various jetties and report on the use of DG sets by the inspected vessels. A report dated 24.01.2024 had already been received by the DOF on 29.01.2024, before it wrote to CIFNET seeking another opinion to counter the GSL Report, which was never placed on the record of this Court. On 08.07.2024, the Petitioners filed MCA 1635/2024 praying that the DOF be directed to place on record the GSL report, which, appears to have been suppressed from this Court. The DOF ultimately placed an Additional Affidavit dated 01.08.2024, nearly 7 months after receiving the GSL report, and the report was brought on record. The affidavit is silent on whether any action was taken based on the report.

20. The findings in the GSL report are based on the inspection of fishing vessels at Cutbona, Malim and Vasco jetties. The findings recorded in the said report are as stated below:

- a) That the conventional fishing boat may be operated without DG set.

- b) The need for using DG sets arises to power heavy duty galley equipment such as refrigerators, hot plates, ovens, etc. and comfort appliances such as air-conditioners, washing machines, dryers, etc.
- c) These appliances are not in use on the inspected fishing vessels.
- d) On most vessels which were inspected, LED lights with a switch system for high power lighting was observed on board.

SUBMISSIONS

21. Senior Advocate Mrs. Norma Alvares, appearing on behalf of the Petitioners in PILWP 32 of 2022 has advanced the following submissions:

- (a) It was submitted that under the orders dated 10.05.2016 by the State Government under the Marine Act and in terms of the order dated 10.11.2017 issued by the Union Government, Marine Fishing using LED lights, whether submerged or surface, has been totally banned. Despite the total ban, there is large-scale use of LED lights on fishing vessels which leave the coast of Goa and indulging fishing within the territorial waters, using these LED lights, with no enforcement of the ban, being

carried out by the DOF, the Coastal Police and the Coast Guard.

- (b) The process of how LED fishing was carried out was explained by the learned Counsel, then took us through the various affidavits of the DOF which record that there exist 6 jetties along the coast of Goa which belong to the department from which these trawlers and purse-seiners set sail. Learned Counsel points out that there are 891 fishing vessels registered with the DOF or under the MS Act; of these, the GSL, at the request of the DOF inspected 307 of the 891 vessels between 01.08.2022 and 25.08.2022 at 4 out of the 6 jetties, observing that 85 of these vessels had DG sets, but only one of these 85 vessels had a refrigerated hold. None of the remaining 85 vessels found with DG set on board had freezers or a refrigerated hold, the only use for such DG sets on these vessels, according to the affidavit, being for running the refrigerating unit. The learned Counsel therefore urged that the only use for these DG sets was to power LED lights, which were to be used for fishing, in utter violation of the ban.
- (c) Learned Senior Advocate has collated the figures contained in the report of GSL and the facts stated in the affidavits and has placed them in tabular form as under:

Jetty	Inspection Period	No of Vessels	DG on board	Vessel has Refrigerated Hold/Freezer	No DG on board
Malim	6 Days 1/8 to 8/8	125	33	No	92 (10 Cabins locked)
Cutbona	11 Days 5/8 to 25/8	60	34	No	26
Chapora 1.8 to 15.8	5 Days	31	1	No	30
Vasco 1.8 to 16.8	11 Days	91	17	1-Yes (MMR No. 3284 Star of Velankani II) Bal. 16-No	74
Total		307	85	1	222

(d) The learned Counsel further took us through the affidavit on behalf of the Coast Guard dated 30.09.2022, which has highlighted the number of vessels detained by the Coast Guard, indulging in LED fishing, after which the vessels were handed over, after inspection to the DOF for further action. The DOF, has in is affidavit stated the action taken on the aforementioned incident; these facts are concised below:

- i. Of the 11 boats registered in Goa (from the 17 boats caught doing LED fishing by the Coast Guard) (Pg 223), only 2 have been inspected.
- ii. Of the 3 boats impounded at Cutbona jetty (Page 199) only 1 boat was inspected.

- iii. Of the 8 boats suspected to have been indulging in LED fishing and ordered to be inspected at Cutbona jetty on 14/10/2020, (Page 158) not a single boat has been inspected.
- iv. Of the 7 boats suspected to have been indulging in LED fishing and ordered to be inspected at Malim on 26/10/2020, (Page 167) only one boat has been inspected.

