

## **KARNATAKA MARINE FISHING (REGULATION) RULES, 1987**

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## **KARNATAKA MARINE FISHING (REGULATION) RULES, 1987**

Whereas, the draft of the rules framed under Section 22 of the Karnataka Marine Fishing (Regulation) Act, 1986 (Karnataka Act 24 of 1986) was published in Notification No. AHFF 161SFM 81 (P II), dated 1. Published in the Karnataka Gazette, dated 22-10-1987, vide Notification No. AHFF 161 SFM 81 (P II), dated 13-10-1987 22nd August, 1987 in Part IV, Section 2-C(i) of the Karnataka Extraordinary Gazette, dated 27th August, 1987 inviting objections and suggestions from all persons likely to be affected within one month from the date of publication in the Official Gazette. And whereas, the said Gazette was made available to the public on 27th August, 1987. And whereas, no objections and suggestions were received. Now, therefore, in exercise of the powers conferred by Section 22 of Karnataka Marine Fishing (Regulation) Act, 1986 (Karnataka Act 24 of 1986), the Government of Karnataka hereby makes the following rules, namely.

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

(1) These rules may be called the Karnataka Marine Fishing (Regulation) Rules, 1987.

(2) They shall come into force on the date of their publication in the Official Gazette.

## **2. Definitions :-**

In these rules, unless the context otherwise requires.

(a) "Act" means the Karnataka Marine Fishing (Regulation) Act, 1986 (Karnataka Act 24 of 1986);

(b) "Form" means a form appended to these rules;

(c) "Licence" means a licence granted under Section 5;

(d) "Section" means a section of the Act.

## **3. Application for Licence :-**

(1) Every application for grant or renewal of licence for fishing vessel shall be made in Form 1 to the authorised officer and shall be affixed with a Court Fee Stamp of the value of Rupee One.

(2) Every application for the renewal of a licence shall be made at least two months before the date of expiry of such licence.

## **4. Fee for Licence :-**

(1) Fee for grant or renewal of licence in respect of Fishing vessels specified in column (2) of the table below shall be as specified in the corresponding entries in column (3) thereof.

# **TABLE**

<b>Sl. No.</b>	<b>Class of Fishing Vessel</b>	<b>Amount of Fee</b>
<b>(1)</b>	<b>(2)</b>	<b>(3) Rs.</b>
<b>1.</b>	Country Fishing Crafts fitted with mechanical means of propulsion	5
<b>2.</b>	Mechanised Fishing Boats up to 8 Metres in length	50
<b>3.</b>	Mechanised Fishing Boats of more than 8 Metres in length but less than 12 Metres in length	75
<b>4.</b>	Mechanised Fishing Boats of 12 Metres and above but less than 18 Metres in length	100
<b>5.</b>	Mechanised Fishing Vessels of 18 Metres and	300

22	Mechanised Fishing Vessels of 20 metres and above in length	500
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(2) The fee tender sub-rule (1), shall be paid either in Cash or by a Demand Draft drawn in favour of the Authorised Officer.

### **5. Grant of Licence :-**

(1) The grant of licence for Fishing Vessels shall be in Form II. It shall be valid for a period of one year.

(2) No licence shall be granted or renewed in respect of any Mechanised Fishing Vessel, unless it is duly insured against all marine risks and the life of every member of the crew of such vessel.

(3) The Authorised Officer shall enter the particulars of the licence granted or renewed in a Register in Form III.

(4) Where the application for the grant or renewal of licence is refused, the authorised officer shall record in writing the reasons for such refusal to grant or renew licence and shall communicate such order to the applicant. The fee paid for grant or renewal of licence shall be refunded to the applicant where such order becomes final.

### **6. Application for Registration of Fishing Vessel :-**

Every application for registration of a Fishing Vessel under Section 8, shall be in Form IV and shall be accompanied by the fee specified below:

### **7. Grant of Registration Certificate :-**

(1) On receipt of an application under Rule 6, the Authorised Officer shall after making such enquiry as he deems necessary, register such vessel and grant a Certificate of Registration in Form V.

(2) The authorised Officer shall enter every registration of fishing vessel in a register maintained in Form VI.

