

**No. j-2702735-6/2019-Fy**  
Government of India  
Ministry of Fisheries, Animal Husbandry and Dairying  
Department of Fisheries

Krishi Bhawan, New Delhi  
Dated the 18<sup>th</sup> December, 2019

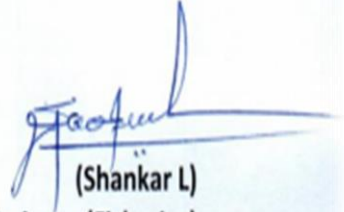
PUBLIC NOTICE

**Subject: Draft "NATIONAL FISHERIES DEVELOPMENT BOARD (NFDB) BILL, 2019" - Inviting Comments from Stakeholders-Reg.**

The National Fisheries Development Board (NFDB), Hyderabad has been set up by this Department in July, 2006 with its head office at Hyderabad for development of fisheries sector in the country. NFDB is registered under the Andhra Pradesh Societies Registration Act, 2001. In order to provide more freedom, flexibility of operation to the NFDB enabling to perform its functions more effectively for development of fisheries sector, the Department of Fisheries has formulated a draft "**NATIONAL FISHERIES DEVELOPMENT BOARD BILL**" and the same is enclosed herewith.

2. Comments/suggestions on the Draft '**NATIONAL FISHERIES DEVELOPMENT BOARD BILL, 2019**' are hereby invited from the stakeholders, before 5<sup>th</sup> January, 2020. Comments can be sent at [sagar.mehra@nic.in](mailto:sagar.mehra@nic.in), or at following address:

The Joint Secretary (Inland Fisheries)  
Department of Fisheries,  
Ministry of Fisheries, Animal Husbandry and Dairying,  
Room No.228, Krishi Bhawan,  
New Delhi-110001

  
(Shankar L)  
Joint Commissioner (Fisheries)  
Fax: 011-23389212

**Encl: As above**

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*Draft Bill (as on 18.12.2019)*

	<b>THE NATIONAL FISHERIES DEVELOPMENT BOARD BILL, 2019</b>	
	<i>A BILL</i>	
	to declare the institution known as the National Fisheries Development Board in the State of Telangana to be an institution of national importance, with a view to provide for the administration and carrying on of the functions to be performed by the Board more effectively for sustainable development of fisheries sector in the country and for matters connected therewith and incidental thereto.	
	BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:	
	<b>CHAPTER I PRELIMINARY</b>	
Short title and commencement.	<b>1.</b> (1) This Act may be called the National Fisheries Development Board Act, 2019.	
	(2) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint:	
	Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.	
Declaration of National Fisheries Development Board as an institution of national importance	<b>2.</b> Whereas the objects of the National Fisheries Development Board at Hyderabad in the State of Telangana are such as to make the institution one of the institutions of national importance, it is hereby declared that the National Fisheries Development Board is an institution of national importance.	
Definitions.	<b>3.</b> In this Act, unless the context otherwise requires,--	
	(a) "appointed day" means the date of commencement of this Act;	
	(b) "Board" means the Board of Directors of the National Fisheries Development Board (NFDB);	
	(c) "Chairperson" means the Chairperson of the National Fisheries Development Board;	

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	(d) "Director" means a director of the National Fisheries Development Board, and includes the Chairperson;	
	(e) "fish" means finfish, molluscs, crustaceans, and all other forms of marine animals and plants other than marine mammals, reptiles and sea birds;	
	(f) "fishing vessel" means a ship, boat, craft or any other vessel fitted or not with mechanical means of propulsion which is exclusively engaged in fishing and fishing related activities at sea;	
	(g) "fish & fishery product" means any raw/ processed/ value added food product or any object/ substance obtained from fish/ shellfish/ any aquatic organism inhabiting freshwater/ brackishwater/marine and traded in domestic & export markets;	
	(h) "National Fisheries Development Board" means the National Fisheries Development Board incorporated under section 4;	
	(i) NFFBB means National Freshwater Fish Brood Bank a, having its registered office at Kausalya Ganga, in the state of Odisha, North Eastern Regional Centre, Guwahati, Assam and Moolapalem site of National Fisheries Development Board at Srikakulam district of Andhra Pradesh.	
	(j) "prescribed" means prescribed by rules/regulations made under this Act;	
	(k) "society" means the National Fisheries Development Board, a society formed and registered under the Andhra Pradesh Societies Registration Act 2001, No.933 of 2006 and functioning as such immediately before the appointed day;	
	<b>CHAPTER II</b> <b>THE NATIONAL FISHERIES DEVELOPMENT BOARD</b>	
Effect of this act on existing Board, National Fisheries Development Board	<b>4.</b> (1) The National Fisheries Development Board is hereby constituted as a body corporate by the same name, and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue and be sued.  (2) The head office of the National Fisheries Development Board shall be at Hyderabad in the State of Telangana.  (3) The National Fisheries Development Board may establish units, offices, branches or agencies at any such place within India as it may consider necessary.	
Vesting of undertakings of	<b>5.</b> On and from the appointed day, subject to the other provisions of this Act, all the undertakings of the National Freshwater Fish Brood	

