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The Kerala Marine Fishing  
Regulation (Appellate Board)  
Rules, 1981**

In exercise of the powers conferred by section 24 of the Kerala Marine Fishing Regulation Act, 1980 (10 of 1981) the Government of Kerala hereby make the following rules namely:-

**Rules  
CHAPTER I  
Preliminary**

**1. Short title and commencement**

- (1) These rules may be called the Kerala Marine Fishing Regulation (Appellate Board) Rules, 1981.
- (2) They shall come into force at once.<sup>\*\*</sup>

**2. Definitions:-** In these rules, unless the context otherwise requires:-

- (a) "Act" means the Kerala Marine Fishing Regulation Act, 1980;
- (b) "Board" means the Appellate Board constituted under section 18 of the Act;
- (c) "Chairman" means the Chairman of the Appellate Board;
- (d) "Form" means a Form appended to these Rules;
- (e) "Interlocutory application" means an application to the Appellate Board in any appeal or proceeding already instituted before the Board;
- (f) "legal representative" means a person who in law represents the estate of a deceased person and includes a universal donee or legatee of a part of an estate, or any person held by the Board to be the legal representative of a deceased person in the proceeding pending before the Board for the time being;

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\* Issued under G.O. (P) 76/82/TF & PD dt.27.11.1982 Pub. in K.G. No.18 dt.3.5.1983 as SRO 490/83.

\*\* Date of commencement: 3-5-1983.

- (g) "Member" means a Member of the Appellate Board;
- (h) "Party" means an appellant, applicant or respondent as the case may be;
- (i) "Pleader" means any person entitled to appear, act and plead in a principal civil court of original jurisdiction in Kerala;
- (j) "Principal applications" include appeal memoranda and applications for review, restoration and setting aside of abatement;
- (k) "Proceeding" includes all documents presented to or filled before the Board by any party, authorised officer or Office of the Board, other than documents produced as evidence;
- (l) "Respondent" means the opponent to an appellant or applicant;
- (m) "Rules" means the rules framed under the Act;
- (n) "Secretary" means the person who is for the time being is discharging the functions of the Secretary.
- (o) "State representative" means an Officer appointed by the Government to receive on their behalf notices and orders issued by the Appellate Board and generally to appear, act plead and file any petition before the Board on behalf of the State and includes an officer appointed to act on his behalf, in his absence.

## CHAPTER II

### Qualifications etc., of Members and Staff of the Board

3. **Qualifications of Members.-** One of the members of the Board shall be a person who has at least 10 years service in any of the senior posts of the Fisheries Department. The other member shall be a Class 1 Officer of the State Government Secretariat. These members may be full time or part time as the Government may decide.
4. **T.A./D.A. to the Chairman and Members.-** The Chairman shall be given the concession regarding payment of house rent allowance at special rate allowable to District Judges. The members of the Appellate Board, if part-time, shall be entitled to T.A. and D.A. for the days on which they attend to the work of the Appellate Board.
5. **Staff of the Board.-** The Board shall have such staff as the Government may determine from time to time. The Chairman shall subject to the directions of the Board determine the duties and functions of the various members of the staff and shall exercise disciplinary control over them.
6. **Administrative functions of the Board.-** Subject to the control of the Board the Chairman shall be the administrative head in matters regarding the administration of the office of the Board and its staff.
7. **Financial Powers of the Chairman.-** In regard to the financial matters of the Board, the Chairman shall exercise such powers and perform such duties as the head of a department can exercise or perform in regard to the financial matters of that department under the Kerala Financial Code. The Kerala Account Code and instructions by the Government from time to time.

## CHAPTER III

### Head Quarters, Exercise of Functions, Secretary Office hours Holiday and Language

8. **Head Quarters.-** The Headquarters of the Board shall be at Ernakulam, Cochin, or at any other place as may be decided by Government.
9. **Secretary to the Board.-** The Government shall appoint a Secretary to the Board who shall be under the control and directions of the Chairman, and shall exercise such powers and perform such duties as are specifically mentioned in these rules or those as may be assigned to him by the Chairman.
10. **Exercise of functions by the Board:-**

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- (1) The functions of the Appellate Board shall be exercised by a bench consisting of all the members of the Board.
- (2) When the members differ in opinion on any points, the point shall be decided in accordance with the opinion of the majority.

