

GOVERNMENT OF KERALA

THE KERALA MARINE FISHING REGULATION ACT

FISHERIES DEPARTMENT

1983

ACT 10 OF 1981

THE KERALA MARINE FISHING REGULATION ACT, 1980

An act to provide for the regulation of fishing by fishing vessels in the sea along the coastline of the state.

Preamble – WHEREAS it is necessary to provide for the regulation of fishing by fishing vessels in the sea along the coastline of the state.

BE it enacted in the Thirty –first Year of the Republic of India as follows :-

CHAPTER I

Preliminary

1. **Short title, extent and commencement** – (1) This Act may be called the Kerala Marine Fishing Regulation Act, 1980.
 - (2) It extends to the state of Kerala.
 - (3) It shall be deemed to have come into force on the 24th day of November, 1980.
2. **Definitions.** – In this Act, unless the context otherwise requires, -
 - (a) “adjudicating officer” means any officer of the Fisheries Department not below the rank of an Assistant Director of Fisheries, authorized by the Government, by notification in the Gazette, to exercise the powers conferred on, and discharge the duties imposed upon, the adjudicating officer by this Act for such area as may be specified in the notification.
 - (b) “Appellate Board” means an Appellate Board constituted under section 18.

- (c) “authorized officer” means such as the Government may, by notification in the Gazette, authorize in respect of the matter to which reference is made in the provision of this Act in which the expression occurs;
- (d) “fishing vessel” means a ship or boat, whether or not fitted with mechanical means of propulsion, which is engaged in sea fishing for profit and includes—
 - (i) a catamaran,
 - (ii) a country craft, and
 - (iii) a canoe,
 Engaged in sea fishing,
- (e) “Port” means the space within such limits as may from time to time be defined by the Government, by notification in the Gazette, for the purposes of this Act,
- (f) “prescribed” means prescribed by rule made under this Act,
- (g) “registered fishing vessel” means –
 - i) a fishing vessel registered under section 11 of the Marine Products Export Development Authority Act, 1972 (Central Act 13 of 1972), or
 - ii) a fishing vessel registered under section 9,
- (h) “Specified area” means such area in the sea along the entire coastline of the state, but not beyond territorial waters, as may be specified by the Government, by notification in the Gazette.
- (i) “State” means the state of Kerala and includes the territorial waters along the entire coastline of that State.

3. **Authorisation of officers for the purposes of any provision of this Act** –The Government may, by notification in the Gazette, authorize –

- (a) any officer of the Government, not being an officer below the rank of a Gazetted officer , or
- (b) any officer of the Central Government, not being an officer below the rank of a Gazetted officer or a Commissioned officer in the Armed Force of the Union, with the consent of that Government.

To exercise the powers conferred on, and discharge the duties imposed upon an authorized officer under this Act in such area as may be specified in the notification.

.....

CHAPTER II

Regulation of Fishing

4. **Power to regulate, restrict or prohibit certain matters within specified area** - (1) The Government may having regard to the matters referred to in sub - section (2), by order notified in the Gazette, regulate, restrict or prohibit -
- (a) the fishing in any specified area by such class or classes of fishing vessels as may be prescribed, or
 - (b) the number of fishing vessels which may be used for fishing in any specified area ; or
 - (c) the catching in any specified area of such species of fish and for such period as may be specified in the notification, or
 - (d) the use of such fishing gear in any specified area as may be prescribed
- (2) In making an order under sub - section (1), the Government shall have regard to the following matters, namely:-
- (a) the need to protect the interests of different sections of persons engaged in fishing, particularly those engaged in fishing using traditional fishing craft such as Catamaran, Country craft of canoe,
 - (b) the need to conserve fish and to regulate fishing on a scientific basis,
 - (c) the need to maintain law and order in the sea,
 - (d) any other matter that may be prescribed.
5. **Prohibition of use of fishing vessel in Contravention of any order made under section 4.** - No owner or master of a fishing vessel shall use, or cause or allow to be used , such fishing vessel for fishing in any manner which contravenes an order made under section 4 :
- Provided that nothing in such order shall be construed as preventing the passage of any fishing vessel from, or to , the shore, through any specified area to, or from, any area other than a specified area for the purpose of fishing in such other area of for any other purpose :
- Provided further that the passing of such fishing vessel through any specified area shall not in any manner cause any damage to any fishing nets or tackles belonging to any person who engages in fishing in the specified area by using any traditional fishing craft such as catamaran, country craft or canoe.
6. **Licensing of fishing vessels.**—(1) The owner of fishing vessel may make an application to the authorized officer for the grant of a license for using such

fishing vessel for fishing in any specified area. – The license shall either be granted or refused within a period of one month from the date of receipt of application.