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National Freshwater Fish Brood Bank (NFFBB), North Eastern Regional Centre, Guwahati and Moolapalem Site of National Fisheries Development Board along with any other establishment on it.	Bank(NFFBB), North Eastern Regional Centre, Guwahati and Moolapalem site of National Fisheries Development Board along with any other establishment on it, shall stand transferred to and established as an entity of National Fisheries Development Board by virtue of the provisions of this Act.	
Effect of this act on existing Board and its subsidiary units	<b>6.</b> On and from the appointed day, - (a) all properties and assets, movable and immovable, of, or belonging to the National Freshwater Fish Brood Bank, North Eastern Regional Centre, Guwahati and Moolapalem site shall vest in the National Fisheries Development Board;	
	(b) all the rights, debts, liabilities, interests, privileges and obligations of the National Freshwater Fish Brood Bank, North Eastern Regional Centre, Guwahati and Moolapalem site shall stand transferred to, and be the rights, liabilities, interests, privileges and obligations of, the National Fisheries Development Board;	
	(c) without prejudice to the provisions of clause (b), all debts, liabilities and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for, the society or the existing National Fisheries Development Board, immediately before the appointed day for or in connection with their purposes, shall be deemed to have been incurred, entered into, or engaged to be done by, with or for, the National Fisheries Development Board;	
	(d) all sums of money due to the board, immediately before the appointed day, shall be deemed to be due to the National Fisheries Development Board;	
	(e) every subsidiary of the Board immediately before the appointed day shall become the subsidiary of the National Fisheries Development Board, example, NFFBB, Moolapalem site etc;	
	(f) every organisation which was getting financial, managerial or technical assistance from the National Fisheries Development Board or National Freshwater Fish Brood Bank, North Eastern Regional Centre, Guwahati immediately before the appointed day, may continue to be	

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	given financial, managerial or technical assistance, as the case may be, by the National Fisheries Development Board, for such period, to such extent and in such manner as the National Fisheries Development Board may deem fit;	
	(g) the amount representing the capital account of the Board shall form part of the funds of the National Fisheries Development Board;	
	(i) any reference to the Board or, as the case may be, to the National Fisheries Development Board in any law other than this Act or in any contract or other instrument, shall be deemed to be reference to the National Fisheries Development Board.	
Saving of legal proceedings	<b>7.</b> If, on the appointed day, there is any pending suit, arbitration, appeal or other legal proceedings of whatever nature by or against the National Fisheries Development Board, the same shall not abate, be discontinued or be in any way prejudicially affected by the enactment of this act, but the suit, arbitration, appeal or other proceedings may be continued, prosecuted and enforced by or against the National Fisheries Development Board in the same manner and to the same extent as it would or may have been continued, prosecuted and enforced by or against the National Fisheries Development Board, if this Act had not been passed.	
	<b>CHAPTER III</b> <b>MANAGEMENT OF THE NATIONAL FISHERIES</b> <b>DEVELOPMENT BOARD</b>	
Management of National Fisheries Development Board and composition of its Board of Directors vessels.	<b>8.</b> (1) The general superintendence, direction, control and management of the affairs and business of the National Fisheries Development Board shall vest in a Board of Directors, which shall exercise all powers and do all acts and things which may be exercised or done by the National Fisheries Development Board.	
	(2) The Board of Directors of the National Fisheries Development Board shall consist of the following, namely: -	
	(a) Chief Executive, NFDB shall be the Chairperson;	
	(b) Joint Secretary in the Department of Fisheries, Government of India, ex-officio;	
	(c) Seven Directors from amongst the Secretary Fisheries of State Government /Union Territory on rotation basis;	
	(d) Two Directors, being an expert, from outside the National Fisheries Development Board from an institution closely associated	