- 11. Delegation of Powers of the Chairman.-** The Chairman may subject to directions by the Board for prompt and convenient despatch of business delegate by general or special order such administrative powers to the Secretary as specified in such order.

## CHAPTER IV

### Fees Payable and Form of Proceedings

**12. Fee payable for appeals and petitions.-**

- (1) A fee of Rs.300 shall be paid in respect of every appeal filed under section 18 of the Act, payment being made by means of Treasury chalan to be enclosed with the memorandum of appeal.
- (2) A fee of Rs.100 shall be paid in respect of every application for review of any final decision of the Appellate Board, payment being made by means of treasury chalan to be enclosed with the application for review.
- (3) For all other applications, a fee of Rs.2 in court fee stamps shall be payable.
- (4) For issue of every process, a fee of Rs.5 in court fee stamps shall be paid by the party concerned.

- 13. Form of Appeal Memorandum etc.-** All memorandum of appeals applications for restorations and review, affidavits and other proceedings presented to the Board shall be written in blue, black ink or typewritten or printed fairly and legibly on substantial white foolscap folio paper, with an outer margin about 4 centimetres vide and an inner margin about 1.5 centimetres vide and shall be stitched together bookwise.

- 14. Cause Title.-** All principal applications including memoranda of appeals and application for review shall be headed with a cause-title in Form A.

- 15. Description of contents.-** Every proceeding, shall be also contain immediately after the cause title, a brief statement of its contents and the provisions of law under which it is made.

- 16. Parties and their descriptions.-** The full name, residential address and description of each party and if a party appeals, applies or responds in a representative character, that fact also shall be set out at the beginning of the appeal memorandum and other application and the same need not be repeated in the subsequent proceedings in the

- same appeal or application. The description shall include the surname and such other particulars as may be necessary to identify the person.
- 17. List of documents.-** Every appeal memorandum and other principal application shall at the foot thereof contain a list of the documents filed therewith and it shall be signed by the party or his pleader, or a statement authorised agent signed as aforesaid to the effect that no document is filed therewith.
- 18. Adding Additional Parties.-** When any person is added as a party or representative of a party to an appeal or other proceedings, the name, residential address and description of such person and his position in the appeal or other proceedings shall be entered in the appeal memorandum or principal application, as the case may be, in red ink, over the signature of the Secretary and in the relevant register. The gist of the proceedings under which such an addition is made shall also be entered. When fresh parties are brought in, they shall be numbered consecutively after the respective category of the parties already in the appeal or other proceeding.
- 19. Appearance etc.-** Any appearance, application or act in or to the Board, required or authorised by law to be made or done by a party may, unless otherwise provided, be made or done by the party in person or by his authorised agent, or by a pleader on his behalf: Provided that any appearance shall if the Board so directs, be made by the party in person.
- 20. Authorised agents.-** The authorised agents of parties by whom such appearances, applications and acts may be made or done shall be persons holding power of attorney or written authority authorising them to make and do such appearances, applications and acts on behalf of such parties.
- 21. Party appearing by agent.-**
- (1) When a party, other than the State appears by an agent, the latter shall, before making of doing any appearance, application or act, file before the Secretary the power of attorney or written authority thereunto or a properly authenticated copy thereof authorising him for the purpose: Provided that in the case of pleaders, a vakalath executed, attested, accepted and dated in the form prescribed for vakalathunama to be filed in a civil court in the State may be sufficient.
  - (2) A pleader proposing to appear in any proceedings before the Board, in which there is already a pleader on record shall not appear unless he produces the written consent of the pleader already on record, or where the consent of such pleader is refused, unless he obtains special sanctions of the Board.
- 22. Signing.-** All papers filed before the Board by a party, authorised agent or pleader shall be signed by the person filing the papers with his signature above his name superscribed and shall contain the date of signing and presentation.

