

# The Maharashtra Marine Fishing Regulation Rules, 1982

MAHARASHTRA

India

## The Maharashtra Marine Fishing Regulation Rules, 1982

### Rule

### THE-MAHARASHTRA-MARINE-FISHING-REGULATION-RULES-1982 of 1982

- Published on 7 February 1983
- Commenced on 7 February 1983
- [This is the version of this document from 7 February 1983.]
- [Note: The original publication document is not available and this content could not be verified.]

The Maharashtra Marine Fishing Regulation Rules, 1982Published vide Notification G.N., A. & C.D., No. FDX. 1481/39909/CR-262/12-ADF, dated 7th February, 1983 (M.G., Part 4-B, page 247)In exercise of the powers conferred by sub-sections (1) and (2) of section 25 of the Maharashtra Marine Fishing Regulation Act, 1981 (Maharashtra LIV of 1981), and of all other powers enabling it in that behalf, Government of Maharashtra hereby makes the following rules the same having been previously published as required by sub-section (3) of the said section 25, namely :-

#### 1.

Short title and commencement.(1)These rules may be called the Maharashtra Marine Fishing Regulation Rules, 1982.(2)They shall come into force on and from the 7th day of February, 1983.

#### 2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Maharashtra Marine Fishing Regulation Act, 1981 (Maharashtra LIV of 1981);(b)"Form" means a form appended to these rules;(c)"Licence" means a licence for using fishing vessel for fishing;(d)"Section" means a section of the Act;(e)words and expressions used in these rules, but not defined herein, shall have the meanings respectively assigned to them in the Act.

#### 3. Form of application for licence.

(1)Every application for the grant or renewal of a licence shall be made in Form 1.(2)Every

application for the renewal of a licence shall be made atleast two months before the period of validity of the licence to be renewed is due to expire.

#### 4. Fees for licence.

(1)The fees for the grant or renewal of a licence shall be payable in accordance with the following scale, namely

	Class of fishing vessel	Fees
(i)	Mechanized fishing vessel fitted with an engine having thehorse-power exceeding 50 HP.	One hundred rupees.
(ii)	Mechanized fishing vessel fitted with an engine having thehorse-power not exceeding 50 HP.	Fifty rupees.
(iii)	Non-mechanized fishing vessel having the gross registeredtonnage exceeding 3 tons.	Twenty rupees.
(iv)	Non-mechanized fishing vessel having the gross registeredtonnage not exceeding 3 tons.	Ten rupees.

(2)The fee for a licence shall be payable in cash or by demand draft in favour of the Licensing Officer to whom the application for the grant or renewal of a licence is made.(3)The fee for a licence once paid shall not be refunded to the applicant save as provided in sub-rule (4) of rule 5.

#### 5. Grant of licence.

(1)Every licence shall be granted in Form 2 and shall be subject to the conditions specified therein.(2)[ No licence shall be granted or renewed in respect of any mechanised fishing vessel unless such vessel has been duly insured both against marine risk and life of every member of the crew of such vessel against the risk of accident while working on the vessel through any agency approved by the State Government. No licence shall also be granted or renewed in respect of any non-mechanised fishing vessel unless the life of every member of the crew of such vessel has been insured against the risk of accident while working on the vessel through any agency approved by the State Government.] [Substituted by G. N. of 17.7.1984.](3)The Licence Officer shall enter the particulars of the licences granted or renewed by him a register of licences in Form 3.(4)Where the application for the grant or renewal of a licence is refused, the reasons for such refusal shall be communicated by the Licensing Officer in writing to the applicant. Where the order refusing the grant or renewal of a licence has become final, half the fees paid by the applicant for the grant or renewal of the licence shall be refunded to him.

#### 6. Form of application for registration of flashing vessel.

- Every application for registration of a fishing vessel under section 9 shall be made in Form 4 and shall be duly signed by the applicant.

## **7. Fees for registration of fishing vessel.**

(1) The fees for registration of a fishing vessel under section 9 shall be payable in accordance with the following scale, namely :-

Class of fishing vessel	Fees
(i) Mechanised fishing vessel	Ten rupees.
(ii) Non-mechanised fishing vessel	Five rupees.

(2) The fee for registration once paid shall not be refunded to the applicant in any case.