- (2) Every application under sub-section (1) shall be in such form, contain such particulars, and be accompanied by such fees, as may be prescribed.
- (3) The authorized officer may, after making such enquiry as he deems fit and having regard to the matters referred to in sub-section (4), either grant or refuse to grant to the owner of the fishing vessel, a license for using such fishing vessel for fishing in the specified area or specified areas mentioned in such licence.
- (4) In granting or refusing licence under sub-section (3), the authorized officer shall have regard to the following, namely:-----
 - (a) whether the fishing vessel is a registered fishing vessel;
 - (b) the condition of the fishing vessel including the accessories and fishing gear with which it is fitted.
 - (c) Any order that may be made under section 4;
 - (d) Any other matter that may be prescribed.
- (5) A licence granted under this section shall be in such form and subject to such conditions, including conditions as to payment of such fees and furnishing such security for the due performance of the conditions, as may be prescribed.

Provided that different fees, and different amounts by way of security, may be prescribed in respect of licences for different classes of fishing vessels.

(6) A licence granted under this section shall be valid for the period specified therein or such extended period as the authorized officer may think fit to allow in any case.

7. Prohibition of fishing using fishing vessels which are not licenced-

No person shall, after the commencement of this Act, carry on fishing in any specified area using a fishing vessel which is not licenced under section 6:

Provided that nothing in this section shall apply to any fishing vessel, which was being used for fishing immediately before the commencement of this Act, for such period as may be specified by the Government by notification in the Gazette.

8. Cancellation, suspension and amendment of licences,----(1) If the authorizes officer is satisfied, either on a reference made to him in this behalf of otherwise, that-

- (a) a licence granted under section 6 has been obtained by misrepresentation.....

(b) the holder of a licence has, without reasonable cause, failed to comply with the condition subject to which the licence has been granted or has contravened any of the provisions of this Act or any order or rule made there under,

Then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the authorized officer may, after giving the holder of the licence a reasonable opportunity of showing cause, cancel or suspend the licence or forfeit the whole or any part of the security, if any, furnishing for the due performance of the conditions subject to which the licence has been granted.

(2) Subject to any rules that may be made in this behalf the authorized officer may also vary or amend a licence granted under section 6.

9. Registration of Vessels.- (1) The owner of every vessel used or intended to be used for purposes of fishing and kept in the state, not being a fishing vessel registered under section 11 of the Marine Products Export Development Authority Act, 1972 (Central Act 13 of 1972), shall register such vessel under this Act.

(2) Every application for registration of such vessel shall be made by the owner thereof to the authorized officer in such form, and shall be accompanied by such fees, as may be prescribed –

(a) before the expiration of one month from the date on which he first became the owner of such vessel; or

(b) before the expiration of three months from the commencement of this Act.

Which ever is later;

Provided that the authorized officer may, for sufficient reason to be recorded in writing, extend the time-limit for registration by such period as he thinks fit.

(3) The authorized officer shall issue to the owner of the vessel registered by him a certificate of registration in the prescribed form and shall enter in a register to be kept by him, in such form as may be prescribed, the particulars of such certificate.

(4) Registration once made shall continue to be in force until it is cancelled by the authorized officer.

(5) Every vessel registered under this section shall carry a registration mark, assigned to it by the authorized officer, displayed in the prescribed manner.

(6) No vessel other than a registered fishing vessel, shall be entitled to a licence under section 6.

10. Information to be given to the authorizes officer about movement of fishing vessels ---Where a registered fishing vessel moves from the area of one port to the area of another port, the owner of such fishing vessel shall give information

to that effect, in the prescribed manner, to the authorized officer by whom such fishing vessel was registered and also to the Port Officer having jurisdiction over the area where to such fishing vessel has been moved.

11. Returns to be made by owners of registered fishing vessels –(1) Every owner of a registered fishing vessel shall furnish to the authorized officer at the prescribed time and in the prescribed manner such returns as may be prescribed.

(2) The authorized officer may inspect any registered fishing vessel at any time to verify the accuracy of any return made under this section.
12. Finality or orders under section 6,8 and 9 – Every decision of the authorized officer under section 6, section 8, or section 9, granting or refusing to grant licence for a fishing vessel or canceling, suspending, varying or amending such licence or registering, or canceling the registration of a vessel shall subject to any right of appeal under section 13, be final.
13. Appeals against orders refusing grant of licence etc. –(1) Any person aggrieved by an order of the authorized officer refusing to grant licence for a fishing vessel or canceling, suspending, varying or amending such licence or refusing to register a vessel or canceling the registration of such vessel may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority as may be prescribed (hereafter in this section referred to as the appellate authority):

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant a reasonable opportunity of being heard pass such orders there on as it deems fit as expeditiously as possible.

(3) Every order passed by the appellate authority under this section shall be final.

CHAPTER – III

Penalties

14. **Power to enter and search fishing vessels.**– The authorized officer may, if he has reason to believe that any fishing vessel is being, or has been, used in contravention of any of the provisions of this Act or of any order or rule made thereunder or any of the conditions of the licence, enter and search such vessel and impound such vessel and seize any fish found in it.
15. **Disposal of seized fish** --- (1) The authorized officer shall keep the fishing vessel impounded under section 14, in such place and in such manner as may be prescribed.

(2) In this absence of suitable facilities for the storage of the fish seized the authorized officer may, if he is of the opinion that the disposal of such fish is necessary, dispose of such fish and deposit the proceeds thereof in the prescribed manner in the office of the adjudicating officer.

