

ANDHRA PRADESH MARINE FISHING (REGULATION) RULES, 1995

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ANDHRA PRADESH MARINE FISHING (REGULATION) RULES, 1995

In exercise of the powers conferred under sub-section (1) of Section 24 of the Andhra Pradesh Marine Fishing (Regulation) Act, 1994 (Act 9 of 1995) the Government of Andhra Pradesh hereby makes the following rules

CHAPTER 1

Preliminary

1. Short title and commencement :-

(1) These rules may be called the Andhra Pradesh Marine Fishing (Regulation) Rules, 1995.

(2) They shall come into force with effect from the date on which the rules are published in the Andhra Pradesh Gazette.

2. Definition :-

(2) Words and expressions used these rules, but not defined herein, shall have the meaning respectively assigned to them in the Act.

CHAPTER 2

Registration

3. Application for registration of vessels :-

(1) Application form for registration of fishing vessels shall be obtained from the office of the authorized officer on payment of Rs.5/- (Rupees Five only) for each form.

(3) All mechanized fishing boats and other vessels operated for fishing purpose should apply in Form-I-(A) and all Traditional country crafts and motorized Beach Landing Crafts, should apply in Form-I(B) for registration with the Authorised Officer or as notified by the Director of Fisheries/Commissioner of Fisheries under this Act failing which the Authorised Officer or any Gazetted Officer concerned will be competent to seize such craft/vessel/trawler whenever noticed under Section 9 of the Act.

4. Fees payable for registration of vessels :-

The registration fee for a fishing vessel once for its life time shall be paid at the rate as specified in the table below. The aforesaid amounts shall be increased/revised as and when the Government consider necessary.

5. Conditions for issue of the certificate of registration :-

(2) Issue of certificate of registration:-- The Authorised Officer shall issue the certificate of registration under sub-section (3) of Section 9 of the Act in favour of owner of the following vessel in Form-II after entering the same in the register maintained for the purpose.

6. Change of ownership :-

(1) In case of change in ownership, the person, in the name of whom the ownership to be transferred, shall apply Form I to the concerned Authorised Officer for issue of certificate of Registration in his favour.

(2) Whenever change of ownership is applied for, the Authorised Officer can change the ownership duly collecting the nominal fee equal to 1/5th of the registration fee collected at the time of original registration and transfer of ownership shall be endorsed on the original registration certificate.

CHAPTER 3

Licence

7. Application for fishing licence :-

Every application for grant of a fishing licence under sub-section (1) of Section 6 of the Act shall be made before the Authorised Officer by the owner of the said vessel in the Form III obtainable from the office of the Authorised Officer on payment of Rs.5/- (Rupees Five only) for each form.

8. Fee payable for licence :-

(2) The Government whenever considered necessary may increase the amount of fee specified above.

9. Renewal of licence :-

Every application for renewal of licence shall be made by the owner along with the money receipt supporting deposit of licence fee as per provision under Rule 8(1) to the Authorised Officer of the area concerned on or before 30th June of the year.

10. Penalty for not obtaining licence :-

(1) In case the owner of the registered fishing vessel fails to obtain licence or to pay the fees for renewal of licence by the date stipulated under rule, he shall be liable to pay licence fees, prescribed for the respective categories as specified under the Table in Rule 8(1) plus a penalty equal to 1/5th of the licence fee.

(2) If the registered fishing vessel fails to obtain the renewal of licence, within a maximum period of 90 (ninety) days from the expiry of the licence, such vessel will be liable for seizure.

11. Issue of licence :-

(1) The Authorised Officer, after making enquiry under sub-section (3) of Section 6 of the Act, shall issue a licence for the said vessel in Form IV and in case of renewal the Authorised Officer shall only give an extension for which the licence fees is paid subject to the conditions as laid down in Form IV. In case of any violation of the conditions by the licence holders of any of the fishing vessels the Authorised Officer may immediately suspend or cancel or amend the licence of the said vessel under Section 8 of the Act and report to the Adjudicating Officer immediately. Issue of a licence cannot be claimed as a matter of right.

