

Goa, Daman And Diu Marine Fishing Regulation Rules, 1982

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Goa, Daman And Diu Marine Fishing Regulation Rules, 1982

1. Short title and commencement :-

(1) These rules may be called the Goa, Daman and Diu Marine Fishing Regulation Rules, 1982.

(2) They shall come into force at once.

2. Definitions :-

In these rules,-

(a) Act means the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 (3 of 1981);

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

(c) section means a section of the Act.

3. Application for licensing of fishing vessels under section 6 :-

(1) Every owner of a fishing vessel which is mechanically propelled shall make an application accompanied by a licence fee of Rs. 205/- to the authorised officer, for the grant of a licence for using such fishing vessel in the specified area in Form A.

(2) The authorised officer shall, while granting or refusing the licence, apart from the conditions specified in clause (a), (b) & (c) of sub-section (4) of section 6, have regard to the number of fishing vessels already licensed in the area where the fishing vessel is sought to be operated.

(3) If the authorised officer, after making such enquiries as deemed fit, decides to grant the licence applied for he shall issue a licence in Form B, which shall be valid for a period of one year from the date of issue.

(4) The authorised officer, having regard to the area in which the fishing vessel is sought to be operated, may direct the applicant to deposit an amount which shall be not less than Rs. 210/- but not more than Rs. 250/- as security deposit for the due observance of the conditions of the licence.

(5) Licence issued will be valid for one year and will have to be renewed annually by paying renewal fee of Rs. 50/-.

4. Licensing of fishing nets :-

(1) The owner of a fishing net desirous of obtaining a licence for the same shall make an application to the authorised officer in Form C. The application shall be accompanied by a fee of Rs. 50/-.

(2) A licence in Form D shall be issued to the applicant on depositing of a sum not less than Rs. 50/- but not more than Rs. 75/- as may be directed by the authorised officer, as security deposit, for the due observance of the conditions specified in the licence.

(3) Notwithstanding anything contained in this rule net which has been registered under the Goa, Daman and Diu Fisheries Rules, 1981, shall subject to the condition of depositing the security deposit, referred to in sub-rule (2) be deemed to have been licensed under these rules.

5. Amendment of licences :-

(1) The authorised officer, if after holding an enquiry under sub-section (1) of section 11 is satisfied that the additional conditions should be imposed upon the licensee who has been granted a licence either under section 6 or under section 8, may call upon such licensee to produce the licence for amending it and on such production, he may after any condition or add one or more conditions or demand, subject to the provisions of rule 3 or rule 4 as the case may be, and after giving an opportunity of being heard to the licensee additional security deposit.

(2) If such a licensee fails to comply with any order passed by the authorised officer under sub-rule (1), the licence shall be cancelled forthwith.

6. Registration of vessels :-

(1) Every application under sub-rule (2) of section 12 for registration of a vessel shall be made in Form E.

(2) Every application under sub-rule (1) shall be accompanied with a fee of Rs. 50/-.

(3) The authorised officer shall, after making such inquiry as he deems fit, issue a registration certificate in Form F.

(4) The authorised officer shall maintain a register in Form G in respect of all vessels registered under this rule.

(5) Every vessel registered under this rule shall display the registration number allotted to it by the authorised officer on both sides of the bow and the aft side of the vessel.

7. Information regarding the movement of fishing vessels :-

If the owner of a fishing vessel desires to shift the vessel from one port area to the other, he shall inform such movement in Form H to the authorised officer and also to the port officer, having jurisdiction over the area where such fishing vessel has been moved.

8. Returns to be made by the owners of fishing vessels :-

Every owner of a fishing vessel shall, on or before the 7th of every month, submit a return in Form I to the authorised officer in respect of his vessel.

9. Appeals against the order of authorised officer :-

Every appeal under section 16 shall be made to the Secretary to the Government of Goa, Daman and Diu, Secretariat- -Panaji dealing with the Department of Fisheries.

10. Disposal of seized fish, etc :-

(1) Every fishing vessel impounded under section 18 shall be kept in the port nearest to the place of seizure and so long as it continues to be impounded, shall be under the control of the port officer concerned.