The learned Counsel submits that the Coast Guard is empowered under the provisions of the Coast Guard Act to enforce all laws in force in the Maritime Zones, and as such, it would be the primary duty of the Coast Guard to maintain a vigil over the fishing operations off the Coast of Goa. She submits that to enforce the provisions of the Coast Guard Act, which according to the Petitioner, the Coast Guard is presently not undertaking, on the claim that it has other duties, directions would have to be issued by this Court, particularly to patrol the Coastal areas off the State of Goa and to arrest the large-scale activities of LED Fishing.

- (e) It was further submitted that from the details contained in the report of the GSL, and the affidavits on record, there is no requirement for any of the fishing vessels, of the class registered under the Merchant Shipping Act, 1958 (**The MS Act**) to be granted fishing permits by the

DOF to carry a Diesel Generated (DG set) on board as there are practically no vessel in this class, sailing from the jetties in Goa that have a refrigerated hold, for which auxiliary power is required. According to the learned Counsel, since the only use for the DG set on board would be for powering LED lights used for banned method of fishing, directions may be issued to the DOF to restrain all fishing vessels from carrying a DG set.

- (f) It was further submitted that the Coastal Police, which is required to monitor and enforce the ban on LED fishing within 12 nautical miles of the Coast, has no adequate infrastructure to implement the task assigned to it. It is further argued that the affidavit, and material placed on record reveals that the Coastal Police has barely two crafts to undertake patrolling duties, which is grossly inadequate for the area assigned to them. The Petitioners seek necessary directions to the Home Department/Coastal Police to take steps to bolster the Marine Police Force, by recruiting adequate number of officers and providing the force with adequate vessels to protect this area, with the emphasis on enforcing the ban on the LED fishing, bull trawling and pair trawling.
- (g) The learned Counsel has, in a written note placed on record suggested certain directions to be issued by the

Court, to enforce statutory duties cast on various agencies.

22. Shri. Nigel Costa Frias, learned Counsel appearing for Petitioners in WP 403 of 2022 has advanced the following submissions:

- (a) That vessels covered under the MS Act (as all fishing vessels are registered thereunder) and more particularly in relation to Merchant Shipping (Distress and Safety Radio Communication) Rules, 1995, do not mandate installation of a DG set to provide power to emergency lights or communication devices such as Vessel Tracking System (VTS), GPS and Search and Rescue Radar Transponders (SART). He submits that it is of common knowledge that these instruments or devices can be powered by a 24 Volt Battery System which is charged by an alternator attached to the main engine of the vessel or a Solar Panel. He further submits that Auxiliary Fire Pump on a vessel, used in the event of flooding of the engine room is self-designed, not to require power from a DG set. So also, the winch used to pull nets back into the vessels, is powered by a Power Take Off (PTO) which is coupled to the main propulsion engine of the vessel and does not require use of the DG set. It was therefore

contended that the only use of a DG set is to power LED lights to indulge in illegal fishing. The Counsel therefore contends that such DG set, should be prohibited and DOF should ensure that DG sets are not allowed to be taken on board any fishing vessel.

- (b) Referring to Section 14 of the Coast Guard Act, the learned Counsel submits that the Coast Guard was vested with all powers to seize a vessel indulging in LED fishing, anywhere within the Maritime Zone, and the contention of the Coast Guard, in its affidavit filed before this Court, that the Coast Guard is not empowered to enforce any of the legislations banning LED fishing, bull trawling and pair trawling, ought not be accepted by the Court. The Petitioners pressed for enforcing the statutory powers vested in the Coast Guard under Section 14 of the Coast Guard Act.
- (c) The learned Counsel has adopted the arguments of Mrs. Alvares, with regard to the submission that the report of the GSL and the fact that the Coast Guard had apprehended at least 17 vessels indulging in LED fishing, lends credence to the fact that LED fishing was a widespread phenomenon along the coast of Goa.

23. There are two Fishing Co-operative Societies, representing groups of Fishermen undertaking trawling and purse-seining operations off the Coast of Goa, who have also been heard in these petitions, as they claim to be stakeholders in the activity.

24. Shri. Shivan Desai, learned Advocate appearing for Respondent No. 12 (Cutbona Fisheries Co-operative Society Ltd.) in PILWP No. 32 of 2022 has made the following submissions:

- a) That members of this Respondent operate from the Cutbona Jetty in Salcete Taluka, which operates the largest number of Fishing vessels. He submits that the scope of the Marine Act and the MS Act and Rules have to be construed within the scope of the constitutional scheme under Article 297 and 246 of the Constitution of India. He submits that under MS Act, the provisions of Section 435A applies to fishing boats, which are required to be registered under Section 435G thereof. According to Mr. Desai, the provisions for registration of a vessel do not require to indicate the use of a DG set, which consequently means that such device could be carried on board such vessels, for all other uses.
- b) He further submits that such DG sets are required on board these vessels to enable them to power certain equipment on board these vessels which includes winches and safety equipment. According to him, since

the Rules do not prohibit the use of a DG set, which is otherwise used as an energy source for running Auxiliary machinery, which may include pumps and signalling equipment, it has to be left to the discretion of each owner or master of a fishing vessel as to what equipment should be carried on board, apart from the mandatory requirements.

