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**ANDHRA PRADESH MARINE FISHING (REGULATION) ACT,  
1994**

**9 of 1995**

**[8th February, 1995]**

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## **ANDHRA PRADESH MARINE FISHING (REGULATION) ACT, 1994**

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In the context of the rapid expansion of the marine fishing activities due to the introduction of mechanised boats and deep sea fishing trawlers, there is every possibility of conflict of interests between operators of mechanised boats and trawlers and traditional fishermen using non mechanised fishing vessels. In order to avert such conflicts and with a view to protecting the interests of small fishermen, the Government of India, have appointed a committee headed by Sri A.K. Mazumdar, to examine the question of delimiting areas of fishing for different types of boats and to recommend other necessary measures. The main recommendation of the committee is for enactment of a specific legislation by the concerned States to regulate marine fishing by reservation and demarcation of zones and regulation of fishing by fishing vessels in the territorial waters in the sea along coast line of the state. The Government of India have commended to the States the recommendation of the Committee, since it is within the competence of the State Legislature to enact such legislation. The State Government have accordingly decided to enact a suitable legislation for the above purpose, basing on the Orissa Marine Fishing Regulation Act, 1982 (Orissa Act 10 of 1982)

### CHAPTER 1

#### Preliminary

#### **1. Short title, extent and commencement :-**

(1) This Act may be called the Andhra Pradesh Marine Fishing (Regulation) Act, 1994.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such \*date as the State Government may, by notification appoint.

#### **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, authorised by the Government, by notification, to exercise the powers conferred on or to perform the functions entrusted to and discharge the duties imposed upon, adjudicating officer by or under this Act for such area as may be specified in the notification.

(b) Appellate Board means an Appellate Board constituted under Section 18;

(c) Authorised Officer means an Officer authorised under Section 3;

(e) Government means the State Government;

(f) Licence means a licence issued or renewed under Section 6;

(g) Notification means a notification published in the Andhra Pradesh Gazette, and the word Notified shall be construed accordingly;

(h) owner in relation to any fishing vessel means the owner or master, or any agent of such owner, and includes a mortgagee, lessee or other person in actual possession of the fishing vessel;

(i) prescribed means prescribed by rules made by Government under this Act;

(j) port means the space within such limits as may from time to time be defined by the Government, by notification for the purpose of this Act;

(l) specified area means such area within the such limits in the sea along the entire coast line of the State, but not beyond territorial waters or exclusive economic zone as may be specified by notification, by the Government.

(m) State means the State of Andhra Pradesh and includes the territorial waters along the entire coast line of that State.

### **3. Authorisation of officer for the purposes of any provisions of this Act :-**

The Government may, by notification authorise,

(a) any officer of the Government, not being an officer below the rank of a Gazette Officer; or

(b) any officer of the Central Government, not being an officer

below the rank of a Gazette Officer or a Commissioned Officer in the Armed Forces of the Union with the consent of that Government, to exercise the powers conferred on, and discharge the duties imposed upon the authorised officer under this Act, in such area as may be specified in the notification.

## CHAPTER 2

### Regulation of Fishing

#### **4. Power to regulate, restrict or prohibit certain matters within specified area :-**

#### **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 through any specified area and 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 a registered fishing vessel may make an application to the authorised officer for the grant of a licence for using such fishing vessel for fishing in any specified area.

(2) Every application under sub section (1) shall be in such form, contain such particulars, and be accompanied by such fee, as may be prescribed.

(3) The authorised 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 licence for using such fishing vessel for fishing in the specified area or specified areas mentioned in such licence.

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

#### **7. Prohibition of fishing using fishing vessels which are not licensed :-**

No person shall, after the commencement of this Act, carry on fishing in any specified area using a fishing vessel which is not licensed under Section 6. Provided that nothing in this section shall apply to any fishing vessel, which is used for fishing at the commencement of this Act, for such period as may be specified by the Government, by notification.

**8. Cancellation, suspension and amendment of licences :-**

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

**9. Registration of vessels :-**

(1) The owner of every vessel not being a fishing vessel registered under Section 11 of the Marine Products Export Development Authority Act, 1972, shall register such vessel under this Act.

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

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

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

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

**10. Information to be given to authorised 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 authorised officer by whom such fishing vessel was registered and also to the port officer having jurisdiction over the area whereto such fishing vessel has been moved.

**11. Return to be made by owners of registered fishing vessels :-**

(1) Every owner of a registered fishing vessel shall furnish to the

authorised officer at the prescribed time and in the prescribed manner such returns as may be prescribed.

(2) The authorised officer may inspect any registered fishing vessel at any time to verify the accuracy of any return made under this section.

**12. Finality of orders under Section 6, 8 or 9 :-**

Every decision of the authorised officer under Section 6, Section 8 or Section 9, granting or refusing to grant licence for a fishing vessel or cancelling, suspending, varying or amending such licence or registering, or cancelling the registration of vessel shall, subject to any right of appeal under Section 13 be final.

**13. Appeals against orders refusing grant of licence :-**

(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 thereon as it deems fit as expeditiously as possible.

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

**CHAPTER 3**

**Penalties**

**14. Power to enter and search fishing vessels :-**

The authorised 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 authorised officer shall keep the fishing vessel impounded under Section 14, in such place and in such manner as may be prescribed.

(2) In the absence of suitable facilities for the storage of the fish seized, the authorised 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) The Government shall, by notification, appoint an officer not below the rank of a gazetted officer in the Fisheries Department as the adjudicating officer to exercise such functions and perform such duties as may be specified in the notification.

(2) The authorised officer shall send a report of the fishing vessel impounded and the fish seized therefrom under Section 14 to the adjudicating officer, in such manner as may be prescribed.

(3) 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 :-**

#### **18. Constitution of Appellate Board and appeal to Appellate Board :-**

(1) The Government may, by notification constitute one or more Appellate Board or Appellate Boards.

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

(3) Where only one Appellate Board is constituted that Appellate Board shall have jurisdiction throughout the State, and where more than one Appellate Board is constituted by the Government, the Government may, by notification define the jurisdiction of each Appellate Board.

#### **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 thereto 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.

#### **20. Powers of adjudicating officer the Appellate Board in relation to holding enquiry under this Act :-**

(2) The adjudicating officer or the Appellate Board shall, while

exercising any power under this Act, be deemed to be a civil Court for purposes of Sections 345 and 346 of the Code of Criminal Procedure, 1973.

## **21. Offences by companies :-**

### CHAPTER 4

#### Miscellaneous

## **22. Exemptions :-**

(1) Nothing contained in this Act, shall apply to survey vessels belonging to the Central Government or any State Government or any Public Undertaking.

(2) If the Government is 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, it may by notification exempt, subject to such conditions as it may think fit to impose such class or classes of fishing vessels used for fishing in such specified area or specified areas, as it may specify in the notification, from the operation of all or any of the provisions of this Act.

## **23. Protection of action taken in good faith :-**

(1) No suit, prosecution or other legal proceeding shall lie against the Government or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any order or rule made thereunder.

(2) No suit or other legal proceedings shall lie against the Government 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 rule or order made thereunder.

## **24. Power to make rules :-**

(1) The Government may, by notification make rules for carrying out the provisions of this Act.

(3) Every rule made under this Act, shall immediately after it is made, be laid before the Legislative Assembly of the State if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be



comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agree in making any modification in the rule or in the annulment of the rule, shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.