

Tamil Nadu Marine Fishing Regulation Act, 1983

TAMILNADU

India

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Act 8 of 1983

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Tamil Nadu Marine Fishing Regulation Act, 1983(Tamil Nadu Act 8 of 1983)Statement of Objects and Reasons - Tamil Nadu Marine Fishing Regulation Act, 1983. - Article 39(b) and (c) of the Constitution provides that the State shall, in particular, direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good and that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment. With a view to conserve the fish and to regulate fishing on scientific basis in the sea, and by way of giving effect to the principles laid down in the said Article 39(b) and (c), the Government decided to undertake a special legislation.² Further, disputes between the operators of fishing vessels, and the traditional fishermen regarding the area of their fishing operations occur frequently in this State and these disputes are more pronounced in certain areas of intensive fishing in coastal districts of Tamil Nadu especially during the prawn fishing seasons. The main objections raised by the traditional fishermen are that, apart from their being deprived of their legitimate prawn and other fish catches from the coastal water either to enjoyed by them, due to competition from the more efficient fishing vessels, their costly nets are also frequently damaged by the trawling operations of the fishing vessels. It was brought to the notice of the Government that the traditional fishermen were apprehensive about the danger to their lives and considerable financial loss by the free movement of mechanised fishing vessels. With a view to prevent clashes between the operators of fishing vessels and the traditional fishermen and to regulate the fishing by the fishing vessels in sea along the whole or part of the coast line of the State of Tamil Nadu, the Government decided to undertake the special legislation on the lines of the Model Marine Fishing Regulation Bill sent by the Government of India. Accordingly, the Tamil Nadu Marine Fishing Regulation Ordinance, 1983 (Tamil Nadu Ordinance 2 of 1983) was promulgated by the Governor.³ The Bill seeks to replace the said Ordinance.Published in Part IV - Section 1, pages 63 and 64 of the Tamil Nadu Government Gazette Extraordinary, dated the 7th February 1983.Statement of Objects and Reasons - Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2000 (Tamil Nadu Act 25 of 2000). - There is no specific provision in the Tamil Nadu Marine Fishing Regulation Act, 1983 (Tamil Nadu Act 8 of 1983) insisting the carrying of life saving appliances and fire fighting appliances in the mechanised fishing vessels. In pursuit of exploitation of prawns and fish in the sea, the fishermen, in spite of weather warning messages,

venture out in the sea resulting in loss of their lives. To avert such occurrence and to ensure safety of life at sea with pragmatic view, the Government have decided to amend the said Tamil Nadu Act 8 of 1983 so as to make specific provisions in the Act insisting the fishing vessels to carry buoy, first aid box, equipment for communication and life saving and fire fighting appliances and to give the power of inspection of the fishing vessels, to the authorised officer. Published in Part IV - Section 1, page 31 of the Tamil Nadu Government Gazette Extraordinary, dated the 10th May 2000.² The Bill seeks to give effect to the above decision. Statement of Objects and Reasons - Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2011 (Tamil Nadu Act 5 of 2011). - At present, mechanized fishing vessels upto a length of fifteen metres in length and fitted with mechanical means of propulsion having an engine of not less than fifteen Horse Power but not more than one hundred and twenty Horse Power, are covered under the definition which is provided in clause (g) of section 3 of the Tamil Nadu Marine Fishing Regulation Act, 1983 (Tamil Nadu Act 8 of 1983) and the term deep sea fishing vessel is also defined in the said clause to cover the vessels fitted with mechanical means of propulsion having an engine of not less than one hundred and twenty Horse Power and measuring in length of not less than fifteen metres. Now, the Government of India have issued the revised guideline in respect of deep sea fishing vessels to cover only the fishing vessels with a length of twenty metres and above.² In view of the revised guidelines issued by the Government of India, the Government have decided to amend clause (g) of section 3 of the said Tamil Nadu Act 8 of 1983 so as to cover the fishing vessels in length of not less than ten metres and not more than twenty metres, which are fitted with mechanical means of propulsion having an engine of not less than twenty horse power but not exceeding one hundred and fifty horse power and consequent to this, it is also to modify the definition of the deep sea fishing vessels in the said clause.³ The Bill seeks to give effect to the above decision. Received the assent of the President on the 4th March 1983 and first published in Part IV - Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 5th March 1983. An Act to provide for the regulation, restriction and prohibition of fishing by fishing vessels [and for the protection and conservation of fishery resources in the sea along the whole or part of the coastline of the State and for matters connected therewith.] [Substituted 'in the sea along the whole or part of the coastline of the State' by Act No. 18 of 2017.] Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-fourth Year of the Republic of India as follows : -

Chapter I

Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Tamil Nadu Marine Fishing Regulation Act, 1983. (2) It extends to the whole of the State of Tamil Nadu. (3) It shall be deemed to have come into force on the 6th January 1983.

2. Declaration.

- It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles laid down in clauses (b) and (c) of Article 39 of the Constitution.