(2) The vessel to which the licence under this Act is given should be used only for conducting fishing. It should not conduct any operations other than fishing.

(3) Authorised Officer is empowered to regulate the mesh size of the net to protect juveniles based on the local conditions

CHAPTER 4

Functions of Authorised Officer

12. Duties of the Authorized Officer :-

(2) The Authorised Officer shall mention clearly the registration number of the fishing vessel in the certificate of registration and the owner of the said vessel shall display the registration number in bold letters (Black and white) and particulars of the ownership as well as the vessel, outside the forebow on both sides of the said vessel. The registration number should also be suffixed with code letters to the District and Port etc.

(3) The Authorised Officer shall maintain separate register on issue of licence for fishing and separate case history for each case on

granting or refusing the licence.

(4) The Authorised Officer shall mention, in the record clearly the date of renewal and the period for which the licence fee is paid under Rule 9, against each of the fishing vessel with its signature. Also maintain the remittance particulars and concerned records on collection of fees and furnish reports to the Commissioner of Fisheries/Director of Fisheries, Andhra Pradesh, Hyderabad every month.

(5) The collection of fees towards registration and licence, specified under Rules 4 and 8 respectively shall be credited under the appropriate receipt Head of Account of the Department.

(6) In case of any refusal for issue of licence to the fishing vessels under sub-section (3) of Section 6 of the Act, the Authorised Officer shall record the reasons of refusal and a copy of the same along with the orders of the refusal shall be made available to the applicant.

(8) If the names of the crew are not known the Authorised Officer is empowered to seize the vessel duly recording reasons for seizure in the seizure list at the time of seizing the vessel/boat/craft.

(9) The Authorised Officer should also issue identification cards to all the crew of the vessel concerned.

CHAPTER 5

Adjudicating Officer

13. Duties of the Adjudicating Officer :-

(1) The Adjudicating Officer on receipt of any report from the Authorised Officer as provided under Section 16(1) of the Act shall issue notices to the parties concerned within a period not exceeding 15 (fifteen) days for hearing.

(3) The Adjudicating Officer should see that the notice is served properly in time with due acknowledgement to the parties concerned.

(4) The Adjudicating Officer shall as far as possible dispose of the case within 60 (sixty) days from the date of receipt of such report. In cases where the disposal is delayed, he shall record the reasons for the delay. The copy of the order and the reasons thereof shall be supplied to the parties.

(5) The Adjudicating Officer can impose penalty specified under sub-sections (1) and (2) of Section 17 of the Act where the fishing vessel violated the conditions specified under the Act and Rules.

14. Disposal of seized fish :-

The sale proceeds of fish so seized and sold, shall be kept in the custody of the Adjudicating Officer till finalisation of the case.

15. Preservation of seized vessel :-

(1) The Adjudicating Officer on receipt of any report from the Authorised Officer shall direct the Authorised Officer to keep the seized vessel in his safe custody or direct the Authorised Officer to take care of seized vessels/boats/craft and also incur nominal expenditure for watch and ward and other expenditures. However, the total expenditure shall be recovered from the owner, while releasing the boat to him.

(2) The Authorised Officer is empowered to dispose off the impounded vessel/boat/crafts as unclaimed property, if the owner failed to comply with the decision of Regional Joint Director Fisheries/Regional Deputy Director of Fisheries (Adjudicating Officer) or Appellate Board whoever passed orders with ninety days after obtaining permission of the Regional Joint Director of Fisheries/Regional Deputy Director of Fisheries (Adjudicating Officer) and after giving a final notice to the owner. The sale proceeds should be credited to the departmental receipt head of account.

CHAPTER 6
CHAPTER

16. Restriction of Fishing :-

(1) Non-mechanised Traditional Fishing Crafts shall be allowed to operate freely without any restrictions. Water upto 8 Kms., from the shore be reserved exclusively for such fishing crafts and in no case any other type of mechanized fishing vessel shall be allowed to operate in that area.

(2) Mechanised Fishing Vessels below 15 metres OAL shall be allowed to operate from 8 Kms., and above from the coast.

(3) Mechanised fishing vessels of twenty-five gross tonnes and above or 15 metres and above of length shall be allowed to operate only beyond 23 Kms. from the coast.