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	with fisheries.	
	(3) The Chief Executive, NFDB shall be appointed by the Central Government with officers having experience in Fisheries sector. The directors referred to in clauses (c) &(d) of sub-section (2) shall be nominated by the Central Government in consultation with the Chairperson.	
	Provided that the Director referred to in clause (d) of sub-section (2) shall be persons professionally qualified in fisheries and related activities and administration.	
	(4) The Chairperson shall, in addition to presiding over the meetings of the Board otherwise and discharge such powers and duties, as may be prescribed or delegated by the Board.	
	(5) The National Fisheries Development Board may associate with itself, in such manner, on such terms and for such purposes as it may deem fit, any person whose assistance or advice it may desire in complying with any of the provisions of this Act, and a person so associated shall have the right to take part in the discussions of the Board relevant to the purposes for which he has been associated but shall not have the right to vote.	
Terms of office and conditions of service, etc., of Chairperson and directors	<b>9.</b> (1) The Chairperson shall be the Chief Executive, NFDB and shall hold office for such period as the Central Government may determine and any person so nominated shall be eligible for re-nomination.	
	(2) Notwithstanding anything contained in sub-section (1), the Central Government shall have the right to terminate the services of the Chairman, at any time before the expiry of the period determined under that sub-section by giving him/her notice of not less than three months in writing or three months' salary and allowances in lieu thereof, and the Chairman shall also have the right to relinquish his/her office, at any time before the expiry of the period specified under that sub-section, by giving to the Central Government notice of not less than three months in writing.	
	(3) The Chairperson shall receive such salary and allowances, as may be determined by the Central Government.	
	(4) The directors nominated under clauses (c) and (d) of sub-section (2) of section 8 shall hold office for such period as the Central Government may determine.	
	(5) Every director, other than the Chairperson, shall hold office during the pleasure of the Central Government.	

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	(6) The directors referred to in clauses (c) and (d) of subsection (2) of section 8 shall be paid such allowances as the Central Government may determine.	
Meetings of Boards	<b>10.</b> (1) The Board shall meet at the head office or any of its offices or at any place at such times as the Chairperson may direct, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at its meetings) as may be prescribed.	
	(2) The Chairperson or, if he/she is unable to attend a meeting of the Board, any other director nominated by the chairperson in this behalf and in the absence of such nomination or where there is no chairperson, any director chosen by the directors present from among themselves shall preside at the meeting.	
	(3) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the directors present and voting, and in the event of an equality of votes, the Chairperson or the person presiding shall have the right to exercise a second or casting vote.	
	(4) Save as otherwise provided in sub-section (3), every director of the Board shall have one vote.	
Management of Transaction of Business of Board	<b>11.</b> (1) Subject to the provisions of this Act, the Board shall, in the discharge of its functions, act on sound business principles with due regard to public interest.	
	(2) Save as otherwise prescribed, the Chairperson shall have the powers of general superintendence, direction, control and management of the affairs and business of the National Fisheries Development Board, and may exercise all other powers and do all acts and things which may be exercised or done by the Board.	
	(3) The Chairperson may, when he/she is unable to discharge his functions by reason of his/her being away or otherwise, authorise any director to discharge all or any of his/her functions for a temporary period.	
	(4) In the absence of the Chairperson, any Director authorized by the chair person shall chair the meeting of the Board for transacting the business.	
Constitution of Committee	<b>12.</b> (1) The Board may from time to time constitute such number of management/advisory/scientific/technical committee as it may deem fit for the purpose of assisting the Board in the efficient discharge of its functions.	

