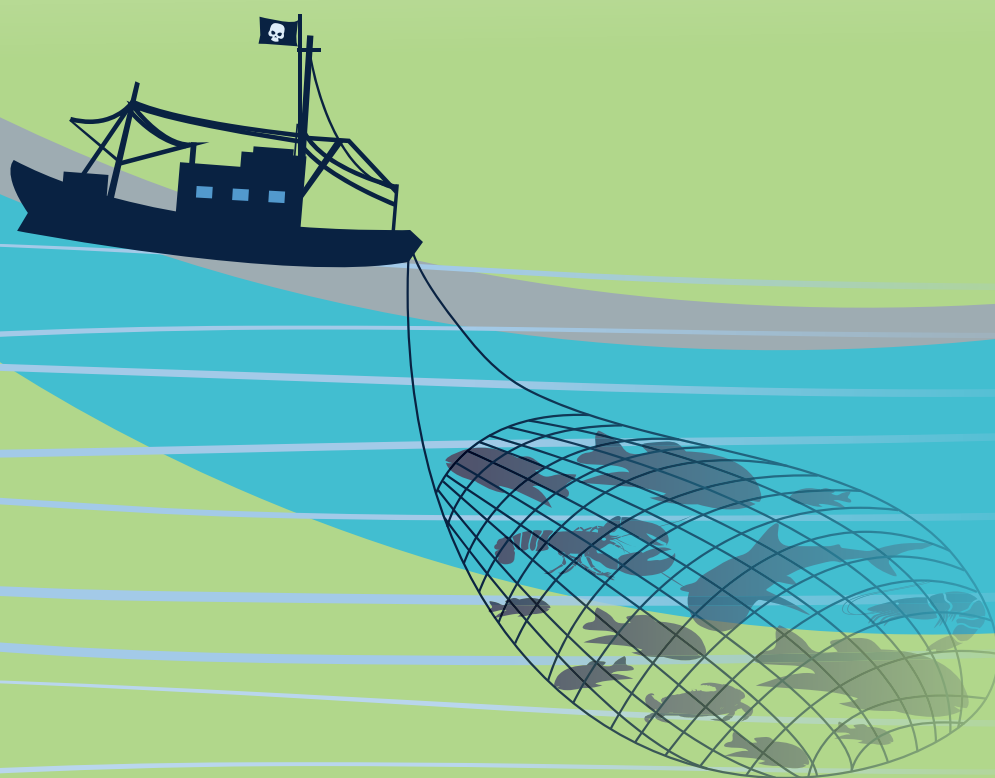


India's Readiness to Become a Party to
Port state Measures Agreement (PSMA) of the
Food and Agriculture Organization of United
Nations (FAO)

Strategy Document



Bay of Bengal Programme
Inter-Governmental Organisation

India's Readiness to Become a Party to
Agreement on Port State Measures
of the Food and Agriculture
Organization of the United Nations

Strategy Document

Prepared by



Bay of Bengal Programme
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Executive Summary

As a major seafood exporter, India faces reputational and market risks linked to IUU fishing, even though its own fleets largely operate legally. The dominance of distant-water fleets with questionable records in global supply chains triggers scrutiny of all exporters, and India is often bracketed unfairly with IUU concerns. By remaining outside the Port State Measures Agreement (PSMA), India lacks leverage to push for stricter controls in busy foreign ports where such fleets land. Accession would allow India to influence these processes, protect its exporters from unfair competition, and strengthen its standing as a champion of fair and sustainable fisheries.

The report presents a comprehensive analysis of India's regulatory regime concerning the implementation of the Port State Measures Agreement (PSMA). Illegal, Unreported, and Unregulated (IUU) fishing is recognized as a significant threat to fisheries sustainability, marine biodiversity, and food security. To combat this issue, the PSMA, as the first legally binding international agreement specifically targeting IUU fishing, aims to prevent such activities by denying access to ports and the trade of illegally caught fish.

India, despite having national policies and legal frameworks regulating fisheries and maritime activities, is yet to become a party to the PSMA. This report assesses India's policy and legal instruments and identifies gaps and areas that need strengthening to align with the PSMA requirements. National primary legislation, including the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, Merchant Shipping Act, 1958, and the state Marine Fishing Regulations Acts, provide some provisions that align with PSMA principles. However, aspects such as port inspections, vessel monitoring, designated ports, and inter-agency coordination could benefit from further enhancement to ensure comprehensive implementation.

India's national primary legislation, particularly the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act of 1981 (MZI), provides a foundational legal basis that shares common principles with the PSMA, such as the power to regulate foreign vessels and conduct inspections. However, a detailed gap analysis reveals that the current framework requires streamlining and amendments to achieve comprehensive PSMA implementation. Critical gaps include the lack of explicit definitions for key terms like 'IUU fishing' and 'fishing related activities,' no clear legal mechanism to deny port entry or services specifically on grounds of IUU fishing, insufficient provisions for inter-agency data sharing as mandated by the PSMA, and unresolved jurisdictional complexities between Union and State authorities. Strengthening the regulatory framework through legislative amendments, alongside investing in designated port infrastructure and formalized coordination mechanisms, is essential for alignment.

India stands to gain significantly from ratifying the PSMA, including strengthened fisheries governance, improved conservation efforts, and enhanced regional and international collaboration. The agreement would support robust monitoring, control, and surveillance measures, helping to deter IUU fishing activities. A cost-benefit analysis indicates that initial investments in infrastructure, training, and legal adjustments may be required along with strengthening legal and institutional frameworks. The manifold benefits include more effective fisheries management and alignment of the country with global best practices.

The report provides recommendations that include enacting comprehensive legislation to explicitly address IUU fishing, standardizing definitions and terminologies, establishing designated ports with appropriate



inspection facilities, and fostering greater coordination between national and regional stakeholders. The introduction of an executive order under the Maritime Zones of India ((Regulation of Fishing by Foreign Vessels) Act, 1981 is suggested as a practical step to further align existing regulations with PSMA requirements, facilitating active participation of India in the global initiative to combat IUU fishing.

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Content

Executive Summary	iii
Abbreviation and Acronyms	vi
Acknowledgement	vii
1. Introduction	1
1.1 Global call to dismantle IUU fishing	2
1.2 What is PSMA 2009	2
2. Analytical Methodology	5
2.1 Integrating FAO and Pew Trust Methodologies	5
2.2 Collection and Selection of National Policy and Legal Instruments	5
2.3 Desk-Based, Stepwise Assessment	5
2.4 Filling the PSMA Article Checklist	6
3. Main Findings	7
3.1 Overview and Main Findings	7
3.1.1 Fisheries Governance System relevant to PSMA 2009	7
3.1.2 National Policy	8
3.1.3 National Primary Legislation	9
3.1.4 National Secondary Legislation	11
4. Implementation Issues that may Arise	17
4.1 Field Presence and Inspection Authority	17
4.2 Revision of MFRAs and Related Regulations	17
4.3 Jurisdiction Over Port Designation and Enforcement	17
4.4 Financial and Resource Allocation	17
4.5 Data Sharing, Confidentiality, and Inspection Reporting	17
4.6 Institutional Coordination and Capacity Building	17
4.7 Dispute Resolution and Flag State Notification	18
4.8 Space Availability	18
5. Recommendations & Conclusion	19
6. References	22
Appendix A: List of India's National Policy and Legal Instruments Assessed in the Report	23
Appendix B: Analysis of the Articles of the PSMA (Port State Responsibilities)	24
Appendix C: Frequently Asked Questions	42

Abbreviation and Acronyms

EEZ	Exclusive Economic Zone
FAO	Food and Agricultural Organization
ILO	International Labour Organization
IMBL	International Maritime Boundary Line
IMO	International Maritime Organization
IUU	Illegal, Unreported, and Unregulated Fishing
MCS	Monitoring, Control and Surveillance
MCSE	Monitoring, Control, Surveillance and Enforcement
MZI	Maritime Zones of India
PSMA	Port State Measures Agreement
RFAB	Regional Fisheries Advisory Bodies
RFMO	Regional Fisheries Management Organization
UT	Union Territory



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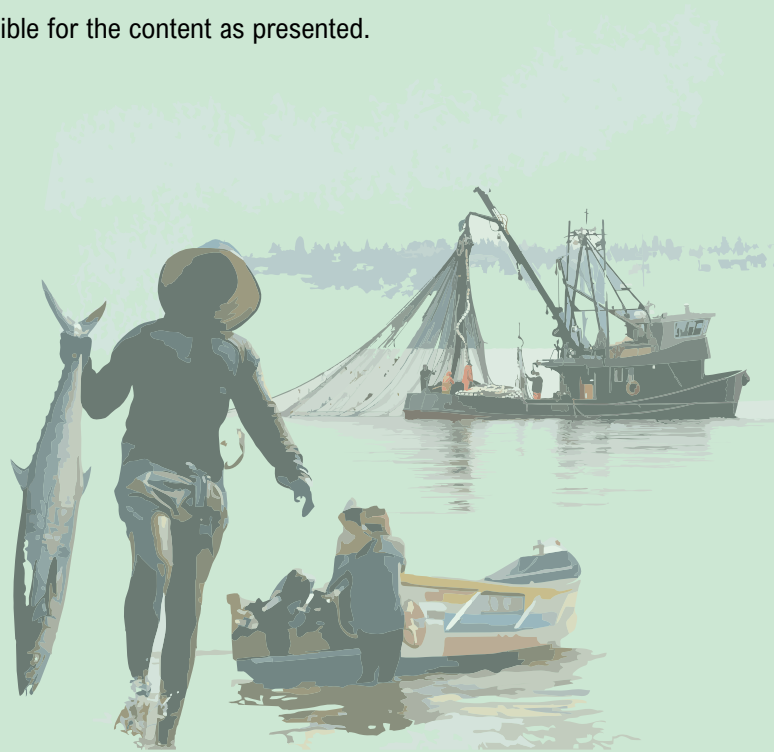
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Nonetheless, the authors remain solely responsible for the content as presented.





1. Introduction

The present document has been prepared to gauge India's readiness to become a party to the 2009 Port State Measures Agreement of the Food and Agriculture Organization of United Nations (FAO).

While India is one of the top marine fisheries producers in the world having the distinction of managing one of the largest marine fishing fleets globally, the country as such not acted as a 'port state'. There were sporadic policy measures to allow foreign fishing vessels in India, however, such initiatives were short-lived.

Therefore, while the country continued to build its capacity as a coastal state and a flag state, its capacity both from institutional and human resources angles warrants a thorough review.

The scope of the present report is limited to a review of the legal framework of the country. It proposes to answer the question of whether the country has the basic legal framework to support the port state measures. It is expected that as a non-practicing port state, the country will have certain limitations. Therefore, whether such limitations are grave in nature and need amendments is the conjoint issue that was also explored in the report.

Throughout the global quest for sustainable marine fisheries, India remains a committed partner (Table 1). The country is closely associated with the international and regional processes and acted as a responsible fishing nation as far as due diligence in fisheries management is considered. However, as a developing country, India also lacks adequate capacity, often hampering the performance of the country.

Today, India is marching towards a blue economy framework and has established itself as major processor-exporter in the global seafood sector. At this time, the need for tuning into the international development discourse is not only procedural but also could help the country in enabling a stronger seafood sector with strong credentials and a reputation for sustainability.

Table 1. India's participation in global fisheries management frameworks

Process	Role of India
United Nations Convention on Law of the Sea	India signed the Convention in 1982 and ratified that in 1995.
United Nations Fish Stocks Agreement	India signed the United Nations Fish Stocks Agreement on July 4, 2001.
FAO Compliance Agreement	India signed the FAO Compliance Agreement on 1st July 2001.
FAO Code of Conduct for Responsible Fisheries	Adopted by FAO Conference in 1995. India attended.
International Plan of action on IUU fishing	Adopted by FAO Conference in 2001. India attended.
Port State Measures	Adopted by FAO Conference in 2009. Joint Secretary (Fisheries) Department of Animal Husbandry, Dairying and Fisheries Ministry of Agriculture attended.



