

## **MAHARASHTRA MARINE FISHING REGULATION RULES, 1982**

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## **MAHARASHTRA MARINE FISHING REGULATION RULES, 1982**

In exercise of the powers conferred by sub-sections (1) and (2) of Section 25 of the Maharashtra Marine Regulation Act, 1981 (Mah. LIV of 1981), and of all other powers enabling it in that behalf, Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said Section 25, namely

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

- (1) These rules may be called the Maharashtra Marine Fishing Regulation Rules, 1982.
- (2) They shall come into force on and from the 7th day of February, 1983.

### **2. Definitions :-**

In these rules, unless the context otherwise requires,

- (a) "Act" means the Maharashtra Marine Fishing Regulation Act,

1981;

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

(c) "Licence" means a licence for using fishing vessel for fishing;

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

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

### **3. Form of application for licence :-**

(1) Every application for the grant or renewal of a licence shall be made in Form 1.

(2) Every application for the renewal of a licence shall be made atleast two months before the period of validity of the licence to be renewed is due to expire.

### **4. Fees for licences :-**

(1) The fees for the grant or renewal of a licence shall be payable in accordance with the following scale, namely:-

	<b>Class of fishing vessel</b>	<b>Fees</b>
(i)	Mechanized fishing vessel fitted with an engine having the horse-power exceeding 50 HP	One hundred rupees
(ii)	Mechanized fishing vessel fitted with an engine having the horse-power not exceeding 50 HP	Fifty rupees
(iii)	Non-mechanized fishing vessel having the gross registered tonnage exceeding 3 tons.	Twenty rupees.
(iv)	Non-mechanized fishing vessel having the gross registered tonnage not exceeding 3 tons.	Ten rupees.

(2) The fee for a licence shall be payable in cash or by demand draft in favour of the Licensing Officer to whom the application for the grant or renewal of a licence is made.

(3) The fee for a licence once paid shall not be refunded to the applicant save as provided in sub-rule (4) of Rule 5.

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

(1) Every licence shall be granted in Form 2 and shall be subject to

the conditions specified therein.

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

(3) The Licensing Officer shall enter the particulars of the licences granted or renewed by him a register of licences in Form 3.

(4) Where the application for the grant or renewal of a licence is Substituted by G.N. of 17/7/84, M.G.G. IV-B1984, dated 2-8-84, p. 984 refused, the reasons for such refusal shall be communicated by the Licensing Officer in writing to the applicant. Where the order refusing the grant or renewal of a licence has become final, half the fees paid by the applicant for grant or renewal of the licence shall be refunded to him.

**6. Form of application for registration of fishing vessel :-**

Every application for registration of a fishing vessel under Section 9 shall be made in Form 4 and shall be duly signed by the applicant.

**7. Fees for registration of fishing vessel :-**

(1) The fees for registration of a fishing vessel under Section 9 shall be payable in accordance with the following scale, namely

:-

Class of fishing vessel Fees

(i) Mechanized fishing vessel Ten rupees

(ii) Non-mechanized fishing vessel Five rupees

(2) The fee for registration once paid shall not be refunded to the applicant in any case.

**8. Registration :-**

(1) On receipt of an application for registration under Section 9, the Registration Officer shall, after making such enquiry as he deems

necessary, register the fishing vessel or refuse to register it by an order, in writing, giving grounds for such refusal.

(2) The certificate of registration shall be in Form 5.

(3) The Registration Officer shall maintain a register in Form 6 and enter therein the particulars of every fishing vessel registered by him.

(4) On registration of a fishing vessel, the registration number shall be assigned to it by the Registration Officer. The owner of registered fishing vessel shall display registration number prominently on his fishing vessel.

**9. 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 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 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.

**10. Changes in the certificate or registration :-**

If the particulars mentioned in the certificate of registration are required to be changed, the owner of the fishing vessel, shall apply to the Registration Officer to make the changes in the certificate of registration. Such application shall be made in Form 7 as soon as possible after the change is made and in any case within one month from the making of such change. On receipt of such application, the Registration Officer shall, after making such enquiries as he may deem necessary, effect necessary changes in the certificate of registration by affixing his signature, seal and date of such change. The changes thus made shall also be recorded in the register maintained in Form 6.

**11. Recording of charge on the vessel on the registration certificate :-**

If the owner of a registered fishing vessel mortgages or hypothecates such vessel to the financing agency or any other person or purchases 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 receiving such information, the Registration Officer shall record such charge in the certificate of registration and in the register maintained by him in Form 6.

**12. Impoundment of Fishing Vessel :-**

A fishing vessel impounded by the Enforcement Officer under Section 14 shall be kept anchored at the base port of the licence or any other port as may be directed by the Enforcement Officer.

**13. Disposal of fish :-**

The fish seized from an impounded fishing vessel shall be kept suitably preserved to the extent practicable. If the preservation facilities are not available or such facilities are inadequate or if the Enforcement Officer is of the opinion that the fish so seized cannot be further preserved, he shall dispose it of by auction, and deposit the proceeds thereof in cash in the office of the Adjudicating Officer by obtaining his instructions in writing.

**14. Manner of holding enquiry under section 16 by Adjudicating Officer :-**

(1) On receipt of a report from the Enforcement Officer under sub-section (1) of Section 16, the Adjudicating Officer shall issue a notice to the persons against whom any allegations are made in the report informing them the nature of allegations made and directing them to file a written statement or objections against the said allegations and to appear before him on a specified day at a specified time for being heard in the matter.

(2) The Adjudicating Officer shall, after considering the written statements and objections, if any, and after going through the evidence produced before him and also after giving the persons concerned a reasonable opportunity of being heard, record his findings in writing at the end of holding such enquiry.