16. **Adjudication** ---(1) Where any authorized officer referred to in section 14 has reason to believe that any fishing vessel is being, or has been, used in contravention of any of the provisions of this Act or any order or rule made thereunder or any of the conditions of the licence, he shall make a report thereof to the adjudicating officer.

(2) The adjudicating officer shall hold an enquiry into the matters mentioned in the report in the prescribed manner, after giving all the parties concerned a reasonable opportunity of being heard.

17. **Penalty** – (1) The adjudicating officer shall, after the enquiry under section 16, decide whether any person has used, or caused or allowed to be used, any fishing vessel in contravention of any of the provisions of this Act or of any order or rule made there under or any of the conditions of the licence and any such person, on being found guilty by the adjudicating officer, shall be liable to such penalty not exceeding –

(a) five thousand rupees, if the value of the fish involved is one thousand rupees or less,

(b) five times the value of the fish, if the value of the fish involved is more than one thousand rupees; or

(c) five thousand rupees, in any other case, being a case not involving any fish,

As may be adjudged by the adjudicating officer.

(2) In addition to any penalty that may be imposed under sub- section (1), the adjudicating officer may direct that –

(a) The registration certificate of the fishing vessel which has been used, or caused or allowed to be used, in the manner referred to in sub-section (1) or the licence, any condition of which has been contravened, shall be –

(i) cancelled or revoked, as the case may be; or

(ii) suspended for such period as the adjudicating officer deems fit; or

(b) The fishing vessel or fish that may have been impounded or seized as the case may be, under section 14 shall be forfeited to the Government.

Provided that no fishing vessel shall be forfeited under clause (b) if the adjudicating officer after hearing the owner of such vessel or any person claiming any right there to is satisfied that the owner or such person had exercised due care for the prevention of the commission of such offence.

18. **Constitution of Appellate Board and Appeal to Appellate Board** ---- (1)
The Government may, by notification in the Gazette, constitute one or more Appellate Board or Appellate Boards.

(2) The Appellate Board shall consists of three members of whom one shall be a person who is or has been a District Judge, who shall be appointed as the Chairman of the Appellate Board.

(3) Where only one appellate board is appointed, the Appellate Board shall have jurisdiction throughout the state, and where more than one Appellate Board is appointed, the Government may, by notification in the Gazette, define the jurisdiction of each appellate Board.

(4) Any person aggrieved by an order of the adjudicating officer may, within thirty days from the date on which the order is made, prefer an appeal to the Appellate Board having jurisdiction to here such appeal;

Provided that the appellate board may entertain any appeal after the expiry of the said period of thirty days, but not after the expiry of sixty days from the date aforesaid, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(5) No appeal under this section shall be entertained by the appellate board unless the appellant has, at the time of filing the appeal, deposited the amount of penalty payable under the order appealed against:

Provided that, on an application made by the appellant in this behalf the appellate board may, if it is of the opinion that the deposit to be made under this subsection will cause undue hardship to the appellant, by order in writing dispense with such deposit either unconditionally or subject to such conditions as it may deem fit to impose.

(6) On receipt of an appeal under sub-section (4), the appellate board may, after holding such enquiry as it deem fit and after giving the parties concerned a reasonable opportunity of being heard, confirm, modify or set aside the order appealed against and the decision of the appellate board shall be final ; and

(a) If the sum deposited by way of penalty under sub-section (5) exceed the penalty directed to be paid by the appellate Board, the excess amount, or

(b) If the appellate Board sets aside the order imposing penalty, the whole of the sum deposited by way of penalty, shall be refunded to the appellant.

19. **Revision by appellate Board.**—The appellate Board may call for and examine the records of any order passed by an adjudicating officer under section 17 and against which no appeal has been preferred under section 18 for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of the procedure and pass such order with respect there to as it may think fit;

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard in the matter.

19. **Powers of Adjudicating officer and Appellate Board in relation to holding enquiry under this Act.**--- (1) The Adjudicating officer and the Appellate Board shall, while holding an enquiry, have all the powers of a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), while trying a suit in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the discovery and production of any document,
- (c) requisitioning any public record or copy there from any court or office;
- (d) receiving evidence or affidavit; and
- (e) issuing commissions for the examination of witness or documents,

(2) The adjudicating officer or the appellate Board shall, while exercising any power under this Act, be deemed to be a civil court for the purpose of sections 345 and 346 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

20. **Offences by companies:** -- (1) Where an offence under this Act has been committed by a company, every persons who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section (1), where any such person liable to any punishment, if the proves that the offence was committed without his knowledge or that he had exercised all due deliquance to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be, liable to be proceeded against and punished accordingly.

Explanation—for the purposes of this section,---

- (a) **“Company”** means any body corporate and includes a firm or other association of individuals and
- (b) **“director”**, in relation to a firm, means a partner in the firm.

