

MAHARASHTRA MARINE FISHING REGULATION RULES, 1982

AGRICULTURE AND CO-OPERATION DEPARTMENT

Mantralaya Annexe, Bombay 400032, dated 4th August 1982 MAHARASHTRA MARINE FISHING REGULATION ACT, 1981.

No.FDX. 1481/39909/CR-262/12-ADF. — The following draft of rules which the Government of Maharashtra proposes to make in exercise of the powers conferred by sub-sections (1) and (2) of section 25 of the Maharashtra Marine Fishing Regulation Act, 1981 (Mah.LIV of 1981), and of all other powers enabling it in that behalf, is hereby published as required by sub-section (3) of the said section 25 for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra after the 31st day of August 1982.

2. Any objections or suggestions which may be received by the Secretary to the Government of Maharashtra, Agriculture and Co-operation Department, Mantralaya Annexe, Bombay 400 032, from any person with respect to the said draft before the aforesaid date will be considered by Government.

DRAFT RULES

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 15th day of September 1982.

2. *Definition*-- In these rules, unless the context otherwise requires, —

- (a) "Act" means the Maharashtra Marine Fishing Regulation Act, 1981 (Mah. LIV of 1981).
- (b) "Form" means a form appended to these rules;
- (c) "Licence" means a licence for using a 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 meaning respectively assigned to them in the Act.

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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 at least 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:—

Class of fishing vessel	Fees
(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 fishing vessel unless such vessel, whether mechanized or not, has been duly insured against marine risks and the life of every member of the crew of such vessel, has been insured against the risks of

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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 in a register of licences in Form 3.

(4) Where the application for the grant or renewal of a licence is 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 the 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)	Mechanised fishing vessel	Ten rupees
(ii)	Non-Mechanised 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

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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 of 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 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 change 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

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officer under section 14 shall be kept anchored at the base port of 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.

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

(4) Where the application for the grant or renewal of a licence is 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 the grant or renewal of the licence shall be refused to him.

FORM 1

(See rule 3)

Application for grant/renewal of licence for using fishing

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vessel for fishing in the specified area

To

The Assistant Fisheries Development Officer/Licensing Officer,

.....(District).....

I/we hereby request that a licence for using the fishing vessel the particulars whereof are given below for fishing in the specified areas mentioned below may be granted to me/us under section 6 of the Maharashtra Marine Fishing Regulation Act, 1981 (Mah. LIV of 1981).

1. Name(s) and address(es) of the owner(s) of the fishing vessel.
2. Registration number and base port of the fishing vessel.
3. Name of the fishing vessel.....
4. If mechanised, the HP of the engine.
5. Whether previously licensed, if so, the number of previous licence, and the date of expiry.
6. Period of the licence applied for.
7. Base port from which the fishing vessel is proposed to be employed.
8. Type of fishing gear proposed to be employed.
9. Area of operation where the

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fishing will be carried out.

10. Names of the trained crew and their qualifications.
11. Whether the vessel is insured against marine risks.
12. If so, the name of the Insurance Company and the data of policy or premium receipt and the period of validity of the insurance.
13. Whether risk of the crew is covered against the accident at sea.
14. If so, the names of the fishermen constituting the crew and the particulars of their Accident Insurance

Name	Period of Validity	Name of Insurance Company, premium receipt or policy No. and date.
15. Licence fees paid, particulars of payment.

I/we hereby declare that I/we have understood the provisions of the Maharashtra Marine Fishing Regulations Act, 1981, and the rules made thereunder and that I/we shall abide by the terms and conditions of the licence if granted.

Date :

Signature of the owners
of the fishing vessel

(For Office use only)

The application received on

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Licence fees of Rs..... received on

Licence No. granted on

for the period from ... to

FORM - 2

[See rule 5(1)]

Licence for using fishing vessel for fishing in any specified area

Port District

Licence No.

Date of Issue

Period of Licence : From to Amount of fees paid

This licence for using a fishing vessel for fishing in the sea within the specified areas, namely

(here describe the specified areas)

is here granted to

[here mention the name(s) of owners of fishing vessel]

..... for the fishing vessel

..... bearing registration number for operating

from the Base Port ..

2. The licences shall not contravene any of the provisions of the Maharashtra Marine Fishing Regulation Act, 1981, or the rules or the orders made or which may be made thereunder.

3. This licence is valid for operation from the port of for the period specified above, unless suspended, revoked or cancelled before the expiry of the said period under section 8 of the aforementioned Act, and is subject to the conditions mentioned below, namely :—

- (1) the fishing vessel shall be operated only within the specified area for which the licence is granted.

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- (2) any change in the layout, design or capacity of the vessel should be effected only with the prior approval of the Licensing Officer.
- (3) any change in the type of fishing gear licensed shall be effected only with the prior approval of the Licensing Officer.
- (4) It shall be competent for the Licensing Officer or the Enforcement Officer or any officer authorised by him to enter the fishing vessel for the purpose of inspection, whether in the waters or on shore.
- (5) the licence is liable to be cancelled if the vessel is impounded or confiscated for illegal activities or default under any Central or State Act for the time being in force, or if the vessel is not duly insured, and the insurance not kept effective.
- (6) the fishing vessel and every member of the crew shall be duly insured against the marine risk and accidents as required under sub-rule (2) of rule 5 of the Maharashtra Marine Fishing Regulation Rules, 1982.