- 23. Docketing.-** All proceedings before the Board shall be docketed on the reverse of the final sheet, endorsing the name of the Board, the number and year of the proceedings to which they relate, the relief sought, the fee paid or payable, if any, the name of the person who produces the same and the date of production.
- 24. Interlocutory application.-**
- (1) Interlocutory application shall be headed with the cause title of the proceedings in Form B.
  - (2) Interlocutory applications shall state only the order prayed for and shall not contain any statements of facts or argumentative matter.
  - (3) Unless the Board otherwise orders, notice of all Interlocutory applications shall be given to the other parties in the proceeding in Form D.
  - (4) Facts required to be proved in Interlocutory proceedings shall, unless otherwise provided or ordered, be provided by affidavit.

## **CHAPTER V**

### **Affidavits**

- 25. Form etc., of affidavits.-** Every affidavit filed before the Board shall be drawn up and authenticated in the manner prescribed by the Civil Rules of Practice, for the time being in force.

## **CHAPTER VI**

### **Death, Insolvency and Assignment**

- 26. Death of the Party.-** If any party to a proceeding dies before the conclusion of the final hearing of the same, the Board shall adjourn further proceedings to enable the impleading of the legal representatives of the deceased. If the application for impleading is not made within 90 days of the date of death of the party, the proceedings shall abate as regards the deceased. The application for impleading may be other by the party interested in getting final orders passed on the proceedings or by any legal representative of the deceased even though not so interested.
- 27. No abatement by reason of death after hearing.-** There shall be no abatement by reason of the death of any party between the conclusion of the final hearing, and the passing of the order, but the order may in such cases be passed notwithstanding the death of the party and shall have the same force and effect as if it had been passed before the death took place.
- 28. Determination of legal representative.-** If a question arises in any proceedings as to whether a person is or is not the legal representative of a deceased party, the Board

may determine the questions summarily after taking such evidence as it deems necessary or direct the person asserting to be the legal representative to produce an order of a competent court to establish his assertion and adjourn the proceedings for the purpose.

- 29. Effect of abatement.-** Where a pending proceeding abates, no fresh proceeding shall be started on the same cause of action.
- 30. Setting aside of abatement.-**
- (1) Any person bound to apply for impleading legal representatives of a deceased party may apply within 60 days from the date of abatement, for an order to set aside the abatement and if it is proved that he was prevented by any sufficient cause from continuing the proceeding, the Board shall set aside the abatement.
  - (2) The provisions of section 5 of the Limitation Act, 1963 (Central Act 26 of 1963) shall apply to applications under sub-rule (1).
- 31. Assignment or devolution.-** If during the pendency of any proceedings before the Board the ownership of the fishing vessel of any party thereto is transferred to or title thereto devolves upon some other person, either wholly or in part, the Board may, on the application of such transferee or other person, add, him as a party to the proceedings.
- 32. Insolvency of the Party.-** If a party to a proceeding becomes insolvent and his estate becomes vested in a Receiver or Official Assignee, the latter may, by leave of the Board, be made a party to the proceeding.

## **CHAPTER VII**

### **Commissions**

- 33. Application for issue and return of Commissions.-**
- (1) The Board may, in any proceedings, issue a Commission for the examination of any person or for examining the accounts or records of any person resident within the State.
  - (2) Provisions of order XXVI of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) and of the Civil Rules of Practice as far as practicable shall apply to the application for, and issue and return of Commissions.

## **CHAPTER VIII**

### **Next Friend and Guardian**

- 34. Next friend.-** Every appeal or application by a minor shall be instituted in his name by a person who in such proceeding shall be called the next friend of the minor.

