

Goa (Brackish Water) Fish Farming Regulation Act, 1991

9 of 1992

[16 May 1992]

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Goa (Brackish Water) Fish Farming Regulation Act, 1991

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AN ACT

to regulate and promote scientific fish farming in brackish water land in the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-second Year of the Republic of India as follows:-

1. Short title, extent and commencement :-

(1) This Act may be called the Goa (Brackish Water) Fish Farming Regulation Act, 1991.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "appointed day" means the date of coming into force of this Act;

(b) "brackish water land" means any land inundated with or subject to inundation by salt water and fit for pisciculture;

(c) "licensing authority" means Brackish Water Fish Farmers Development Agency (BFDA) Goa registered under the Societies Registration Act, 1860;

(d) "Government" means the Government of the State of Goa;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "Tribunal" means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965 (Act 6 of 1965).

3. Prohibition of fishing or fish farming :-

Notwithstanding any custom, usage, law or contract to the contrary, no fishing or fish farming activities shall be undertaken or carried on in any brackish water land except in accordance with a licence issued under this Act:

Provided that, if any fishing or fish farming activity is being carried on by any person in any such land on the appointed day, whether by usage or custom or contract, such person shall, within three months from the appointed day, obtain a licence in accordance with the provisions of this Act.

4. Licence for fishing or fish farming :-

(1) An application for grant of licence under section 3 shall be made to the licensing authority in such form and on payment of such fee

as may be prescribed.

(2) On receipt of an application under sub-section (1), the licensing authority shall,-

(a) conduct such inquiry as it deems fit to establish the nature of the right of the applicant over the land and for this purpose, may require the applicant to produce such documents as it deems necessary;

(b) obtain such reports as it deems necessary from the Directorates of Agriculture and Fisheries of the Government;

(c) cause a survey to be made to ensure that no damage is likely to be caused to any residential house or any other structure or a drinking water source by fish farming activities on the brackish water land.

(3) If, after inquiry, the licensing authority is of the opinion that the applicant should be granted the licence, it shall grant the licence in such form and subject to such conditions as may be prescribed.

(4) If, after inquiry, the licensing authority is of the opinion that the application should be rejected, it shall communicate the grounds for such rejection and also give the applicant an opportunity of being heard, before passing any order.

5. Penalties :-

Whoever contravenes the provisions of section 3 or any of the conditions subject to which a licence has been granted under section 4, shall, on conviction, be punishable with fine which may extend to one thousand rupees and when the contravention is a continuous one, with a further fine which may extend to five hundred rupees for every day during which such contravention is

continued or continues.

6. Appeals :-

Any person aggrieved by an order made under section 4 may, within such time and in such manner as may be prescribed, appeal to the Tribunal.

7. Power to make rules :-

(1) The Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the form of application for grant of licence;

(b) the fee to be paid for grant of licence;

(c) the form of licence;

(d) the conditions governing the grant of licence;

(e) any other matter which is required to be, or may be, prescribed.