1.1. Global call to dismantle IUU fishing

Illegal, unreported, and unregulated (IUU) fishing is “one of the greatest threats to fish stocks and marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, as well as the food security and economies of many states, particularly developing states” (UNGA 2015: para 56). Various studies show that the main driver of the IUU fishing is the economic incentive while weak legal and enforcement mechanisms and poor coordination at different levels facilitate it. Curbing IUU fishing is a global target under Sustainable development ‘Goal 14: Life below Water’, to which India is a party.

The global effort to drive out IUU fishing has evolved over time. It began with strengthening of the international legal framework in the form of the United Nations Convention on the Law of the Sea of 1982 (UNCLOS) which outlines the duties of the states to ensure conservation of resources. Other components include the 1995 UN Fish Stock Agreement, the 1993 FAO Compliance Agreement, the 2015 FAO Voluntary Guidelines for Flag State Performance Measures, focusing on the role of the flag states and coastal states to curb IUU fishing and finally the 2009 FAO Port State Measures Agreement (PSMA) focusing on curbing the market access of IUU fishing derived products and creating a global information network to stop IUU fishing from hiding or changing its identity.

India has recognized the threats from IUU fishing and has committed to curb it (National Policy on Marine Fishing 2017 and Endorsement of Regional Plan of Action to Curb IUU Fishing in 2024). The country has ensured due diligence to perform as flag state and coastal state. A prominent example of India’s action against IUU fishing is the setting up of the Information Fusion Centre by the Indian Navy that monitors and reports on IUU fishing in Indian Ocean region (IOR),

A “Port State” is any State receiving fishing vessels in its ports, offshore terminals or other installations for, inter alia, landing, transshipping, refuelling or re-supplying.” While India as a coastal nation has for long offered port services to the shipping sector, it was never a prominent port state in the context of the fisheries sector (unlike for e.g. Thailand). Therefore, in the Indian context, while PSMA 2009 offers an opportunity to extend India’s port services to foreign fishing vessels subject to adequate regulations, it also facilitates India’s integration into the global information network and building domestic capacity to curb IUU fishing. In addition, as the global community is deliberating on strengthening import control measures in line with the measures taken by the European Union and the United States of America to further isolate IUU fishing, the implementation of Port State Controls (PSC) is a natural course to follow.

1.2. What is PSMA 2009

The **Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing** aims to combat IUU fishing by enforcing effective port State measures for ensuring the long-term conservation and sustainable use of marine resources. The Agreement was approved by the FAO Conference at its Thirty-sixth Session (Rome, 18-23 November 2009) under paragraph 1 of Article XIV of the FAO Constitution, through Resolution No 12/2009 dated 22 November 2009 and it entered into force on 5 June 2016. Till date 78 countries and one member organization (European Union), totalling 79 entities have become party to the PSMA.

The PSMA mandates port inspections, denial of entry and services to suspected IUU vessels, and international information sharing to prevent illegally caught fish from reaching markets. This proactive measure not only helps ensure that only legally caught fish enter global supply chains but also promotes international cooperation and data sharing, thereby strengthening efforts to protect marine ecosystems and support sustainable fisheries worldwide. The PSMA 2009 is complementary to the Port State Controls (PSCs) developed by the International Maritime Organization (IMO) that has been implemented by India. Further information on the PSMA 2009 can be obtained from <https://www.fao.org/port-state-measures/en/>.

¹ “IUU fishing” refers to the activities described in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing adopted by the Food and Agriculture Organisation of the United Nations on 2 March 2001.

² Council Decision of 8 November 2010 on the approval, on behalf of the European Union, of the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (2010/717/EU) or EU-IUU Regulation.

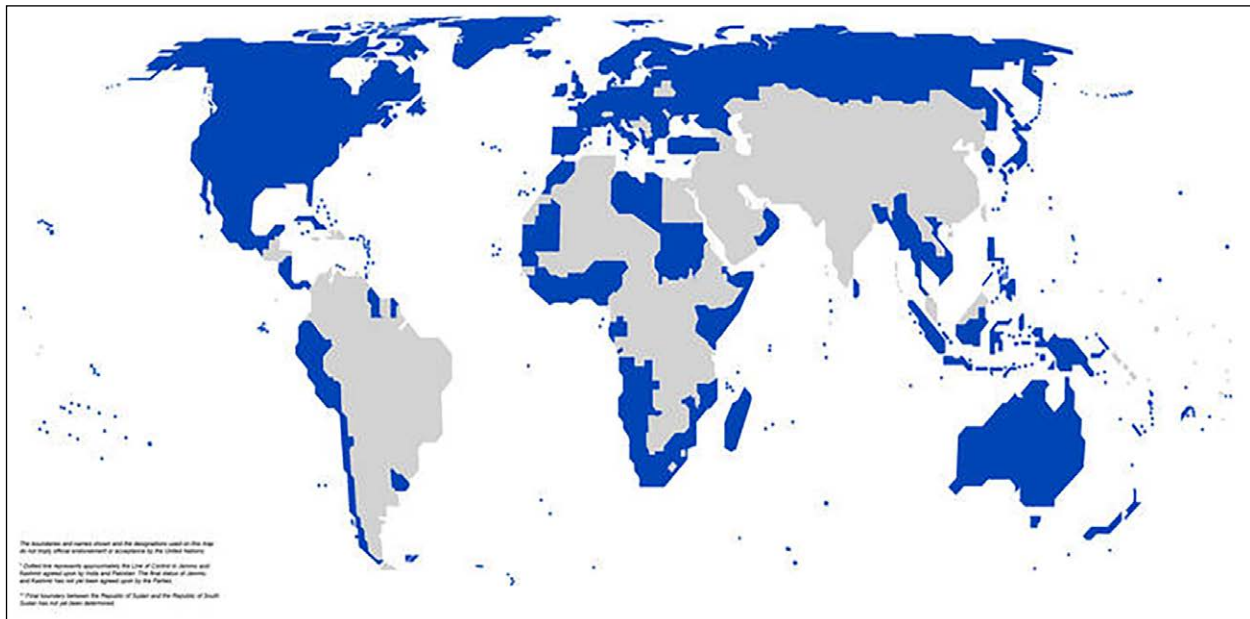


Figure 1. Parties to the PSMA 2009 (as on 31 Dec 2024)

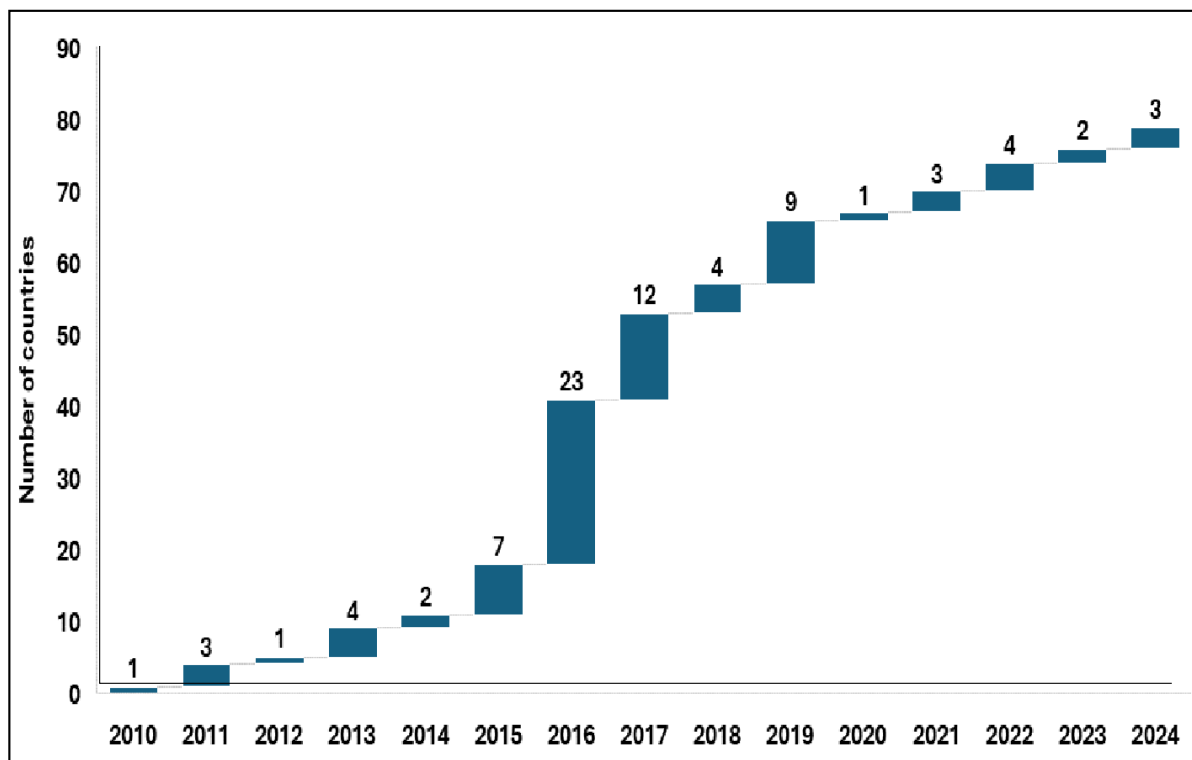


Figure 2. Year-wise progress in implementation (Ratification, Acceptance, Approval, Accession, Other means)



2. Analytical Methodology

This study assesses India's readiness to become a party to the FAO Port State Measures Agreement (PSMA) by evaluating the country's legal framework against a set of standard questions derived from established international guidelines. The methodology integrates insights from the Pew Charitable Trust's capacity needs assessment for PSMA implementation and the FAO's IUU fishing questionnaire, with a particular focus on port state responsibilities.

2.1. Integrating FAO and Pew Trust Methodologies

The foundation of our assessment lies in synthesizing two key sources:

- **Pew Charitable Trusts' Framework:** Provides a list of 21 sections/articles pertinent to PSMA, specifically selected for evaluating a country's capacity to implement the agreement.
- **FAO IUU Fishing Questionnaire (2021):** Contributes additional questions, notably those addressing Article 9 (port entry, authorization, or denial), to ensure that both preventive and in-port measures are considered.

Appendix A of this report lists India's national policies and legal instruments. Appendix B details the 21 PSMA sections/articles and includes the FAO checklist, which together form the basis for our analysis. By comparing these provisions against India's national policies and legal instruments listed in Appendix A, the assessment identifies the current alignment with PSMA requirements and highlights existing gaps.

2.2. Collection and Selection of National Policy and Legal Instruments

Given the multi-layered governance structure in India, where the Union Government holds responsibility for policy and legal frameworks beyond territorial waters (per Union List Entry 57) and State Governments legislate on territorial and inland waters (per State List Entry 21), this study focuses on the national level framework. We compiled a comprehensive list of relevant national policies, primary legislation, and secondary legislation from the country's electronic repository. These instruments pertain to fisheries management, port operations, and IUU fishing control measures.

2.3. Desk-Based, Stepwise Assessment

A structured, desk-based approach was employed to systematically evaluate India's legal framework. The assessment was conducted in three steps, as summarized in Table 2:

Table 2. Summary of the Stepwise Assessment

Steps	National Policy and Legal Instruments	Scope
1 st	National Policy: a plan, policy, strategy, action plan or policy chart concerning port and IUU fishing.	A plan, policy, strategy, action plan or policy chart concerning port and IUU fishing.
2 nd	National Primary Legislation: act, code, law or any other instrument implementing the fishery policy as well as the general law on port or IUU fishing providing the legal framework.	Searching for the PSMA articles/questions in each provision of the national primary legislation.
3 rd	National Secondary Legislation: a decree, regulation, order or ordinance regulating the primary legislation assessed under step 2.	If searching for the PSMA articles/questions yields no result, in national policy or national primary legislation then they are assessed in secondary legislation.