3. Definitions.

- In this Act, unless the context otherwise requires, - (a) "adjudicating officer" means any officer of the Fisheries Department, not below the rank of an Assistant Director of Fisheries, authorised by the Government, by notification, to exercise the powers conferred on, and discharge the duties imposed upon, the adjudicating officer under this Act, for such area as may be specified in the notification; (b) "appellate authority" means any officer of the Fisheries Department not below the rank of Deputy Director of Fisheries, authorised by the Government, by notification, to exercise the powers conferred on, and discharge the duties imposed upon, the appellate authority under this Act, for such area as may be specified in the notification; (bb) ["artificial reef" means one or more objects of natural or manmade structure deployed on the seafloor for the purpose of enhancing fishery resources;] [Inserted by Act No. 18 of 2017.] (c) "authorised officer" means an officer authorised by the Government under section 4; (ca) ["boat building yard" means a yard or place where fishing boats are built or repaired irrespective of the category of fishing boat; [Inserted by Act No. 18 of 2017.] (cb) "coastal area" includes coastal water, the coastline and the coastal lands; (cc) "country craft" means wooden or Fibreglass Reinforced Plastic (FRP) vallam or catamaran or canoe fitted with or without sail and without any engine; (cd) "deep sea fishing vessel" means a ship or boat fitted with mechanical means of propulsion having an engine of not less than two hundred and forty Horse Power and measuring in overall length of not less than twenty four metre; (ce) "driving licence" means the licence issued by an authorised officer, authorising the person specified therein, to drive a mechanised fishing vessel for the purpose of fishing; (d) ["fish" includes all marine flora and fauna, live or dead; [Substituted by Act No. 18 of 2017.] (da) "fish aggregating device" means a floating or anchored, permanent, semi-permanent or temporary structure or device made from any material and used to lure fish; (db) "fisherman" means any person involved in fishing for livelihood or profit; (dc) "fishing" means the pursuit of capturing or catching fish; (dd) "fishing harbour" means the place, which contains the complex of facilities ensuring safe berthing of fishing vessels and providing such service to fishing vessels as may be notified by the Government, from time to time; (de) "fishing net manufacturing unit" means a factory unit involved in manufacture of nets and fishing implements for fishing; (e) ["fishing vessel" means a ship or boat, whether or not fitted with mechanical means of propulsion, which is engaged in sea or backwater fishing for livelihood or profit and includes, - [Substituted by Act No. 18 of 2017.] (i) a deep sea fishing vessel, (ii) a mechanised fishing vessel, (iii) a motorised country craft, wooden or Fibreglass Reinforced Plastic vallam or catamaran, (iv) a country craft, including wooden or Fibreglass Reinforced Plastic vallam or catamaran or canoe, engaged in fishing; (ea) "gear" means any tool including net, trap, hook and line used for fishing; (eb) "inspection officer" means an officer not below the rank of Sub-Inspector of Fisheries working under the administrative control of an authorised officer, authorised by an order, to exercise such powers, and discharge such duties, as may be specified in the order; (g) ["mechanised fishing vessel" means a ship or boat fitted with mechanical means of propulsion having an engine of not less than twenty-eight Horse Power but not more than two hundred and forty Horse Power and measuring in overall length (OAL) not less than ten metres and less than twenty-four metres, but does not include a deep sea fishing vessel; [Substituted by Act No. 18 of 2017.] (ga) "mesh size" means the size of the square opening space formed by threads, cord or wire as fully diagonally stretched; (gb) "motorised country craft" means a wooden or Fibreglass Reinforced Plastic (FRP) catamaran or vallam or canoe of overall length (OAL) not more than twelve metre and

fitted with Out Board Motor (OBM) or Inboard Engine Engine (IBE) having an engine capacity of less than twenty-eight Horse Power;(gc)"no fishing zone" means such area as may be notified by the Government, around defence installations, nuclear installations and any other installations having national security concern;](h)"owner", in relation to any fishing vessel, includes any person who has power to sell or transfer the fishing vessel or who has the custody thereof or who receives, whether on his own behalf or on behalf of any other person, rent for such fishing vessel;(i)"port" means the space within such limits as may, from time to time, be defined by the Government, by notification, for the purposes of this Act;(j)["registered fishing vessel" means a fishing vessel registered under section 435-C of the Merchant Shipping Act, 1958 (Central Act 44 of 1958) or under this Act; [Substituted by Act No. 18 of 2017.](ja)"sea ranching" means stocking of cultured fish juveniles in marine and estuarine environments for the purpose of stock enhancement;(jb)"sea safety" means measures and means of life saving, fire fighting appliances and materials in sea at the time of distress;](k)"specified area" means such area in the sea along the whole or part of the coast line of the State, but not beyond territorial waters as may be specified by the Government by notification, from time to time;(l)"State" means the State of Tamil Nadu and includes the territorial water is along the entire coast line of that State.(m)["surveillance and communication system" means the system used for making communication from fishing vessel and includes Global Positioning System (GPS), Very High Frequency (VHF), High Frequency (HF), Wireless, seamless communication, Vessel Tracking and Monitoring System (VTMS), Navigation lights and shapes; [Inserted by Act No. 18 of 2017.](n)"unit" means boat building yard , fish net manufacturing unit or supplying unit, as the case may be;]

4. Authorisation of officers for the purposes of any provision of this Act.

(1)The Government may, by notification, authorise -(a)any officer of the Government, not being an officer below the rank of a 'B' Group officer; or(b)any officer of the Central Government, with the consent of that Government, to exercise the powers conferred on, and discharge the duties imposed upon, the authorised officer, under this Act in such area as may be specified in the notification.(2)[The authorised officer may, by an order, authorise an inspection officer to exercise the powers and discharge the duties, for the purpose of registration of fishing vessel, licensing of fishing vessel, and to enter, search, seize, any fishing vessel, as may be specified in the order.] [Added by Act No. 18 of 2017.]