(3) Every owner of a registered Fishing Vessel shall display on such vessel the registration mark assigned to it by the authorised Officer.

### **8. Inspection of Certificate of Registration, issue of duplicate Certificate of Registration etc :-**

The owner of every registered fishing vessel shall carry the

Certificate of Registration at all times in the fishing vessel and shall produce such certificate for inspection whenever an officer authorised in that behalf requires it to be produced for inspection. The loss, damage or mutilation as the case may be, of the Certificate of Registration shall be reported to the authorised officer by the owner of such fishing vessel, who shall after being satisfied about such loss, damage or mutilation, issue a duplicate certificate on payment of a fee of Rupees Five in the case of a Mechanised Fishing Vessel and Rupee One in the case of all other Fishing Vessels.

#### **9. Changes in the Certificate of Registration :-**

(1) If the particulars mentioned in the Certificate of Registration are required to be changed, the owner of the fishing vessel, shall apply to the authorised officer in Form VII to make the necessary changes in the Certificate of Registration.

(2) On receipt of the application, the authorised officer shall, after making such enquiries as he deems necessary, effect necessary changes in the certificate of registration by affixing his signature and official seal with date of such change. The changes made shall also be entered in the Register maintained in Form VI.

#### **10. Impounding of Fishing Vessel :-**

A fishing vessel impounded by the authorised Officer under Section 11, shall be kept anchored at the landing centre nearest to the place of seizure or at any other place as maybe directed by the authorised Officer.

#### **11. Disposal of Fish :-**

(1) The fish seized from an impounded fishing vessel shall be preserved provided that the cold storage facilities are immediately available at the place where the fish is seized. If no such facilities are available, then the authorised officer shall dispose it off by auction and deposit the proceeds thereof in the office of the Arbitrator.

(2) The authorised officer shall give to the owner or the crew of the fishing vessel an acknowledgement detailing the quantities and varieties of fish seized and shall keep a duplicate copy of the acknowledgement with him.

#### **12. Adjudication by the Arbitrator :-**

(1) On receipt of a report from the authorised officer under sub-section (1) of Section 12, the arbitrator shall issue a notice to the persons against whom the allegations are made in the report, informing them the nature of allegations made and directing them to file objections and to appear before him on a date and time specified.

(2) The Arbitrator shall, after considering the objections, if any, record his findings on the evidence produced before him.

### **13. Form of appeal to the Appellate Board :-**

(1) Every appeal against an order of the Arbitrator shall be presented to the Appellate Board either in person or through a Legal Practitioner or a recognised Agent.

(2) Every such appeal shall state the grounds of such appeal and shall be accompanied by a copy of the order appealed against.

(3) The Appellate Board on receipt of an appeal, give notice of such appeal to the persons interested in such appeal and are necessary for disposal of such appeal.

(4) The Appellate Board, may admit additional evidence or remand the case to the Arbitrator for adducing additional evidence on points specified in such remand order.

(5) A Fee of Rupees Fifty in the form of Court Fee Stamp shall be payable in respect of each appeal.

### **14. Allowance payable to Chairman and Members of the Appellate Board :-**

(1) The Chairman shall be paid an honorarium of Rupees One Hundred per sitting.

(2) Each Member of the Appellate Board shall be paid an honorarium of Rupees Fifty per sitting.

### **15. Fees payable for certified copies of Orders :-**

(1) A Fee of Rupees Two shall be payable for supply of certified copy of orders passed by any officer or authority under this Act.

(2) The fee shall be paid in the form of Court Fee Stamp.

### **16. Manner of Service or Publication of Notice as Summons or Order :-**

Service of any notice, summons or order under the Act on any person to whom it is by name addressed shall be effected.

(a) by delivering or tendering the said notice, summons or order to such person; or

(b) if such person is not found by leaving such notice, summons or order at the last known place of residence or business or by delivering or tendering the same to some adult member or servant of his family;

(c) by sending the notice, summons or order by registered post with acknowledgement due;

(d) if none of the means aforesaid is available by affixing such notice, summons or order on some conspicuous part of the premises, if any, in which the persons known to have last resided or carried on business or personally worked for gain or by publishing the same in a daily newspaper having wide circulation in the area.