Each step involved matching the content of the national policy and legal instruments with the PSMA articles and associated questions. Priority was given to the national policy, followed by primary legislation, and then secondary legislation. Table 3 explains the symbols used in the PSMA article checklist to denote the level of alignment:

Table 3. Meaning of the Symbols Used in the PSMA Article Checklist

Symbol	Perceived level of alignment with the PSMA article
✓ Full or sufficient	Part(s) in the assessed fisheries policy or provision(s) in the assessed legislation fully incorporates the PSMA provisions.
∅ Partial or insufficient	Part(s) in the assessed policy or provision(s) in the assessed legislation partially incorporates the PSMA provisions.
X None or inexistent	No part of the assessed policy or provision in the assessed legislation was found that incorporates the PSMA provisions.
• Not considered	No assessment was carried out since the PSMA provisions were fully or sufficiently found in the primary fisheries policy/legislation, or other sectors' primary legislation.
N/A Not Applicable	The PSMA provisions are exclusively relevant to fisheries and therefore not applicable to other sector's legislation.
* Optional	The PSMA provisions are considered non-mandatory and, therefore, not expected to be found in the assessed policy or legal instrument.

2.4. Filling the PSMA Article Checklist

Using the compiled instruments and the structured assessment steps, the checklist was populated as follows:

- Each of the 21 PSMA articles, plus one additional FAO-derived question, was examined in the context of the identified national instruments.
- The corresponding legal references and any necessary explanatory notes or comments were recorded to justify the use of a specific symbol indicating the level of alignment.

The detailed analysis is presented in **Appendix B**. This desk-based, stepwise methodology provided a transparent and replicable framework to assess India's current legal and policy alignment with the PSMA. The resulting analysis identified gaps and areas for improvement, thereby informing recommendations for legislative or policy reforms necessary for India's readiness to accede to the FAO PSMA.



3. Main Findings

INDIA HAS THE NECESSARY LEGAL FRAMEWORK IN THE FORM OF THE MARITIME ZONES OF INDIA (REGULATION OF FISHING BY FOREIGN VESSELS) ACT OF 1981 TO ADDRESS REQUIREMENTS OF PSMA 2009.

3.1. Overview and Main Findings

The following subsections describe the selected national policy and legal instruments that were used in the compilation of this report. Details are provided in Appendix B.

3.1.1. Fisheries Governance System Relevant to PSMA 2009

India's marine fisheries governance operates through a multi-tiered institutional framework, involving the Union Government, State Governments, and specialized agencies with responsibilities ranging from policy formulation to enforcement and conservation. This governance structure is shaped by constitutional provisions, international commitments, and national policies aimed at balancing resource sustainability, economic development, and livelihood security.

The governance of marine fisheries in India is influenced by the constitutional division of powers between the Union and State Governments. Entry 57 of the Union List (Seventh Schedule) vests the regulation of fisheries beyond the territorial waters (12-200 nautical miles Exclusive Economic Zone - EEZ) with the Union Government, while Entry 21 of the State List places fisheries within territorial waters (up to 12 nautical miles) under the jurisdiction of coastal State /UT Governments. This division results in a complex interplay between central regulatory oversight and state-level fisheries management.

To regulate fishing activities beyond territorial waters, the Ministry of Fisheries, Animal Husbandry & Dairying (Department of Fisheries - DoF) is responsible for formulating national policies, implementing international commitments, and overseeing fisheries-related legislation. Additionally, other central ministries and agencies contribute to fisheries governance, including:

- Ministry of Defence (Indian Coast Guard - ICG): Ensures maritime security, vessel monitoring, and enforcement against Illegal, Unreported, and Unregulated (IUU) fishing.
- Ministry of Commerce & Industry (Marine Products Export Development Authority - MPEDA): Regulates seafood trade, export quality standards, and processing units.
- Ministry of Environment, Forest & Climate Change (MoEFCC): Governs marine biodiversity conservation and pollution control in marine ecosystems.
- Ministry of Earth Sciences (MoES - National Institute of Oceanography, INCOIS): Provides scientific assessments, fishery forecasting, and oceanographic data.
- Ministry of Shipping (Directorate General of Shipping, Mercantile Marine Department - MMD): Registers fishing vessels and ensures compliance with maritime safety regulations.
- Ministry of Home Affairs: Oversees security clearance for foreign crew on deep-sea fishing vessels.



At the state level, coastal State/UT Departments of Fisheries play a crucial role in managing fisheries resources within territorial waters, including licensing, regulation of fishing gear, vessel registration, and conservation measures under their respective Marine Fishing Regulation Acts (MFRAs).

The following table gives a summary of Ministries and governing law having direct stakes in the marine fisheries sector and relevant to PSMA.

Table 4. Governing Laws and Overseeing Ministries as Relevant for PSMA 2009

Ministry	Governing Laws	Relevance to PSMA
Ministry of Fisheries, Animal Husbandry & Dairying, Gol	Ministry of Fisheries, Animal Husbandry & Dairying, Gol	Regulates fisheries, licensing, and foreign vessel operations; key player in PSMA compliance for port state measures.
Ministry of Ports, Shipping & Waterways, (DG Shipping) Gol	Indian Ports Act (1908), Merchant Shipping Act (1958)	Manages port operations, designates authorized ports, and oversees vessel inspections relevant to PSMA (port state controls (PSC)).
Ministry of Defence (Indian Coast Guard), Gol	Coast Guard Act (1978)	Enforces maritime security, monitors fishing zones, and deters illegal fishing activities per PSMA.
Ministry of External Affairs, Gol	United Nations Convention on the Law of the Sea (UNCLOS), Bilateral and Multilateral Agreements	Handles international treaties and agreements, including India's commitments under PSMA.
Ministry of Finance (Customs Department), Gol	Customs Act (1962)	Regulates the entry and clearance of vessels and seafood imports/exports, aligning with PSMA trade measures.
Ministry of Commerce & Industry, Gol	Marine Products Export Development Authority (MPEDA) Act (1972)	Regulates seafood exports and integrates market-based measures to prevent IUU fish trade as per PSMA.
Ministry of Home Affairs, Gol	Foreigners Act (1946), Immigration Laws	Manages foreign crew and vessel permissions, contributing to PSMA compliance in vessel monitoring.
Ministry of Environment, Forest & Climate Change, Gol	Wildlife Protection Act (1972), Environment Protection Act (1986)	Ensures sustainable fisheries management and ecosystem protection, complementing PSMA's conservation goals.
Department of Fisheries (State/UT)	Marine Fishing Regulation Acts (State-level)	Fisheries management within territorial waters.

Further details on specific Acts and rules are given below.

3.1.2. National Policy

India has one national policy in fisheries (A1 in Appendix A).

A1. National Policy on Marine Fisheries, 2017

The National Policy on Marine Fisheries of 2017 is the main marine fisheries policy of India. The overarching goal of the policy is to ensure the health and ecological integrity of marine living resources as well as non-living constituents of the marine ecosystem in India's EEZ through long-term sustainable management. The policy rests on seven pillars: sustainable development, socioeconomic upliftment of fishers, subsidiarity principle, partnership, inter-generational equity, gender justice, and precautionary approach.

The policy clearly reaffirms India's commitment to international agreements. Section 22 specifically notes that India is a party to various international instruments designed to deter, prevent, and eliminate IUU fishing. This aligns with PSMA's core objective of reducing IUU fishing by ensuring vessels engaging in such activities are denied port entry. Further, by emphasizing regional cooperation (Section 56–58) and a holistic approach to fisheries governance (Section 59–61), the policy creates a framework that can support coordinated port state measures, which are essential for the success of PSMA.

However, the policy is not directly linked with any legal framework or scheme to achieve its objectives. The policy recognizes the need to update existing legislation to align with international standards (Sections 20 and 60). This proactive stance toward regulatory reform can facilitate the integration of PSMA-specific measures, such as port inspections, detention of non-compliant vessels, and penalties for IUU activities.

The governance structure involves various stakeholders at both the Union and State levels (e.g., DoF, DG Shipping, ICG, Coastal Marine Police, and state agencies). This multiplicity may lead to fragmented implementation and enforcement, complicating the seamless application of PSMA measures across all ports. In addition, given that the Union Government oversees the exclusive Economic Zone (EEZ) operations while state governments handle territorial waters, there is potential for regulatory gaps and conflicts, especially in the management of port state measures where clear delineation of responsibilities is critical. The policy points to the need for updating existing regulations (such as the Marine Fishing Regulation Acts (MFRAs)) and aligning them with international standards.

In doing so, it envisions the development of a Model Bill for the coastal States/UTs to ensure that the regulatory framework across different jurisdictions is coherent and consistent with the broader national policy objectives. However, it does not come with a timeline, making the recommendation rather rhetorical.

3.1.3. National Primary Legislation

The National Primary Legislation consulted include the following (B1 to B5 in Appendix A).

B.1. The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act of 1981

1. The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act of 1981 regulates fishing by foreign vessels in maritime zones of India. It establishes the process for granting, cancelling or suspending licenses to foreign vessels which intend to engage in fishing and permits to use such vessels by Indian citizens. The Act also identifies the authorised officers, provides for their powers, outlines offences and penalties, and judicial procedures.

The table below shows the correspondence and consistency of key definitions used in the MZI, 1981 Act and the PSMA, 2009

Table 5. Correspondence between MZI Act, 1981 and PSMA, 2009

S. No.	Item	MZI Act, 1981 (India)	PSMA, 2009	Gap/ comment
Definition				
1	Fish	“any aquatic animal, whether piscine or not, and includes shellfish, crustacean, molluscs, turtle (chelonias), aquatic mammal (the young, fry, eggs and spawn thereof), holothurians, coelenterates, sea weed, coral and any other aquatic life.”	all species of living marine resources, whether processed or not	update language to emphasize “living marine resources” for better alignment with PSMA
2	Vessel	any ship, boat, sailing vessel or other description of vessel	any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities	amend to explicitly incorporate “fishing related activities” into the definition of vessel
3	Fishing	“catching, taking, killing, attracting or pursuing fish by any method and includes the processing, preserving, transferring, receiving and transporting of fish.	searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish.	

S. No.	Item	MZI Act, 1981 (India)	PSMA, 2009	Gap/ comment
4	Fishing related activities	Not specified separately	"fishing related activities" means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;	Suggest inclusion as separate definition or expansion of fishing to include fishing related activities
5	Specified ports	such ports as the Central Government may, by notification in the Official Gazette, specify for the purposes of this Act		'specified ports' have not been assessed or developed to meet the comprehensive requirements of PSMA 's 'designated ports'
Regulation of Foreign Fishing Vessels				
6	Licensing and Permits	Sections 3–5: explicitly prohibits foreign vessels from fishing in India's maritime zones without a licence or permit granted by the Central Government	Article 8 of PSMA - deny port access to vessels that might engage in IUU fishing: a port State must determine—based on advance information whether a vessel has engaged in IUU fishing before granting port entry	Licence/ permit = pre-entry control
7	Boarding, Inspection, and Seizure	Section 9: authorizes officers (e.g., Coast Guard personnel) to board, inspect, and, if necessary, seize foreign vessels or their fishing gear when there is suspicion of non-compliance	Articles 12 and 13: inspections to be carried out in ports to verify vessel documentation and fishing activities	Checklist not as extensive as PSMA's Annex B, but Act provides a legal basis for such inspections of foreign vessels entering Indian ports
8	Penalty Regime	Chapter IV: imposes fines, imprisonment, and even vessel confiscation for violations such as unauthorized fishing	PSMA: vessels found engaging in IUU fishing practices are denied access to port services	Penalty regime serves as deterrent
9	Focus Exclusively on Foreign Vessels	scope is limited to foreign fishing vessels	PSMA explicitly applies only to vessels <u>not</u> entitled to fly the flag of the port State	No gap (though operational details (such as specific procedures for denying port entry or transshipment) are less elaborated compared to the PSMA text.