(4) In no case any fishing vessel allowed to operate under sub-rules (1), (2) and (3) above shall operate beyond twenty four kilometers from shore.

(5) In case the Coast Guard Unit on patrolling duty of the State/Central have noticed operating mechanised fishing boats within the area of 8 Km., from shore such vessels will be seized by the Authorised Officer and they are liable for penalties specified under Section 17 of the Act.

17. . :-

The mechanised vessels including off-shore and deep sea fishing vessels should be very careful during their to and fro movement in the sea in order to avoid any damage or loss to the nets, fishing gear etc., fishing gear etc., of the other vessels laid in the sea and they will be held responsible for such losses.

18. . :-

Every owner of a registered fishing vessel shall furnish under sub-section (1) of Section 11 of the Act, a monthly report to the concerned Authorised Officer in Form-V.

CHAPTER 7

Appellate Board

19. Secretary of the Appellate Board :-

The Joint Director of Fisheries (Marine), Office of the Commissioner of Fisheries/Director of Fisheries, Hyderabad shall officiate as Secretary of the Appellate Board. The appeals are to be addressed to the Chairman and sent to Joint Director (Marine) at Head Office by Registered Post invariably who will make all correspondence, keep all the case record and arrange for the sitting of the Board in consultation of the Chairman and members.

20. TA/DA Payable to the Appellate Board :-

For each sitting of the Appellate Board the Chairman, the members and the Secretary shall receive Travelling Allowance and Daily Allowance as admissible under the Andhra Pradesh Travelling Allowance Rules.

21. Jurisdiction of the Appellate Board :-

The Appellate Boards organised covering the entire coast line of Andhra Pradesh shall have the jurisdiction as detailed below. The other members of the Appellate Board shall be the Joint Director of Fisheries (Marine) Office of the Director of Fisheries/Commissioner

of Fisheries, Andhra Pradesh, Hyderabad and concerned District Revenue Officer of the headquarters of the Appellate Boards.

CHAPTER 8

Appeals

22. Appellate Authority :-

Appeals under sub-section (1) of Section 13 of the Act shall be preferred to the Additional Director of Fisheries, Andhra Pradesh, Hyderabad who shall be the Appellate Authorised.

23. Procedure for presentation and disposal of appeals by the Appellate Authority :-

(1) An appeal to the Appellate Authority shall be presented by the owner of the fishing vessel or by his duly appointed agent either in person during the office hours or sent by the registered post.

(2) When such an appeal is presented by an agent, it shall be accompanied by a letter of authority of the appellant, appointing him as such.

(3) Every appeal shall be accompanied by a certified copy of the order against which the appeal is preferred.

(5) On receipt of the appeal the Appellate Authority shall endorse on it the date of its receipt.

(7) On receipt of an appeal, the Appellate Authority shall fix a date of hearing and issue notice of hearing to the appellant as well as Authorised Officer.

(8) Hearing of appellant and passing suitable orders:-- On the date so fixed, the Appellate Authority shall hear from the appellant or his agent and Authorised Officer about the case with reference to evidences produced.

(9) The Appellate Authority may adjourn to any other day for hearing of any appeal at any stage.

(10) When the hearing of the appeals is completed, the Appellate Authority may pronounce its judgment forthwith or may reserve it for a subsequent date.

(11) Every decision or order of the Appellate Authority shall be supplied to the appellant and such other parties as the Appellate Authority deems proper.

24. Procedure for presentation to and disposal of appeal by Appellate Board :-

(1) Subject to the provisions of Section 18 of the Act, the procedure laid down in Rule 23 shall mutatis mutandis apply to appeals preferred to the Appellate Board.

(2) Where there is difference of opinion of members of the Appellate Board, the verdict of the Chairman, who is District Judge shall be final.

25. Procedure for remittance of :-

Unless Government otherwise directs, all fees payable under the Act or the rules shall be credited into the Treasury/Sub-Treasury under the Head "112-Fisheries (c) - Other receipts (B) Miscellaneous Receipts" or other Head of account of the Department, revised from time to time.