

Gujarat Fisheries Rules, 2003

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Title
2. Definitions

CHAPTER 2 :- PROTECTION OF FISH

3. Prohibition against destruction offish by explosive
4. Prohibition against destruction offish by poisoning of water
5. Prohibition against introduction of exotic fish
6. Regulation of Fishing

CHAPTER 3 :- REGULATION OF FISHING IN SPECIFIED AREA

7. Regulation of fishing in specified area
- 8A. Application for fishing license
- 8B. Fee payable for grant of and renewal of license
- 8C. Conditions for Grant of licence
- 8D. Renewal of license
- 9A. Registration of Vessel
- 9B. Fees payable for registration of fishing vessels
- 9C. Conditions for grant of certificate of registration
- 9D. Issue of certificate of registration
- 9E. Change of ownership
- 9F. Inspection of certificate of registration and issue of duplicate certificate of registration etc
- 9G. Recording of charge on the vessel on the registration certificate
- 9H. Impoundment of Fishing Vessel
- 9I. Disposal of fish

CHAPTER 5 :- APPEALS AND REVISION

- 10A. Procedure for presentation and disposal of appeals by the Appellate Authority
- 10B. Revision

Gujarat Fisheries Rules, 2003

Whereas the Government of Gujarat is satisfied that circumstances exist, which render it necessary to take immediate action to make rules and to dispense with the previous publication thereof under the proviso to sub-sec. (2) of Sec. 30 of the Gujarat Fisheries Act,

2003 (Guj. 8 of 2003); Now, therefore, in exercise of the powers conferred by Sec. 30 of the said Act, the Government of Gujarat hereby makes the following rules, namely :

CHAPTER 1
PRELIMINARY

1. Title :-

These rules may be called the Gujarat Fisheries Rules, 2003 .

2. Definitions :-

In these rules, unless the context otherwise requires,

- (a) "artificial reef mean artificial fish aggregating device;
- (b) "by catch reducing device" means a device to escape trash fish and juvenile;
- (c) "Commissioner" means the Commissioner of Fisheries, Gujarat State appointed by the State Government.
- (d) "Fishing harbour" means the place such as port, harbour, wharf, pier, dock, jetty and landing place where landing or berthing facilities have been provided for fishing vessels and their adjoining areas set apart for repair yards, fuel and ice supply installations, auction hall, fish processing plant within such limits as the State Government may specify in this behalf;
- (e) "juvenile" means young ones of fish
- (f) "salt bittern" mean the residual waste of a salt pan or industry;

CHAPTER 2
PROTECTION OF FISH

3. Prohibition against destruction offish by explosive :-

(1) No person other than the owner of the water body shall use any dynamite or other explosive substance in any public water with the intention to catch or to destroy the fish therein.

(2) No person other than the owner of the water body shall carry any dynamite or other explosive substance in one kilometre periphery of public water. Any person need to dynamite the rocks or mines shall have to obtain permission from the Licensing Officer appointed under Sec. 10 of the said Act.

4. Prohibition against destruction offish by poisoning of water :-

(1) No person shall put or release or discharge any poison, lime or noxious material, like Dichloro Diphenyl Trichloroethane, Benzene hexachloride as pesticides, allied chemicals, mahua oil cake, tea seed cake and "THOR XIR" or any indigenous or herbal substances into any water with the intent to capture or destroy the fish therein.

(2) No person shall carry any poison, lime or noxious material in one km periphery of any water.

5. Prohibition against introduction of exotic fish :-

(1) No person shall introduce any exotic Fish, like Tilapia, Grass carp, Silver carp, Common carp, Gold fish, Guppy, Gourami, Thai Magur, African Magur, Big head and any other harmful fish, in any water with intention thereby to destroy any fish without the permission of the Fishery Officer.

(2) No person shall transport or distribute any exotic fish as referred to in sub-rule (1), in one kilometre periphery of any water.

(3) No person shall hold and do mono culture, poly culture, extensive, semi intensive and intensive culture of Thai Magur, African Magur, Big Head, and Hybrid/Golden Red Tilapia :provided that a person who possesses shall destroy such exotic Thai Magur, African Magur, Big Head, Hybrid/Golden Red Tilapia.

