

Regulation of Prawn Fishing in Private Waters Rules, 1974

In exercise of the powers conferred by section 22 of the Travancore-Cochin Fisheries Act, 1950 (Travancore-Cochin Act XXXIV of 1950) the Government of Kerala hereby make the following rules for regulating prawn fishing in private waters, namely: -

1. (i) These rules be called 'Regulation of Prawn Fishing in Private Waters Rules, 1974'.

(ii) They shall apply to the whole of the State of Kerala excluding the Malabar District referred to in section 5 of the States Reorganization Act, 1956 (Central Act 37 of 1956).

(iii) They shall come into force at once.
2. No kind of prawn fishing shall be conducted in any private waters and fields without a licence obtained from the competent authority in Form A.
3. Applications for prawn fishing in any paddy field for any temporary period in a year or permanently will not be entertained except in cases when such field are unused and unfit for paddy cultivation for such periods.
4. Application for a licence in Form 'B' shall be presented a month before the commencement of fishing to the Inspector of Fisheries concerned in whose jurisdiction the lands are situated. The form shall be affixed with a court fee stamp of Rs.2.
5. Application for licence received after 15th December of the year for prawn fishing in fields generally used for cultivation will not be entertained.
6. The Inspector of Fisheries on receipt of the application shall make enquiries through the Sub Inspector of Fisheries concerned regarding the suitability of land for prawn fishing. If he is satisfied that the fishing is not likely to cause any damage to paddy cultivation in the adjoining lands he shall verify the Sy. Nos and extent of paddy fields and then prepare a draft licence in duplicate on realisation of the licence fee from the applicant.
7. In the case of application for licence to carry on prawn fishing in private waters and paddy fields presented by a person other than the Pattadar or Inamdar the licence will not be granted without the consent of the Pattadar or Inamdar as the case may be. The consent certified by the concerned Village Officer should be produced along with the application for the licence.
8. A licence fee at the rate of Rs.5 per acre will be levied for every licence.
9. The application together with the connected records and licence prepared in duplicate shall be forwarded by the Inspector of Fisheries with his recommendation to the Assistant Director/Deputy Director of Fisheries concerned who shall pass orders, sign

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and issue the licence, making further enquiries, if necessary in any of the cases and preserving the duplicate licence duly initialed and entered in a register in his office in Form C.

10. On receipt of licence from the licensing authority, the Inspector of Fisheries shall issue the licence to the parties concerned.

11. Complaints regarding the issue of licences shall be presented to the Director of Fisheries

12. The licence issued under these rule are subject to the following conditions and restrictions: -

(a) Storing of water in fields by means of water proof shutters shall not be resorted to and the sluice fishing or stake net fishing alone shall be done;

(b) Nets with meshes including codends of less than 20 m.m. (the length of mesh taken when the net is dry) shall not be used for fishing from paddy fields:

(c) Fixed engines or their contrivances used for prawn fishing shall not cause any obstruction to navigation or water bound traffic;

(d) The bunding up of areas or other works of the licensees shall not in any way cause any hindrance or inconvenience for paddy cultivation in the adjoining lands; and

(e) Every licence issued under these rules shall be valid only for a period of one year from the date of issue or such lesser period as is specified in the licence.

13. The Inspector of Fisheries shall maintain a register in Form D in which all the applications received by him for each year shall be entered with such columns showing the licence fee collected and date of licence issued.

14. The Director of Fisheries may prohibit prawn fishing for each area in general or altogether in any area or allow such fishing only on such conditions as he thinks fit for valid reasons.

15. (1) When a Fishery Officer not below the rank of a Sub Inspector of Fisheries has reason to believe that an offence has been committed by a licensee in contravention of any of the rules or conditions of a licence, the nets and contrivances shall be seized and kept under his custody after preparing a mahazar.

(2) After preparing the mahazar, the fish caught in the net or by means of other contrivances shall before they get damaged, be sold in public auction or by any other advantageous means by the officer who detects the offence.

16. The officer who detects the offence shall forward a report together with the mahazar and all the records connected with the matter to the Inspector of Fisheries, within three days of such detection of the offence.
17. The Inspector of Fisheries on receipt of the case shall conduct a further enquiry in the matter and submit to the Deputy Director a detailed report with his recommendation as to whether the case is to be compounded with fine or prosecution proceedings initiated.
18. The Deputy Director of Fisheries in examining the case and the nature of offence committed may issue orders imposing a fine not exceeding Rs.50 (rupees fifty only) or order the prosecution of the offender concerned, within 10 (ten) days of the receipt of the case by him. If the case is compounded with fine the nets and other accessories shall be released to the party. In cases where the offence is repeated by the same licensee, the licence shall be suspended and prosecution of the offender ordered with a full report to the Director of Fisheries.
19. An appeal on the decision of the Deputy Director of Fisheries on the first offence or repeated offence may be filled to the Director of Fisheries within fifteen days of the receipt of the orders of the Deputy Director of Fisheries.
20. The Director of Fisheries shall have the powers to compound the case with fine not exceeding Rs.100 (Rupees one hundred only) or to order exoneration of the offender as the case may be.
21. All arrears of fine or other amounts due from any person as per these rules shall be recoverable under the provisions of the Revenue Recovery Act for the time being in force as if they are arrears of land revenue.