Shortcomings

Enacted in 1981, the MZI Act does not incorporate modern electronic data exchange or detailed inspection protocols (comparable to the PSMA's Annexes on information exchange, inspection procedures, and reporting). PSMA Articles 8–18 provide detailed guidelines on advance information submission, inspection, and follow-up actions. To fully meet these requirements, the Act may need to be supplemented or updated—possibly through rules or amendments—to incorporate modern communication systems, standardized inspection procedures, and reporting requirements as prescribed by PSMA.

In conclusion, India meets the basic requirement to become a party to the PSMA 2009. However, significant institutional and capacity gaps also exist and need to be addressed to fully implement PSMA.

B.2. to B.5. Other Acts and Rules applicable

The Merchant Shipping (Indian Fishing Boats Inspection) Rules of 1988 detail the objectives and requirements for the inspection of fishing vessels, and the conditions for issuance of a Certificate that confirms that the inspection has been duly undertaken.

Indian Customs Act, 1962 aims to ensure fair and legal trade and it aligns with international trade obligations, including WTO and other bilateral or multilateral treaties. It regulates imports, exports and transit of goods across international boundaries of India including maritime zones. Customs authorities are empowered to inspect or search any vessel entering Indian ports.

The Indian Ports Act, 1908 is a legislative framework that regulates the administration, management and development of ports in the country.

Coastal states and UTs have enacted their respective MFRA (see Table 6), and corresponding rules, specifying comprehensive measures for fisheries management and MCS to ensure the sustainable utilisation of marine resources both within India's territorial waters and beyond. For this assessment, common sections of the MFRAs of coastal states and UTs were identified and considered as representative of a single 'Marine Primary Legislation' (B5).

Table 6. List of coastal state / UT Marine Fishing Regulations Acts

S. No	Coastal State / UT MFRAs
1.	Gujarat Fisheries Act, 2003
2.	Maharashtra Marine Fishing Regulation Act, 1981
3.	Goa, Daman and Diu Marine Fishing Act, 1981 ³ (UT)
4.	Karnataka Marine Fishing Regulation Act, 1986
5.	Kerala Marine Fishing Regulation Act, 1980
6.	Tamil Nadu Marine Fishing Regulation Act, 1983
7.	Andhra Pradesh Marine Fishing (Regulation) Act, 1994
8.	Orissa Marine Fishing Regulation Act, 1982
9.	West Bengal Marine Fishing Regulation Act, 1993
10.	Lakshadweep Marine Fishing Regulation, 2000 (UT)
11.	Puducherry Marine Fishing Regulation Act, 2008 (UT)
12.	Andaman and Nicobar Islands Marine Fishing Regulation, 2003 (UT)

3.1.4. National Secondary Legislation

Two National Secondary Legislation have been included here, corresponding to C1 and C2 in Appendix A.

The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules of 1982 regulates fishing by foreign vessels under the Maritime Zones of India Act of 1981. It provides details on the licensing scheme, validity and terms and conditions applicable to foreign fishing vessels, procedure for application, form for application, and respective fees. The Rules also detail offences and penalties.








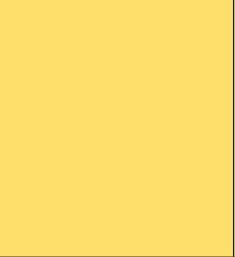
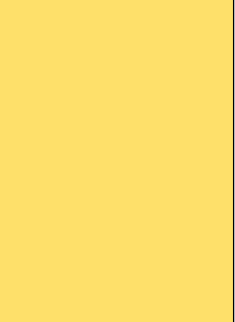


Merchant Shipping Notice No. 2 of 2024 -Port State Control (PSC) Inspection of Foreign Flag Vessels Visiting Indian Ports (dated 30.01.2024) was introduced by DG shipping with the purpose of conducting port state control inspections by the Indian administration to effectively implement relevant international guidelines and practices.

The following table 7 gives a summary of India's readiness to become party to PSMA 2009, while table 8 provides a detailed analysis of the compliance with the mechanism by which a foreign fishing vessel enters and exits a port state. There are 10 sections which are mentioned in detail in Table 7. MZI Act, 1981 and Rules 1982 partially align with sections in PSMA 2009 such as designated ports, prior vessel entry, no

³ After Goa achieved statehood in 1987, Daman and Diu became a separate Union Territory.

denial, verification and review of documents, authorization and post inspection as they are not focussed on fisheries alone; while alignment is seen in sections such as denial of port entry, no denial, no inspection and exit controls. Some subsections of inspections are partially aligned as they are particularly for the officials and personnel, while others are not aligned.

Table 7. Summary of India's readiness to be a party of PSMA 2009

Full or Sufficient 		Partial 	None or inexistent 
#	Provision	Alignment Level	Comments
1.	National legislation that applies to vessels (Article 1[j]) engaged in Fishing (Article 1[c]) and in "fishing related activities" (Article 1[d]).		No separate definition for "fishing related activities" in alignment with the PSMA (e.g., IUU) is present.
2.	Provision in law for Agreement to apply to all foreign-flagged vessels (with exceptions relating to artisanal vessels of neighbouring States/ container vessels as described in Article 3, 1[a] and [b]).		Laws applicable on all foreign-flagged vessels exist: but no express exceptions are made for artisanal vessels of neighbouring states.
3.	Coordination/integration at national level with other port State controls and other MCS activities (Article 5).		Coordination among different agencies at national level exists but not necessarily in terms of port state control.
4.	Legislation requiring permission to enter port (Article 8) and provision of information from vessels in advance of arrival in port (Article 8). Minimum information requirements are set out in Annex A and the form for information submission adjusted to accommodate minimum requirements.		MZI Rules 1982 provides for prior permission for seeking entry into port; however, it is only applicable to vessels having licence or permit granted under the Act.
5.	Legal mechanism to deny entry into port for reasons of IUU fishing.		No such express provision exists. However, since the provisions for fishing in the EEZ are specified in the licence, anything other than that may be assumed to be illegal, though the term as such is not used. A clear mention of IUU fishing will strengthen the Act.
6.	Legal mechanism in place that denies vessels that have entered port but have engaged in IUU fishing or fishing-related activities the use of the port for landing, trans-shipping, packaging or processing of fish and other port services as defined.		Partial. The MZI Act's requirement for prior approval (licence) serves as a strong pre-entry control. However, the Act lacks an explicit, standalone mechanism to deny port services to a vessel that has already entered port based on IUU fishing violations discovered during inspection. This is a gap for full PSMA compliance
7.	Legal authority to share information, including confidential information, with relevant parties identified in the PSMA. (The confidentiality of the information can be respected within the wider group of those informed.)		No such express provision exists
8.	Legal provision for taking other measures consistent with international law, including measures that the flag state has requested or to which it has consented.		Legal provisions exist for the international law that India has consented to or is a party to

9.	Legislation and procedures to enable a flag State that is a party to the PSMA to undertake enforcement action when a port State reports IUU fishing infraction and sufficient evidence exists (Article 20.4).		No such express provision exists
10.	Port State laws that cover IUU fishing and fishing-related activity undertaken by foreign-flagged vessels in areas beyond national jurisdiction.		No such express provision exists



Table 8. Comprehensive analysis of the PSMA from entry to exit of a foreign vessel in a port state

Full or Sufficient



Partial



None or inexistent



No	PSMA requirement	Degree of meeting the requirement	Comments
1. Designated ports			
1.	Available port services		'Specified ports' defined under sec 2(m) of MZI Act 1981 ⁴ .
2.	Inspection facilities		
3.	Qualified personnel		
4.	Administrative infrastructure		
5.	Security measures (Search and detain the vessels, securing of evidence)		
2. Prior Vessel entry			
6.	Prior time required to notify the concerned port for entry		MZI Rules, 1982: Sec S (I)
7.	Basic information on vessel documentation		MZI Rules, 1982: Form A (Rule 3)
8.	Basic Information on vessel description, equipment and compliments		MZI Rules, 1982: Form A (Rule 3)
9.	Fishing authorization		MZI Rules, 1982: Form A & B
10.	Fishing logbook		MZI Rules, 1982: Form A
11.	Transshipment authorization		MZI Rules, 1982
12.	Port state authorization		MZI Act 1981, MZI Rules, 1982
13.	Exchange of Information (with regard to IUU fishing vessel) with relevant flag and coastal states, FAO, other international organizations and regional fisheries management organizations		
14.	Coordination, Collaboration and Cooperation of multiple stakeholders		
3. Denial of Port Entry			
15.	Engaged in IUU and IUU related activities		
16.	Denial of vessel prior entry and in the period of inspection. During inspection, the authorities can deny the use of port for landing, transshipping, packaging and processing of fish and for other port services, including refuelling and resupplying, maintenance and drydocking.		
17.	Violation of National, regional and International Laws		
18.	Prohibit landing or transshipment or on the basis of unauthorized activities		MZI Act 1981, MZI Rule 1982
19.	Record of violation and suspicion in catch record, fishing authorization, VMS data, tranship fish illegally		

⁴ The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981 regulates fishing by foreign vessels in certain maritime zones of India (i.e., in the territorial sea and EEZ) However, it does not expressly mention IUU fishing in terms of port State measure control. Rules are primarily limited to the foreign fishing vessels that wish to fish in maritime zones of India.

20.	Exchange of information of the inspected fishing fleets involved IUU and IUU related activities, such as no proper documentation of catch record, fishing authorization, transshipment authorization, VMS data, tranship fish illegally and misuse of flag state and license with the flag State of the vessel and relevant coastal States, regional fisheries management organizations and other international organizations.		
21.	Coordination, Collaboration and Cooperation of multiple stakeholders		
4. No denial			
22.	Vessels cannot deny entry for reasons of the safety or health of the crew or the safety of the vessel.		MZI Rule 1982, Sec 3 (4)(vi) (vii) For repair and refuelling, permit may be given
5.Verification and Review of Documents			
23.	Documents for Pre-Arrival Notification (Annex A)		MZI Rules, 1982
24.	Documents for Port inspection (Annex B)		MZI Rules, 1982
25.	RFMO Specific Documents		
6. Authorization			
26.	Fishing areas		MZI Rules, 1982
27.	Target species		MZI Rules, 1982
28.	Gear restrictions		MZI Rules, 1982
29.	Validity Period		MZI Rules, 1982
30.	Verification by Port States (Annex A)		MZI Rules, 1982
31.	Authorization document by Flag State		MZI Rules, 1982
32.	Authorization Documents for Fishing in Management Areas		
33.	Authorize for the use of ports without inspection		MZI Rules, 1982
7. Inspection			
34.	Inspection officers and personnel		Sec 9, MZI Act 1981
35.	Physical examination by the inspector		MZI Act, 1981
36.	Verification of Vessel Identification Documentation		MZI Act, 1981
37.	Consistency of Vessel Markings and Flag Information		MZI Rules, 1982
38.	Verification of Authorizations for Fishing Activities		MZI Act, 1981
39.	Review of Onboard Documentation and Records		MZI Act, 1981 MZI Rules 1982
40.	Examination of Fishing Gear Onboard		MZI Act, 1981
41.	Assessment of Fish Harvested		MZI Rules 1982
42.	Examination of Fish Quantity and Composition		MZI Rules 1982
43.	Evaluation of Evidence for IUU Fishing		
44.	Communication between the inspector and the crew members of the vessel.		MZI Act 1981& MZI Rules 1982