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	(2) The committee shall consist of such number of persons as the Board may determine.	
	(3) Every committee shall function under the general control, direction and superintendence of the Board, and for such duration and in such manner as the Board may direct.	
	(4) The minutes of every meeting of the committee shall, be placed before the Board.	
Allowances to Committee Members	<b>13.</b> (1) The members of any committee, may be paid such allowances, as may be prescribed, for attending the meetings of the committee or for attending to any other work of the National Fisheries Development Board based on an invitation thereof.	
	(2) All other matters pertaining to the conduct of proceedings of the committee shall be such as may be prescribed.	
Delegation of powers to the Committees and other Organizations.	<b>14.</b> (1) The Board may delegate the power to the Committee or to any of the member thereof, subject to such conditions and limitations, as may be specified by the Board., Such powers and functions as assigned as it may deem necessary for the efficient discharge of its functions.	
	(2) The Board may, if it considers it necessary so to do in the public interest, delegate any of its powers and functions, subject to such conditions and limitations, as specified, to a co-operative federation at the National or State level, or to any organisation owned, managed, controlled or assisted by the Board.	
Delegation of Powers to Chief Executive	<b>15.</b> The Board may, from time to time, by order, delegate powers to Chief Executive, subject to conditions as it may deem fit to impose, the powers of appointment, termination, suspension and dismissal from service of any employee of the National Fisheries Development Board, who is drawing a salary in any grade.	
	<b>CHAPTER IV</b> <b>POWERS AND FUNCTIONS OF THE NATIONAL FISHERIES DEVELOPMENT BOARD</b>	
Powers and functions of the National Fisheries Development Board	<b>16.</b> (1) Subject to the provisions of this Act the NFDB: -	
	(a) to plan and promote the development of Fisheries & Aquaculture and allied activities/ industries.	
	(b) To formulate schemes and programmes with the prior approval	



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	of the central government for development of fisheries in a sustainable and responsible manner with eco-friendly practices on an intensive and nation-wide basis.	
	(c) To promote adoption, infusion and dissemination of need based technologies in fisheries sector with interface with R&D institutions	
	(d) to strengthen fisheries infrastructure facilities including cold chain for post-harvest practices,	
	(e) building up the required capacity to produce the required stock of quality fish seed of different species of fish and adequate quantities of formulated fish feeds for timely supply to the fish farmers;	
	(f) to promote domestic and export marketing of fish and fishery products	
	(g) to facilitate the training and skill development of stakeholders.	
	(h) to assist the Union Government in implementation of the regulatory and management measures in Fisheries& Aquaculture	
	(i) to promote domestic consumption of fish and fish products through awareness programmes.	
	(j) to establish network with national and international organisations for their expertise	
	(k) to provide consultancy and managerial services and the execution of any fisheries project on a turn-key basis and to charge for the services rendered.	
	(l) to acquire, hold and dispose any property for the purposes of the Board and its allied institution's business	
	(m)to carry out business or class of business, which was being carried on by the Board or any other new business through which BOARD can be made self-sustaining over a period of time;	
	(n) to take such measures for carrying out the said purposes, and for the exercise of its powers and the performance of its functions and responsibilities under this Act, as it may consider necessary.	
	(2) Where the Central Government or the Government of any State considers that, having regard to the special expertise of the National Fisheries Development Board and the needs of the public, it is necessary or advisable to entrust the National Fisheries Development Board with any activity, other than that to which the foregoing sub-sections apply, it may, entrust such activity to the National Fisheries Development Board, whereupon it shall be competent for the National	

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	Fisheries Development Board to carry on such activity.	
	(3) without prejudice to the generality of the foregoing powers, it shall be competent for the National Fisheries Development Board to participate, with the prior approval of the Central Government, in any other organisation, financially, managerially or in any other manner.	
	<b>CHAPTER V</b> <b>PROVISIONS RELATING TO DIRECTORS AND EMPLOYEES OF THE NATIONAL FISHERIES DEVELOPMENT BOARD</b>	
Provisions regarding members of National Fisheries Development Board	<b>17.</b> Every person holding office as a member of the Governing Body or Executive Committee of NATIONAL FISHERIES DEVELOPMENT BOARD immediately before the appointed day, shall, on and from that day, cease to hold office as such member until and unless directed by Central Government.	
Provisions relating to officers and other employees of National Fisheries Development Board	<b>18.</b> Subject to the provisions of section 19, every full-time officer or other employee, holding office immediately before the appointed day, in the NATIONAL FISHERIES DEVELOPMENT BOARD, shall, on and from the appointed day, become an officer or other employee, as the case may be, of the National Fisheries Development Board and shall hold office or service in the National Fisheries Development Board on the same terms and conditions of service as he would have had under the existing National Fisheries Development Board, as the case may be, and shall continue to do so unless and until his terms and conditions of service are duly altered by the Board.	
Power of Board to restructure and streamline organisational and functional set-up of National Fisheries Development Board to secure utmost efficiency in functioning	<b>19.</b> Notwithstanding anything contained in this Chapter, the National Fisheries Development Board may make such orders or take such action as may be necessary for restructuring and stream lining the organisational and functional set-up of the Board to secure utmost efficiency in its functioning, and the Board shall, for achieving this object, be competent to declare any officer or other employee or any class of officers or other employees to be redundant if it finds them redundant by way of being surplus or otherwise due to duplication of posts of the same nature, or absence of the special expertise required for the post in the revised set-up or the non-availability of posts in a particular office or unit of the National Fisheries Development Board and it is not practicable to accommodate him/her in the type of post in the particular grade.	
Provident fund, gratuity, welfare and other funds	<b>20.</b> (1) Where a provident fund has been established by the National Fisheries Development Board for the benefit of the officers or other employees and the same stands vested in an account, the moneys and other assets standing to the credit of such provident fund account shall	