6. Regulation of Fishing :-

(1)

(a) No person shall erect fishing gear, fixed engines, stake nets, barriers, etc. or any such contrivances in public waters or use in the river or river mouth, without obtaining permission. In the case of the major rivers, like the Narmada, Tapi, Mahi, Damanganga and the like, no such structures or contrivances shall be erected or operated during June to September, in an area of 100 Kms. upstream of the sea.

(b) No person shall fish within the radius of 100 mtr. downstream a river mouth in the sea.

(2) If any dam or weir is constructed or any river affecting the migratory route of any fish or groups of fish, necessary provision for devices like the fish ladder etc. shall be made as per the conditions laid down while granting approval of the Fishery Officer.

(3)

(a) No person, industry, municipality, local body or any of agency shall release into the public waters any industrial waste, sewage or un treated effluent, which may be harmful to fish or the food of fish.

(b) No person or industry shall release toxicant salt bitterns or any other chemical residues from the salt pans and industries into the aquatic eco system.

(c) No person shall discharge any water from such fish ponds or farms where destructive biological or other changes, like white spot, ulcerative diseases syndrome or any other disease have been manifested.

(4)

(a) No person shall operate any fishing gear, net, capture device of with the mesh size or specification less than those specified by the Fishery Officer from time to time. However, in the case of bag net (like, Dol, Golva, Gunja and trawl net etc.) at least 40 mm mesh size shall be maintained at the cod end (tail end).

(b) In the case of trawl net, no person is allowed to operate any other dimension other than square mesh of minimum 40 mm size at that cod end portion. Mesh sizes shall be used by fishermen as are mentioned in Form 18.

(c) No person shall use any drag net (like the Mahajal, Chhatijal) with the intention to catch fish from any water sheet : provided that for the purpose of weed fish eradication, such fishing gear shall be used subject to the permission of the Fishery Officer.

(d) No person shall use gill net in the inland or fresh waters with the mesh size less than 150 mm.

(5)

(a) Fishery Officer may prohibit fishing of any nature in any of water sheet hi the interest of conservation, restoration or sustainability of the fisheries resources for a period not exceeding two years.

(b) The Fishery Officer shall have the right of prohibiting or preventing fishing of any particular species of fish during any specific season with any specific gear or implement.

(c) No person shall fish any species declared as protected species under Wild Life Protection Act, 1972 as amended from time to time.

(d) No person shall capture any egg bearing or brooder fish or eggs from any water sheet without the permission of the Fishery Officer. The capture of egg bearing or brooder fish eggs, hatchlings, juveniles for the purpose of research and development may be carried out with the prior permission of the Fishery Officer.

(6)(a) No person shall use gun, spear, arrow, harpoon or any other similar weapon in any public water with intent to catch, take or destroy any of the fish therein, (b) Electric fishing is prohibited.

(7) No person shall be permitted to bring into the State any fish and fish seed from any where in the country or abroad, which are suspected to be infected by any sort of disease and detrimental to the existing or future health conditions of the fish within the State.

(8)

(a) The Commissioner, may formulate a comprehensive leasing policy to give inland water sheet on lease or licence for ten years for the development of such water sheets from time to time.

(b) The leasing policy shall have contains reserve water sheet, upset price, sanctioning authority, price preference, methodology work out effective water spread area, payment of lease or licence, tender process, finalisation of tenders, management of reservoir fisheries, waiving of lease amount of scarcity, game fishery, appeal, collection of fish catch statistics, transportation of fish, operation of Mahajal and Chhatijal, unauthorised fishing, black listing, sub lease, withdrawal of reservoir of leasee, cancellation of lease in public interest, patrolling, non operation of mechanised fishing boats in inland water etc.

(c) Fish and shell fish culture activity shall be required to be registered with the Licensing Officer on payment of fee of Rs. 1007- per annum in Form 19. Such culturist shall have to give their harvest details in Form 20.