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**35. Guardian.-**

- (1) Where the respondent is a minor, the Board on the being satisfied of the fact of his minority shall, appoint a proper person, to be the guardian of the minor for the proceedings before the Board.
- (2) An order for the appointment of a guardian for the proceedings may be obtained upon application in the name and on behalf of the minor or by the applicant in the principal application.
- (3) Such application shall be supported by an affidavit affirming the fact that the proposed guardian has no interest in the matter in controversy adverse to that of the minor and that he is a fit person to be so appointed.
- (4) No order shall be made in any application under this rule except upon notice to the minor and to any guardian of the minor appointed or declared by an authority competent in that behalf, or, where there is no such guardian, upon, notice to the natural guardian to the person in whose care the minor is, and after hearing objections, if any, which may be urged on behalf of any person served with notice under this rule.
- (5) Any person acting as next friend or appointed as guardian for such proceedings shall, unless his appointment is terminated by retirement, removal or death, continue as such throughout such proceedings and those arising out of it.

**36. Persons to act as next friend or guardian.-**

- (1) Any person who is of sound mind and has attained majority may act as next friend of a minor or his guardian for the proceedings:  
Provided that the interest of such person shall not be adverse to that of the minor.
- (2) Where a minor has a guardian appointed or declared by competent authority, no person other than such guardian shall act as the next friend of the minor or appointed as his guardian for the proceedings unless the Board considers for reasons to be recorded that it is for the minor's welfare that another person is permitted to act or is appointed, as the case may be.
- (3) No person shall, without his consent, be appointed as guardian for the proceedings.
- (4) Where there is no other person fit and willing to act as guardian for the proceedings, the Board may on application, appoint any of its officers to be such guardian; and may direct that the expenses to be incurred by such officer shall be borne by the person making such application.

**37. Retirement or removal of next friend or guardian.-**

- (1) A next friend or guardian may retire with the leave of the Board.

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- (2) For sufficient cause, the Board may *suo motu* or on application, remove him.
  - (3) On the retirement, removal or death of a next friend or guardian, the Board shall, on application, appoint a substitute.
- 38. Application of rules to persons of unsound mind.-** The provisions contained in Rule 34 to 37 so far as they are applicable shall extend to persons adjudged to be of unsound mind and to persons who, though not so adjudged, are found by the Board, on enquiry, to be incapable, by reason of unsoundness of mind or mental infirmity, of protecting their interests in the proceeding.

## CHAPTER IX

### Presentation of Appeals, Applications etc.

**39. Presentation of appeal, application etc.-**

- (1) Every memorandum of appeal, application or other document shall be presented in person by the part, his pleader or pleader's registered clerk, guardian, next friend or authorised agent, as the case may be, to the Secretary at any time during office hours.
- (2) Any penalty payable under subsection (5) of section 18 of the Act shall be deposited in the Treasury by a chalan for the issue of which the appellant shall apply to the Secretary:  
Provided that if any party applies to the Secretary, he may allow the penalty to be deposited in cash before him, on being satisfied that for sufficient cause the party was prevented from making the deposit by chalan.
- (3) Every memorandum of appeal of application filed by the aggrieved party shall specify the State of Kerala as a respondent.
- (4) Every memorandum of appeal shall be accompanied by a copy of the impugned order and as many copies of the memorandum of appeal as there are respondents and three copies in addition.
- (5) Provisions relating to appeals shall apply *mutatis mutandis* to cross objections also except that it shall not be necessary to assign a separate serial number to it.

**40. Registration.-**

- (1) On receipt of an appeal memorandum, the Secretary shall endorse therein the date of presentation and shall besides affixing the seal of the Board not therein its respective serial number.
- (2) The Secretary shall examine whether the appeal memorandum conforms to the Act and these rules.