25. Respondent No. 11 (The Mandovi Fishermen Marketing Co-operative Society Ltd.) representing the Trawler owners operating from Malim Jetty (Betim), have filed an affidavit dated 08.08.2024 and are represented by learned Advocate Pranav Kakodkar, who has adopted the arguments of Mr. Shivan Desai, claiming that the DG set installed on fishing trawlers power safety equipment and are necessary as a backup power supply in case the engine fails.

26. Shri. Neehal Vernekar, learned Additional Government Advocate for Respondent Nos. 1, 2, 5, 6, 7, 8, 9 and 10/State has advanced the following submissions:

- (a) That factually, there are seven police stations working under the administration of the Respondent No.9 S.P. Coastal Security, who are charged with patrolling the coastal areas of Goa, along 105 kilometres of coastline stretching seaward upto 12 nautical miles. To patrol this

area, at present, the Coastal Police has only one 15 metre high-speed interceptor boat in service while nine such speed boats have been condemned. In addition, the DOF has only one vessel which is used for patrolling these waters, while another vessel is presently docked for repairs which are estimated to cost Rs.32,95,000/-. The learned Counsel further submits that proposals have been sent by the Respondent No.9 to the Home Department of the Government of Goa for procuring more patrol boats/fast interceptor boats, which are pending with the Government for financial approval. He further submits that all efforts are being made to procure additional interceptor boats and to recruit more officers to man, both, the Coastal Police Stations and to man the positions of its Authorized Officers in the DOF.

- (b) The learned Advocate has further taken us through the MS Act and submits that under Section 435G, every fishing vessel is required to be registered under the said Act, and under Section 435A, the Central Government has framed Rules known as the Merchant Shipping (Indian Fishing Boards Inspection) Rules 1988 (Fishing Rules), under which, surveyors are required to verify compliance with the technical mandate for fishing vessels; The powers to register these vessels have been

delegated under the MS Act, since 02.09.2020, to the DOF, Goa.

- (c) He further submits that under the scheme of the Fishing Rules, every fishing vessel is required to have sufficient main and auxiliary machinery essential for propulsion and safety, with effective means of control. In this regard, it was further submitted that an auxiliary engine fitted with an alternator is also identified as a diesel generator, is permitted on fishing vessels, considering various equipment used for fishing operations. It was contended that per se, the use of DG sets on fishing vessels are not prohibited by any law, and as such, no orders be issued by this Court to prohibit such use on board vessels.

27. Shri Raviraj Chodankar, learned Advocate for Respondent No.3 and for the Union of India submitted that the Coast Guard is not vested with any powers to enforce the Ban order 2017 or the Marine Act. He submits that the Coast Guard only detains offending vessels and then hands them over to the local authorities for taking action. He then submits that the Coast Guard has in fact apprehended 17 vessels, as stated in their affidavit and handed them over to the DOF for action. He further submits that the Coast Guard is not empowered to prosecute the owners of vessels indulging in LED fishing.

28. For the purpose of considering the rival submissions and to understand the scope of each enactment, its extent and measures that are required to be taken by the various Agencies for enforcing the statutory provisions, it would be necessary to refer to the provisions of these enactments.

CONSTITUTIONAL PROVISIONS

29. Article 21 of the Constitution of India guarantees every citizen protection of life, which extends to the right to a hygienic and healthy environment. This valuable right has been further expanded to include a duty on the State to protect and to improve the environment and to safeguard natural resources and food resources of the citizens. The oceans provide for a large food resource in the form of marine products which are exploited by fishing operations, controlled and regulated by various laws, referred to below. It is of common knowledge that over-fishing or fishing in a manner that is prohibited by law, would deplete the fish population, thereby destroying a food resource. It is for that purpose that the State Government and the Central Government have brought into place regulatory measures by prohibiting the use of LED lights in fishing and fishing using bull trawling and pair trawling methods. These prohibitions

found in the Marine Act and the Ban order 2017 are also obviously to advance and protect the right to life of the citizens.