(d) No wholesaler or retailer of fish or fish seed traders shall carry on his business he obtain licence from the Fishery Officer. He shall make an application for such licence in the Form 10 and the licensing officer shall after making such inquiry as he deems fit and having regards to the provisions contained in sub-sec, (a) of Sec.

10, issue such licence in the Form 11 on payment of the fees applicable to him.

(e) The rate of fee for three years shall be as under :•

(i) Wholesaler Rs. 1,000/- per annum.

(ii) Retailer Rs. 507/- per annum.

(f) The following fish and prawn species shall be protected for the reason of their unique biological characteristics.

1. Tor tor

2. Hilsa

3. M. resenbergi

(g) A person intends to sell fish from one place or market to other place or market through the railway or any other means of transport shall be required to make an application in Form 12 to the Fishery Officer for issuance of a No objection certificate for such trading or sale. The Fishery Officer may grant such permission and issue the certificate in duplicate in Form 13 after such inquiry, as he deems fit.

(h) No person shall take fish in Inland waters with a net operated from a mechanized boat without the permission of Fishery Officer.

(i) Any person found taking fish in inland waters with a net operated from a mechanized boat; the net along with the mechanized boat shall be seized by the Enforcement Officer and he shall proceed as per the provisions of the Act, [which shall be without prejudice to the penalty which may be imposed under Sec. 21(l)(e) of the Act.]

(j) The Enforcement Officer may carry out the patrolling of the inland waters to detect any violation of the rules. While taking action against the violators, if any damage is caused to the fishing nets, skiffs or boats including accessories and fixtures thereof, neither the Government nor the Officer carrying out patrolling shall be liable for such damage.

(k) Each person shall follow the instructions issued by Commissioner of Fisheries, Fisheries Department, Gandhinagar from time to time on Inland and Brackish water culture fisheries.

(L) Any person found with fishes or transportation of fishes from

five kilometer peripheral area of public water sheets shall be considered that the fishes are caught from the same water sheet.

(m) Licensing Officer, Registration Officer, Enforcement Officer, Adjudicating Officer, Commissioner of Fisheries or any officer appointed by him to implement the Act shall be competent to check the authenticity of fish seed/fishes/fish consignment transported by Road/Railway or any other mode.

1. Any person who intends to import the fish seed, prawn seed shall make an application in Form 14 to the Licensing Officer and the Licensing Officer may grant such permission in Form 15 after making such inquiry as he deems fit.

2. The private entrepreneurs who intend to operate hatcheries on commercial scale shall have to obtain permission from the Licensing Officer by an application in Form 16 along with the registration fees and the Licensing Officer may grant such permission in Form 17 after making such inquiry as deems fit-on the following terms and conditions.

(i) The registration fee for the hatchery shall be as under :

(a) For Indian Major Carp hatchery Rs. 2500/-

(b) For scampi hatchery Rs. 3000/-

(ii) No person shall carryout any types of fishing in the inland and the territorial waters from 10th June to 15th August in a calendar year.

(iii) Enforcement Officer shall seize, forfeit and remove fishing gear, which is used or erected in contravention of the rules.

(iv) Enforcement Officer shall forfeit fish taken by means of such fishing gear and shall forfeit fish gear along with transporting vehicle.

(v) Enforcement Officer shall be entitled to sell fish and fishing gear.

(vi) State Government shall take any private water with the consent, in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