- (3) If the Secretary finds that the appeal presented to him does not conform in any particular respect to the provisions of the Act and rules, he shall make a note therein to that effect and return the papers to rectify the defect and represent it within a reasonable period not exceeding two weeks. The Secretary may for sufficient cause extend further the period up to two weeks and if the defect is remedied within the period allowed, the Secretary shall place the case before the chairman to fix a date for hearing the appeal.
- (4) If on representation of the appeal it is seen that any defects is not remedied, the Secretary shall place appeal before the Board which may either reject the appeal or fix a date for hearing the matter giving notice thereof in Form D to the parties.
- (5) On the date so fixed or an adjourned date, the Board shall after giving an opportunity to the parties to be heard, either reject the appeal or direct further steps. Where the Board rejects the appeal it shall record its reasons for doing so.
- (6) Where an appeal is presented after the period prescribed in the Act, it shall be accompanied by a petition supported by an affidavit setting forth the facts on which the applicant relies to satisfy the Board that he had sufficient cause for not preferring the appeal within such period. Such appeal shall not be entertained unless the Board, after giving an opportunity to the respondent to be heard, is satisfied that the applicant had sufficient cause for not preferring the appeal in time. Notice regarding such petition shall be issued in Form E.
- (7) If the Secretary finds that the appeal conforms to the requirements of the Act and the rules or if the Board directs further steps in an appeal, he shall without delay place the case before the Chairman to fix a date of hearing and send intimation thereof to either side in Form C. Along with the notice of hearing issued to the respondent, copy of the memorandum of appeal shall also be sent.
- (8) The notice shall call upon the party to appear either in person or through authorised agent or pleader before the Board, at a specified time and place and shall declare that in case of default, the appeal shall be disposed of ex-parte.
- (9) Whenever any proceeding, other than an appeal is opposed, the grounds of opposition shall be reduced to writing and filed before the Board on the first date of hearing or any other date to which the case may be adjourned for the purpose.
- (10) Along with every principal application, the applicant or appellant shall file before the Board as many copies thereof as there are respondents and three copies in addition.

- (11) Sub-rules (1) to (5) and (7) to (10) shall apply as far as may be, to all principal applications:

Provided that where an application for review is filed in proper form and accompanied by a copy of the order sought to be reviewed notice on it shall be ordered only by the Board and that no such application shall be dismissed without giving an opportunity to the applicant to be heard.

## CHAPTER X

### 41. Adjournment and advancement of hearing.-

- (1) On the date fixed for hearing or on any other date to which the hearing may be adjourned, if it is found by the Chairman that notice to any party has not been served, fresh notice shall be ordered and the hearing of the case shall be adjourned to a convenient date.
- (2) If there is no sitting on the date fixed for hearing or if that day happens to be a holiday, the case or cases posted to that day shall be adjourned to a definite date by the Chairman on the next working day and the adjourned date or dates shall be notified in the notice board of the Board office over the signature of the Secretary.
- (3) The Board may either suo motu or on the application of any party and at any stage, adjourn the hearing of any proceedings to a definite date.
- (4) Every adjournment granted at a sitting shall be announced forthwith and any adjournment otherwise granted by the Board shall be notified in the notice board of the Board office over the signature of the Secretary.
- (5) The date fixed for hearing may be advanced by the Board, either suo motu or on the application of any party. Notice of such application shall be given to the opposite party before the application is heard and if the hearing is advanced to any date, that date shall be announced at the meeting.

### 42. Hearing.-

- (1) Where on the date fixed for hearing or on any other date to which the hearing may be adjourned, any party does not appear when the proceedings is called on or hearing, the Board may dispose of the proceedings ex-parte.
- (2) On the date fixed for hearing or on any other date to which the hearing may be adjourned, the appellant or applicant shall ordinarily be heard first in support of the appeal or application. The respondent, if necessary, shall be heard next and in such a case the party first heard shall be entitled to reply.

**43. Restoration.-**

- (1) Where a principal application is disposed of ex-parte, any absentee party, if aggrieved may apply to the Board, within 30 days from the date of the order for restoring such proceedings to the file and, where it is shown to the satisfaction of the Board that tile was prevented by sufficient cause from appearing when the proceedings was called on for hearing, the Board shall restore the same and proceed with it.
- (2) The provisions of section 5 of the Limitation Act, 1963 (Central Act 36 of 1963) shall be applicable to such applications.

