

The Goa, Daman and Diu Marine Fishing Regulation Rules, 1982

GOA

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Rule

THE-GOA-DAMAN-AND-DIU-MARINE-FISHING-REGULATION-RULES- of 1982

- Published on 9 March 1982
- Commenced on 9 March 1982
- [This is the version of this document from 9 March 1982.]
- [Note: The original publication document is not available and this content could not be verified.]

The Goa, Daman and Diu Marine Fishing Regulation Rules, 1982Published vide Notification No. 2-2-81-FSH, dated 9th March, 1982

2.

-2-81-FSH. - In exercise of the powers conferred by section 28 of the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 (3 of 1981) the Government of Goa, Daman and Diu hereby makes the following rules, namely: -

1. Short title and commencement.

(1)These rules may be called the Goa, Daman and Diu Marine Fishing Regulation Rules, 1982.(2)They shall come into force at once.

2. Definitions.

- In these rules,-(a)'Act' means the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 (3 of 1981);(b)'form' means a form appended to these rules;(c)'section' means a section of the Act.

3. Application for licensing of fishing vessels under section 6.

(1)Every owner of a fishing vessel which is mechanically propelled shall make an application accompanied by a licence fee of Rs. 205/- to the authorised officer, for the grant of a licence for

using such fishing vessel in the specified area in Form A.(2)The authorised officer shall, while granting or refusing the licence, apart from the conditions specified in clause (a), (b) & (c) of sub-section (4) of section 6, have regard to the number of fishing vessels already licensed in the area where the fishing vessel is sought to be operated.(3)If the authorised officer, after making such enquiries as deemed fit, decides to grant the licence applied for he shall issue a licence in Form B, which shall be valid for a period of one year from the date of issue.(4)The authorised officer, having regard to the area in which the fishing vessel is sought to be operated, may direct the applicant to deposit an amount which shall be not less than Rs. 210/- but not more than Rs. 250/- as security deposit for the due observance of the conditions of the licence.(5)Licence issued will be valid for one year and will have to be renewed annually by paying renewal fee of Rs. 50/-.

4. Licensing of fishing nets.

(1)The owner of a fishing net desirous of obtaining a licence for the same shall make an application to the authorised officer in Form C. The application shall be accompanied by a fee of Rs. 50/-. (2)A licence in Form D shall be issued to the applicant on depositing of a sum not less than Rs. 50/- but not more than Rs. 75/- as may be directed by the authorised officer, as security deposit, for the due observance of the conditions specified in the licence.(3)Notwithstanding anything contained in this rule net which has been registered under the Goa, Daman and Diu Fisheries Rules, 1981, shall subject to the condition of depositing the security deposit, referred to in sub-rule (2) be deemed to have been licensed under these rules.

5. Amendment of licences.

(1)The authorised officer, if after holding an enquiry under sub-section (1) of section 11 is satisfied that the additional conditions should be imposed upon the licensee who has been granted a licence either under section 6 or under section 8, may call upon such licensee to produce the licence for amending it and on such production, he may after any condition or add one or more conditions or demand, subject to the provisions of rule 3 or rule 4 as the case may be, and after giving an opportunity of being heard to the licensee additional security deposit.(2)If such a licensee fails to comply with any order passed by the authorised officer under sub-rule (1), the licence shall be cancelled forthwith.

6. Registration of vessels.

(1)Every application under sub-rule (2) of section 12 for registration of a vessel shall be made in Form E.(2)Every application under sub-rule (1) shall be accompanied with a fee of Rs. 50/-. (3)The authorised officer shall, after making such inquiry as he deems fit, issue a registration certificate in Form F.(4)The authorised officer shall maintain a register in Form G in respect of all vessels registered under this rule.(5)Every vessel registered under this rule shall display the registration number allotted to it by the authorised officer on both sides of the bow and the aft side of the vessel.

7. Information regarding the movement of fishing vessels.

- If the owner of a fishing vessel desires to shift the vessel from one port area to the other, he shall inform such movement in Form H to the authorised officer and also to the port officer, having jurisdiction over the area where such fishing vessel has been moved.