CHAPTER 3

REGULATION OF FISHING IN SPECIFIED AREA

7. Regulation of fishing in specified area :-

- (1) The Licensing Officer shall regulate fishing vessel after consultation with the National Institute and State Universities viz. Fishery Survey of India, Mumbai, Central Marine Fisheries Research Institute, Kochi, Gujarat Agriculture University (GAU), Dantiwada, etc.
- (2) The Licensing Officer shall divide fishing ground into division and sub-division and allot fishing quota accordingly.
- (3) The Licensing Officer shall issue the fishing licences after taking into consideration the capacity of the fishing harbour.
- (4) Every person in a mechanised fishing vessel shall obtain a token from the Registration Officer before such mechanised fishing vessel leaves the berth or anchoring and shall hand over back the token on return to the Registration Officer at the said berth or anchoring.
- (5) Every owner of a mechanised fishing vessel shall arrange to berth his vessel in the fishing harbour provided by the Government.
- (6) No owner shall keep his boat anywhere in the fishing harbour except the place allotted to him.
- (7) The owner of mechanised or non-mechanised fishing vessel shall not fish in the entrance channel to a port earmarked by Gujarat Maritime Board for boat traffic.
- (8) The non-mechanised fishing vessel shall be used for fishing within five nautical miles horizontally from the shore and shall go for hook and line fishing, gill netting, etc. as may be approved by the Licensing Officer.
- (9) Bottom trawling operations shall not be conducted within five nautical miles (9.00 kms) from the coast line horizontally.
- (10) Mechanised fishing vessel shall not be used for fishing within five nautical miles horizontally from the shore, but such fishing vessel may carry out fishing in specified area after five nautical miles horizontally.
- (11) The Licensing Officer shall instruct or give directions to apply by Catch Reducing Device (CRD) to all the travelling vessels.
- (12) No person shall collect baby fishes or juveniles' fishes from the

water sheets. No person shall collect the baby shark ranging to 1' to 1.5'.

(13) No industrial pumping of sea water except the approval of the concerned or respective Licensing Officer.

(14) No person shall destroy or collect mangroves (CHER).

(15) No person shall collect biological specimens without the prior approval of the Licensing Officer who shall regulate it. Decorative fishes and marine decorative fishes shall not be collected without prior permission of Licensing Officer.

(16) No person shall exploit live and dead marine products without prior approval of the concerned or respective Licensing Officer.

(17) No person shall exploit fossilised corals and oyster beds without prior permission of the concerned or respective Licensing Officer.

(18) No person shall catch Whale shark, Turtle and Whales and other protected animals under Wild Life Protection Act, 1972. No person shall sale shells without the permission granted by the Licensing Officer.

(19) The Licensing Officer shall report to the Authorised Forest Officials if there is any stranding of Whale Shark, Turtle and Whales.

(20) It shall be the duty of the Licensing Officer to promote mariculture, artificial reef devices and stock enhancement programme.

(21) It shall be the duty of the Licensing Officer, the Registration Officer and Enforcement Officer to protect the interest of traditional fishermen such as country crafts or canoes.

(22) It shall be the duty of the Licensing Officer, the Registration Officer, Enforcement Officer and the Fisheries Terminal Authority to assist to maintain, law and order situation in territorial water and also on the shore.

(23) Carrying any person as crew in contravention of the conditions mentioned in the Fishing Licence shall be punishable under the law.

(24) The specimen signatures of the Licensing Officer, the

Registration Officer, the Enforcement Officer, the Adjudicating Officer and the Commissioner shall be furnished to Coast Guard from time to time.

(25) No person shall catch under size fish. List of such size of commercial fishes shall be circulated by the Commissioner.

(26) No processing plant owner shall purchase under size fish for processing.

(27) No merchant shall purchase under size fish for marketing.

(28) no persons shall transport under size fish from landing centre to the market or processing plant.

(29) No person shall ply his vessel during cyclone for fishing.

(30) Each fisherman shall be required to registered port back or in a nearby sheltered place during cyclone and to report to the Registration Officer.

(31) Ghost fishing is prohibited.

(32) No person shall throw old nets, pieces of used and unused in public water sheet.

(33) No fishermen shall throw thermocol pieces, old floats, old net pieces, used tins and bottles, burnt oil, used cotton waste and used green coconut in the harbour.

(34) No fishermen shall go for toilet on the deck in open condition. They shall have to use a toilet attached to cabin (Clause-1).

(35) Each boat owner shall have to paint their cabin and outer area of the boat in separate colour and port wise on above draft line as may be directed by the Registration Officer so as to identify the fishing vessel easily in the sea-from the distance.

(36) Diesel Card and licences of those boat owners shall be cancelled to whose fishing vessel has been apprehended by Pakistan Marine Security Agency.