Chapter II

Regulation, Restriction or Prohibition of fishing in the Specified Area

5. Power to regulate, restrict or prohibit certain matters within specified area.

(1)The Government may, having regard to the matters referred to in sub-section (2), by notification, -(a)regulate, restrict or prohibit the fishing in any specified area by such class or classes of fishing vessels as may be specified in such notification; or(b)regulate or restrict the number of fishing vessel

which may be used for fishing in any specified area; or(c)regulate, restrict or prohibit the catching in any specified area of such species of fish and for such period as may be specified in the notification; or(d)regulate, restrict or prohibit the use of such fishing gear in any specified area as may be specified in the notification; or(e)fix the hours in a day during which any person may carry on fishing in any specified area using such class or classes of fishing vessels as may be specified in such notification.(2)In issuing a notification under sub-section (1), the Government shall have regard to the following matters, namely : -(a)the need to protect the interest of different sections of persons engaged in fishing, particularly, those engaged in fishing using traditional fishing craft such as catamaran, country craft or canoe;(b)the need to conserve fish and to regulate fishing on a scientific basis;(c)the need to maintain law and order in the sea;(d)such other matters as may be prescribed.(3)[Notwithstanding anything contained in sub-sections (1) and (2),-(a)no owner or master of mechanised fishing vessel shall use or cause or allow to be used such fishing vessel for fishing operation in the sea within five nautical miles from the coast line in the State and the owner or master of a mechanised fishing vessel shall use or cause or allow to be used such mechanised fishing vessel only beyond five nautical miles from the coast line in the State and such operation beyond five nautical miles shall be subject to such conditions as may be specified in the Schedule to this Act;(b)no owner or master of motorised country craft having motorised means of propulsion either from single engine or from multiple engines having capacity of eight Horse Power and above shall use or cause or allow to be used such fishing vessel for fishing operation in the sea within three nautical miles from the coast line in the State and the owner or master of a motorised country craft having motorised means of propulsion either from single engine or from multiple engines having capacity of eight Horse Power and above shall use or cause or allow to be used such fishing vessel only beyond three nautical miles from the coast line in the State and such operation beyond three nautical miles shall be subject to such conditions as may be specified in the Schedule to this Act.](4)Notwithstanding anything contained in sub-sections (1) and (2), no owner or master of a deep sea fishing vessel shall use or cause or allow to be used such fishing vessel for fishing operation in the sea within [the territorial waters] [Substituted 'three nautical miles from the coast line in the State' by Act No. 18 of 2017.] and the owner or master of a deep sea fishing vessel shall use or cause or allow to be used such deep sea fishing vessel only beyond [the territorial waters] [Substituted 'three nautical miles from the coast line in the State' by Act No. 18 of 2017.] and [such operation beyond the territorial waters] [Substituted 'such operation beyond three nautical miles' by Act No. 18 of 2017.] shall be subject to such conditions as the Government may, by notification, specify.

6. Prohibition of use of fishing vessel in contravention of any notification made under section 5.

(1)No owner or master of a fishing vessel shall use, or cause or allow to be used, such fishing vessel for fishing in any manner which contravenes a notification issued under section 5:Provided that nothing in such notification shall be construed as preventing the passage of any fishing vessel from, or to, the shore, through any specified area to, or from, any area other than a specified area for the purpose of fishing in such other area or for any other purpose:Provided further that the passing of such fishing vessel through any specified area shall not in any manner cause any damage to [any gear] [Substituted 'any fishing nets or tackles' by Act No. 18 of 2017.] belonging to any person who engages in fishing in the specified area by using [country craft or motorised country craft.]

[Substituted 'any traditional fishing craft such as catamaran, country craft or canoe' by Act No. 18 of 2017.](2)[No owner or master of a fishing vessel shall use or cause or allow to be used the fishing vessel for fishing by using prohibited gears and shall also not carry any prohibited gear on board which is prohibited under this Act.(3)No owner or master of a fishing vessel shall use or cause or allow to use the fishing vessel without sea safety, surveillance and communication system as may be prescribed.] [Added by Act No. 18 of 2017.]

7. Licensing of fishing vessels.

(1)The owner of a fishing vessel may make an application to the authorised officer for the grant of a licence for using such fishing vessel for fishing in any specified area.(2)Every application under sub-section (1) shall be in such form, contain such particulars, and be accompanied with such fees, as may be prescribed.[(2-A) The authorised officer shall by an order cause the fishing vessel to be inspected by an inspection officer;(2-B) The inspection officer shall inspect the fishing vessel to ensure the compliance of the requirements as may be prescribed for issue of certificate of inspection.] [Inserted by Act No. 18 of 2017.](3)The authorised officer may, after making such enquiry as he deems fit and having regard to the matters referred to in sub-section (4), either grant, or refuse to grant, to the owner of the fishing vessel, a licence for using such fishing vessel for fishing in the specified area or specified areas.(4)In granting or refusing licence under sub-section (3), the authorised officer shall have regard to the following, namely :-(a)whether the fishing vessel is a registered fishing vessel;(aa)[whether the fishing vessel carry the registration mark displayed in the size and manner as may be prescribed; [Inserted by Act No. 18 of 2017.](aaa)whether the fishing vessel is painted in such manner as may be prescribed by the Government from time to time;](b)the condition of the fishing vessel including the accessories and fishing gear with which it is fitted;(bb)[the condition of sea safety, surveillance and communication system in the fishing vessel as may be prescribed for such fishing vessel; [Substituted by Act No. 18 of 2017.](bbb)any dues or charges to be remitted to the Government by the owner of the fishing vessel;](c)any notification issued under section 5;(d)such other matter as may be prescribed.(5)A licence granted under this section shall be in such form and subject to such conditions, including conditions as to payment of such fees and furnishing such security for the due performance of the conditions, as may be prescribed:Provided that different fees, and different amounts by way of security may be prescribed in respect of licences for different classes of fishing vessels.(5A)[The owner of a fishing vessel which has been licensed under this Act section before the date of commencement of the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2000, shall provide busy, first aid box, equipment for communication and such life saving and fire fighting applications at may be prescribed in such fishing vessel within thirty days from such commencement.] [Inserted by the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2000 (Tamil Nadu Act 25 of 2000).] [(5-B) The owner of a fishing vessel which has been licenced under this section before the date of commencement of the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2016 shall provide sea safety, surveillance and communication system as may be prescribed in such fishing vessel within ninety days from such commencement.] [Inserted by Act No. 18 of 2017.](6)A licence granted under this section shall be valid for the period specified therein or for such extended period as the authorised officer may think fit to allow in any case.