30. At present, though there is a law that prohibits a certain method of fishing, there is no proper enforcement mechanism in place and it appears from a reading of the affidavits of the various departments that there is no will to enforce the aforementioned two laws which ban particular types of fishing. Till such measures are adopted to enforce the ban on LED fishing, bull trawling and pair trawling, the fish populations may get depleted to a point of no return. At this juncture, we would also make reference to the Precautionary Principle, well recognized by various Judgments of the Apex Court. The judgment of the Supreme Court in ***M. C. Mehta (Badkhal and Surajkund Lakes Matter) v. Union of India and Ors.***, reported in (1997) 3 SCC 715, which discusses the concept of precautionary principle, is quoted below:

“8. This Court in Vellore Citizens' Welfare Forum v. Union of India elaborately discussed the concept of "sustainable development" which has been accepted as part of the law of the land. It would be useful to quote the relevant part: (SCC pp. 657-60, paras 10, 11, 14 and 15)

"The traditional concept that development and ecology are opposed to each other is no longer acceptable.

'Sustainable Development' is the answer. In the international sphere 'Sustainable Development' as a concept came to be known for the first time in the Stockholm Declaration of 1972.... During the two decades from Stockholm to Rio 'Sustainable Development' has come to be accepted as a viable concept to eradicate poverty and improve the quality of human life while living within the carrying capacity of the supporting ecosystems. 'Sustainable Development as defined by the Brundtland Report means 'Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs'.

... We are, however, of the view that The Precautionary Principle' and The Polluter Pays' principle are essential features of 'Sustainable Development. The 'Precautionary Principle' in the context of the municipal law - means:

(i) Environmental measures - by the State Government and the statutory authorities - must anticipate, prevent and attack the causes of environmental degradation.

(ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

(iii) The 'onus of proof is on the actor or the developer/industrialist to show that his action is environmentally benign.

In view of the above-mentioned constitutional and statutory provisions we have no hesitation in holding that

the Precautionary Principle and the Polluter Pays Principle are part of the environmental law of the country.

Even otherwise once these principles are accepted as part of the Customary International Law there would be no difficulty in accepting them as part of the domestic law. It is almost an accepted proposition of law that the rule of Customary International Law which are not contrary to the municipal law shall be deemed to have been incorporated in the domestic law and shall be followed by the courts of law. To support we may refer to Justice H.R. Khanna's opinion in A.D.M. v. Shivakant Shukla, Jolly George Varghese case and Gramophone Co. cases."

.....

10. The "Precautionary Principle" has been accepted as a part of the law of the land. Articles 21, 47, 48-A and 51-A(g) of the Constitution of India give a clear mandate to the State to protect and improve the environment and to safeguard the forests and wildlife of the country. It is the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures. The "Precautionary Principle" makes it mandatory for the State Government to anticipate, prevent and attack the causes of environment degradation. We have no hesitation in holding that in order to protect the two lakes from environmental degradation it is necessary to limit the construction activity in the close vicinity of the lakes. "

31. Article 297 of the Constitution of India states that all lands, minerals and other things of value underlying the ocean

within the territorial waters, or the continental shelf, or the exclusive economic zone, of India shall vest in the Union and be held for the purposes of the Union. All other resources of the exclusive economic zone of India shall also vest in the Union and be held for the purposes of the Union.

Thus, all marine resources, including fish and other food resources within the entire EEZ, which stretches from 12 nautical miles off the Indian coast, seawards to a distance of 200 nautical miles would vest in the Union of India, and it would be the duty of the various instrumentalities and departments of the Union Government to preserve, protect and regulate the exploitation of such resources. Keeping these broad principles in mind, we proceed to examine certain other legislations.

STATE LAWS

32. The Goa Daman and Diu Marine Fishing Regulation Act, 1980 (Marine Act) was enacted to regulate, restrict and prohibit certain matters within certain specified areas connected with marine fishing. Under this Act, the “specified area” is an area of 5 kilometres from the coast in the sea along the entire coastline of Goa. Section 6 thereof provides for

licensing of fishing vessels and requires the owner of a fishing vessel to make an application to the authorised officer for the grant of a licence for using such fishing vessel for fishing in any specified area. Section 11 provides for cancellation or suspension of licences issued to a registered vessel if it has contravened any of the provisions of this Act or any order or rule made thereunder. Section 18 empowers the authorised officer, if he has reason to believe that any fishing vessel is being or has been used in contravention of any of the provisions of this Act, or of any order or rule made thereunder or any of the conditions of the licence, enter and search such vessels and impound the same and seize any fish found in it.