(2) Every owner of the impounded fishing vessel shall keep on

board of such vessel, at his cost, such number of crew which are necessary for keeping the vessel in good condition.

(3) The authorised officer shall, if suitable facilities are not available for storage of fish seized, dispose such fish by holding public auction and deposit the amount so realised in the first instance in the office of the Directorate of Fisheries and as soon as the amount excess Rs. 500/- he shall deposit in the office of the adjudicating officer. The authorized officer shall also furnish to the adjudicating officer full details regarding the date, time, place of auction, the number of persons who were present for bidding and other relevant particulars.

11. Manner of conducting inquiry by the adjudicating Officer :-

(1) On receipt of the report of the authorised officer under sub-section (1) of section 20, the adjudicating officer shall cause a notice to be served on the owner of the fishing vessel in any of the manners provided in rule 16.

(2) The notice shall give the details of the contravention of the provisions of Act or Rules or any of the conditions of the licence by the fishing vessel concerned and call upon the owner to show cause as to why he should not be punished for the aforesaid contraventions.

(3) When a notice has been duly served and the owner fails to appear on the date fixed for hearing, the adjudicating officer may proceed to hear the matter ex-parte and pass such order on the basis of the material before him, as he may deem fit.

(4) Where the owner appears and contests the notice, he shall forthwith file a written statement verified in the same manner as a pleading under the Code of Civil Procedure, 1908 stating the reasons why he should not be punished for any such alleged contravention of the provisions of Act or the Rules or the conditions

of the licence. The adjudicating officer shall, then either on the same day or on any subsequent day to which the hearing may be adjourned, proceed to hear the evidence, if any, which may be adduced before him.

(5) After the evidence has been recorded in a summary manner, the adjudicating officer may also hear the parties and pass such order as may deem fit in accordance with the provision of section 21 of the Act.

(6) Every order passed by the adjudicating officer shall be communicated to the owner of the vessel and also to the authorised officer.

12. Qualifications of the members of the Appellate Board :-

No person shall be qualified for appointment as a Member unless he is : -

(i) an advocate for not less than five years;

or

(ii) holding a superior post in the legal Department of any Government for not less than five years.

(iii) a Judicial officer of five years standing.

13. Procedure of the Appellate Board :-

(1) Every petition of appeal from an order of the adjudicating officer shall be presented to the Appellate Board in person or through a legal practitioner or a recognised agent.

(2) Every petition shall state succinctly the grounds of appeal and

shall be accompanied by a copy of the order appealed against unless the Appellate Board dispenses with such copy.

(3) The Appellate Board, shall on receipt of a petition of appeal, give notice of such appeal to all persons concerned who, in its opinion may be interested in the same.

(4) The Appellate Board, while hearing an appeal, may admit additional evidence before its final disposal or may remand the case for admission of additional evidence and report or a fresh decision, as it may deem fit.

(5) A fee of Rupees fifty in the form of court fee adhesive stamps shall be payable in respect of each appeal.

(6) The Appellate Board shall, while hearing an appeal, follow the procedure followed by an Appellate Court under the Criminal Procedure Code, 1973 (Central Act 2 of 1974) while disposing criminal appeals.

14. Allowances payable to Chairman and Members of the Appellate Board :-

(1) The Chairman shall be paid a sum of Rs.100/- per sitting as honorarium:

(2) Each member of the Appellate Board shall be paid a sum of Rs. 50/- per sitting as honorarium:

Provided that the Board shall not have more than ten sittings per month.

15. Fees payable for certified copies of orders :-

(1) A fee of Rs. 2/- shall be payable for supply of a certified copy of any order passed by any officer or authority under the Act.

(2) The fees shall be paid in the form of Court fee adhesive stamps.

16. Manner of service or publication of notice, summons or order :-

Every notice, summons or order under the Act or under these rules shall be served in one or more of the following modes, namely: -

a) by delivering or tendering it to the person concerned or his manager or agent, if any;

b) by leaving it at the last known place of business of the person concerned or by delivering or tendering it to some adult member of the family;

c) by sending it by registered post A/D;

d) by affixing it on some conspicuous part of the premises concerned or at the last known place of business or residence of the person concerned or by publication in a daily newspaper or by proclamation by beat of drum in the locality or in any other customary mode.