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	continue to be held in the same account with the same objects as were applicable before the appointed day and vest in the National Fisheries Development Board.	
	(2) Where any gratuity, welfare or other fund had been established by National Fisheries Development Board for the benefit of its officers or other employees and is in existence immediately before the appointed day, all moneys and other assets standing to the credit of or relatable to such gratuity, welfare or other fund shall vest in the National Fisheries Development Board.	
	(3) Notwithstanding anything contained in sub-sections (1) and (2), the Board may give such directions relating to the above mentioned accounts or take such other action as it may deem fit.	
	(4) The Board may, having regard to the welfare of the officers and other employees or their families, take such steps for the advancement of their health, education or other interests as may be prescribed and create such institutions as may be required for the purpose.	
	(5) Nothing in the foregoing provisions of this section shall derogate the power of the Board to make regulations for establishing or maintaining any provident fund, welfare fund, gratuity fund or other fund for any of its officers or other employees.	
	<b>CHAPTER VI</b> <b>FINANCE, ACCOUNTS AND AUDIT</b>	
Borrowing powers of Board	<b>21.</b> The Board may, with the previous approval of the Central Government or in accordance with the terms of any general or special authority given to it by the Central Government, borrow money from any source as it may deem fit for discharging all or any of its functions under this Act.	
Grants and loans by Central Government	<b>22.</b> National Fisheries Development Board may receive by way of grants such sums of money as the Central Government may think fit for being utilised for the purpose of this Act.	
National Fisheries Development Board Fund	<b>23</b> (1) The National Fisheries Development Board shall maintain a Fund to be called the National Fisheries Development Board Fund to which shall be credited-	
	(a) all sums of money vested in the National Fisheries Development Board under Chapter II;	
	(b) all sums of money that may be provided by Government;	

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	(c) all fees and other charges received by the National Fisheries Development Board;	
	(d) all sums of money received by the National Fisheries Development Board in any other manner or from any other source.	
	(2) All sums of money credited to the said Fund shall, subject to the regulations, if any, made in this behalf, be deposited with any nationalised bank.	
<i>Explanation</i>	In the sub-section "nationalised bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (44 of 1980).	
	(3) The said Fund shall be applied towards meeting the administrative and other expenses of the National Fisheries Development Board, including expenses incurred in the exercise of the powers and the discharge of its functions and responsibilities under section 16 or in relation to any of the activities referred to therein or for anything relatable thereto.	
Utilization of Fund:	<b>24.</b> The fund shall be applied	
	a. For meeting the salaries, allowances and other remuneration of the officers and other employee of the board.	
	b. For meeting other administrative expenses of the board.	
	c. For meeting cost of measures referred to in Chapter IV	
	d. For repayment of borrowings.	
Preparation of accounts and balance-sheet	<b>25.</b> The Board shall maintain proper accounts and other relevant records and prepare annual statement of accounts, including the profit and loss account and the balance sheet in such form as may be prescribed by the Central Government.	
Audit:	<b>26.</b> (a) The accounts of the Board, shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified and any expenditure incurred in connection with such audit shall be borne by the Board. (b)The Comptroller and Auditor General of India and any person appointed by him in connection with audit of the accounts of the Board, shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor –General	