7A. [Driving licence to drive mechanized fishing vessel. [Inserted by Act No. 18 of 2017.]

(1)No person shall drive a mechanized fishing vessel, unless he holds a valid driving licence authorising him to drive the mechanized fishing vessel.(2)Any person, who has completed eighteen years of age, may apply to the authorised officer having jurisdiction in the area, in which he ordinarily resides or carries on business to issue to him a driving licence for driving a mechanized fishing vessel.(3)Every application under sub-section (2) shall be in such form and shall be accompanied by such fee and such documents as may be prescribed.(4)The authorised officer, on satisfaction of the terms and conditions as may be prescribed, shall issue the applicant a driving licence to drive a mechanized fishing vessel.(5)The licence issued under sub-section (4) shall be valid for a period of five years.

7B. Renewal of driving licence.

(1)An authorised officer may, on an application made to him, renew a driving licence for a further period of five years to drive a mechanized fishing vessel.(2)An application for the renewal of a driving licence shall be in such form and shall be accompanied by such fee and such documents as may be prescribed.] [Substituted by Act No. 18 of 2017.]

8. Prohibition of fishing using fishing vessels which are not licensed.

- No person shall, after the commencement of this Act, carry on fishing to any specified area using a fishing vessel which is not licensed under section 7:Provided that nothing in this section shall apply to any fishing vessel, which was being used for fishing immediately before the commencement of this Act, for a period of three months or such further period as may be specified by the Government, by notification.

9. Cancellation, suspension, variation and amendment of licences and cancellation and suspension of certificate of registration.

(1)If the authorised officer is satisfied, either on a reference made to him in this behalf or otherwise, that-(a)a licence granted under section 7 has been obtained by misrepresentation as to an essential fact; or(b)the holder of licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act, or any notification issued or rule made thereunder, then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the said authorised officer may, after giving the holder of the licence a reasonable opportunity of showing cause, cancel or suspend the licence or forfeit the whole or any part of security, if any, furnished for the due performance of the conditions subject to which the licence has been granted.(2)Subject to any rules that may be made in this behalf, the authorised officer may also vary or amend a licence granted under section 7.(3)If the authorised officer is satisfied, either on a reference made to him in this behalf or otherwise, that -(a)a certificate of registration issued under section 10 has been obtained by misrepresentation as to

an essential fact; or(b)the holder of a certificate of registration has, without reasonable cause, failed to comply with the conditions subject to which the certificate of registration has been issued or has contravened any of the provisions of this Act, or any notification issued, or rule made thereunder, then, without prejudice to any other penalty to which the holder of the certificate of registration may be liable under this Act, the authorised officer may, after giving the holder of the certificate of registration a reasonable opportunity of showing cause, cancel or suspend the certificate of registration.

10. Registration of fishing vessels.

(1)The owner of every fishing vessel not being a fishing vessel registered under [section 435-C of the Merchant Shipping Act, 1958 (Central Act 44 of 1958)] [Substituted 'section 11 of the Marine Products Export Development Authority Act, 1972 (Central Act 13 of 1972)' by Act No. 18 of 2017.], shall register such fishing vessel under this Act.(2)Every application for registration of such fishing vessel shall be made by the owner thereof to the authorised officer in such form, and shall be accompanied by such fees, as may be prescribed -(a)before the expiration of one month from the date on which he first became the owner of such fishing vessel; or(b)before the expiration of three months from the commencement of this Act, whichever is later:Provided that the authorised officer may, for sufficient reason to be recorded in writing, extend the time limit for registration by such period as he thinks fit.[(2-A) On receipt of such application, the authorised officer shall, by an order, cause the fishing vessel to be inspected by an inspection officer.(2-B) The inspection officer shall inspect the fishing vessel to ensure the compliance of the requirements as may be prescribed and issue a certificate of inspection.] [Inserted by Act No. 18 of 2017.](3)The authorised officer shall issue to the owner of the fishing vessel registered by him a certificate of registration in the prescribed form and shall enter in a register to be kept by him, in such form as may be prescribed, the particulars of such certificate.(4)The certificate of registration once issued shall continue to be in force unless it is cancelled or suspended by the authorised officer.(5)Every fishing vessel registered under this section shall carry a registration mark, assigned to it by the authorised officer, displayed in the prescribed manner.[(5-A) No fishing vessel shall be registered under this section unless such vessel [carries sea safety, surveillance and communication system] [Sub-sections (5-A) and (5-B) were inserted by the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2000 (Tamil Nadu Act 25 of 2000).] as may be prescribed.(5-B) The owner of a fishing vessel which has been registered under this section before the date of commencement of the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2000 shall provide buoy, first aid box, equipment for communication and such life saving and fire fighting appliances as may be prescribed in such fishing vessel within thirty days from such commencement.][[(5-BB) The owner of a fishing vessel which has been registered under this section before the date of commencement of the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2016 shall provide sea safety, surveillance and communication systems as may be prescribed in such fishing vessel within ninety days from such commencement.(5-C) Every fishing vessel registered under this section shall be painted in such manner as may be prescribed by the Government from time to time.] [Inserted by Act No. 18 of 2017.](6)No fishing vessel, other than a registered fishing vessel, shall be entitled to a licence under section 7.