CHAPTER IV

Miscellaneous

21. **Exemptions** – (1) Nothing contained in this Act shall apply to survey vessels belonging to the Central Government or any State Government or any public under taking.
- (2) If the Government are of the opinion that, having regard to the purposes of this Act, it would not be in the public interest to apply all or any of the provisions of this Act to any class or classes of fishing vessels used for fishing in any specified area or specified areas, they may, by notification in the Gazette exempt, subject to such conditions as they may think fit to impose, such class or classes of fishing vessels used for fishing in such specified area or specified areas, as they may specify in the notification, from the operation of all or any of the provisions of this Act.
22. **Protection of action taken in good faith.**—
- (1) no suit, prosecution or other legal proceeding shall be against the Gove. Or any officer or authority for anything which is in good faith done or intended to be done in pursuance of the Act or any order or rule made ther under.
- (2) No suit or other legal proceeding shall lie against the Govt. or any officer or authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any order or rule made thereunder.
23. **Power to make rules.**- (1) The Govt. may, by notification in the Gazette, make rules for carrying out the provisions of this Act.
- (2) In particular and without prejudice in the generally of the foregoing power, such rules may provide for all or any of the following namely:-
- (a) the matters to which regard shall be had in making an order under sub-section (1) of section 4;
- (b) The form of application for licence under sub-section (1) of section 6, the particulars which it shall contain and the fees which shall accompany it ;
- (c) The matters to which regard shall be had in granting or refusing a licence under clause (d) of subsection (4) of section 6, the feesof the conditions of the locence;
- (d) The procedure to be followed in granting or refusing a licence under section 6 or canceling, suspending, varying of amending such licence or in registering a vessel under section 9 or canceling such registration;
- (e) The form of application for registration of a vessel under section 9, the particulars which such application shall contain and the fees which shall accompany the application, the form of the certificate of registration and the

form of the register referred to in sub-section (3), of that section and the manner in which the registration mark referred to in subsection(5) of that section shall be displayed.

- (f) The manner in which the information referred to in section 10 shall be given;
- (g) The time and manner in which the returns to in sub-section (1) of section 13;
- (h) The authority to whom appeals shall be preferred under sub-section (1) of section 13;
- (i) The place and the manner in which an impounded fishing vessel shall be kept under sub-section (1) of section 15 and the manner in which the proceeds of the disposal of the seized fish shall be deposited with the adjudicating officer under sub-section (2) of that section;
- (j) The procedure of the enquiry by the adjudicating officer under sub-section (2) of section 16;
- (k) The qualification of the members of the Appellate Board other than the Chairman the fees and allowances payable to the Chairman and other members of the Appellate Board, and the procedure of the Appellate Board;
- (l) The fees payable for the supply of copies of documents or orders or for any other purpose or manner involving the rendering of any service by any officer or authority under this Act.
- (m) Any other matter which is to be or may be provided for by rules under this Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expire of the session in which it is so laid or the session immediately following the Legislature Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modification or amendment shall be without prejudice to the validity of anything previously done under that rule.

24. **Repeal and saving**--- (1) The Kerala Marine Fishing Regulation Ordinance, 1980 (12 of 1980), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

.....

GOVERNMENT OF KERALA
Fisheries and Ports (L) Department
NOTIFICATION

G.O. MS. 141/80/F&PD.

Dated, Trivandrum, 29th

November, 1980

S.R.O. No.1141/80,--In exercise of the powers conferred by sub-section (1) and (2) of section 24 of the Kerala Marine Fishing Regulation Ordinance, 1980 (12 of 1980), the Government of Kerala hereby make the following rules, namely:-

RULES

1. **Short title and commencement**,-- (1) These rules may be called the Marine Fishing Regulation Rules 1980.
 2. They shall come into force at once
2. **Definitions**—In these rules, unless the context otherwise requires:-
 - (a) **“Form”** means a form appended to these rules,
 - (b) **“Ordinance”** means the Kerala Marine Fishing Regulation Ordinance, 1980 (12 of 1980)
 - (c) **“Section”** means a section of the Ordinance.
3. Class of Fishing Vessels, fishing by which may be regulated restricted or prohibited.--- Fishing by a ship or boat fitted with mechanized means of propulsion may be registered, restricted or prohibited in any specified area under clause (a) of sub-section (1) of section 4.
4. Kinds of fishing gear, the use of which may be regulated, restricted, or prohibited.—Use of the following kinds of fishing gear may be regulated, restricted or prohibited in any specified area under clause (d) of sub-section (1) of section 4, namely:-
 - (a) Purse- seine;
 - (b) Ring seine;
 - (c) Pelagic trawl;
 - (d) Mid water trawl; and
 - (e) Bottom trawl.
5. Application for the grant of licence.--- (1) Every application for the grant of a licence for using fishing vessel of the class specified in column (1) of the Table below shall be accompanied by the fees specified in the corresponding entry in column (2) of the Table. The applicant shall also furnish such security for the

due performance of the conditions of the licence as specified in column (3) of the Table.