(37) Each boat building yard, processing plant, ice factory and other industries related to fisheries shall make an application to the Registration Officer in Form 25 for registration along with the fees of Rs. 1,000/-.

8A. Application for fishing license :-

(1) No owner of fishing vessel shall carry out its activity of fishing in specified area, unless he has got his fishing vessel registered with the Registration Officer and obtained a valid licence from the Licensing Officer.

(2) An owner of a fishing vessel may make an application in Form No. 1 to the Licensing Officer for the grant of a license for using the fishing vessel for fishing in a specified area and for a specified period.

(3) The application Form for the grant of licence may be obtained from the office of the Licensing Officer on payment of Rupees Five only.

(4) The owner of fishing vessel of out of the State shall also be required to obtain the licence from the Licensing Officer.

(5) The owner of fishing vessel of out of the State shall also be required to register their vessel with the Registered Officer by an application. The Licensing Officer shall record in the licence.

8B. Fee payable for grant of and renewal of license :-

(1) Every application for grant of fishing license made under Rule 8(A) or for renewal of such license in any specified area shall be accompanied by a fee at the rates shown in the Table below :

TABLE OF FEES FOR GRANT AND RENEWAL OF REGISTRATION			
Sr. No.	Class of vessel	Amount of fee	Renewal fees
1	2	3	4
1.	Marine (Form-4 and 5) Machanised fishing vessel above 25 Gross tonnage or above 15 metres Over All Length	Rupees Ten thousand only	Rupees Ten thousand only
2.	Machanised fishing vessel upto 15 Metres Over All Length	Rupees Five thousand only	Rupees Five thousand only
3.	Beach landing crafts and other motorised crafts	Rupees two thousand five hundred only	Rupees Two thousand five hundred only
4.	Crafts above 8.5 metre Over All Length using sail and oars	Rupees One thousand two hundred fifty only	Rupees One thousand two hundred fifty only
5.	Country crafts upto 8.5 metre Over All Length without said and oars	Rupees Six hundred twenty five only	Rupees Six hundred twenty five only
6.	Inland/Brackish water (Form-23 and 24) Pin boat/Fibreglass Reinforced Plastic/ Wooden Tarapa	Rupees Three hundred seventy five only	Rupees Three hundred seventy five only

(2) The fee for a license shall be payable in cash or by Demand Draft in favour of the Licensing Officer to whom the application for the grant of a license is made.

(3) The fee for a license once paid shall not be refunded to the applicant except in refusal or transferable in the name of any other person.

(4) The licence granted to the owner of the craft or vessel and for Pagadia fishing shall be valid for a maximum period of three years unless it is suspended or cancelled earlier, thereafter they shall renew it by paying necessary licence fee by serving due procedure.

8C. Conditions for Grant of licence :-

(1) The license shall be granted in Form 2 by the Licensing Officer within a period of one month from the date of receipt of the application and subject to such conditions as may be laid down therein.

(2) No license shall be granted in respect of any marine mechanized fishing vessel unless such vessel has been duly insured both against marine risk and life of every member of the crew of such fishing vessel against the risk of accident while working on the vessel through any agency approved by the State Government.

(3) No license shall be granted in respect any marine mechanized fishing vessel unless such vessel have life saving appliances and fire fighting appliances as specified below :

(a) There shall be approved life jackets on board (approved by Mercantile Marine Department) so that one adult life jacket is available for every person on board.

(b) Two life buoys to be kept hung one on each side of the vessel. Out of the two; one shall have a life line attached to a self igniting light.

(c) Foam type fire extinguisher in the engine room

(d) Two buckets with sand.

(e) Very High Frequency Radiotelephone communication equipment for two way communication shall be provided in every vessel which stays at sea for more than 48 hours and in every vessel which travels a distance more than 50 nautical miles from the base of the operations.