8. Post inspection			
45.	Basic Information on the Inspection		MZI Act 1981& MZI Rule 1982
46.	Basic information on the vessel inspected		MZI Act 1981& MZI Rule 1982
47.	Basic Information on the Vessel Documentation		MZI Act 1981 & MZI Rule 1982
48.	Compliance with Catch (onboard and off-load)		MZI Act 1981
49.	Compliance with Trade		MZI Rules 1982
50.	Compliance with Logbook		MZI Act 1981
51.	Compliance with Gears		MZI Act 1981
52.	Compliance with Transshipment Authorization		MZI Act 1981
53.	Compliance with Fishing Authorization		MZI Act 1981
54.	Exchange of Information with relevant States, FAO, other international organizations and regional fisheries management organizations		
55.	Coordination, Collaboration and Cooperation of multiple-stakeholders		
9. No Inspection			
56.	No suspicion or evidence of IUU fishing		
57.	For Port services like repair, refuel, maintenance, dry-docking, crew change and requirement for provisions and supplies		
58.	On the basis of force majeure or distress (mechanical failure, medical emergencies, extreme weather)		
10. Exit controls			
59.	Preventing departure when engaged in IUU fishing or under investigation.		
60.	Notification to relevant authorities like flag state, RFMOs and other port state and international bodies.		
61.	Report obligation on the inspection findings, evidence of IUU fishing, compliance and action taken against the concerned vessel		
62.	Non-payment of penalties		

4. Implementation Issues that may Arise

4.1 Field Presence and Inspection Authority

The Union Ministry of Fisheries does not have a direct field presence in ports. Hence, the responsibility for inspecting foreign fishing vessels lies with state fisheries inspectors and other enforcement agencies. This creates uncertainty over whether state fisheries inspectors have adequate authority and capacity to carry out inspections in line with PSMA requirements.

Potential solution: *Clarify and formalize the role of state fisheries inspectors through updated regulations having clear protocols and coordination mechanisms with central agencies such as the Coast Guard and Customs.*

4.2 Revision of MFRAs and Related Regulations

The existing Marine Fishing Regulation Acts (MFRAs) do not explicitly address the detailed requirements of PSMA regarding port state measures, such as advance notification and standardized inspection procedures. The lack of PSMA-specific provisions in the MFRAs creates a gap in legal and operational frameworks for inspecting foreign vessels.

Potential solution: *Revise, amend or supplement the current MFRAs with additional regulations that explicitly incorporate PSMA provisions, ensuring that all necessary inspection, reporting, and enforcement protocols are in place.*

4.3 Jurisdiction over Port Designation and Enforcement

Ports are administratively classified as Major ports (under the Union Government's authority), and minor ports (State's authority). This division, an administrative classification and not one of size, creates potential inconsistencies in the application of PSMA standards.

Potential solution: *Development of a clear, centralized framework that mandates consultation and coordinated decision-making between the central government and state authorities, ensuring that designated ports meet the necessary operational and safety standards.*

4.4 Financial and Resource Allocation

Financial and resource allocation is another area of concern. Budgetary (financial) allocation would be required for upgrading port facilities, providing training, and acquiring the necessary equipment for PSMA implementation. In the case of shared infrastructure, clarity would be required on the modalities of sharing. This uncertainty could hamper the effective execution of PSMA measures at designated ports.

Potential solution: *Establish explicit cost-sharing arrangements between the central and state governments, supported by existing policy-based assistance programs such as PMMSY and Neel-Kranti, to ensure that all designated ports have the required resources.*

4.5 Data Sharing, Confidentiality, and Inspection Reporting

Another area that requires attention is with respect to exchange of data and inspection reporting, while existing laws provide for evidence collection and inspection procedures, they do not specify the electronic exchange of information or the maintenance of standardized inspection reports as required by PSMA.

Potential solution: *Establishment of a centralized digital platform dedicated to the electronic exchange of inspection data, with built-in safeguards for confidentiality and public notification, to ensure consistent reporting to flag states and international bodies.*

4.6 Institutional Coordination and Capacity Building

Currently, there is no dedicated national task force for PSMA implementation making for weak institutional coordination. While various agencies collaborate on fisheries enforcement, the absence of a PSMA-specific focal point may result in fragmented efforts and unclear accountability.

Potential solution: Creation of a national PSMA implementation task force that brings together central and state agencies, thereby streamlining training initiatives, inspection standards, and overall enforcement strategies.

4.7 Dispute Resolution and Flag State Notification

There is a gap in the legal framework regarding dispute resolution and flag state notification. Current laws do not explicitly require notifying flag states or international organizations when port entry is denied, nor do they provide a clear mechanism for resolving disputes arising from enforcement actions.

Potential solution: Amend existing regulations to include explicit procedures for flag state notification and dispute resolution, aligning domestic practices with the requirements outlined in PSMA 2009.

4.8 Space availability

While not an immediate problem, current fishing harbours are over-crowded. According to a CICEF Study, there is about 34,000 number of shortfalls in berthing places for mechanized fishing vessels. It makes it difficult to allocate a berth for a foreign fishing vessel.



5. Recommendations & Conclusion

While developing the recommendations, we have made the following assumptions: [1] The Port State Measures (PSM) to be developed by India should be of a global standard; [2] The PSM will not be prohibiting; rather they will be facilitating and enabling measures to promote legal trade of fish; [3] While India is not a major port state now with respect to fisheries, the country would like to keep the option of promoting port activities in the future.

These assumptions are based on recent national developments. First, the fish processing sector in India is making rapid progress and it is prudent to ensure that the growth of the sector is not limited by availability of indigenous raw material, and second, increased policy thrust on developing offshore fisheries in India including fishing in the high seas. To cater to this emerging sector, India likely to develop/ modernize suitable port infrastructure. These ports may primarily offer fishing related services (that is excluding catching and landing by foreign vessels which were opposed by fishermen at different times).

The provisions outlined in the MZI Act are quite stringent to develop a port state facility. For example, foreign vessels need to obtain a licence to enter India even when its only objective is to use the “fishing related activities”

Therefore, in the rules a clear distinction may be made between licencing for fishing (searching, hunting, catching fish, which may not be allowed) and fishing related activities (such as transfer, refuelling, etc). The licencing conditions for fishing-related activity could be in line with the PSMA to ensure necessary rigour while opening up the scope for exporting port-based services.

The other issue is that when a foreign fishing vessel enters India with fish onboard, should that be considered as “import”? In this regard, necessary guidelines may be issued under relevant Acts such as Customs Act, 1962, Marine Product Export Development Act, 1972 and Food safety Act, 2006. It may be specified that if the foreign fishing vessels is not engaged in ‘transfer’ or ‘transshipment’ of the catch in Indian waters or port, it may not be considered as import. While PSMA 2009 is not concerned with import and only legality of the catch, applicability or not of import-related Acts would determine the development of the larger port-based measures.

The biggest challenge, as specified in the implementation issues, would be to develop a Union-State Coordination Framework for fisheries inspections. The Union Government has the authority and need to take the lead to propose a framework. While this framework will remain of little use as PSMA-related inspection will not be necessary at present, it can serve a broader purpose to deal with intra-national coordination on IUU fishing by sharing information, developing a national record, etc. In future, if it is fully operational (i.e. India becomes a full-fledged port state like Thailand), a mechanism may be devised to fund the network through budgetary support or revenue sharing from port activities.

For all this to happen, the fundamental legal framework must be amended to explicitly incorporate PSMA definitions (especially ‘IUU fishing’ and ‘fishing related activities’) and mandates. The MZI Act, 1981, and its Rules should be amended to:

- Create a clear legal basis to deny port entry and services specifically on grounds of IUU fishing.
- Establish explicit protocols for information exchange with flag states, RFMOs, and FAO, respecting confidentiality.
- Mandate the designation of ports that meet specific capacity criteria outlined in the PSMA. An Executive Order under the MZI Act could be a short-term measure to clarify inspection roles. However, it is not a substitute for the comprehensive legislative amendments required for robust and legally sound long-term implementation. This process must carefully navigate the division of powers between Union and State governments.

In summary, the following are the major gaps that India needs to address for effective implementation of PSMA.

Table 9. Gaps that need to be addressed

PSMA Requirement	Current Status in India	Level of Alignment
Explicit definition of “IUU fishing” in law	Not present in primary legislation	None
Legal mechanism to deny port entry/ services specifically for IUU	Relies on general licensing; not explicit for IUU	Partial
Mandated electronic data sharing with RFMOs/FAO	No legal provision for PSMA-specific data exchange	None
Designated ports with sufficient inspection capacity	“Specified ports” exist but not assessed/upgraded to PSMA standards	Partial
Clear federal framework for inspection authority	Jurisdiction split between Union (EEZ) and States (ports); unclear mandate for state officers to act on behalf of Union for PSMA	Partial/None

With this background in mind and based on the foregoing analysis, the following steps may be considered for implementing PSMA-compliant procedures:

Table 10. Steps for implementing PSMA-compliant procedures

Issue	Solution	Immediate Step
Legal and Policy Framework needs updating. Existing laws do not explicitly define PSMA-related enforcement measures especially regarding fish-related information	Develop PSMA-compliant inspection guidelines within the existing legal framework and issue necessary notifications for enforcement.	Issue Executive Order under MZI Act to delegate port inspection responsibilities to State Fisheries Officers, ensuring compliance without structural legal changes.
Designated Ports & Inspection Mechanisms: There are ‘specified port’ to deal with foreign fishing vessels as per notification dated 11 th November 2009 S.O. 2888(E). However, it is neither required nor viable to establish PSMA requirement in all ports	Establish PSMA-compliant inspection facilities at select ports while maintaining flexibility for future port expansion	Identify and develop specific ports as fisheries trade hubs, focusing on processing, transshipment, and offshore fisheries support services
Strengthening Monitoring, Control, and Surveillance (MCS): No set mechanism to receive, process and validate information from an incoming foreign fishing vessel	Develop an electronic pre-arrival notification system where foreign vessels must submit fishing logs, licenses, and tracking data before entering Indian ports. Implement an inter-agency MCS coordination unit to cross-check vessel data against RFMO databases and IUU watchlists. Establish port-based rapid response teams for on-the-spot validation of vessel records, reducing clearance delays.	Issue notification under the Act to establish a centralized MCS framework integrating electronic pre-arrival notifications, automated data verification, and inter-agency coordination comprising both licencing conditions and catch data. Basis: MZI Act provides necessary legal basis but limited to checking licence.
Enhancing Regional and International Cooperation: India lacks structured engagement with regional fisheries management organizations (RFMOs) and key seafood-importing nations (EU, USA) to strengthen IUU monitoring	Entering into bilateral and multilateral agreements to facilitate fish trade and harmonize regulatory standards while preventing IUU fishing.	Establish data-sharing agreements with trade partners to ensure legality of fish entering port. Basis: MZI Act 1981, Section 14(2) (d) requires foreign vessel operators to provide vessel movement details to authorized officers.