10A. [Registration of boat building yards, fishing net manufacturers or suppliers. [Inserted by Act No. 18 of 2017.]

(1)The owner of every boat building yard unit, fishing net manufacturing unit or supplying unit shall register such unit under this Act.(2)Every application, for registration of such unit, shall be made, by the owner thereof to the authorised officer in such form and shall be accompanied by such fees as may be prescribed.(3)Notwithstanding anything contained in this Act, but subject to the provisions of sub-section (4), every owner of a unit immediately before the commencement of the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2016 may continue the unit.(4)Every unit continued under sub-section (3), shall not continue after the expiry of a period of three months from the date of commencement of the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2016, unless the unit is registered under this section:Provided that the authorised officer may, for sufficient reasons to be recorded in writing, extend the time limit for registration for such period not exceeding three months, as he deems fit.(5)The authorised officer shall, by an order, cause the unit to be inspected by an inspection officer.(6)The inspection officer shall inspect such unit and issue a certificate of inspection.(7)On receipt of such certificate of inspection, the authorised officer shall register such units and issue a certificate of registration in the prescribed form and shall enter particulars of such certificate in the register to be maintained by him, in such form as may be prescribed.(8)The certificate of registration once issued shall continue to be in force unless it is cancelled or suspended by the authorised officer.(9)All boat building yards, building mechanised or non-mechanised fishing vessel of wood or Fibre glass Reinforced Plastic or steel, shall furnish a certificate to the effect that the boats are built as per the approved type design and are seaworthy and such certificate shall be enclosed by the fishermen at the time of registration of such fishing vessel under this Act.(10)All the fishing net manufacturers in the State already registered with the Director of Industries and Commerce and applying for registration, shall obtain a No Objection Certificate from the Department of Fisheries and shall abide by the conditions as may be specified under this Act on the quality of the fishing material and regulation of mesh size.(11)A certificate of registration issued under this section, shall be valid for the period specified therein or for such extended period as the authorised officer may think fit to allow in any case.

10B. Employment of person below eighteen years of age.

- No owner or master of any fishing vessel shall engage any person below eighteen years of age. Person with sound physical and mental health alone shall be engaged in such fishing vessel.]

11. [Information to be given to authorised officer about movement of fishing vessels. [Substituted by Act No. 18 of 2017.]

- Where a registered fishing vessel moves from the notified place of berthing, the owner of such fishing vessel shall give information to that effect in the prescribed manner, to the authorised officer having jurisdiction over the notified place where such fishing vessel is berthed and also to the authorised officer having jurisdiction over the notified place where such fishing vessel is intended to be moved.]

12. Returns to be made by owners or registered fishing vessels.

(1)Every owner of a registered fishing vessel shall furnish to the authorised officer at the prescribed time and in the prescribed manner such returns as may be prescribed.(2)The authorised officer may inspect any registered fishing vessel at any time to verify the accuracy of any return made under this section.

13. Finality of orders under [sections 7, 9, 10 and 10A.] [Substituted 'sections 7, 9 and 10' by Act No. 18 of 2017.]

- Every decision of the authorised officer under [section 7, section 9, section 10 or section 10A] [Substituted 'section 7, section 9 or section 10' by Act No. 18 of 2017.], granting or refusing to grant licence for a fishing vessel or cancelling, suspending, varying or amending such licence, or registering or cancelling or suspending the certificate of the [registration of a fishing vessel or unit] [Substituted 'registration of a fishing vessel' by Act No. 18 of 2017.] shall, subject to any right of appeal under section 14, be final.

14. Appeals against orders refusing grant of licence, etc.

(1)Any person aggrieved by an order of the authorised officer refusing to grant licence for a fishing vessel or cancelling, suspending or varying or amending such licence or refusing to [register a fishing vessel or unit or transferring or cancelling or suspending the certificate of registration of such fishing vessel or unit] [Substituted 'register a vessel or cancelling or suspending the certificate of registration of such vessel' by Act No. 18 of 2017.] may, within thirty days from the date on which the order is communicated to him, prefer an appeal to the appellate authority:Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days, but before the expiry of sixty days from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.(2)On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant a reasonable opportunity of being heard, pass such orders thereon as it deems fit as expeditiously as possible.(3)Every order passed by the appellate authority under this section shall be final.

14A. [Management and control of fishing harbours and fish landing centres. [Inserted by Act No. 18 of 2017.]

(1)The Government may, for the purposes of this Act, by notification, declare any place as a fishing harbour or any centre for landing of fish as a fish landing centre, and thereupon the management and control of such fishing harbour and fish landing centre shall vest with the Government.(2)The Government may, by notification,-(a)appoint a District Level Management Advisory Committee and transfer to it the management and control of all fishing harbour and fish landing centre in the District;(b)appoint a Fishing Harbour Management Committee and transfer to it the management and control of the fishing harbour.Explanation. - For the purpose of this section, "Fishing Harbour" means any Fishing Harbour or Fish Landing Centre with facilities for safe landing of harvest,

marketing, distribution and other dependent activities.(3)The constitution, composition, powers and functions of the District Level Management Advisory Committee and Fishing Harbour Management Committee shall be such as may be prescribed.(4)The District Level Management Advisory Committee and Fishing Harbour Management Committee shall meet at such interval as may be prescribed.(5)The Government shall have power to levy and collect fee or charge from the operator of the fishing vessel, transporter of fish and other person using the facilities of the fishing harbour or fish landing centre at such rates as may be prescribed:Provided that the Government may authorise the District Level Management Advisory Committee and Fishing Harbour Management Committee to exercise all or any of the powers of the Government under this sub-section.]

Chapter III

[Offences and Penalties] [Substituted 'Penalties' by Act No. 18 of 2017.]