TABLE

Class of the fishing vessel	Amount of fees Rs.	Amount of security to be furnished. Rs.
(1)	(2)	(3)
1. Country fishing crafts fitted with mechanical means of propulsion.	5	50
2. Mechanised fishing boats up to 30' in length.	50	500
3. Mechanised fishing boats of more than 30' but less than 37' in length.	75	1000
4. Mechanised fishing boats of 37' and above but less than 56' in length.	100	1500
5. Mechanised fishing vessels of 56' and above in length.	150	2000

6. **Grant of licence:-** (1) a licence granted under section 6 shall be in form II and shall be subject to the conditions specified in the licence.

(2) Where the application for the grant of licence is refused, the reasons for refusal shall be recorded in writing and a copy of the same along with the order of refusal shall be furnished to the applicant, where the order refusing the grant of licence has become final the security furnished and one half of the amount of fees paid by the applicant, shall be refunded to him.

7. **Application for registration of vessels:-** (1) Every application for the registration of a vessel under section 9 shall be in form III obtainable from the office of the authorized officer on payment of rupee one for each form.

(2) Every application under sub-rule (1) for the registration of a vessel of the class specified in column (1) of the Table shall be accompanied by the fees specified in the corresponding entry in column (2) of the said Table.

TABLE

Class of vessel	Amount of fees
(1)	(2)
1. Non-mechanised country crafts.	Rs. 1
2. Country crafts fitted with mechanical means of propulsion	Rs. 5
3. Mechanised fishing boats upto 36' in length	Rs. 20
4. All other kinds of vessels	Rs. 50

8. **Grant of registration certificate** :- (1) On receipt of an application under rule 7, the authorized officer, shall after making such enquiry as he deems necessary, register the fishing vessel or by order refuse such registration.
- (2) Where the application for registration is refused, the reasons for such refusal shall be recorded in writing and a copy of the same along with the order of refusal shall be furnished to the applicant.
- (3) Where the application of registration is not refused a certificate of registration shall be granted in Form IV and shall be subject to the conditions specified in the certificate.
- (4) Every certificate of registration issued by the authorized officer shall be entered in a register to be kept by him in Form V.
- (5) The registration mark assigned to a vessel by the authorized officer shall be displayed by painting the mark in white colour on yellow background on the fore-bow of the vessel.
9. **Furnishing of information about movement of Fishing vessel**: - The information to be furnished about the movement of a registered fishing vessel from the area of one port to the area of another port under section 10, shall be in writing and shall be sent by registered post or delivered in person before the vessel moves from the area of the former port.
10. **Appellate Authority** :- An appeal under section 13 shall, if the authorized officer who passed the order is an Assistant Director of Fisheries, be preferred to the Deputy Director of Fisheries having jurisdiction over the area and in other cases to the Director of Fisheries.
11. **Impounding of fishing vessel**:- A fishing vessel impounded by the authorized officer under section 14 shall be kept in the nearest Boatyard under the control of the Fisheries Department and the vessel shall be under the control of the officer in charge of the yard.

12. **Manner of holding enquiry by the adjudicating officer** :- (1) on receipt of a report from the authorized officer under sub-section (1) of section 16, the adjudicating officer shall issue notice thereof in the parties concerned directing them to file objections if any and to appear before him on a specified date or being heard.
- (2) The objections filed if any to the report of the authorized officer shall be considered by the adjudicating officer, before an order is passed by him,

By order of the Governor,

D. BABU PAUL,

Special Secretary.

Explanatory Note.

(This note is not part of the rules, but is intended to indicate their general purport)

The Kerala Marine Fishing Regulation Ordinance, 1980 formulated by the Governor on 22-11-80 provides in section 24 for the making of rules by the Govt. for various matters envisaged in the Ordinance and for carrying out the provisions of the Ordinance.

These rules are intended for the above purpose.

FORM I

(see rule 5)

Form of application for Licencing of Fishing Vessels

1. Name and address of owner /s :
2. Occupation of owner/s :
3. Place of permanent residence of owner/s :
4. Name of the fishing vessel :
5. Registration No and date :
6. Place of registration and agency/
Office with which registered :
7. Whether previously licensed and if so, No. of
licence and period for which licenced :
8. Particulars of fishing vessel :
 - (a) Length :
 - (b) Breadth :
 - (c) Draft :
 - (d) Make and HP of engine :
 - (e) Type of vessel :
9. Place where constructed :
10. Year of construction :
11. How & when acquired :
12. No. of Crew :
13. Particulars of trained crew and their qualification :
14. Type of fishing gear proposed to be operated :
15. Specified area of operation for which licence is applied for :
16. Period for which licence is requested :
17. Amount of fees remitted and mode of remittance :

Place:

Date:

Signature of owner/s

Declaration

I/weby this declaration subscribed by me / us pursuant to and in compliance with section 6 of The Kerala Marine Fishing Regulation Ordinance 1980 do hereby certify and declare that I am /we are the owner, owners of the fishing vessel.....above described and that I/we fully understand all the provisions of the said Ordinance and Rules and Orders issued there under and agree to abide by them.

As witness, I/we set my hand / our hands thisdate of19.

Witness:

Signature of owner/s.