8. Returns to be made by the owners of fishing vessels.

- Every owner of a fishing vessel shall, on or before the 7th of every month, submit a return in Form I to the authorised officer in respect of his vessel.

9. Appeals against the order of authorised officer.

- Every appeal under section 16 shall be made to the Secretary to the Government of Goa, Daman and Diu, Secretariat-Panaji dealing with the Department of Fisheries.

10. Disposal of seized fish, etc.

(1) Every fishing vessel impounded under section 18 shall be kept in the port nearest to the place of seizure and so long as it continues to be impounded, shall be under the control of the port officer concerned. (2) Every owner of the impounded fishing vessel shall keep on board of such vessel, at his cost, such number of crew which are necessary for keeping the vessel in good condition. (3) The authorised officer shall, if suitable facilities are not available for storage of fish seized, dispose such fish by holding public auction and deposit the amount so realised in the first instance in the office of the Directorate of Fisheries and as soon as the amount excess Rs. 500/- he shall deposit in the office of the adjudicating officer. The authorized officer shall also furnish to the adjudicating officer full details regarding the date, time, place of auction, the number of persons who were present for bidding and other relevant particulars.

11. Manner of conducting inquiry by the adjudicating Officer.

(1) On receipt of the report of the authorised officer under sub-section (1) of section 20, the adjudicating officer shall cause a notice to be served on the owner of the fishing vessel in any of the manners provided in rule 16. (2) The notice shall give the details of the contravention of the provisions of Act or Rules or any of the conditions of the licence by the fishing vessel concerned and call upon the owner to show cause as to why he should not be punished for the aforesaid contraventions. (3) When a notice has been duly served and the owner fails to appear on the date fixed for hearing, the adjudicating officer may proceed to hear the matter ex-parte and pass such order on the basis of the material before him, as he may deem fit. (4) Where the owner appears and contests the notice, he shall forthwith file a written statement verified in the same manner as a pleading under the Code of Civil Procedure, 1908 stating the reasons why he should not be punished for any such alleged contravention of the provisions of Act or the Rules or the conditions of the licence. The adjudicating officer shall, then either on the same day or on any subsequent day to

which the hearing may be adjourned, proceed to hear the evidence, if any, which may be adduced before him.(5)After the evidence has been recorded in a summary manner, the adjudicating officer may also hear the parties and pass such order as may deem fit in accordance with the provision of section 21 of the Act.(6)Every order passed by the adjudicating officer shall be communicated to the owner of the vessel and also to the authorised officer.

12. Qualifications of the members of the Appellate Board.

- No person shall be qualified for appointment as a Member unless he is : -(i)an advocate for not less than five years;or(ii)holding a superior post in the legal Department of any Government for not less than five years.(iii)a Judicial officer of five years standing.

13. Procedure of the Appellate Board.

(1)Every petition of appeal from an order of the adjudicating officer shall be presented to the Appellate Board in person or through a legal practitioner or a recognised agent.(2)Every petition shall state succinctly the grounds of appeal and shall be accompanied by a copy of the order appealed against unless the Appellate Board dispenses with such copy.(3)The Appellate Board, shall on receipt of a petition of appeal, give notice of such appeal to all persons concerned who, in its opinion may be interested in the same.(4)The Appellate Board, while hearing an appeal, may admit additional evidence before its final disposal or may remand the case for admission of additional evidence and report or a fresh decision, as it may deem fit.(5)A fee of Rupees fifty in the form of court fee adhesive stamps shall be payable in respect of each appeal.(6)The Appellate Board shall, while hearing an appeal, follow the procedure followed by an Appellate Court under the Criminal Procedure Code, 1973 (Central Act 2 of 1974) while disposing criminal appeals.

14. Allowances payable to Chairman and Members of the Appellate Board.

(1)The Chairman shall be paid a sum of Rs.100/- per sitting as honorarium:(2)Each member of the Appellate Board shall be paid a sum of Rs. 50/- per sitting as honorarium:Provided that the Board shall not have more than ten sittings per month.

15. Fees payable for certified copies of orders.

- (1) A fee of Rs. 2/- shall be payable for supply of a certified copy of any order passed by any officer or authority under the Act.(2)The fees shall be paid in the form of Court fee adhesive stamps.