Issue	Solution	Immediate Step
Strengthening Central-State Coordination for PSMA Implementation: PSMA enforcement requires coordinated actions between the Union Government (for international obligations) and State Governments (for on-ground enforcement)	<p>Issue a Government Order (G.O.) enabling State Fisheries Officers to carry out PSMA-compliant port inspections.</p> <p>Establish a Joint Central-State PSMA Enforcement Committee to coordinate policies, training, and information-sharing.</p> <p>Implement a centralized electronic reporting system to ensure real-time communication between port authorities, Coast Guard, Fisheries Departments, and Customs.</p>	<p>Elaborate Section 9 of MZI Act, 1981 to set up a Central-State PSMA Implementation Framework with clear delegation of responsibilities between the Union and the State.</p> <p>E.g.: the Union Government may oversee budgetary issues, data-sharing with RFMOs, and foreign vessel entry controls, while the State Fisheries Departments will conduct on-ground inspections.</p> <p>Basis: MZI Act, 1981, Section 9 empowers the Central Government to authorize Suitable Officers to enforce compliance, conduct inspections, and take necessary actions against violations. This provision may be elaborated to</p>

In conclusion, some key points may be seen as follows.

The Indian fisheries governance framework was primarily developed during the 1970s and 1980s. The marine Fishing Regulation Acts, which are the latest cog in the fisheries governance structure were originally developed during 1990s.

While the governance structure is surprisingly flexible and prudent enough to deal with most of the modern fisheries governance issues, it is difficult to accommodate the sweeping changes in the international landscape post 2000, especially in terms of electronics and digitization.

Therefore, there is a real need to thoroughly review the fisheries governance structure of India and assess its efficacy to deal with international requirements while upholding the national interests. At such a time India's experience with PSMA can provide necessary guidance.

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Appendix A

List of India's National Policy and Legal Instruments Assessed in the Report

Identification	Instruments
A	National Policy
A1	2017 National Marine Fisheries Policy
B	National Primary Legislation
B1	1981 The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act
B2	1958 The Merchant Shipping Act
B3	1962 Indian Customs Act
B4	1908 The Indian Ports Act
B5	Coastal State / UT MFRAs (Synthesised with common portions)
C	National Secondary Legislation
C1	1982 The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Rules
C2	Merchant Shipping Notice No. 02 of 2024 (Port State Control inspections of for-eign flag vessels visiting Indian Ports - reg)



Appendix B

Analysis of the Articles of the PSMA (Port State Responsibilities)

Art No.	FAO -PSMA Relevant Article Content	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
Article 1 Use of terms	(c) "fishing" means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish;	X	✓	Φ	B1 Sec 2 (C): "fishing" means catching, taking, killing, attracting or pursuing fish by any method and includes the processing, preserving, transferring, receiving and transporting of fish	There is clear definition for vessel and fishing whereas there is no explanation for fishing related activities. State MFRAs have fishing vessel terminology in detail.
	(d) "fishing related activities" means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, trans-shipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;	X	Φ	X		No separate definition for "fishing related activities" is provided in primary or secondary legislation; while Sec B1 2(c) indirectly relates to fishing-related activities.
	(j) "vessel" means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.				B1. Sec 2 (O): "vessel" includes any ship, boat, sailing vessel or other description of vessel. "vessel" includes anything made for the conveyance [mainly] by water of human beings or of property; B2. Sec 3 (12): "Fishing vessel" means a ship fitted with mechanical means of propulsion which is exclusively engaged in sea fishing for profit B4 Sec 3(7)	

Art No.	FAO -PSMA Relevant Article Content	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
Article 3 Application	1. Each Party shall, in its capacity as a port State, apply this Agreement in respect of vessels not entitled to fly its flag that are seeking entry to its ports or are in one of its ports, except for: (a) vessels of a neighbouring State that are engaged in artisanal fishing for subsistence, provided that the port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing; and	X	✓	✓	C1 Sec 3: Every owner of a foreign vessel or any other person described in section 4 (foreign vessels), who intends to use such vessel for fishing within any maritime zone of India, shall apply for a licence. Sec 5: Terms and conditions of licence	MZI Act prohibits fishing in maritime zones of India by foreign vessels except under a valid licence and permit granted under section 3 of the Act. The conditions of licence are designed to prevent IUU Fishing and should be strictly followed by foreign vessels that is. All the coastal states and UTs have provisions that allow the authorities to share the movement of the fishing vessels which allows them to share the other information also.
	(b) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.	X	X	X		
	2. A Party may, in its capacity as a port State, decide not to apply this Agreement to vessels chartered by its nationals exclusively for fishing in areas under its national jurisdiction and operating under its authority therein. Such vessels shall be subject to measures by the Party which are as effective as measures applied in relation to vessels entitled to fly its flag. This Agreement shall apply to fishing conducted in marine areas that is illegal, unreported or unregulated, as defined in Article 1(e) of this Agreement, and to fishing related activities in support of such fishing.	X	✓	X	B1 Sec 5 (v) (i): "The vessel shall, at all time while within the maritime zone of India, — fly the flag of the flag state;"	The terminology "illegal, unreported and unregulated" is not clearly mentioned.

Art No.	FAO -PSMA	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
Art No.	Relevant Article Content					
	FAO -PSMA	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
	Relevant Article Content		1ary	2ary		
Article 4 Relationship	3. This Agreement shall apply to fishing conducted in marine areas that is illegal, unreported or unregulated, as defined in Article 1(e) of this Agreement, and to fishing related activities in support of such fishing.	X	Ø	X		Dependent on adoption of the provisions of agreement
	Relationship with international law and other international instruments (1) Nothing in this Agreement shall prejudice the rights, jurisdiction and duties of Parties under international law (4) This Agreement shall be interpreted and applied in conformity with international law taking into account applicable international rules and standards, including those established through the International Maritime Organization, as well as other international instruments.	X	X	X		Applicable only on adoption of agreement

Art No.	FAO -PSMA	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
Art No.	Relevant Article Content					
	FAO -PSMA	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
	Relevant Article Content		1ary	2ary		
Article 5 Integration and coordination at the national level	Each Party shall, to the greatest extent possible:					
	(a) integrate or coordinate fisheries related port State measures with the broader system of port State controls;	X	X	X		Dependent on adoption of the provisions of agreement
	(b) integrate port State measures with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such fishing, taking into account as appropriate the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; and	X	X	X		Applicable only on adoption and implementation of the agreement
	(c) take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Agreement.	X	Ø	X	B5	All the coastal states and UTs have provisions that allow the authorities to share the movement of the fishing vessels which allows them to share the other information also.
Article 6 Cooperation and exchange of information	1. In order to promote the effective implementation of this Agreement and with due regard to appropriate confidentiality requirements, Parties shall cooperate and exchange information with relevant States, FAO, other international organizations and regional fisheries management organizations, including on the measures adopted by such regional fisheries management organizations in relation to the objective of this Agreement.	X	✓	X	B1 Sec 14 (2) (d): "Where an authorised officer requests information respecting the name, flag state, location, route or destination of the vessel, or the circumstances under which it entered maritime zone of India, the master of the vessel shall promptly convey the information to the officer."	

Art No.	FAO -PSMA Relevant Article Content	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
	2. Each Party shall, to the greatest extent possible, take measures in support of conservation and management measures adopted by other States and other relevant international organizations.	X	X	X		Dependent on adoption of the provisions of the agreement
	3. Parties shall cooperate, at the subregional, regional and global levels, in the effective implementation of this Agreement including, where appropriate, through FAO or regional fisheries management organizations and arrangements.	X	X	X		Dependent on adoption of the provisions of the agreement
Article 7 Designation of ports	1. Each Party shall designate and publicize the ports to which vessels may request entry pursuant to this Agreement. Each Party shall provide a list of its designated ports to FAO, which shall give it due publicity.	X	Ø	X	B1 , Section 2 (m) provides for the 'Specified ports' as notified by the central government.	No port in India is 'designated port' for the purposes of PSMA.
	2. Each Party shall, to the greatest extent possible, ensure that every port designated and publicized in accordance with paragraph 1 of this Article has sufficient capacity to conduct inspections pursuant to this Agreement.	X	X	X		Dependent on the application
Article 8 Advance request for port entry	1. Each Party shall require, as a minimum standard, the information requested in Annex A to be provided before granting entry to a vessel to its port.	X	X	✓	C1 Sec 5 (L): "the master of the vessel or a person acting on behalf of the master shall, when authorised by the licence to visit an Indian Port, notify the authority specified in the licence of the estimated time of entry of the vessel into that port not less than twenty-four hours prior to that estimated time" Sec 33: Levy of the port dues	

Art No.	FAO -PSMA Relevant Article Content	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
	2. Each Party shall require the information referred to in paragraph 1 of this Article to be provided sufficiently in advance to allow adequate time for the port State to examine such information.	X	X	X		
Article 9 Port entry, authorization or denial	1. After receiving the relevant information required pursuant to Article 8, as well as such other information as it may require to determine whether the vessel requesting entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, each Party shall decide whether to authorize or deny the entry of the vessel into its port and shall communicate this decision to the vessel or to its representative.	X	✓	Ø	B1 Sec 3: Prohibition of fishing in maritime zones of India by foreign vessel B3 Section 11: power to prohibit importation of goods (a) (b)(c) (e) (g) (k)(m) (q) (r) Sec 11A (a): Illegal imports Sec 11B (power of central government to notify goods) C1 Sec 14	No express mention of IUU fishing in existing Act for the purpose of this agreement. However, entry of foreign vessels is not permitted without valid permit or licence.
	2. In the case of authorization of entry, the master of the vessel or the vessel's representative shall be required to present the authorization for entry to the competent authorities of the Party upon the vessel's arrival at port.	X	✓	Ø	B3 Section 29 (Arrival of vessels in India) 2 (a) immediate reporting of the arrival to the nearest customs officer C1 , Sec 14	
	3. In the case of denial of entry, each Party shall communicate its decision taken pursuant to paragraph 1 of this Article to the flag State of the vessel and, as appropriate and to the extent possible, relevant coastal States, regional fisheries management organizations and other international organizations.	X	X	X		

Art No.	FAO -PSMA Relevant Article Content	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
	4. Without prejudice to paragraph 1 of this Article, when a Party has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing or fishing related activities adopted by a relevant regional fisheries management organization in accordance with the rules and procedures of such organization and in conformity with international law, the Party shall deny that vessel entry into its ports, taking into due account paragraphs 2 and 3 of Article 4.	X	✓	X	B1 Sec 3: Prohibition of fishing in maritime zones of India by foreign vessels X	No express mention of IUU fishing in existing Act for the purposes of this agreement. However, entry of foreign vessels can be denied without valid permit or licence.
	5. Notwithstanding paragraphs 3 and 4 of this Article, a Party may allow entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing.	X	X	X		No express provision in existing law

Art No.	FAO -PSMA Relevant Article Content	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
	6. Where a vessel referred to in paragraph 4 or 5 of this Article is in port for any reason, a Party shall deny such vessel the use of its ports for landing, trans shipping, packaging, and processing of fish and for other port services including, inter alia, refuelling and resupplying, maintenance and dry-docking. Paragraphs 2 and 3 of Article 11 apply mutatis mutandis in such cases. Denial of such use of ports shall be in conformity with international law.	X	✓	X	B1 Sec 22 (2): "Where any foreign vessel is found within any maritime zone of India and the fishing gear of such vessel is not stowed in the prescribed manner or fish is found on board such vessel, it shall be presumed, unless the contrary is proved, that the said vessel was used for fishing within that zone"	The section expressly mentions presumptions in incidence of illegal fishing in by foreign vessels in the Indian waters.
FAO checklist*	Where a vessel has entered one of your ports, are your competent authorities obliged to deny a vessel the use of the port for landing, transshipping, packaging and processing of fish and for other port services, including refueling and resupplying, maintenance and drydocking, in the following cases:					
	a. if you find that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State, or as required by a coastal State in respect of areas under the national jurisdiction of that State;	X	✓	✓	B1 , Sec 3 C1 , sections 3, 4, 5	
Article 10 Force majeure or distress	Nothing in this agreement affects entry of vessels to port in accordance with international law for reasons of force majeure or distress, or prevents a port State from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress	X	X	X		