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	has in connection with the audit of Government accounts and in particular shall have the right to demand the production of books, accounts connected vouchers and other documents and papers and to respect any of the offices of the Board.	
Reports to be laid before Parliament:	<b>27.</b> The accounts of the Board as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.	
Power to call for repayment before agreed period	<b>28.</b> Notwithstanding anything contained in any agreement to the contrary, the Board may, by notice in writing, require any person to which the National Fisheries Development Board has granted any loan or advance, to discharge forthwith in full, its liabilities to the Board, -	
	(a) if it appears to the Board that any false or misleading information in any material particular was given in the application for the loan or advance; or	
	(b) if the person has failed to comply with the terms of its contract in the matter of the loan or advance; or	
	(c) if there is a reasonable apprehension that the person is unable to pay his debts or that proceedings for liquidation may be commenced in respect thereof; or	
	(d) if the property pledged, mortgaged, hypothecated or assigned as security for the loan or advance is not insured and kept insured by the person to the satisfaction of the Board (or depreciates in value to such an extent that, in the opinion of the Board, further security to the satisfaction of the Board should be given and such security is not given after demand); or	
	(e) if, without due permission, any machinery, plant or other equipment (whether forming part of security or not) is removed from the concerned premises without being replaced; or	
	(f) if, for any other reason, the Board considers it necessary so to do for protecting the interests of the National Fisheries Development Board.	
Special provisions for enforcement of claims by National Fisheries Development Board	<b>29.</b> (1) Where any person, in breach of any agreement, makes any default in the repayment of any loan or advance or any instalment thereof (or in meeting its obligations in relation to the guarantee given by the National Fisheries Development Board) or otherwise fails to comply with the terms of agreement with the Board or where the Board requires any persons to make immediate repayment of any loan or advance under section 28 and the person fails to make such repayment, then, without prejudice to the provisions of section 69 of the Transfer of Property Act, 1882, (4 of 1882) any officer of the National Fisheries	

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	Development Board, generally or specially authorised by the Board in this behalf, may apply to the court for one or more of the following reliefs, namely:-	
	(a) for an order for the sale of the property pledged, mortgaged, hypothecated or assigned to the National Fisheries Development Board as security for the loan or advance; or	
	(b) for transferring the management of any organisation to the National Fisheries Development Board; or	
	(c) for an ad interim injunction where there is apprehension that the machinery or other equipment is being removed from the premises of the organisation without due permission.	
	(2) The procedure for making an application under sub-section (1) and for the disposal thereof shall be such as may be prescribed.	
	<b>CHAPTER VII</b> <b>MISCELLANEOUS</b>	
Defects in appointments in the Board.	<b>30.</b> No act or proceeding of the Board or of any committee of the National Fisheries Development Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board or the committee, as the case may be.	
Protection of acts done in good faith	<b>31.</b> No suit or other legal proceeding shall lie against the National Fisheries Development Board or any director or any officer or other employee of the Board or any other person authorised by the Board to discharge any functions under this Act, for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or of any other law or provision having the force of law.	
Indemnity of directors	<b>32.</b> Every director shall be indemnified by the National Fisheries Development Board against all losses and expenses incurred by him, in, or in relation to, the discharge of his duties, except such as are caused by his own wilful act or default.	
Obligation as to fidelity and secrecy	<b>33.</b> (1) The Board shall not, except as otherwise required by this Act or any other law, divulge any information relating to, or to the affairs of, the National Fisheries Development Board except in circumstances in which it is in accordance with the law or practice and usage customary among financial institutions, necessary or appropriate for the Board to divulge such information.	
	(2) Every director, member of a committee, auditor or officer or other employee of the National Fisheries Development Board shall, before entering upon his duties, make a declaration of fidelity and	

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	secrecy in the form set out in the Schedule.	
Creation of Posts	<b>34.</b> Nothing contained in Chapter V shall be deemed to prejudice the right of the National Fisheries Development Board with the approval of Department of Fisheries, Government of India, to create such number of posts or to appoint such number of officers or other employees as it may consider necessary or desirable for the efficient discharge of the functions of the National Fisheries Development Board and where any such officer or other employee is appointed, the terms and conditions of service, including inter se seniority, may also be determined by the Board.	
Liquidation under orders of Central Government	<b>35.</b> No provision of any law relating to the winding up of companies or corporations shall apply to the National Fisheries Development Board and it shall not be placed in liquidation save by an order of the Central Government and in such manner as it may direct.	
Transitional provisions for auditors	<b>36.</b> Any auditor appointed in relation to the National Fisheries Development Board, functioning immediately before the appointed day, may, notwithstanding anything contained in this Act, be continued by the National Fisheries Development Board for such period and on such terms as may be considered necessary.	
Management or assistance to ongoing projects/schemes/programmes	<b>37.</b> For the removal of doubts, it is hereby declared that where, before the appointed day, either the National Fisheries Development Board was managing any other organisation or rendering any technical or other assistance to any organisation or person, the National Fisheries Development Board may continue to render the same or similar service to such extent, for such period and with such modifications as the Board may deem fit.	
National Freshwater Fish Brood Bank, North Eastern Regional Centre, Guwahati and Moolapalem site of National Fisheries Development Board to be a subsidiary unit of National Fisheries Development Board	<b>38.</b> The undertaking known as the National Freshwater Fish Brood Bank, Kausalyaganga, Orissa, North Eastern Regional Centre, Guwahati and Moolapalem site of National Fisheries Development Board and any other establishment that may come upon Moolapalem site shall, on and from the appointed day, become a subsidiary unit of the National Fisheries Development Board.	