Section 21 provides for penalties to be imposed by the adjudicating officer for use of a fishing vessel in contravention of any of the provisions of this Act or of any order or rule made thereunder or any of the conditions of licence and any such person on being found guilty by the adjudicating officer, shall be liable to penalty not exceeding five thousand rupees, if the value of the fish involved is one thousand rupees or less and five times the value of the fish, if the value of the fish involved is more than one thousand rupees. In addition to any penalty, the adjudicating officer

may direct that the registration certificate of the fishing vessels or the licence be cancelled or revoked and the fish that might have been impounded or seized be forfeited to the Government.

33. In exercise of powers under Section 4 of this Act, the Government of Goa, on 10.05.2016, has issued an order (Ban order 2016) prohibiting fishing in the specified area by bull or pair trawling and by using or installation of fishing gear such as LED lights, fish light attractors or other light equipment, with or without generator, on mechanized fishing vessels or motorized fishing craft for trawling, purse-seining or gill netting.

34. The Government of Goa, in exercise of powers under the Code of Criminal Procedure has issued notification dated 08.09.2006 extending the jurisdiction of 12 Coastal Security Police Stations to the area consisting of 12 nautical miles from the Coast into the sea. The Coastal Police therefore has jurisdiction to enforce all State and Central enactments within 12 nautical miles seaward, of the Goa State coastline.

CENTRAL LAWS

35. The Merchant Shipping Act, 1958 seeks to regulate Indian Mercantile Marine Shipping. Part XV A was introduced in this Act in 1983 for regulating the use of Fishing Boats. Fishing Boat, defined under Section 435B includes any fishing vessel or craft of any type used solely for fishing. Section 435C obliges every Fishing Boat to be registered with such authority as is specified, and Section 435G prescribes the form of certificate of registry, and requires that every Fishing Boat must be certified under technical specifications required by the Rules. Section 435J also requires Fishing Boats to conform to the Rules made under the Act while Section 435L provides for cancellation of the certificate of inspection where the Fishing Boat has undergone material alterations.

36. The Central Government has framed The Merchant Shipping (Indian Fishing Boats Inspection) Rules, 1988 (Fishing Rules) which empower an Authorized Officer to ensure, with respect to every fishing vessel inter alia that its hull machinery and equipment are sufficient for the intended service and are efficient, the ventilators, air pipes, side scuttles, scuppers, discharges and other sea connections are adequate and efficient, the main and auxiliary machinery essential for the propulsion and safety is provided with

effective means of control, and the vessel is provided with sufficient emergency source of electric power in addition the main source of electric power and adequate precautions are taken against shock, fire and other hazards of electrical origin.

37. The Merchant Shipping (Distress and Safety Radio Communication) Rules, 1995 provides that on every ship a supply of electrical energy shall be available from the ship main source of electrical energy at all times. While such ship is at sea and at all reasonable times while she is in port. Such supply of electrical energy shall be adequate for the operation of all radio equipments and charging of any batteries which are a source of reserve electrical energy for radio equipments. It also provides for a self-contained emergency source of electrical energy for 36 hours in case of passenger ships and 18 hours in case of cargo ships to operate.

38. The various maritime zones comprising Territorial Waters and Economic Zones are provided for in the Territorial Waters, Continental Shelf, Exclusive Economic Zone & Other Maritime Zones Act, 1976 (**EEZ Act**). Section 3 of this Act declares that the sovereignty of India extends to the territorial waters of India and to the seabed and subsoil underlying, and the air space over, such waters. The limit of

the territorial waters is twelve nautical miles from the baseline (coast). Section 7 defines the Exclusive Economic Zone of India (**EEZ**) as the area beyond and adjacent to the territorial waters extending to two hundred nautical miles from the baseline/limit of the territorial waters. In the EEZ, the Union has sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living as well as for producing energy from tides, winds and currents, exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the **exploration and exploitation of the resources of the zone or for the convenience of shipping or for any other purpose**. The Union also has exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution in this zone.

39. The Coast Guard Act, 1978 was enacted to provide for a Specialized Armed Force of the Union to ensure security of the maritime zones of India, and to protect its maritime and national interest in such zones. Chapter III of the Act mandates the duties and functions of the Coast Guard in which Section 14 casts the duty on the Coast Guard to protect

by such measures, as it thinks fit, the maritime and other national interests of India in the maritime zones of India. Clause (c) of Sub-Section 2 thereof empowers the Coast Guard to take measures that are necessary to preserve and protect the maritime environment and to prevent and control marine pollution. Clause (e) thereof mandates that the Coast Guard shall take measures to enforce the provisions of such enactments as are, for the time being in force, in the maritime zones. Section 121 of this Act enables the Central Government, by an order published in the Official Gazette, to direct any member of the Coast Guard to prevent any offence punishable under the Acts specified in Clause (i) of the Section and further empowers the force to apprehend any person who may have committed any offence under these Acts.