Art No.	FAO -PSMA Relevant Article Content	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
Article 11 Use of ports	1. When a vessel has entered one of its ports, a Party shall deny, pursuant to its laws and regulations and consistent with international law, including this Agreement, that vessel the use of the port for landing, trans-shipping, packaging or processing of fish that have not been previously landed or for other port services, including, inter alia, refuelling and resupplying, maintenance and dry-docking (...if the vessel does not meet requirements described in the subparagraphs (a) to (e) relating to relevant authorizations by the flag and coastal States to fish; lacks confirmation from the flag State that fishing was in accordance with RFMO requirements, or if reasonable grounds exist to suspect IUU fishing).	X	✓	X	B1 Sec 6: Cancellation or suspension of licence or permit.	Without permit or licence, no foreign vessel can engage in fishing in Indian waters
	2. Notwithstanding paragraph 1 of this Article, a Party shall not deny a vessel referred to in that paragraph the use of port services: (a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven, or (b) where appropriate, for the scrapping of the vessel.	X	X	X		
Article 12 Levels and priorities for inspection	1. Parties shall seek to agree on the minimum levels for inspection of vessels through, as appropriate, regional fisheries management organizations, FAO or otherwise.	X	X	✓	C2 (PSC inspections of foreign flag vessels visiting Indian Ports -reg)	No express provision as such. As per Customs Act, ships entering for scrapping and recycling in accordance with the necessary guidelines and certifications are regarded as Indian ships.
	2. Each Party shall, in carrying out inspections in its ports:	X	✓	X	B1 Chapter III: Powers of Search and Seizure	

Art No.	FAO -PSMA Relevant Article Content	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
	(a) ensure that inspections are carried out by properly qualified inspectors authorized for that purpose, having regard in particular to Article 17;	X	X	X		Procedural and administrative requirement regulated by MS Act and MZI Act
	(b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such;	X	✓	X	B3 Section 38: Power to require production of documents and ask questions	
	(c) ensure that inspectors examine all relevant areas of the vessel, the fish on board, the nets and any other gear, equipment, and any document or record on board that is relevant to verifying compliance with relevant conservation and management measures;	X	✓	✓	B1 Chapter III (Powers of search and seizure) C1	
	(d) require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof;	X	✓	X	B3 Section 29: Arrival of vessels in India C1, Sec 5 (u)	
	(e) in case of appropriate arrangements with the flag State of the vessel, invite that State to participate in the inspection;	X	X	X		
	(f) make all possible efforts to avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board;	X	X	✓	C2 (PSC inspections of foreign flag vessels visiting Indian Ports -reg) Article 5 Inspection procedure, (5.9)	

Art No.	FAO -PSMA Relevant Article Content	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
	(g) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter;	X	X	X		
	(h) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and	X	X	✓	C2 (PSC inspections of foreign flag vessels visiting Indian Ports -reg) Article 10 (Code of good practice of PSCOs)	
Article 13 Conduct of inspections	(2) Each Party shall, in carrying out inspections in its ports: (a) ensure that inspections are carried out by properly qualified inspectors authorized for that purpose	X	✓	✓	B1 Sec 9: Authorised officers and their powers	Under existing laws, 'authorised officers' are empowered to carry the mentioned duties of inspection
	(b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such	X	X	X		No express provision as such but exists as standard procedural practice during inspection
	(c) ensure that inspectors examine all relevant areas of the vessel, the fish on board, the nets and any other gear, equipment, and any document or record on board that is relevant to verifying compliance with relevant conservation and management measures;	X	✓	✓	B1 sec 9 C1	
	(d) require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof;	X	✓	✓	B1 sec 9 (1)(b) C1 Sec 5 (t)	

Art No.	FAO -PSMA Relevant Article Content	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
	(g) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter;	X	X	X		No such express provision; however a standard followed practice
	(h) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and	X			B1, sec 9 (4)	
	(i) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag state.	X	X	X		No such express provision; however a standard followed practice
Article 14 Results of inspections	Each Party shall, as a minimum standard, include the information set out in Annex C in the written report of the results of each inspection.	X	X	✓	C2 (PSC inspections of foreign flag vessels visiting Indian Ports -reg) Article 5 (Inspection procedure)	
Article 15 Transmittal of inspection results	Each Party shall transmit the results of each inspection to the flag State of the inspected vessel and, as appropriate, to: (a) relevant Parties and States, including: (i) those States for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing within waters under their national jurisdiction; and (ii) the State of which the vessel's master is a national (b) relevant regional fisheries management organizations; and (c) FAO and other relevant international organization	X	X	✓	C2 (PSC inspections of foreign flag vessels visiting Indian Ports -reg): Detention procedures	

Art No.	FAO -PSMA	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
Article 16 Electronic exchange of information	Relevant Article Content					
	1. To facilitate implementation of this Agreement, each Party shall, where possible, establish a communication mechanism that allows for direct electronic exchange of information, with due regard to appropriate confidentiality requirements.	X	X	X		Applicability depends on the implementation of the agreement. No express or direct provision
	2. To the extent possible and with due regard to appropriate confidentiality requirements, Parties should cooperate to establish an information sharing mechanism, preferably coordinated by FAO, in conjunction with other relevant multilateral and intergovernmental initiatives, and to facilitate the exchange of information with existing databases relevant to this Agreement.	X	X	✓	C2 (PSC inspections of foreign flag vessels visiting Indian Ports -reg): Reporting and detention	
	3. Each Party shall designate an authority that shall act as a contact point for the exchange of information under this Agreement. Each Party shall notify the pertinent designation to FAO.	X	X	X		Applicability depends on the implementation of the agreement. No express or direct provision
	4. Each Party shall handle information to be transmitted through any mechanism established under paragraph 1 of this Article consistent with Annex D.	X	X	X		

Art No.	FAO -PSMA Relevant Article Content	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
	5. FAO shall request relevant regional fisheries management organizations to provide information concerning the measures or decisions they have adopted and implemented which relate to this Agreement for their integration, to the extent possible and taking due account of the appropriate confidentiality requirements, into the information sharing mechanism referred to in paragraph 2 of this Article.	X	X	X		Dependent on the incorporation of introduction of such provisions in the law
Article 17 Training of inspectors	Each Party shall ensure that its inspectors are properly trained taking into account the guidelines for the training of inspectors in Annex E. Parties shall seek to cooperate in this regard.	X	Ø	X	B1 B2 B3	No direct provision but equivalent procedures and requirements for designation of such inspection officers are regulated under the mentioned existing Acts.
Article 18 Port State actions following inspection	1. Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the inspecting Party shall: (a) promptly notify the flag State and, as appropriate, relevant coastal States, regional fisheries management organizations and other international organizations, and the State of which the vessel's master is a national of its findings; and requested or to which it has consented.	X	X	Ø	C2	No such express provision is there; however, DG Shipping must notify the concerned flag state/ foreign consulate or the recognised organisation (that has issued certificates to the vessel) of any misdoing and followed detention.

Art No.	FAO -PSMA Relevant Article Content	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
	(b) deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, inter alia, refuelling and resupplying, maintenance and dry-docking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Agreement, including Article 4.	X	✓	✓	B1 Sec 3 C1 sec 3, 4	No vessel shall be permitted to use the maritime zones for fishing activities without valid licence or permit
	2. Notwithstanding paragraph 1 of this Article, a Party shall not deny a vessel referred to in that paragraph the use of port services essential for the safety or health of the crew or the safety of the vessel.	X	X	X		MS Act has equivalent provisions for such vessels seeking assistance in water. Such provision can be extended to include the requirement.
	3. Nothing in this Agreement prevents a Party from taking measures that are in conformity with international law in addition to those specified in paragraphs 1 and 2 of this Article, including such measures as the flag State of the vessel has expressly requested or consented.	X	X	X		Imperative of the fact that India can take any action required for the purposes of the agreement in line with settled international law.

Art No.	FAO -PSMA	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
Article 19 Information on recourse in the port state	Relevant Article Content 1. A Party shall maintain the relevant information available to the public and provide such information, upon written request, to the owner, operator, master or representative of a vessel with regard to any recourse established in accordance with its national laws and regulations concerning port State measures taken by that Party pursuant to Article 9, 11, 13 or 18, including information pertaining to the public services or judicial institutions available for this purpose, as well as information on whether there is any right to seek compensation in accordance with its national laws and regulations in the event of any loss or damage suffered as a consequence of any alleged unlawful action by the Party.	X	✓	Ø	B2 , Sec 337 C2 (PSC inspections of foreign flag vessels visiting Indian Ports -reg): Article 13	
	2. The Party shall inform the flag State, the owner, operator, master or representative, as appropriate, of the outcome of any such recourse. Where other Parties, States or international organizations have been informed of the prior decision pursuant to Article 9, 11, 13 or 18, the Party shall inform them of any change in its decision.	X	X	Ø	C2 guidelines for reporting and detention is provided	No express provision in terms of IUU fishing
Article 20 Role of flag States	1. Each Party shall require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Agreement.	X	Ø	X	B2 , Section 435C, 435V C2 , S(v)(i)	No express provision in terms of IUU

Art No.	FAO -PSMA Relevant Article Content	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
	2. When a Party has clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of another State, it shall, as appropriate, request that State to inspect the vessel or to take other measures consistent with this Agreement.	X	X	X		Dependent on the implementation of provision
	3. Each Party shall encourage vessels entitled to fly its flag to land, trans-ship, package and process fish, and use other port services, in ports of States that are acting in accordance with, or in a manner consistent with this Agreement. Parties are encouraged to develop, including through regional fisheries management organizations and FAO, fair, transparent and non-discriminatory procedures for identifying any State that may not be acting in accordance with, or in a manner consistent with, this Agreement.	X	X	X		Applicability depends on implementation of the agreement
	4. Where, following port State inspection, a flag State Party receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations.	X	X	X		Dependent on the implementation of provisions of the agreement

Art No.	FAO -PSMA Relevant Article Content	National Policy	National Legislation		Legal and Policy Basis	Explanatory Notes/ Comments
			1ary	2ary		
	5. Each Party shall, in its capacity as a flag State, report to other Parties, relevant port States and, as appropriate, other relevant States, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this Agreement, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.	X	X	X		Dependent on the implementation of provisions of the agreement.
Article 24 Monitoring, review and assessment	1. Parties shall, within the framework of FAO and its relevant bodies, ensure the regular and systematic monitoring and review of the implementation of this Agreement as well as the assessment of progress made towards achieving its objective.	X	X	X		Subject to the implementation of agreement

Appendix C

Frequently Asked Questions

Q&A on PSMA based on the stakeholder inputs from the ***Report on the National Workshop on Port State Measures Agreement to Combat IUU Fishing (PSMA), 10 - 11 Feb 2025, Kochi & Report of the High-Level Meeting on Port State Measures Agreement to Combat IUU Fishing (PSMA) 13 Feb 2025, New Delhi.***

1. What is the Port State Measures Agreement (PSMA)?

- o The Port State Measures Agreement (PSMA) is the world's first legally binding international agreement specifically designed to combat Illegal, Unreported, and Unregulated (IUU) fishing. Adopted in 2009 and having entered into force in June 2016, its primary objective is to prevent and deter IUU fishing by restricting port access for vessels involved in such activities, thereby disrupting their economic incentives and preventing illegally sourced fish from entering local and global markets.