- (f) The top of wheel house or canopy shall be painted with orange colour on which the registration number of the vessel shall be written in black colour.
- (g) A piece of orange coloured canvass with either black square or circle for identification from air.
- (h) Suitable flares for use at times of distress.
- (i) Every registered fishing vessel shall have a log book in Form 9 to be maintained by the Master or the Driver.
- (j) There shall be an emergency "SAIL" in all mechanized fishing vessel.
- (k) Every fishing vessel, mechanized or non-mechanized shall have on board, while fishing, shall be well equipped with facilities like a transistor radio or such other telecommunication equipment as may be prescribed by the State Government time to time for the purpose of receiving meteorological forecast.
- (l) There shall be installed a Search And Rescue Transponder (SART) in the fishing vessel.
- (m) Flag Victor : Flag Victor shall be flown in most conspicuous position so that other vessels such as Coast Guard and Indian Navy and Merchant Vessels may know that the fishing vessel is in distress and needs assistance.
- (n) Each fishing vessel shall carry the following Distress Signals : and the use of the same may also be imparted to all crewmembers.
- (i) Three band hold flares or rocket flares with red light;
- (ii) three smoke signals giving orange smoke;
- (iii) two all round red light displayed vertically one above the other with a separation of one meter on the mast from sunset to sunrise during distress.
- (o) All mechanized vessels shall carry communication sets: One Very High Frequency radiotelephone with channel 16 and alternate two channels in consultation with Central Wireless Wing.
- (p) Every fishing vessel shall before starting voyage, enlists its particulars in Master Long Book maintained by the Fishermen Association in all harbours or landing centres in the Form 9.

- (q) The owner of fishing vessel shall carry Magnetic Compass and Aneroid Barometer so as to interpret the direction and weather in area based on pressure variant.
- (r) Every fishing vessel shall have facilities to erect and carry one telescopic mast and a sail for wind propulsion in case of emergency. All fishing vessels shall be with sail materials, preferably made of polypropylene, so as to utilize them for reaching seashore in the case of failure of engine. The sail mast shall be painted with fluorescent orange paint for early identification by aircraft.
- (s) Sufficient food, Water and clothing (of protective nature against cold and rain) shall be carried by all the fishing vessels at all times.
- (4) No license shall be granted in respect of any marine non-mechanised fishing vessels unless the life of every member of the crew of each vessel has been insured against the risk of accident while working on the vessels, with the insurance company approved by the State Government.
- (5) The Licensing Officer shall enter the particulars of the licenses granted by him in a Register of Licenses in kept and maintained in Form - 3.
- (6) Where an application is made for the grant of a licence and the Licensing Officer is not inclined to grant such application, he shall give a notice to the owner of the fishing vessel of his intention and a opportunity of being heard for such refusal and after considering the application or reasons submitted by the owner, the Licensing Officer shall be communicated his decision to the applicant within a period of one month from the date of receipt of the application.
- (7) In case of violation of, breach of or failure to comply with the conditions of the license, and provisions of the Act or the rules by the licence holders of any of the fishing vessels, the Licensing Officer may suspend or cancel the license of the said vessel and report the same to Adjudicating Officer.
- (8) The fishing vessel to which the licence is granted shall not be used for any other operations other operations except fishing.
- (9) The fishing vessel to which the licence is granted shall not conduct fishing operations in "No Fishing Zone" or the area prohibited by the Licensing Officer.
- (10) The owner of the fishing vessel who has been granted licence

shall make an application to the Licensing Officer in case of change of ownership for transfer of licence and the Licensing Officer after making such inquiry as he deems fit, may make necessary change relating to ownership of the fishing vessel by affixing his signature and seal of office and date of such change. Such change of ownership shall be recorded in the Licensing Register maintained in Form 3.

(11) The Licensing Officer may issue a duplicate licence on an application made in Form 1 by the licensee or the owner of the fishing vessel after duly verifying the facts and documentary evidences, if any, and satisfying himself as to genuineness of the application, on payment of a fee 10 percent of the fees payable for grant of original licence fee.

8D. Renewal of license :-

(1) Every application for renewal of the license shall be made by the owner of the fishing vessel in Form 1 to the Licensing Officer of the area along with the renewal fee payable and specified in Table of fees.