**44. Fresh evidence in appeal.-**

- (1) The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, in the proceedings before the Board.
  - (a) the authority, from whose order the appeal is preferred has refused to admit evidence which ought to have been admitted;
  - (b) the party seeking to adduce additional evidence satisfies the Board that such evidence, notwithstanding the exercise of the diligence, was not within his knowledge or could not be produced by him at or before the time the order under appeal was passed; and
  - (c) the Board requires any document to be produced or any witness to be examined to enable it to decide the case or for any other substantial case provided that the Board may allow such evidence or document to be produced or witness to be examined if,
- (2) No order for admission of additional evidence shall be passed on the application of any party without affording an opportunity to the opposite party to be heard in the matter.
- (3) Where additional evidence is allowed or directed to be produced, the Board shall record the reasons for its admission and shall specify the points to which the evidence is to be confined.
- (4) When either party produces additional evidence, the opposite party shall be entitled to produce rebutting evidence.
- (5) Wherever additional evidence is allowed to be produced, the Board may either take such evidence or direct the adjudicating Officer to take such evidence in the presence of the parties. The party calling a witness shall examine him in chief and the opposite party may cross-examine him, in which case the party calling may re-examine the witness.
- (6) The documents produced in appeal shall be exhibited marking 'P' series for the appellants and 'D' series for the respondents and the witness examined shall be separately numbered serially, designating 'PW' and 'DW' respectively.

**45. Order of the Board.-**

- (1) After the final hearing of every proceedings, the Board shall pass an order, whether immediately or on some subsequent date of which notice shall be given to the parties.
- (2) Every order shall be dated and signed by the Chairman and members. If any participant, dissents, he shall record his opinion and order, separately.
- (3) Every order of the Board shall be in writing and shall bear the seal of the Board.

**46. Communication.-** The Secretary shall communicate, in the same manner as a notice issued, the final orders on all appeals and other principal applications to the State Representative, the parties and the other person specified in sub-rule (1) of rule 35.

## **CHAPTER XI Miscellaneous**

**47. Extension of time.-** Except as otherwise expressly provided in the Act on in these rules, where any period is fixed or granted by the Board for the doing of any act, the Board may, in its discretion, from time to time extend such period, even though the period originally fixed or granted might have expired.

**48. Deficiency of fees.-** Where the whole or any part of any fee prescribed for any document by the law for the time being in force has not been paid, the Board may in its discretion, at any stage allow the person by whom such fee is payable, to pay the whole or part, as the case may be, of such fee and upon such payment the document in respect of which the fee is payable shall have the same force and effect, as if such fee had been paid in the first instance.

**49. Representatives.-** Save as otherwise provided by the Act and the rules, or by any other law for the time being in force where any appeal could be preferred or application could be made or proceedings could be taken by or against any person, then it may be preferred, made or taken by or against any person claiming under him.

**50. Form and manner of service of process.-**

- (1) Any notice or summons directed to be given to any person shall be in writing on the prescribed form and shall be sent by post or on such other manner as the Board may direct. An Acknowledgement containing the signature of the person served or an endorsement by postal authorities to the effect that the notice or summons was refused shall, unless the contrary is proved, be deemed to be sufficient to hold that the notice or summons was duly served.
- (2) Where the Board is satisfied that the addressee is evading service, it may direct that a copy of the notice or summons be affixed on its notice board and

another copy on the outer door or some other conspicuous part of the addressee's office or place of business or last known residence, and such service shall be deemed proper.

- (3) Processes other than notices and summons also shall be in writing and shall be served or executed in the manner prescribed for service of notice and summons as far as applicable.
- (4) Every process shall bear the seal of the Board and be issued over the signature of the Secretary.
- (5) Every process sent by post shall be registered prepaid for acknowledgement.
- (6) Processes served on the recognised agent or pleader of a party shall be as effectual as if the same had been served on the party in person unless the Board otherwise direct.
- (7) Service of process on recognised agents and pleaders of a party shall be in the same manner as in the case of service of processes on the parties.

**51. Documents produced before the Board.-** All documents produced before the Board for hearing of any case shall be got back from the Secretary, on application by the party who produced them within three months from the date of communication of the Board's final order and if not so taken back within the specified time, the Board shall not be responsible for any loss of, or damage to the documents. The party taking them shall give, in writing an undertaking to the effect that such documents will be produced whenever required by the Board.