40. The Ministry of Defence issued a notification dated 05.12.2019, exercising powers under Sub-Section 3 of Section 21 of the Coast Guard Act authorising every member of the Coast Guard to visit, board, search and seize vessels, or arrest any persons involved or suspected to be involved in the commission of any offence punishable under any of the Central Acts, including the Acts specified in Clause (i) of

Sub-Section 1 of Section 121 of the Coast Guard Act, within the Maritime Zone of India extended upto the EEZ.

41. Under the Coastal Security Scheme of the Ministry of Home Affairs, the Indian Navy has been designated as the authority responsible for overall maritime security, including coastal security, and shall be assisted by the Coast Guard, Coastal Police and other State agencies. Additionally, the scheme provides for the Indian Coast Guard to be responsible for coastal security in territorial waters, including areas to be patrolled by Coastal Police of the State agency.

42. Apart from having issued the Ban order 2017, the Central Government (Department of Fisheries) has issued an order dated 12.11.2014 in terms of the powers vested in it under Entry 57, List 1 of the 7th Schedule of the Constitution of India, prescribing guidelines for conducting fishing operations in the EEZ. These guidelines are known as “Guidelines for Fishing Operations in Indian Exclusive Economic Zone, 2014” which presently are applicable to all fishing vessels indulging in fishing methods specified under Guideline No.1 thereof. Under Guideline No.5, there is a specific bar on an operator of a fishing vessel to resort to any

type of fishing other than the one permitted and there is a specific ban on engaging in bull trawling contained therein.

43. The conclusions that can be drawn from the scheme of the above enactments are that:

- a) The primary responsibility of enforcing the ban on LED fishing, bull trawling and pair trawling under the Ban order 2017 and Ban order 2016 respectively of the Union of India and of the Government of Goa lies on the Coast Guard; Clause (e) of Sub-Section 2 of Sub-Section 14 mandates the Coast Guard to enforce the provisions of these enactments in the maritime zones, defined in Clause (m) of Section 2 of the Coast Guard Act, which would include the territorial waters and the EEZ and any other maritime zone of India. This would cover the entire territorial waters within the sea from the coastline of Goa, seawards, to a distance of 200 nautical miles.
- b) The Goa Coastal Police, are required to enforce the aforementioned ban and to enforce all other laws, in the territorial waters off the coast of Goa extending 12 nautical miles into the sea and provide all

assistance to the Coast Guard when called upon to do so.

- c) The DOF is required to enforce the aforementioned ban, through its Authorized Officers, within the Specified Area and in relation to all Fishing Vessels registered with the DOF (as delegate of the DG Shipping under MS Act). Under notification dated 07.07.1981, the Specified Area being the area of 5 kilometres from the coastline into the sea.

44. The affidavits which are placed on record reveal the sorry state of affairs on the part of the Coastal Police and the DOF, which have neither the necessary but adequate vessels or manpower to enforce the aforementioned provisions of law. The Goa Coastal Police at present has only one operational interceptor boat which has to cover a coastline of 110 kilometres and a breadth of 12 nautical miles into the sea. The affidavit also reveals that the 7 Goa Coastal Police Stations are grossly understaffed and there is dire need, considering the area within the maritime zone falling within their jurisdiction, for augmenting the number of officers and personnel to man these police stations. The affidavits have

remained silent on the steps being taken by the State to plug this gap.

This is essentially the function of the Executive, and it is up to the Government of Goa to take a decision on its requirement of manpower and the expenditure it requires to incur for recruiting the same or procuring the necessary infrastructure/vessels for enforcement. We would fail in our duty in requiring the statutory duties under the enactments referred to by us, to be enforced. The fact remains that there is no enforcement machinery worth the name in place to carry out the statutory duties cast upon the Goa Coastal Police of enforcement of law within the territory assigned to them.

45. Similarly, and as concluded by us in the preceding paragraphs, in terms of Section 14 of the Coast Guard Act, it is the Coast Guard that is required to use all the resources under its power to enforce the State and Central laws over the Maritime Zones, which includes the area from the coast of Goa, seawards, to a distance of 200 nautical miles. It is therefore the primary duty of the Coast Guard to use such measures, as it deems fit, to enforce the provisions of the enactments as are in force in the Maritime Zones, in this case

the Marine Act, Ban order 2016 of the State Government and the Ban order 2017 of the Union.