FORM II

(see Rule 6)

**Licence Granted for Using Fishing Vessel for Fishing
Specified Area.**

1. No. and date of Licence :
2. Name and address of the person /s to whom the licence is issued :
3. Particulars of the fishing vessel licenced :
4. Fishing gear licenced :
5. Specified area for which the licence is issued :
6. Period for which the licence is issued :

Place: _____ Signature of the Authorised Officer

Date: _____ (Seal)

Conditions of the Licence

1. This licence is granted subject to the provisions of the Kerala Marine Fishing Regulation Ordinance 1980 (12 of 1980), and the rules and orders issued there under.
2. The fishing vessel should be operated only within the specified area for which Licence is granted.
3. Any change in the layout, design, capacity of the vessel should be effected only with the prior approval of the Authorised Officer.
4. Any change in the type of gear licenced shall be effected only with the prior approval of the Authorised Officer.
5. It shall be competent for the Authorised Officer or any Officer authorized by him to enter the fishing vessel for the purpose of inspection whether in the waters on shore.
6. This licence is liable to be cancelled or suspended and the security if any furnished shall be liable to be forfeited in whole or in part for failure to comply with the conditions subject to which the licence has been granted or for contravention of any of the provisions of the Kerala Marine Fishing Regulation Ordinance, 1980 or the rules or orders issued there under.
7. This licence is also liable to be cancelled or suspended if the licence has been obtained by misrepresentation as to an essential fact.

FORM III

(See Rule 7)

Application for registration of fishing vessel

1. Name and address of the Owner /s full :
2. Name of the fishing vessel :
3. Particulars of registration, if any done previously :
4. Where and when the fishing vessel was secured :
5. Particulars of fishing vessel :
 - (a) Length :
 - (b) Breadth :
 - (c) Draft :
 - (d) Make and HP of engine :
 - (e) Type of vessel :
6. Place where constructed :
7. Year of construction :
8. How & when acquired :
9. Base of operation :
10. Number of crew :
11. Particulars of trained crew and qualifications :
12. Details of life saving appliances provided in the vessel :
13. Amount of fees remitted and mode of remittance :

Place:

Date:

Signature of the Owner/s.

FORM IV

(See Rule 8)

Certificate of Registration

1. Number and date of certificate of registration :
2. Registration mark assigned :
3. Name and address of the person/s to whom the certificate of registration is issued :
4. Particulars of fishing vessel :
 - (a) Length :
 - (b) Breadth :
 - (c) Draft :
 - (d) Make and HP of engine :
 - (e) Type of vessel :
5. Base of operation :

Place:

Date:

Signature of the Authorised Officer

(Seal)

Conditions of the certificate of registration

1. This certificate of registration is granted subject to the provision of the Kerala Marine Fishing Regulation Ordinance 1980 and the rules and orders issued there under.
2. Any change in the layout, design, capacity of the vessel should be effected only with the prior approval of the authorized officer.

FORM V

(See Rule 8 (4))

Register of Certificate of Registration

Office of the

(Authorised officer)

Sl. No.	Regn. No.& Date	Name, address & occupation of Owner/s	Particulars of fishing vessel				Base of operation	Amount of fee remitted and mode of remittance	Remarks
			Length	Breadth	Draft	Make & HP of Engine.			

.....

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

15th March 1986

Vol.XXXI Trivandrum, Saturday, ----- No. 238

24th Phalguna 1907

GOVERNMENT OF KERALA

Fisheries and Ports (B) Department

NOTIFICATION

G.O. (P) 21/86/F&PD

Dated, Trivandrum., 18th February, 1986

S.R.O. No. 448/86- In exercise of the powers conferred by clause (d) of sub-section (1) of section 4 of the Kerala Marine Fishing Regulation Act, 1980 (10 of 1981) read with rule 4 of the KMFR Rules, 1980 and in supersession of the notification G.O Rt.No.854/83/TF & PD dated the 29th October 1983, published as S.R.O. No. 1556/83 in the Kerala Gazette Extra ordinary No. 1340 dated 3rd November 1983 the Government of Kerala hereby **prohibit the use of bottom trawl gears having less than 35 mm mesh size also for fishing in the specified** area mentioned in the notification G.O.(P) 136/84/PW, F&PD dated the 30th November, 1984, published as S.R.O. No. 1496/84 and consequently make the following amendment to the notification G.O.(P) No. 138/84/PW, F&PD dated the 30th November, 1984 published as S.R.O No. 1498/84/ in the Kerala Gazette Extraordinary No.1055 dated 3rd December 1984, namely:-

AMENDMENT

In the said Notification, in the third paragraph, after the words “and midwater trawl gears”, the words “and the use of bottom trawl gears having less than 35mm mesh size in stretched condition” shall be inserted.

By order of the Governor,

R.C.CHOUDHURY,

Secretary to Government.

Explanatory Note

This note is not part of this order but is intended to indicate its general purport.)

Section 4 of the Kerala Marine Fishing Regulation Act, 1980 (10 of 1981) empowers the Govt. to regulate restrict or prohibit the use of such fishing gear in any specified area. This order is intended to prohibit the use of all bottom trawl nets which have less than 35 mm meshes in stretched condition for fishing in the territorial waters in the sea along the entire coastline as a conservation measure and also to maintain law and order in the territorial waters of the state.