16. Manner of service or publication of notice, summons or order.

- Every notice, summons or order under the Act or under these rules shall be served in one or more of the following modes, namely: -(a)by delivering or tendering it to the person concerned or his manager or agent, if any;(b)by leaving it at the last known place of business of the person concerned or by delivering or tendering it to some adult member of the family;(c)by sending it by registered

post A/D;(d)by affixing it on some conspicuous part of the premises concerned or at the last known place of business or residence of the person concerned or by publication in a daily newspaper or by proclamation by beat of drum in the locality or in any other customary mode. Form "A"[See sub-rule (1) of rule 3]Application for grant of a licence for fishing vessel for use in a specified areaFrom:(Name and full address of the applicant)To,The Authorised Officer,Directorate of Fisheries,Panaji-Goa.Sir,Please grant me a licence to operate

..... in(Type of Vessel).....under the provisions of/Section 6 of the Goa, Daman and Diu Marine Fishing(Locality/Area)Regulation Act, 1980.I submit that my said vessel is registered with . . . and bear registration No.AuthorityI have paid the necessary fee of Rs. vide receipt No.datedYours faithfully,Form "B"[See sub-rule (3) of rule 3]Fishing Vessel LicenceLicence No.Date of issueValid up toDirector of Fisheries(Facsimile Signature)Signature & Designation of the Issuing OfficerOffice issuing licenceI. Particulars of Licence

1. Name of the licensee

2. Address

II. Particulars of vessel

1. Type of vessel

2. Specification of vessel

LengthBreadthRegistration No.Other particulars, if anyIII. Place of Operation of Vessel.....

1. Name of the specified area

for operation of fishing vessel. Form "C"[See sub-rule (1) of rule 4]Application for grant of Fishing net licenceFrom:(Name and full address of the applicant)To,The Authorised Officer,Directorate of Fisheries,Panaji-Goa.Sir,Please grant me a licence to operate

.....(Type of net)in
.....(Locality/Area)

2. A fee of Rs. has been deposited vide receipt No.dated

Yours faithfully,Form "D"(See sub-rule (2) of rule 4)Fishing Net LicenceDate of issue...REG. No.Director of Fisheries(Facsimile Signature)Licence No. (NEW).I. Particulars of licence

1. Name of the licensee

2. Address

II. Particulars of Net

1. Type of Net

2. Specifications of Net

Length ...Breadth ...Mesh size ...Other particulars, if any.....III. Place of Operation of net.....

1. Name of the specified area.....for operation of net.

IV. Change size of net

1. Length.....

Form "E"[See sub-rule (1) of rule 6]Issued by the Government of Goa, Daman & DiuApplication for Registration of a Fishing VesselUnder section 12 of the Goa, Daman and Diu Marine Fishing Regulation Act, 1980To,The Authorised Officer,Directorate of Fisheries,Panaji-Goa.Sir,I/We ... of ... son of ... and ... Being the owner(S) of fishing vessel called ...hereby request that the said vessel be registered in my/our name and a certificate of Registration issued to me/us.

2. The particulars in respect to the said vessel are as under:

(1)Owner's name and address in full:.....(2)Occupation:(3)Where, when and how the vessel was secured:(4)Place and year of build:.....(5)Type of craft: Whether open/semi-decked/decked/fitted with auxiliary engine:(6)Description and type of engine with the name of the manufacturers, horsepower and speed in full loaded condition:(7)Nature of Employment(8)Port of Registry and Official No. if registered previously(9)Whether the craft has any previous mortgage, if so, the particulars thereof(10)Any other informationSignature or L. T. I. of OwnerPlace:Date:Form "E"AnnexureNotice of Name Proposed for a Vessel(Note: The form is not to be used for an application to change the name of a vessel already on the register)

1. Name Proposed: (In block letters) 1.

Alternative name(s) in order of preference 2.should be given in case the first name 3.cannot be authorized.

2. Name and Address of the Owner:

3. If a new Vessel State:

(a) Name and address of builder: (b) Yard No.