Seal of the
Licensing Officer.

Signature and Designation
of the Licensing Officer.

FORM-3*[See rule 5 (3)]**Register of licences issued under section 6 of the MMFH December 1981*

Licence No. and Date	Registration No. of the fishing vessel and the name of the fishing vessel	Whether mechanized, if so, the HP of the engine	Base Port	Type of fishing gear	Area of operations
1	2	3	4	5	6

Period of Licence	Vessel Insured		Crew Insured		Remarks	Signature of the Licensing Officer
	Insurance	Period of validity	Insurance	Period of validity		
7	8	9	10	11	12	13

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FORM - 4
[See rule (6)]

Form of application for registration of fishing vessel

To

The Registration Officer,

(District)

I/we hereby request that my/our fishing vessel, the particulars of which are given below, may be registered under the Maharashtra Marine Fishing Regulation Act, 1981 (Mah. LIV of 1981).

- (1) Name(s) and address(es) of owner(s) of fishing vessel.
- (2) Name of the fishing vessel ...
- (3) Previous registration number and port of registration, if any.
- (4) Dimensions of the vessel ...

Overall.....m.
length.
Keel—
Length.....m.
Breadth.....m.
Depth.....m.
- (5) Place and year of construction of the fishing vessel.
- (6) Whether mechanised or non-mechanised.
- (7) If mechanized, the details, of the engine fitted.

Make.....
Power.....HP
Year of installation of engine.

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- (8) Base Port from which the fishing vessel shall be operated.
- (9) Particulars about the mortgage or hypothecation, or any other charge on the fishing vessel.
- (10) Particulars of registration fees paid.

I am/we are aware that in the event of change of the base port of operation, I/we shall have to obtain prior permission in writing from the Registration Officer, and the failure to do so shall constitute an offence liable to be penalised under section 21 of the aforementioned Act.

The information given above is true and correct to the best of my/our knowledge. I/we agree to abide by the terms and conditions of the registration and the relevant provisions of the aforementioned Act.

Place:

Signature(s) of
the applicant(s)

Date :

(For Office use only)

Application received on

Registration fees Rs.

received on

Registration No.

Allotted on

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FORM-5
[See rule 8(2)]

*Certificate of registration of fishing vessel under the Maharashtra
Marine Fishing Regulation Act, 1981.*

- | | | | |
|-----|--|-----|---|
| 1. | Port of registration | ... | |
| 2. | Registration number | ... | |
| 3. | Date of registration | ... | |
| 4. | Name(s) and address(es) of
the owner(s) of the fishing
vessel. | | |
| 5. | Name of the fishing vessel | ... | |
| 6. | Whether mechanised or non-
mechanised. | | |
| 7. | Dimensions of the fishing
vessel. | | Overall length
Keel length
Breadth
Depth
Cross registered
tonnage. |
| 8. | If mechanised, the particulars
of the engine. | | Make
HP |
| 9. | Place and year of construction
of the fishing vessel. | | |
| 10. | Year of installation of the
engine. | | |
| 11. | Base port from which the fishing
vessel shall be operated. | | |
| 12. | Particulars of hypothecation;
mortgage or other charge on
the fishing vessel
if any,. | | Signature and Designation |
| | Seal of the Registration Officer. | | of the Registration Officer. |

(Note.)— Any change in the layout, design, capacity of the vessel be effected only with the prior approval of the

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Registration Officer

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FORM - 6
[See Rule S(3)]

*Register of fishing vessels registered under section 9 of the Maharashtra
Marine Fishing Regulation Act, 1981*

Port: District :

Registration Number	Date of Registration	Name(s) of the owner of the fishing vessel	Name of the Fishing vessel and previous registration No., if any	Whether mechanised or non- mechanised
1	2	3	4	5

Dimensions of the vessel			Depth	Gross Registration	Engine	
Overall length	Keel length	Breadth		tonnage	Make	HP
6	7	8	9	10	11	12

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Year of construction of the vessel	Base port of operation	Charge or hypothecation, if any	Remarks	Signature of the Registration Officer
13	14	15	16	17

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FORM - 7

[See Rules No.10 and 11]

Application for change of particulars in the certificate of registration issued under the Maharashtra Marine Fishing Regulation Act, 1981.

Registration Number of the fishing vessel.

Change of particulars requested.

<i>Item No.</i>	<i>previous particulars</i>	<i>Proposed Particulars</i>
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I/we request that the change in the particulars as mentioned above may be accepted and incorporated in the Certificate of Registration of the said vessel.

Place:

Signature of the owner of the

Date :

registered fishing vessel.

Signature of the new owner of the
registered fishing vessel (if the change
of ownership is proposed).

By order and in the name of the Governor of Maharashtra,

V.K.KOLHATKAR,
Deputy Secretary to Government.

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