GOVERNMENT OF KERALA
Law (Legislation –B) Department
NOTIFICATION

No.11112/Leg.B2/86/Law

Dated , Trivandrum 4th August 1986.

The following act of the Kerala state Legislature is hereby published for general information. The bill as passed by the legislative assembly received the assent of the Governor on the 4th day of August 1986.

By order of the Governor,
E.J.ANTONY PANJIKARAN,
Special Secretary(Law).

ACT 8 of 1986

THE KERALA MARINE FISHING REGULATION (AMENDMENT) ACT 1986

An act further to amend the Kerala Marine Fishing Regulation Act 1980.

Preamble- WHEREAS it expedient further to amend the Kerala Marine Fishing Regulation Act 1980 for the purpose herein after appearing.,

IT be enacted in the thirty –seventh year of the republic of India as follows:-

1. Short title and commencement – (1)This Act may be called as the Kerala Marine Fishing Regulation (Amendment) Act, 1986, (2) It shall be deemed to have to come into force on the 15th day of October, 1985.
2. Amendment of Section 17 – In section 17 of the Kerala Marine Fishing Regulation Act 1980 (10 of 1981) herein after referred to as the Principal Act. (1) to sub-section (1), the following provision shall be added namely “provided that there the adjudicating officer after the enquiry under Section 16 decides that any person had used, or caused, or allowed to be used , any fishing vessel in contravention of the provisions of section 5 or section 7, such person shall, on being found not be less than 25,000 rupees but which may extend 50000 rupees as may be adjudged by the adjudicating officer.”

(2) in sub-section (2) for the proviso, the following proviso shall be substituted namely.,

“provided that where the penalty under the proviso to sub-section (1) is imposed on a person for the second or subsequent time the adjudicating officer shall direct that the fishing vessel or fish that may be impounded or seized, as the case may be, under section 14 shall be forfeited to the Government.”

(3) Repeal and saving – (1) The Kerala Marine Fishing Regulation (2nd Amendment) Ordinance, 1986(32 of 1986 is hereby repealed.

(2) notwithstanding such repeal, anything done or deemed to have been done or any action have deem to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the Principal Act as amended by this Act.

KERALA GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

30th November 1986
Vol.XXXI Trivandrum, Sunday ----- No. 1076
9th Agrahayana 1908

GOVERNMENT OF KERALA
Law (Legislation –B) Department

NOTIFICATION

No.17815/Leg.B2/86/Law. Dated, Trivandrum, 30th November, 1986/
9th Agrahayana, 1908

The following Act of the Kerala State Legislature is hereby published for general information. The bill as passed by the Legislative Assembly received the assent of the Governor on the 30th day of November, 1986.

By Order of the Governor,
E.J. ANTONY PANJIKARAN,
Special Secretary (Law).

ACT 28 OF 1986

**THE KERALA MARINE FISHING REGULATION (SECOND AMENDMENT) ACT,
1986.**

An Act further to amend the Kerala Marine Fishing Regulation Act, 1980.

Preamble – WHEREAS it is expedient further to amend the Kerala Marine Fishing Regulation Act, 1980, for the purposes herein after appearing;

BE it enacted in the Thirty-seventh Year of the Republic of India as follows:-

1. Short title and commencement:- (1) This Act may be called the Kerala Marine Fishing Regulation (Second Amendment) Act ,1986.
(2) It shall be deemed to have come into force on the 9th day of August, 1984.

2. Amendment of Section 2:- In section 2 of the Kerala Marine Fishing Regulation Act, 1980 (10 of 1981) (herein after referred to as the Principal Act), clause (b) shall be omitted.
3. Substitution of new section for section 18:-

For section 18 of the Principal Act, the following section shall be substituted, namely:-

“18. Appeal – (1) any person aggrieved by an order of the adjudicating officer may, within thirty days from the date on which the order is made, prefer an appeal to the District Collector having jurisdiction over the area for which the adjudicating officer exercises powers;

Provided that the District Collector may entertain an appeal after the expiry of the said period of thirty days, but not after the expiry of sixty days, from the date aforesaid, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal under this section shall be entertained by the District Collector unless the appellant has, at the time of filing the appeal, deposited the amount of penalty payable under the order appealed against;

Provided that on an application made by the appellant in this behalf, the District Collector may, if he is of the opinion that the deposit to be made under this sub-section will cause under hardship to the appellant, by order in writing, dispense with such deposit either unconditionally or subject to such conditions as he may deem fit to impose.

(3) On receipt of an appeal under sub-section (1), The District Collector may, after holding such enquiry as he deems fit and after giving the parties concerned a reasonable opportunity of being heard, confirm, modify or set aside the order appealed against; and –

- (a) if the sum deposited by way of penalty under sub-section (2) exceeds the penalty directed to be paid by the District Collector the excess amount, or
- (b) if the District Collector sets aside the order imposing penalty the whole of the sum deposited by way of penalty, shall be refunded to the appellant”.