4. If the Vessel has been Purchased State:

(a) Previous name(s) if any: (b) Port at which ship is now plying:

5. Tonnage of Vessel (approx.) and method of propulsion:

Steam or Motor: Applicant's Signature Dated day of 19..... Form "F" [See sub-rule (3) of rule 6] Certificate of Registration of Fishing Vessel under Section 12 of the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 Official No Year of Registration ... This is to Certify that of has declared that he is a resident of the Union territory of Goa, Daman and Diu and the sole owner of the Fishing Vessel called ... and that the said Fishing Vessel was built at ... by ... of ... in the year The said ... has been duly registered under the Goa, Daman and Diu Marine Fishing Regulation Act, 1980. Certified under my hand this the ... day of ... 19 Description of Engines Name and address of makers... When made. ... No. of sets of engines No. of shafts ... N.H.P. B.H.P.... Estimated speed of vessel Type of Engine Reciprocating Engines: No. and diameter of cylinders in each set: ... Rotary Engines: No. of cylinders in each set: Particulars of Vessel and Tonnage

Extreme length	Number of Decks:
Length:	Number of bulkheads:
Breadth:	Build and Material:
Depth :	Stern: Description:
Gross Tons:	
Registered Tons:	
	Authorised Officer

Footnote: 1. This certificate of registration to be produced for inspection on demand by any authority authorised by the Government.

2. This certificate must be surrendered to the Registering Authority if so required by him.

3. While the certificate is in force, the vessel's name and registration mark as painted or otherwise marked position approved by the Government of Goa, Daman and Diu, must not be removed or defaced.

4. In case of any accident occasioning loss of life, or efficiency of the vessel, either in the hull, or in any part of the machinery, a report by letter, signed by the owner or master, is to be forwarded to the Registering Authority, within 24 hours after the happening of the accident, or as soon thereafter as possible.

Form No. "G"Registration Book[See sub-rule (4) of rule 6]

Name of Owner (S):

Address of Owner (S):

Name of Vessel:

Registration Mark:

1. (a) Gross tonnage:

2.Particulars of vessel:.

Description of vessel:

(a) Length Overall:

(b) Net Registered tonnage

(c) Depth:

(d) Breadth:

(e) Place of build:

(f) Material of hull:

(g) Year of build:

(h) Number of bulk-head:

(i) Builder's name and address:

(j) Description:

(k) Number of decks:

(l) Stern:

3.Engine(s)

(a) Steam or internal combustion Engine:

(b) Number of sets:

(c) Description:

(d) Builders:

(e) Year of make:

(f) Surface, jet or non condensing:

(g) No. of cylinders per set:

(h) Diameter of cylinder:

(i) Stroke:

(j) Revolution per minute:

(k) N.H.P. B.H.P./I.H.P.:

4.Boilers :

(a) Type:

(b) Number of Boilers:

(c) Heating surface:

(d) Grate area:

(e) Working pressure:

(f) Year of build:

Lbs. per square inch.

(g) Builders:

(h) Material of construction:

5.Propulsion:

(a) Single, twin screw, side, quarter or stern paddle etc.

(b) Revolutions: per minute

(c) Speed of vessel

(d) Propulsion geared or direct driven:

Dated at this day of 19

Registering Authority Goa, Daman and Diu Panaji/Mormugao. Form "H" (See rule 7) From: (Name and address) To, The Authorised Officer, Directorate of Fisheries, Panaji. Sir, I, owner of fishing vessel bearing registration No. do (name) hereby inform you that I intend to move my said vessel from the limit of to the limits (name of Port) of on (name of Port) Yours faithfully, Signature Copy to: The Port

Officer (name of the Port) Form "I" (See rule 8) From: Name of Owner Address To, The Authorised Officer, Directorate of Fisheries, Panaji. Sir, I herewith submit the returns in respect of fishing vessel bearing Registration No. for the month of (1) No. of fishing trips (2) Total time spent in actual fishing (3) Total catch (4) Total amount returned (5) No. of persons on board (6) Amount spent on fuel (7) Amount spent on the repairs of the vessel (8) Actual working hours of the engines daily (9) Horse power of the engines