(2) Every application for the renewal of the license shall be made two month before from the last date on which the validity period of licence expires.

(3) The Licensing Officer shall either grant or refuse application for renewal of license. If the Licensing Officer is not inclined to entertain his application for renewal of licence, he shall give a notice of its intention to the applicant and give him a opportunity to make representation within a period of 15 days and after considering the explanation, representation decide the application.

9A. Registration of Vessel :-

(1) Application Form-4 for registration of fishing vessel shall be obtained from the Office of the Registration Officer on payment of Rupees Five.

(2) Application for registration of fishing vessel shall be made by the owner of such vessel in Form 4, along with the fees payable shall be accompanied by the following :

(a) A lay out of fishing vessel and proof in token of securing the vessel.

(b) Document in support of deposit of the registration fee.

9B. Fees payable for registration of fishing vessels :-

(1) The fees for registration of a fishing vessel shall be paid for every five years at the rate as specified in the Table below :

(2) The fee for registration once paid shall not be refunded, in the name of others, to except in the case of refusal.

9C. Conditions for grant of certificate of registration :-

The certificate of registration shall be granted on the following terms and conditions :

(1) The Registration Officer shall register the fishing vessel port wise so as to regulate the fishing vessel by adopting the registration number given by Gujarat Maritime Board, Kandla Port Trust, Marine Mercantile Department or Custom Department.

(2) The Registration Officer shall grant the registration application after considering the berthing capacity the port or fishery harbour.

(3) No change in the lay out design of fishing vessel mentions in the certificate of registration shall be made by the owner without prior permission of Registration Officer.

(4) The owner shall use only chemicals which are permitted preservation, processing and storage of the marine products as may be notified by Commissioner.

(5) The owner shall comply with such other directions as may be given from time to time by the Registration Officer.

(6) The owner shall not transfer the ownership certificate of registration without prior approval of the Registration Officer.

(7) Every Owner of a registered vessel shall furnish to the Registration Officer returns of fishing in Form 8 at the end of every quarter of the year.

(8) The Registration Officer may inspect any registered fishing vessel at any time to verify whether the returns furnished by the owner are correct and complete.

9D. Issue of certificate of registration :-

(1) The Registration Officer after making such inquiry as he deems fit issue the certificate of registration may within a period of one

month from the date of receipt of application to the owner of the fishing vessel after entering the same particulars in the register of registration maintained in proforma 6.

(2) The Registration Officer may after making such inquiry as he deems necessary, refuse to register the fishing vessel after giving a reasonable opportunity of being heard. The reason for such refusal shall be communicated by the Registration Officer in writing to the applicant, within a period of one month from the date of receipt of application.

(3) The certificate of registration granted shall be valid for a period of five years from the date of which it is issued, unless it is cancelled earlier, and may be renewed from time to time for a further period of five years on payment of renewal fee specified in the Table of fees for registration.

(4) The Registration Officer shall assign the registration number to the fishing vessel on issuance of registration certificate. The top of wheel house or canopy shall be painted with orange colour on which the registration number of the vessel shall be written in black colour.

(5) The Registration Officer shall cause the owner of marine mechanised and non- mechanised fishing vessel to paint Indian Flag on the port and starboard side of four part of such vessel.

9E. Change of ownership :-

(1) In case of change in ownership of fishing vessel the person, in the name of whom the ownership is to be transferred shall apply in Form 7 for change of ownership and change in particular of certificate of registration along with the fees specified in the table of fees to the concerned Registration Officer for issue of certificate of registration in his favour.

(2) The Registration Officer may after making such inquiry as he may deems necessary and collection of such information if any, satisfy it self make endorsement on the original registration certificate by affixing his signature, seal and date of such change. The change thus made shall also be recorded in the register kept and maintained in Form 6.

TABLE OF FEES FOR CHANGE OF OWNERSHIP

9F. Inspection of certificate of registration and issue of

duplicate certificate of registration etc :-

The owner of registered fishing vessel shall carry the certificate of registration at all times on his fishing vessel and shall produce it for inspection whenever any officer authorised by the Registration Officer in that behalf required it to be produced for inspection. The loss, damage, or mutilation, as the case may be, of the certificate of registration shall be reported forthwith, by the owner of the fishing vessel to the Registration Officer who shall issue a duplicate certificate on payment of a fee of Rupees Five and on satisfying about the loss, damage or mutilation, as the case may be, of the said certificate.