2. What is Government of India's outlook towards PSMA?

- o The Government's view on the PSMA is characterised by a strong commitment to combating Illegal, Unreported, and Unregulated (IUU) fishing and a clear recognition of its strategic benefits. This perspective, held by key ministries and agencies, is grounded in India's existing initiatives, such as the National Policy on Marine Fisheries (2017) and a robust surveillance system involving the Coast Guard and Navy. The government sees PSMA implementation not as a burden but as an opportunity to enhance processing capacity, diversify exports, and strengthen its global leadership in sustainable fisheries. Key to this effort is a structured way forward, including designating a National Focal Point, forming an Inter-Ministerial Steering Committee, and notifying ports in a phased manner. The government emphasizes that the PSMA applies only to foreign vessels, will not impact small-scale fishers, and allows India to inspect foreign vessels on the high seas that target shared resources, thereby improving compliance with international regulations.

3. What is India's current legal and policy landscape regarding PSMA implementation?

- o India has a foundational legal and policy framework that partially aligns with PSMA principles, but significant gaps remain for comprehensive implementation. The National Policy on Marine Fisheries (2017) and primary legislation like the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act of 1981 (MZI Act) contain provisions related to regulating foreign vessels and fisheries. However, the MZI Act, enacted in 1981, lacks explicit definitions for "fishing-related activities" and "IUU fishing" as per PSMA. It also needs to incorporate modern electronic data collection and exchange, detailed inspection protocols, and explicit legal mechanisms for denying port entry specifically due to IUU fishing. State-level Marine Fishing Regulation Acts (MFRAs) also require revisions to align with PSMA-specific measures. Overall, while a basic framework exists, significant refinement and expansion of existing laws and regulations are needed to meet PSMA requirements fully.

4. Why is India considering accession to the PSMA, and what are its overall benefits for the country?

- o India recognises the global importance of the PSMA in combating IUU fishing, which poses a significant threat to fisheries sustainability, food security, and marine ecosystems. Accession would strengthen India's approach in implementing PSMA and fisheries governance, align its framework with international best practices, and bolster its role in global fisheries governance. It offers significant strategic, economic, and environmental benefits for India.
- o Further, implementing the PSMA can significantly boost India's seafood export economy. It would enhance traceability and ensure that high-quality fish and fishery products serve as reliable raw materials for eco-labelled and certified seafood exports to premium international markets. Also, PSMA enforcement could enable India's 600 seafood processing units to function year-round by ensuring a steady supply of legally sourced fish, thereby increasing employment opportunities and foreign exchange earnings.

- 5. How would PSMA implementation influence India's existing policies on foreign fishing vessels and transshipment?**
- o India also does not currently permit transshipment between Indian and foreign vessels, though a "mothership model" is under discussion. PSMA implementation would ensure that foreign fishing vessels seeking entry into Indian ports are strictly monitored and do not engage in fishing within India's EEZ, thereby protecting the livelihoods of Indian fishers.
- 6. What is India's current legislative preparedness for PSMA, and what legal gaps need to be addressed?**
- o India is actively reviewing its legislative framework to align with PSMA obligations. Existing policies and laws like the National Policy on Marine Fisheries (2017) and the Maritime Zones of India Act (MZI Act) already support some PSMA objectives. However, India needs to amend its current regulations, particularly the Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, to explicitly incorporate PSMA provisions. Comprehensive revisions of state-level Marine Fisheries Regulation Acts (MFRAs) and Guidelines for fishing in the Exclusive Economic Zone of India & High Seas, 2025, are also necessary.
- 7. What institutional coordination mechanisms need strengthening in India for effective PSMA implementation?**
- o Strengthening collaboration among key national agencies such as the Indian Coast Guard, Customs, Fisheries Departments, Port Authorities, and MPEDA is critical. India would benefit from creating a dedicated PSMA enforcement unit or wing comprising officials from these agencies to streamline policy implementation and inter-agency coordination. Establishing a unified and efficient coordination mechanism is essential to respond effectively to IUU fishing threats.
- 8. How will the PSMA leverage India's existing monitoring and surveillance systems?**
- o India already maintains comprehensive surveillance through multiple agencies including the coastal marine police, Indian Coast Guard, and Indian Navy. The country has also made technological advances, such as developing an indigenous vessel monitoring system (VMS) installed in 70,000 vessels with two-way communication. While PSMA implementation would be complemented by these systems, it also necessitates establishing a national reporting system for IUU fishing detections after port inspections and integrating with the FAO's Global Information Exchange System (GIES).
- 9. What is the Global Information Exchange System (GIES), and why is it important for India?**
- o The Global Information Exchange System (GIES) is a software application developed by the FAO to support PSMA implementation by facilitating the timely, secure, and confidential exchange of compliance information among States. For India, as a PSMA party, GIES would provide access to crucial inspection and compliance data. It would enable its designated national contact point to upload inspection reports and receive notifications regarding denied port entries or services, thereby enhancing cooperation among port, flag, and coastal States in combating IUU fishing.
- 10. What are the expected impacts of PSMA implementation on India's small-scale and artisanal fishers?**
- o The implementation of stricter port inspections under the PSMA is not expected to directly impact small-scale fishers (SSF), as the agreement primarily targets foreign vessels suspected of engaging in IUU fishing. To safeguard their livelihoods, fish caught in the high seas and landed by foreign vessels under PSMA regulations must be directed towards reprocessing and export rather than being allowed to enter the domestic market. Further, the dominance of distant-water fleets with questionable records in global supply chains triggers scrutiny of all exporters including India. Accession would allow India to influence these processes, protect its exporters from unfair competition, and improve the scope of SSF to participate in the global fisheries value chain.

11. What role does capacity building play in India's journey towards PSMA implementation?

- o Systematic capacity-building initiatives are essential for effective PSMA implementation in India. This includes specialised training programmes for port inspectors, enforcement officials, and port authorities covering risk assessments, vessel verification, compliance procedures, and hands-on training as recommended in Annex E of the PSMA. The FAO also offers technical assistance, government secondments, and internship opportunities to aid India's capacity development.

12. How will India go about designating PSMA-compliant ports, and what are the requirements for these ports?

- o India needs to identify and designate specific ports authorised to receive foreign fishing vessels in accordance with PSMA Article 7. A phased approach is recommended, with initial designation of two ports (one each on the East and West coasts). Designated ports must have the capacity to conduct effective inspections, with clearly defined inspection, documentation, and reporting protocols. The PSMA allows countries to define what constitutes a "port," which can include beaches or floating platforms, provided effective inspections are possible. An executive order may be issued under the MZI Act notifying these ports. However, subsequent legal amendments will be required to be fully compliant.

13. How do Port State Measures (PSM) differ from Port State Control (PSC), and how can India integrate these functions?

- o Port State Control (PSC) focuses on general maritime compliance, encompassing aspects like vessel safety and crew welfare. In contrast, Port State Measures (PSM) under the PSMA are specifically designed to combat IUU fishing. The PSMA introduces targeted procedures such as pre-arrival notifications, risk assessments, and inspection protocols tailored for fishing vessels. India can choose to integrate PSM functions into existing PSC frameworks or establish separate agencies dedicated to fishing vessel inspections.

14. What is India's current position on accessing international inspection data and permitting crew disembarkation under PSMA?

- o As a non-party to PSMA, India currently does not have access to the global inspection data generated through the agreement. This information is shared exclusively with designated national contact points of relevant parties, flag states, or the captain's nationality. Becoming a party would grant India broader access to this critical information. The permission for crew members to disembark after port clearance depends on India's specific immigration and maritime policies.

15. How does India plan to integrate AI-powered vessel detection into its efforts to combat IUU fishing?

- o Discussions at the workshop highlighted the importance of on-board AI-based surveillance tools like Skylight for enhanced maritime monitoring. Skylight's AI technology streamlines vessel monitoring by automatically detecting and categorising vessel behaviour (e.g., fishing, transshipment) in near real-time, significantly improving efficiency for enforcement officers. It also integrates satellite imagery to identify "dark" vessels that do not transmit AIS signals, using radar, night-light, and optical imagery to strengthen maritime surveillance, compliance, and enforcement.

16. What is India's indigenous vessel monitoring system, and how does it contribute to national fisheries governance?

- o India has developed an indigenous vessel monitoring system (VMS) in collaboration with its space research agency, which is currently installed in 70,000 vessels. This system is equipped with two-way communication capabilities and an Android application for user-friendly compliance. It plays a vital role in India's comprehensive surveillance efforts, enabling the tracking of domestic vessels and strengthening the existing framework to combat unauthorised fishing activities in the Indian Ocean region.

17. What specific recommendations were made at the National Workshop in Kochi for strengthening PSMA implementation in India?

- o The workshop generated the following practical recommendations for India's PSMA implementation:
 1. Legal and regulatory reforms (e.g., amending the 1981 MZI Act and state-level MFRAs).
 2. Establishment of a dedicated multi-agency PSMA enforcement wing and a national contact point.
 3. Designation and development of PSMA-compliant ports.
 4. Implementation of structured capacity-building and training programmes for inspectors and port personnel.
 5. Strengthening institutional coordination and governance among central, state, and local agencies.
 6. Developing a national PSMA implementation roadmap with stakeholder engagement and awareness campaigns.

18. What are the immediate next steps identified for India's accession and implementation of PSMA, as highlighted in the High-Level Meeting?

- o The High-Level Meeting identified the following key next steps:
 1. Official designation of a National Focal Point (NFP) for PSMA, with the Joint Secretary (Marine) serving as the primary liaison with FAO and GIES manager.
 2. Formation of an Inter-Ministerial Steering Committee to develop a National Action Plan.
 3. Adoption of a phased approach for notifying PSMA-compliant ports, initially designating two ports (one on each coast).
 4. Conducting a capacity assessment and launching targeted training programmes for enforcement agencies.
 5. Initiating a comprehensive legal review to amend national legislation, particularly the Maritime Zones of India Act (1981), to incorporate PSMA obligations.

19. Does PSMA have any bearing or impact on the operations of Indian fishing vessels?

- o No, the PSMA applies only to foreign vessels entering Indian ports. It does not apply to Indian-flagged vessels fishing in foreign waters or on the high seas. The agreement focuses strictly on a country's role as a port state, not on its fleet's fishing operations abroad.

20. What is the significance of India joining the PSMA now rather than at a later date?

- o Joining early enables India to participate in decision-making, shape implementation practices, and gain direct access to crucial information systems. As a party, India would be notified of inspections involving its vessels or nationals and have broader access to information, which is restricted to non-parties. Early participation also strengthens India's global leadership in sustainable fisheries governance and allows it to leverage the agreement's significant global momentum, as non-participation is increasingly becoming an exception worldwide.

21. What are the main challenges India faces in fully implementing the PSMA?

- o India faces several implementation challenges, particularly concerning its multi-layered governance structure. These include:
 - **Field Presence and Inspection Authority:** The Union Ministry of Fisheries lacks direct field presence in ports, leading to uncertainty about the authority and capacity of state fisheries inspectors to conduct PSMA-compliant inspections.
 - **Revision of Regulations:** Existing MFRAs and related regulations do not explicitly address PSMA's detailed requirements for advance notification and standardized inspection procedures.

- **Jurisdiction over Port Designation:** The administrative classification of major (Union) and minor (State) ports creates potential inconsistencies in applying PSMA standards.
- **Financial and Resource Allocation:** Significant investments are needed for upgrading port facilities, training personnel, and acquiring equipment, requiring clear cost-sharing arrangements.
- **Data Sharing and Coordination:** Current laws do not specify electronic information exchange or standardized inspection reports, and institutional coordination among various agencies (Coast Guard, Customs, Fisheries) is weak without a dedicated PSMA task force.
- **Dispute Resolution and Flag State Notification:** Legal frameworks lack explicit requirements for notifying flag states or international organizations of port entry denials or mechanisms for dispute resolution.
- **Space Availability:** Overcrowding in existing fishing harbours makes it challenging to allocate berths for foreign fishing vessels, which could hinder PSMA implementation.





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