(4) Where the District Collector entertains appeal after dispensing with the deposit under the proviso to sub-section (2) and if the order appealed against is not set aside or as the case may be, if the order appealed against is modified involving the depositing of penalty the appellant shall deposit such amount by way of penalty as may be ordered by District Collector”.

4. Amendment of section 19 – In section 19 of the Principal Act,-

- (a) in the marginal note, for the words “Appellate Board” the words “District Collector” shall be substituted;
- (b) for the words “Appellate Board” , the words “District Collector” shall be substituted;
- (c) for the word “itself”, the word “himself” shall be substituted.
- (d) For the word “it”, the word “he” shall be substituted.

5. Amendment of section 20 – In section 20 of the Principal Act –

- (i) In the marginal note, for the words “Appellate Board”, the words “District Collector” shall be substituted;
- (ii) In sub-section (1), for the words “Appellate Board”, the words “District Collector” shall be substituted.;
- (iii) In sub-section (2), for the words “Appellate Board”, the words “District Collector” shall be substituted;

6. **Amendment of Section 24**, - in sub- section (2) of section 24 of the Principal Act, for clause (k), the following clause shall be substituted, namely:-

“(k) the procedure to be followed by the District Collector under section 18”

7. **Transitory provision** – All appeals from the orders of adjudicating officers under section 18 of the Principal act and pending before the Appellate Board at the commencement of this Act shall be transferred to the District Collector having jurisdiction and the District Collector shall dispose of such appeals under the Principal Act as amended by this Act.

8. **Repeal and saving** – (1) The Kerala Marine Fishing Regulation (Second Amendment Ordinance, 1986 (62 of 1986), is hereby repealed.
(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the Principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the Principal Act as amended by this Act.

KERALA GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

27th April 1987

Vol.XXXII Trivandrum, Monday ----- No. 354

7th Vaisaka 1909

GOVERNMENT OF KERALA

Fisheries and Ports (B) Department

NOTIFICATION

G.O.(P) 18/87/F&PD.

Dated, Trivandrum, 23rd April 1987

S.R.O. No.569/87 – In exercise of the powers conferred by section 24 of Kerala Marine Fishing Regulation Act, 1980 (10 of 1981), the Government of Kerala hereby make the following rules further to amend the Kerala Marine Fishing Regulation Rules, 1980 namely –

Rules

1. Short rule and commencement – (i) These rules may be called the Kerala Marine Fishing Regulation (Amendment) Rules 1987.

 (ii) they shall come into force at once.
2. Amendment of Rules – In the Kerala Marine Fishing Regulation Rules, 1980 –
 - (i) In sub-rule (10 of rule 6 the following shall be inserted at the end, namely –
“The licence shall either be granted or refused within a period of one month from the date of receipt of the application”.
 - (ii) In sub-rule (1) of rule 8, following shall be inserted at the end namely:-
“Such registration or refusal, as the case may be, shall be made within a period of one month from the date of receipt of application.”
 - (iii) For sub-rule (1) of rule 12, the following sub-rule shall be substituted, namely:-

“(1) on receipt of a report from the adjudicating officer under sub-section (1) of section 16, the adjudicating officer shall issue notice thereof to the parties concerned directing them to file objections, if any, and to appear before him for being on a specified date which shall not be later than ten days from the date of impounding”.

By Order of the Governor,
R.C.CHOUDHURY,
Secretary to Government.

Explanatory Note

(This is not part of this notification, but is intended to indicate its general purport).

There is at present no time limit prescribed for the issue or refusal of licence to the fishing vessel on receipt of applications therefor.

Similarly no period is fixed from the date of impounding to the date of appearing before adjudication or filing objection. To enable the adjudicating officer to issue adjudication orders most expeditiously it is necessary to have a prescribed time limit.

The amendment is not to achieve the above purpose.

KERALA GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

9th December 1988

Vol.XXXIII Trivandrum, Friday

No. 1101(Saka)

18th Agrahayana 1910

GOVERNMENT OF KERALA
Fisheries and Ports (B) Department

NOTIFICATION

G.O.(P) 46/88/F&PD.

Dated, Trivandrum, 8th December 1988

S.R.O.No. 1658/88 – In exercise of the powers conferred by sub – sections (1) & (2) of section 24 of the Kerala Marine Fishing Regulation Act, 1980 (10 of 1981), the Government of Kerala hereby make the following rules to amend the Kerala Marine Fishing Regulation Rules 1980 namely:-

RULES

1. **Short Title and Commencements:-** (1) these rules may be called the Kerala Marine Fishing Regulation (Amendment)Rules,1988.

(2) They shall come into force at once.

2. **Amendment of the Rules:** In the Kerala Marine Fishing Regulation Rules, 1980 in rule 11, the following shall be added at the end namely:-

The 'fuel pump' of the vessel impounded shall be removed by the authorized officer with the help of a Mechanic and hand over the same to the nearest Fishery Office, to avoid the forcible escape of such vessel from the custody.

By Order of the Governor

R.C. CHOUDHRY

Secretary to Government

Explanatory Note

(This note is not part of the notification, but is intended to indicate its general purport).

This amendment is incorporated to avoid the forcible escape of the impounded fishing boat from the custody of authorized officers.