9G. Recording of charge on the vessel on the registration certificate :-

If the owner of a registered fishing mortgages or hypothecates such vessel to the financing agency or any other person or purchase the vessel on hire purchase agreement or takes or gives the vessel on hire, or otherwise creates any charge on such vessel, he shall furnish the information of creation of such charge to the Registration Officer within seven days from the creation of such charge. On receipt of such information, the Registration Officer shall record such charge in the certificate of registration and in the register kept and maintained by him in Form 6.

9H. Impoundment of Fishing Vessel :-

(1) A fishing vessel impounded by the Enforcement Officer shall be kept anchored at the base port of the licence or any other port as may be directed by the Enforcement Officer.

(2) The fuel pump of the fishing vessel impounded shall be removed by the authorised officer with the help of mechanic and handover the same to the Fishery Officer to avoid the forcible escape of such vessel from the custody.

(3) The berthing position of an impounded fishing vessel shall be informed to the owner of a fishing vessel.

(4) The owner of the impounded fishing vessel shall be liable to pay the expenses if any incurred towards its maintenance.

9I. Disposal of fish :-

The fish seized from an impounded fishing vessel shall be disposed of by public auction, and deposit the proceeds thereof in the Government treasury under the direction of Enforcement Officer

and make a report of contravention to the court if the offence is punishable under Clause (b),(c),(d) or (e) of sub-sec. (1) of Sec. 21 of the Act and in other cases to the Police Officer In charge of a police station.

CHAPTER 5

APPEALS AND REVISION

10A. 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 person authorised by the owner in writing either in person or by the registered post.

(2) Where such an appeal is presented by an agent, it shall be accompanied by a letter of authority of the appellant, appointed him a such,

(3) Every appeal shall be made within thirty days from the date on which the order is communicated to him accompanied by a certified copy of the order against which the appeal is presented.

(4) Every memorandum of appeal shall

(a) be either typed or in hand written in ink legibly;

(b) specify the name and particulars of the fishing vessel and the name and address of the owner;

(c) specify the date of order appealed against and designation of the authority by whom it was passed;

(d) contain a clear statement of facts and the grounds on which the appeal is made duly enclosing the evidence or proof, if any, the copy of the order appealed against;

(e) state precisely the relief which appellant prayed for;

(f) signed and verified by the appellant or the person authorised by him;

(5) On receipt of the appeal the Appellant Authority shall endorsed on it the date of its receipt.

(6) The Appellate Authority as soon as possible examines it and satisfies that:

(a) the person presenting it has the authority to do so;

(b) it is made within the prescribed time limit;

(c) it confirms to all the relevant provision of the Act and the rules.

(7) On receipt on an appeal, the Appellate Authority shall fix the date for hearing and issue notices for hearing to the appellant as well as the Licensing Officer, or as the case may be, Registration Officer.

(8) On the date so fixed, the Appellate Authority shall hear from the appellant or his agent and the Licensing Officer, or the case may be, the Registration Officer with reference to evidences produced.

(9) The Adjudicating Officer may adjourn the hearing of appeal to any other day at any state.

(10) On completion of hearing of the appeal the Adjudicating Officer shall decide the application and pass such order as he deems just and proper and may pronounce its judgment forthwith or may reserve it for a subsequent date.

(11) The decision of Appellate Authority shall be conveyed to the appellant with the copy of his order and such other parties as the appellate authority deems proper.

(12) Fees for supply of certified copies of documents or orders.

1. Such certified copies shall be made available at the rate of Rupees five per page.

10B. Revision :-

(1) Application for revision by aggrieved person shall be to the State Government against the order passed by the Adjudicating Officer under Sec. 17.

(2) Revision application shall be decided by the State Government in accordance with the provision made under Sec. 19.