15. [Power to enter and search fishing vessel. [Substituted by Act No. 18 of 2017.]

(1)The authorised officer or inspection officer may, if he has reason to believe that any fishing vessels has not been provided with sea safety, surveillance and communication system in conformity with the rules made under this Act, or any fishing vessel is being or has been used in contravention of any of the provisions of this Act or of any notifications issued or rules made thereunder or any of the conditions of the licence granted under this Act, enter and search such fishing vessel and seize such fishing vessel and fish found on it and the authorized officer may impound such fishing vessel after giving an opportunity of being heard:Provided that if no claim is made by any person in respect of any seized vessel within a period of six months from the date of seizure of the vessel, the authorised officer shall declare that the seized vessel is abandoned and shall provide for the disposal of the abandoned vessel in such manner as may be prescribed.(2)The authorised officer or inspection officer may seize the prohibited gear, if he has found such gear on board, or used for the purpose of fishing and submit seizure mahazar to the adjudicating officer in the prescribed format.(3)The adjudicating officer may, if he has any reason to believe that the said gear was used in contravention of any provisions of the Act, authorize an officer by an order to destroy such gear into pieces beyond use in the presence of panel of members as he deems fit.Explanation. - For the purpose of this section, "Panel of members" means an officer not below the rank of Village Administrative Officer in the Revenue Department and an officer not below the rank of Sub-Inspector in the Police Department and an officer not below the rank of Sub-Inspector of Fisheries in the Fisheries Department.]

16. Disposal of seized fish.

(1)The authorised officer shall keep the fishing vessel impounded under section 15 in such place and in such manner as may be prescribed.(2)In the absence of suitable facilities for the storage of the

fish seized, the authorised officer may, if he is of the opinion that the disposal of such fish is necessary, dispose of such fish and deposit the proceeds thereof in the prescribed manner in the office of the adjudicating officer.

17. Adjudication.

- [(1) Where any authorised officer has been reason to believe that any fishing vessel has not been provided with [prescribed sea safety, surveillance and communication system] [Substituted by the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2000 (Tamil Nadu Act 25 of 2000).] in conformity with the rules made under this Act or any fishing vessel is being or has been used in contravention of any of the provisions of this Act or of any notification issued or rule made thereunder or any of the conditions of the licence granted under this Act, he shall makes a report thereof to the adjudicating officer.](2)The adjudicating officer shall hold an enquiry into the matters mentioned in the report, in the prescribed manner, after giving all the parties concerned a reasonable opportunity of being heard.

17A. [Prohibition of fishing vessel for use of other purposes. [Inserted by Act No. 18 of 2017.]

(1)No owner or master of a fishing vessel shall use or cause or allow to be used such fishing vessel:-(a)for fishing in contravention of any of the provisions of the Act or rules or of any notification issued thereunder;(b)for any unlawful activities other than fishing;(c)for fishing by using prohibited gear or carry prohibited gear on board;(d)for fishing of any fish species declared as protected fish species under the Wild Life (Protection) Act, 1972 (Central Act 53 of 1972).]

18. Penalty.

(1)The adjudicating officer shall, after the enquiry under section 17, decide whether any person has [used any fishing vessel [without sea safety, surveillance and communication system] [Substituted by the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2000 (Tamil Nadu Act 25 of 2000).] in conformity with the rules made under this Act or has] used, or caused or allowed to be used, any fishing vessel in contravention of any of the provisions of this Act, or of any notification issued or of any rule made thereunder or any of the conditions of the licence granted under this Act and any such person, on being found guilty by the adjudicating officer, [shall be liable to such penalty] [Substituted 'shall be liable to such penalty not exceeding' by Act No. 18 of 2017.]- (a)[not exceeding fifteen thousand rupees, if the value of fish involved is three thousand rupees or less; [Substituted by Act No. 18 of 2017.](b)not exceeding five times the value of the fish, if the value of the fish involved is more than three thousand rupees; or(c)not exceeding fifteen thousand rupees, in any other case, being a case not involving any fish,as may be adjudged by the adjudicating officer.(d)which shall be,-(i)five thousand rupees, if the fishing vessel entered the specified area for the first time and discontinuance of any kind of assistance for fishing extended by the Government for a minimum period of one year;(ii)ten thousand rupees, if the fishing vessel entered the specified area for the second time and discontinuance of any kind of assistance for fishing extended by the