**52. Marking of documents etc.-** The provisions of such rule (6) of rule 44 shall apply *mutatis mutandis* to the marking of documents and the numbering, grouping and examination of witnesses in other principal applications.

**53. Inspection of documents.-**

- (1) A party shall be at liberty to inspect any document recited or referred to in any proceedings and filed in the Board therewith.
- (2) Every party desiring to inspect any proceedings filed in the Board shall present a memorandum stating the proceedings of which inspection is required and inspection be allowed without the payment of any fee, during the pendency of such proceedings.
- (3) If leave for inspection is granted, the inspection of the record shall be made in the presence of any officer specified by the board the fee for inspection except where inspection without payment is permitted under sub-rule(1), shall be 75 paise for every hour or part of an hour during which the specified officer shall be engaged and shall be paid by court fee stamps affixed to the application.

**54. Search of Records:-**

- (1) On every application for search of documents, search fee at the following rates shall be paid in court fee stamps:-  
when the document is not more than ten years old;
- (i) When the applicant states the year to which it belongs Re.1.00  
(ii) When the applicant does not know the year to which it belongs.
- (a) for the first year of search Re.1.00  
(b) for every year in addition to the first year Re.0.50
- (2) When the document is more than ten years old fee shall be payable at double the rates specified in sub rule (1):  
Provided that no such fee be paid by a party to the proceedings where the application for search is made in a proceeding which is pending disposal on the date of application:  
Provided further that no such fee need be paid by a party to the proceedings in the case of an application for a copy of an order passed within one year prior to the date of the application.
- (3) For the purpose of these rules only one search fee need be paid for all documents forming part of the record in the same proceedings and the document shall be deemed to be of the date of the proceedings of which it forms part of the record.

**55. Certified Copies.-**

- (1) Any person entitled to obtain a copy of any proceedings or document filed on or kept in the custody of the Board, may present an application therefore to the Secretary in Form F.
- (2) Any person who is not a party to an appeal may, on application be granted a copy of the final order of the Board with the approval of the Chairman, subject to the payment of copying fees in accordance with sub rule (4).
- (3) Copies of the minutes or notes of the Chairman and other members, or other papers which in the opinion of the Chairman are confidential shall not be granted.
- (4) Along with every application for copies, copying stamp papers necessary for preparing the copies, calculated at the following rates shall be supplied:

One stamp paper of the value of twenty paise for every 175 words in English or 125 words in Malayalam or Tamil or the fractions of 175 or 125 words, as the case may be.

**Note :-** Each statement, account, report, petition, order or the like should be treated as a separate document and should be written on separate copying stamp paper.

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- (5) Copies must be transcribed only on the front page of every stamp paper.
  - (6) All copies furnished by the Board shall be certified by the Secretary to be true copies and shall be sealed with the seal of the Board.
  - (7) Every copy shall bear an endorsement showing the following particulars and be initialled by the person preparing the copy:-
    - (a) the year and number of the proceeding;
    - (b) the name of the Board;
    - (c) the name of the applicant;
    - (d) the number and date of application;
    - (e) the date of calling for additional stamp paper, if any;
    - (f) date of production of additional stamp papers;
    - (g) date for appearance to receive the copy; and
    - (h) date of delivery of copy.
  - (8) When a copy of an order passed by the Board is applied for by a party for the purpose of preferring a revision against that order the copy shall be printed at the expense of the applicant, if the order excluding the names of the parties and witnesses and list of exhibit is in excess of 700 words. The rules relating to the applications for certified copies and the disposal of such applications shall govern the procedure with regard to the applications for printing the orders of the Board.
  - (9) The Secretary shall grant copies of all documents applied for, except where he feels any doubt about the propriety of granting a copy of any document, in which case, he shall obtain and follow the directions of the Chairman in that behalf.
56. The Register maintained in the Office of the Board and the cash shall be inspected by the Chairman at least once in a month and the correctness of the entries and cash balance satisfied by him.