46. The GSL report, which the DOF initially attempted to suppress from this Court, reflects the fact that after several fishing vessels were inspected at Cutbona, Malim and Vasco jetties, of these, almost all were found with LED lighting systems on board. Some of the inspection reports suggest that the LED lighting systems were of high power and of fishing purposes. These reports also refer to the LED lighting containing multiple LED lamps, in some cases, with upto 8 LED lights. The report also discloses that all the inspected vessels had a diesel generator (DG set) on board. It also observed that DG power is needed only if there are heavy duty galley equipment such as refrigerators, hot plates, ovens and comfort appliances such as air conditioners, washing machines and dryers on board the vessel. None of these appliances were found on any of the inspected vessels, leading us to the conclusion that the DG set on board was not required for additional power for utility purposes.

47. Further, the GSL report opines that the conventional fishing boats can be operated without a DG set and that in the case of the inspected boats, practically all boats had no

refrigerated hold, where the fish catch is stored. Apart from this, we also note that most of the vessels did not have a magnetic compass, distress alert transmitter or radio communication equipment on board. The reports also suggest that on the average, most vessels had 40 crew members and on none of the vessels was crew accommodation provided for.

48. Though the DOF and the sole affidavit of the Mandovi Fish Cooperative, representing the stakeholders attempted to suggest that no LED fishing is being indulged in by vessels setting sail from the coast of Goa, we find that the report of the GSL Limited states otherwise. The DOF has also attempted to justify the requirement of a DG set on board every fishing vessel, stating that this requirement was to power communication equipment and to provide for a backup power supply in case the main engine of the vessel fails. This however is also clearly untrue, as opined by the GSL report, that there is no requirement for any of the vessels in this class to have an alternate source of power, since there was no galley equipment or refrigerating equipment or other comfort appliances on any of these vessels, which may require an additional source of power. The report therefore establishes the direct correlation between LED fishing and the use of the

DG sets on board these vessels to power the LED lights, which are used in a banned method of fishing.

The Auxiliary Engine, is a standard device on all vessels, attached to the main engine which usually runs an alternator, which generates power and provides power supply to the vessel. The batteries, which are the additional, and backup power supply are also charged by this device. The GSL report states that all the vessels inspected had backup/emergency source of electric power in the form of batteries, suggesting that there was enough of backup power supply, in case of emergency, to power the radio communication device (VHF Radio) and the distress signal equipment on board. This again points to the fact that the only use that the fishing vessels assigned to the DG set on board, is to power the LED lights, which are either submerged or on the surface, and used to attract shoals of fish, a method of fishing which has been banned by the Ban order 2016 and Ban order 2017.

49. Since, there is no legislation which prohibits the use of DG sets on board fishing vessels nor do these legislations mandate the presence of a DG set for any particular use, we stop short of issuing any directions to prohibit the use of DG sets on board these fishing vessels, even though we have

concluded the direct correlation of the DG sets to their use in the banned form of LED fishing.

50. We also note that the affidavits of the DOF are silent on the type of nets which are used on these vessels and the measures adopted by its officers to ensure that particular kinds of nets, used specifically for bull trawling and pair trawling are not found on board any fishing vessels, when they set sail. There is no material placed by the DOF through affidavit or otherwise suggesting the measures that have been taken to enforce the ban on bull trawling and pair trawling.

51. For the aforementioned reasons, we make rule absolute in terms of prayer clauses (A), (iv), (v) and (vi) in PIL Writ Petition No.32/2022 and in terms of clauses (A) to (CC) in Writ Petition No.403/2022. In addition to the general directions contained in the above referred prayer clauses of the writ petitions, we also issue certain specific directions which are contained in the subsequent paragraph.

52. For all the reasons referred above, we issue the following directions:

- a) The Director of Fisheries, and more particularly the Authorized Officer under the Marine Act shall take

all necessary steps and measures, to ensure the ban on LED fishing, bull trawling and pair trawling under the Marine Act and the order of the Government of India dated 10.11.2017 (Ban order 2017) is enforced in letter and spirit; these authorities shall use all measures available under the Marine Act to enforce the ban. Where necessary, these authorities shall coordinate with and take assistance from the Goa Coastal Police Force and the Coast Guard to enforce the ban.