Government for a minimum period of three years;(iii)fifteen thousand rupees, if the fishing vessel entered the specified area for the third time and discontinuance of any kind of assistance for fishing extended by the Government for life time;(iv)fifteen thousand rupees, if the fishing vessel entered the specified area for the fourth time and suspension of fishing for a week;(v)fifteen thousand rupees, if the fishing vessel entered the specified area for the fifth time and cancellation of fishing licence;(e)which shall be, -(i)five thousand rupees and discontinuance of any kind of assistance for fishing extended by the Government for a minimum period of one year, if the fishing vessel entered the "no fishing zone" for first time;(ii)ten thousand rupees and discontinuance of any kind of assistance for fishing extended by the Government for a minimum period of three years, if the fishing vessel entered the "no fishing zone" for second time;(iii)fifteen thousand rupees and discontinuance of any kind of assistance for fishing extended by the Government for life time along with cancellation of fishing licence, if the fishing vessel entered the "no fishing zone" for third time;(f)which shall be, -(i)five thousand rupees for the fishing vessel carrying out fishing during the specified period for the first time along with impoundment of fishing vessel for the entire specified period and discontinuance of any kind of assistance for fishing extended by the Government for a minimum period of one year;(ii)ten thousand rupees for the fishing vessel carrying out fishing during the specified period for the second time along with impoundment of the fishing vessel for the entire specified period and discontinuance of any kind of assistance for fishing extended by the Government for a minimum period of three year;(iii)fifteen thousand rupees for the fishing vessel carrying out fishing during the specified period for the third time along with cancellation of licence and cancellation of any kind of assistance for fishing extended by the Government.][(1-A) The adjudicating officer shall after the enquiry under section 17, decide whether any unit has contravened any of the provisions of this Act or of any notification issued or of any rule made thereunder or any of the conditions of the certificate of registration granted under this Act and any such unit, on being found guilty by the adjudicating officer, shall be liable to such penalty, -(a)not exceeding fifteen thousand rupees, if the unit has engaged in such offence for the first time;(b)minimum of fifteen thousand rupees not exceeding fifty thousand rupees, for subsequent offence by the unit.](2)In addition to any penalty that may be imposed under sub-section (1), the adjudicating officer may direct that -(a)the certificate of registration of the fishing vessel which [does not carry sea safety, surveillance and communication system or which] [Substituted 'does not carry buoy, first aid box, equipment for communication and life saving and fire fighting appliances' by Act No. 18 of 2017.] has been used, or caused or allowed to be used, in the manner referred to in sub-section (1) or the licence, any condition of which has been contravened, shall be-(i)cancelled or revoked, as the case may be; or(ii)suspended for such period as the adjudicating officer deems fit; or(b)the fishing vessel or fish that may have been impounded or seized, as the case may be, under section 15 or the proceeds of the fish disposed of, and deposited in the office of the adjudicating officer, under sub-section (2) of section 16 shall be forfeited to the Government:Provided that no fishing vessel shall be forfeited under clause (b), if the adjudicating officer after hearing the owner of such fishing vessel or any person claiming any right thereto is satisfied that the owner or such person had exercised due care for the prevention of the commission of such offence.(c)[the unit may be kept closed for such period as the adjudicating officer may deem fit.] [Added by Act No. 18 of 2017.](3)[(a) The fishing vessels engaged in unlawful activities other than fishing and found guilty or violating any provisions of the Act, shall be impounded by the authorised officer and on adjudication they shall be confiscated and either be disposed in public auction or destroyed upon

orders of the adjudicating officer or by any other competent authority in the presence of panel of members.Explanation. - For the purpose of this section, "Panel of members" includes an officer not below the rank of Village Administrative Officer in the Revenue Department and an officer not below the rank of Sub-Inspector in the Police Department, in addition to the officer not below the rank of Sub-Inspector of Fisheries in the Fisheries Department.(b)While fishing in the sea, if any person found, engaged in illegal activities which amount to be a cognizable offence, by an officer of the Department of Fisheries, a case be registered under relevant section of the Indian Penal Code, 1860 (Central Act XLV of 1860) and any other relevant Act for the time being in force by the police on a written request to be made by the authorised officer concerned.]

19. Appeals.

(1)Any person aggrieved by an order of the adjudicating officer may, within thirty days from the date on which the order is made, prefer an appeal to the appellate authority:Provided that the appellate authority may entertain any appeal preferred after the expiry of the said period of thirty days, but before the expiry of sixty days from the date aforesaid, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.(2)No appeal under this section shall be entertained by the appellate authority, unless the appellant has, at the time of filing the appeal, deposited the amount of penalty payable under the order appealed against:Provided that, on an application made by the appellant in this behalf, the appellate authority may, if it is of the opinion that the deposit to be made under this sub-section will cause undue hardship to the appellant, by order in writing dispense with such deposit either unconditionally or subject to such conditions as it may deem fit to impose.(3)On receipt of an appeal under sub-section (1), the appellate authority may, after holding such enquiry as it deems fit, and after giving the parties concerned a reasonable opportunity of being heard, confirm, modify or set aside the order appealed against and the decision of the appellate authority shall be final; and -(a)if the sum deposited by way of penalty under sub-section (2) exceeds the penalty directed to be paid by the appellate authority, the excess amount; or(b)if the appellate authority sets aside the order imposing penalty, the whole of the sum deposited by way of penalty, shall be refunded to the appellant.

20. Revision by appellate authority.

- The appellate authority may call for and examine the records of any order passed by an adjudicating officer under section 18 and against which no appeal has been preferred under section 19, for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of the procedure and pass such order with respect thereto as it may think fit:Provided that no such order pre-judicially affecting any person shall be made except after giving the person so affected a reasonable opportunity of being heard in the matter.

21. Powers of adjudicating officer and the appellate authority in relation to holding enquiry under this Act.

(1)The adjudicating officer and the appellate authority shall, while holding an enquiry, have all the

powers of a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) while trying a suit, in respect of the following matters, namely : -(a)summoning and enforcing the attendance of witnesses;(b)requiring the discovery and production of any document;(c)requisitioning any public record or copy thereof from any Court or office;(d)receiving evidence on affidavits; and(e)issuing commissions for the examination of witnesses or documents.(2)The adjudicating officer or the appellate authority shall, while exercising any power under this Act, be deemed to be a Civil Court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

21A. [Civil Court not to decide questions under this Act. [Inserted by Act No. 18 of 2017.]

- No civil Court shall have jurisdiction to decide or deal with any question which is by or under this Act required to be decided or dealt with by any authority or officer mentioned in this Act.] [Added by Act No. 18 of 2017.]

22. Offences by companies.

(1)Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.(2)Notwithstanding anything contained in sub-section (1), where any such offence has been committed by a company and it is proved, that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.Explanation. - For the purposes of this section, -(a)"company" means any body corporate and includes a firm or other association of individuals; and(b)"director", in relation to a firm, means a partner in the firm.