**Residuary provision.-** Save as otherwise provided by the Act and the rules wherever necessary, the provisions or the Code of Civil Procedure, 1908 and the Civil Rules of Practice, Kerala for the time being in force shall, with suitable variations, govern.

- (1) the form of and the procedure relating to all applications, statement, memos and other records made to, or filed in the Board;
- (2) the scale of fees payable by parties in regard to processes other than notice and summon; and
- (3) the manner and mode of remittances of money or fees into and disbursements by the Board.



Marine Fishing Regulation (Appellate Board) Rules, 1981

**FORM A**

(See rule 14)

**Cause title in Principal Application**

Before the Kerala Marine Fishing Appellate Board - Cochin

Memorandum of Appeal		
Application for restoration		No. of 19.1
Setting aside abatement		

(appeal from the order dated .....of the adjudicating.

Officer .....in.....Name  
and Surname . .....Appellant.

Versus

Name and Surname .. ..... Respondent

**FORM B**

[See rule 24 (1)]

**Cause title in Interlocutory applications**

Before the Kerala Marine Fishing Appellate Board - Cochin.

Appeal No.....of 19

Application for .....

.....	(Appellant
Name and Surname...Applicant	Respondent)

Versus

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Name and Surname .. ..... Respondent.

Marine Fishing Regulation (Appellate Board) Rules, 1981

**FORM C**

See rule 40 (7)

**Form of notice in Appeal**

Before the Kerala Marine Fishing Appellate Board-Cochin

Appeal No ..... of 19

Name and Surname... ..... Appellant

Versus

Name and Surname... ..... Respondent

To the above said Appellant Respondent

Take notice that an appeal from the order of the adjudicating Officer.....

.....in .....has been presented by the appellant and registered in this Appellate Board and that the day..... of ..... 1981 has been fixed by this Appellate Board for the hearing of the appeal.

If no appearance is made on your behalf by yourself your pleaded, or by someone by law authorised to act for you in this appeal, it will be heard and decided in your absence.

Give under my hand and seal of the office on

By Order,

Secretary,

**FORM D**

See rule 24 (3)

**Form of notice in Interlocutory application**

Before the Kerala Marine Fishing Appellate Board - Cochin

Appeal No. .... of 19

Name and Surname... Appellant

Versus

Name and Surname... Respondent

To

Whereas the above named Appellant/Respondent has made an application to this Appellate Board that.....

..... Take notice that if you have any cause to show why the said application should not be granted you should appear with your proofs in this court on the ..... day of ..... 19.....when the said application will be heard and determined.

Given under my hand and seal of the Court this ..... day ..... of ..... 19.

By order

Secretary

**FORM E**

See rule 40 (b)

**Form of notice in Delay petition**

Before the Kerala Marine Fishing Appellate - Board Cochin

Appeal No. ....

Name and Surname .....Appellant

Versus

Name and Surname ..... Respondent

To

Take notice that an appeal from the order of the Adjudicating Officer.....

..... has been presented by the appellant along with an application for conducting the delay in filing the appeal and that the .....day..... 1981 has been fixed by the Appellate Board for hearing the delay petition.

If no appearance is made on your behalf by yourself, Your pleader, or by someone by law authorised to act for you in this appeal, it will be heard and decided in your absence.

Give under my hand and seal of the office on .....19.....

.....

By order

Secretary

**FORM F**

See rule 55

**Form of application for certified copies**

Before the Kerala Marine Fishing Appellate Board-Cochin.

Name and Surname .....Appellant

Versus

Name and Surname .....Respondent

It is requested that certified copies of documents hereunder mentioned may be furnished to .... above named.

<b>Sl.No.</b>	<b>Date of document</b>	<b>Description of document</b>	<b>Order, if any under which application is made</b>
1.			
2.			
3.			

Dated this the..... day of

(Sd)

Pleader for Appellant  
Respondent

**Explanatory Note**

(This is not part of this notification but is intended to indicate its general purport).

Section 24 of the Kerala Marine Fishing Regulation Act 1980 (10 of 1981) empowers Government to make rules as contemplated in the Act. This notification is intended for the purpose.

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