- b) The Director of Fisheries and the Goa Coastal Police shall, on regular basis, carry out inspections of fishing vessels arriving at or departing from all six fishing jetties of the DOF in North and South Goa Districts and at any private jetties from where such vessels set sail or dock; these inspections shall be carried out, in particular to ascertain the equipment carried by these vessels which may be used for undertaking the banned operations under the Marine Act and Ban order 2017. The Director of Fisheries with the assistance of Goa Coastal Police, on inspection of these vessels, shall maintain a record of inspection and specify therein the details of the

permits to operate these vessels and the compliance of all other statutory requirements under the MS Act and Inland Vessels Act, as the case may be. Where such vessels are not in compliance with the requirements of these statutes/rules/regulations, their registrations under the Merchant Shipping Act/Inland Vessels Act shall be immediately suspended/revoked, along with any permits/fishing pass that may have been issued to such vessels for conducting fishing operations or to set sail.

- c) The Directorate of Fisheries and the Goa Coastal Police are directed to maintain a dedicated mobile number and an email id for receiving complaints from the public; large publicity shall be given to and the dedicated phone number and email id shall be made known to the public through all forms of media. The phone number/helpline shall be made available 24 hours of the day with a responsible officer monitoring the same, to ensure prompt action in the event of a complaint being received with regard to illegal fishing in any banned operations under the Act or Ban order 2017. Every complaint shall be entered into a register which shall be maintained in a soft

copy form, and action taken by the concerned Authorized Officer on such complaint shall be entered into this register from time to time.

- d) From the admitted position placed on reports and affidavits by the Home Department of the Government of Goa, it is evident that most of the speed boats or marine craft with the Coastal Police are not in working condition or cannot be deployed for enforcement operations. Respondent no. 2 in their affidavit state that they have sent a proposal to the Central Government under Pradhan Mantri Matsya Sampada Yojana to sanction the purchase of 05 patrol vessels for the fisheries department and 07 patrol vessels for the coastal police to conduct patrolling in the territorial waters of Goa. Of the 9 interceptor boats allotted to the State of Goa by Ministry of Home Affairs, none of these are operational and have now been condemned. The Home Department, Government of Goa is on record that by letters of 08.03.2024 and 14.04.2024 addressed to the Home Department, Government of Goa has moved the proposal for procurement of three additional interceptor boats besides one other boat in its

possession. Considering that the Coastal Police has practically no operational interceptor boats, and rely on small craft which are unable to patrol the 100 nautical mile coastline of Goa, immediate steps shall be taken by the Goa Coastal Police and by the Government of Goa (Home Department), to ensure adequate numbers of interceptor boats are procured in the shortest possible time to plug this gap in enforcement of the Ban order 2017 and the provisions of the Marine Act. A report of the steps taken by these departments and the timelines within which the procurement process would be completed shall be placed before this Court on 09.06.2025.

- e) Respondent No. 2 has proposed an enforcement wing of 58 staff, for patrolling the territorial waters and keep in check any illegal fishing activities, including LED fishing being undertaken in the Goan Territorial Waters. Such enforcement wing will have to work in coordination with the police department (Coastal Police). That the proposal has been administratively approved by the Minister for Fisheries. The Respondent No.2 to ensure that all measures are taken to recruit and train the personnel for the

proposed enforcement wing and to operationalise the same at the earliest.

- f) The Director General of Coast Guard shall ensure regular patrolling of the sea, including by aerial reconnaissance, over the Maritime Zones off the coast of Goa, to ensure that no fishing vessel indulges in LED fishing or bull trawling and pair trawling within these Maritime Zones. All such measures, as it thinks fit, shall be used by the Director General, Coast Guard to enforce the ban on LED fishing and bull trawling and pair trawling under the Ban order 2016 and Ban order 2017. The Coastal Police and DOF shall ensure that full assistance is given to the Coast Guard to enforce this ban; the Coastal Police and DOF to ensure establishing a communication protocol with the Coast Guard for sharing of information with regard to the location of all fishing vessels setting sail from the jetties along the Coast of Goa, by sharing real time information through the Vessel Tracking System (VTS).
- g) Considering that there would be requirement of further monitoring of the steps taken pursuant to implement the orders of this Court, and to ensure that

the ban on LED fishing/bull trawling/pair trawling is complete, we deem it fit to direct the Directorate of Fisheries, the Director General, Coast Guard through its District Commander and Superintendent of Police (Coastal Security) to file periodic reports every three months, before this Court, the first Compliance/Action Taken Report, which shall be on 02.09.2025.

53. Rule in the above petitions is made absolute in the above terms.

54. All pending MCAs. stand disposed of.

VALMIKI MENEZES, J.

M. S. KARNIK, J.