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Formation of companies with previous approval of Central Government	<b>39.</b> (1) Where the Board considers it necessary so to do, for the implementation of any of its objectives, it may, subject to the previous approval of the Central Government form one or more companies either by itself or in conjunction with any of its subsidiaries or with any other undertaking.	
	(2) Where any company has been formed in pursuance of sub-section (1), -	
	(a) in the case of a company formed by the Board by itself or along with its subsidiaries, it may contribute such capital, transfer such of its assets or render such assistance, as may be required, so as to enable the company so formed to function; and	
	(b) in any other case, it may contribute capital, transfer assets or render assistance in such manner and to such extent as the Board may deem fit subject to specific previous approval of the Central Government in that regard.	
Exemption from tax on income	<b>40.</b> Notwithstanding anything contained in the Income-tax Act, 1961 (43 of 1961) or any other enactment for the time being in force relating to tax on income, profits or gains, the National Fisheries Development Board shall not be liable to pay income-tax or any other tax in respect of its income, profits or gains derived.	
Returns	<b>41.</b> The National Fisheries Development Board shall furnish, from time to time, to the Central Government such returns as the Central Government may require.	
Power to make schemes and regulations regarding service matters retrospectively	<b>42.</b> Any scheme or regulation made under this Act in relation to conditions of service or like matters of officers or other employees of the National Fisheries Development Board, may be made retrospectively from any date not earlier than the appointed day.	
Act to have overriding effect	<b>43.</b> The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Companies Act, the Industrial Disputes Act, 1947 (14 of 1947) or any other law for the time being in force or in any instrument having effect by virtue of any law other than this: Act, or in any decree of order of any court, tribunal or other authority.	
Power to make regulations	<b>44.</b> (1) The Board may with the previous approval of Central Government, by notification in the official Gazette of India, make regulations consistent with this Act and the rules generally to carry out provisions of this Act.	
	(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the	



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	following matters, namely: -	
	(a) the qualification and experience, terms and conditions of service including salaries and allowances of the Secretary and other officers and employees of the Board under sub-section 8(2) & Section 9 of Chapter III.	
	(b) the form in which and the time at which the returns may be furnished to the Board under sub-section (41) of Chapter VII.	
Directions of Central Government	<b>45.</b> (a)The Board shall carry out such directions as may be issued to it by the Central Government from time to time for the efficient administration of this Act.	
	(b) The Board shall furnish to the Central Government at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statement and such particulars in regard to any proposed or existing programme for the promotion and development of fisheries sector, as the Central Government may from time to time require.	
	(c) Without prejudice to provisions of sub-section (b) of the Board, shall, as soon as possible after the end of each financial year submit to the Central Government a report in such a form, as may be prescribed, giving a true and full accounts of its activities, policy and programmes during the previous financial year.	
Power to remove difficulties	<b>46.</b> (1) If any difficulty arises in giving effect to the provisions of this Act, The Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:	
	Provided that no such order shall be made after the expiry of five years from the appointed day.	
	(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.	
Laying of Rules before Parliament	<b>47.</b> Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or regulation or both Houses agree that the scheme or regulation should not be made, the scheme or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything	

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	previously done under that <b>rule</b> or regulation.	
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**THE SCHEDULE**

[See Section 35(2)]

Declaration of fidelity and secrecy

I, -----, do hereby declare that I will faithfully, truly, and to the best of my skill and ability execute and perform the duties required of me as Chairperson, director, member of committee, auditor, officer or other employee (as the case may be) of the National Fisheries Development Board and which properly relate to the office or position held by me in or in relation to the National Fisheries Development Board.)

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of any person having any dealing with the National Fisheries Development Board nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the National Fisheries Development Board and relating to the business of the National Fisheries Development Board or the business of any person having any dealing with the National Fisheries Development Board.