Chapter IV Miscellaneous

23. Exemptions.

(1)Nothing contained in this Act shall apply to survey vessels belonging to the Central Government or any State Government or any public undertaking.Explanation. - For the purpose of this sub-section, "public undertaking" means any company or corporation owned or controlled by the Central or State Government.(2)If the Government is of the opinion that, having regard to the

purposes of this Act, it would not be in the public interest to apply all or any of the provisions of this Act to any class or classes of fishing vessels used for fishing in any specified area or specified areas, it may, by notification, exempt, subject to such conditions as it may think fit to impose, such class or classes of fishing vessels used for fishing in such specified area or specified areas, as it may specify in the notification, from the operation of all or any of the provisions of this Act.

24. Protection of action taken in good faith.

(1)No suit, prosecution or other legal proceeding shall lie against the Government or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any notification issued or order or rule made thereunder.(2)No suit or other legal proceeding shall lie against the Government or any officer or authority for any 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 any notification issued or order or rule made thereunder.

25. Act to override other laws, contract, etc.

- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other laws for the time being in force, or any custom, usage or contract, or order of any authority.

26. Power to make rules.

(1)The Government may make rules for carrying out the provisions of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely : -(a)the matters to which regard shall be had in issuing a notification under sub-section (1) of section 5;(b)the forms of the application for licence under sub-section (1) of section 7, the particulars which it shall contain and the fees which shall accompany it;(c)the matters, to which regard shall be had in granting or refusing a licence, under section 7, the fees payable for the licence and the security for the due performance of the conditions of the licence;(d)the procedure to be followed in granting or refusing a licence under section 7, or cancelling, suspending, varying or amending such licence or in registering a fishing vessel under section 10 or [cancelling or suspending the certificate of registration or in registering a unit under section 10-A or cancelling or suspending the certificate of registration of unit] [Substituted 'cancelling or suspending the certificate of registration' by Act No. 18 of 2017.];(e)[the form of the application for registration of a fishing vessel under section 10 or registration of a unit under section 10-A, the particulars which such application shall contain, the fees which shall accompany the application, the form of the certificate of registration, the form of the register referred to in that section; [Substituted by Act No. 18 of 2017.](ea)the number and description of sea safety, surveillance and communication system to be carried by a fishing vessel;(eb)the procedure to be followed by the inspection officer in conducting inspection and issuing certificate under section 7 and section 10 and the procedure to be followed to enter, search and seize the fishing vessel or gear under sub-section (1) of section 15.](ee)[the number and description of buoy, first aid box, equipment for communication and life saving and fire fighting appliances to be carried by a fishing vessel;] [Substituted by the Tamil Nadu Act 25 of

2000.](f)the manner in which the information referred to in section 11 shall be given;(g)the returns to be furnished to the authorised officer under sub-section (1) of section 12 and the time and the manner in which such returns shall be furnished;(h)the place and the manner in which an impounded fishing vessel shall be kept under sub-section (1) of section 16 and the manner in which the proceeds of the disposal of the seized fish shall be deposited with the adjudicating officer under sub-section (2) of that section;(i)the procedure of the enquiry by the adjudicating officer under sub-section (2) of section 17;(j)the fees payable for the supply of copies of documents or orders or for any other purpose or matter involving the rendering of any service by any officer or authority under this Act;(k)the condition that may be imposed in the notification under sub-section (1) of section 5;(l)[the prohibition or regulation of the use of fishing gear; [Substituted by Act No. 18 of 2017.](m)the regulation of the dimension and kind of gear to be used and the mode of using them;(n)the prohibition of fishing in the specified area;(o)the prohibition the use of any dynamite or other explosive substance, poison or noxious materials to catch or destroy the fish;(p)manner of sea ranching of any fish in the specified area;(q)manner of installation of artificial reef and Fish Aggregating Device (FAD);(r)any other matter which is to be, or may be, provided for by rules under this Act;](3)[Every rule made or every notification issued under this Act] [Substituted 'Every rule made under this Act or notification issued under section 5' by Act No. 18 of 2017.], shall, as soon as possible, after it is made, or issued, be placed on the table of [the Legislative Assembly] [Substituted for the expression 'both Houses of Legislature' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.], and if, before the expiry of the session in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for the expression 'both Houses agree' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] in making any modification in any such rule or [the Legislative Assembly agrees] [Substituted for the expression 'both Houses agree' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] that the rule or notification should not be made or issued, the rule or notification 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 previously done under that rule or notification.

27. Repeal and saving.

(1)The Tamil Nadu Marine Fishing Regulation Ordinance, 1983 (Tamil Nadu Ordinance 2 of 1983), is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said Ordinance including any notification, rules or orders issued, returns furnished and statements filed shall be deemed to have been done, taken, issued, furnished or filed under this Act.

Schedule

[See section 5(3)]Conditions Subject to which a Mechanised fishing vessel shall carry on the fishing operation beyond [five Nautical Miles] [Substituted 'Three Nautical Miles' by Act No. 18 of 2017.]

1. The mechanised fishing vessel referred to in sub-section (3) of section 5 shall leave the notified place of birth or anchoring only after 5 a.m. and the mechanised fishing vessel shall report back at the notified place of birth concerned not later than 9 p.m. and such mechanised fishing vessel shall remain at the notified place of birth or anchoring till 5 a.m. of the following day.

Explanation. - "Notified place of birth or anchoring", in respect of a mechanised fishing vessel, means the place of birth or anchoring which the authorised officer shall specify as a place of birth or anchoring for that mechanised fishing vessel.(2)Any other condition which the Government may, on the recommendation of the Director of Fisheries, specify.[Inserted by Act No. 18 of 2017.]