## **8. Registration.**

(1) On receipt of an application for registration under section 9, the Registration Officer shall, after making such enquiry as he deems necessary, register the fishing vessel or refuse to register it by an order, in writing giving grounds for such refusal. (2) The certificate of registration shall be Form 5. (3) The Registration Officer shall maintain a register in Form 6 and enter therein the particulars of every fishing vessel registered by him. (4) On registration of a fishing vessel, the registration number shall be assigned to it by the Registration Officer. The owner of registered fishing vessel shall display registration number prominently on his fishing vessel.

## **9. Inspection of certificate of registration, issue of duplicate certificate or registration, etc.**

- The owner of every registered fishing vessel shall carry the certificate of registration at all times on his fishing vessel and shall produce it for inspection whenever any officer authorised Maharashtra Local Acts and Rules by the Registration Officer in that behalf required it to be produced for inspection. The loss, damage, or mutilation, as the case may be, of the certificate of registration shall be reported forthwith, by the owner of the fishing vessel to the Registration Officer who shall issue duplicate certificate on payment of a fee of rupees five and on satisfying about the loss, damage or mutilation, as the case may be, of the said certificate.

## **10. Changes in the Certificate of registration.**

- If the particulars mentioned in the certificate of registration are required to be changed, the owner of the fishing vessel, shall apply to the Registration Officer to make the changes in the certificate of registration. Such application shall be made in Form 7 as soon as possible after the change is made and in any case within one month from the making of such change. On receipt of such application, the Registration Officer shall, after making such enquiries as he may deem necessary, effect necessary changes in the certificate of registration by affixing his signature, seal and date of such change. The changes thus made shall also be recorded in the register maintained in Form 6.

## **11. Recording of charge on the vessel on the registration certificate.**

- If the owner of a registered fishing vessel mortgages or hypothecates such vessel to the financing agency or any other person or purchases the vessel on hire purchase agreement or takes or gives the vessel on hire, or otherwise creates any charge on such vessel, he shall furnish the information of creation of such charge to the Registration Officer within seven days from the creation of such charge. On receiving such information, the Registration Officer shall record such charge in the certificate of registration and in the register maintained by him in Form 6.

## **12. Impoundment of fishing vessel.**

- A fishing vessel impounded by the Enforcement Officer under section 14 shall be kept anchored at the base port of licence or any other port as may be directed by the Enforcement Officer.

## **13. Disposal of fish.**

- The fish seized from an impounded fishing vessel shall be kept suitably preserved to the extent practicable. If the preservation facilities are not available or such facilities are inadequate or if the Enforcement Officer is of the opinion that the fish so seized cannot be further preserved, he shall dispose it of by auction, and deposit the proceeds thereof in cash in the office of the Adjudicating Officer by obtaining his instructions in writing.

## **14. Manner of holding enquiry under section 16 by Adjudicating Officer.**

(1) On receipt of a report from the Enforcement Officer under subsection (1) of section 16, the Adjudicating Officer shall issue a notice to the persons against whom any allegations are made in the report informing them the nature of allegations made and directing them to file a written statement or objections against the said allegations and to appear before him on a specified day at a specified time for being heard in the matter. (2) The Adjudicating Officer shall, after considering the written statements and objections, if any, and after going through the evidence produced before him and also after giving the persons concerned a reasonable opportunity of being heard, record his findings in writing at the end of holding such enquiry. Form I [See rule 3(1)] Application for grant/ renewal of licence for using fishing vessel for fishing in the specified area To The Assistant Fisheries Development Officer/ Licensing Officer..... (District) ..... I/We hereby request that a licence for using the fishing vessel the particulars whereof are given below for fishing in the specified areas mentioned below maybe granted to me/us under section 6 of the Maharashtra Marine Fishing Regulation Act, 1981 (Maharashtra LIV of 1981).

1. Name(s) and address(es) of the owner(s) of the fishing vessel.
2. Registration number and base port of the fishing vessel.
3. Name of the fishing vessel.

4. If mechanised, the HP of the engine.
5. Whether previously licensed, if so, the number of previous licence, and the date of expiry.
6. Period of the licence applied for.
7. Base port from which the fishing vessel is proposed to be employed.
8. Type of fishing gear proposed to be employed.
9. Area of operation where the fishing will be carried out.
10. Names of the trained crew and their qualifications.
11. Whether the vessel is insured against marine risks.
12. If so, the name of the Insurance Company and the date of policy or premium receipt and the period of validity of the insurance.
13. Whether risk of the crew is covered against the accident at sea.

- |     |  |      |                     |   |
|-----|--|------|---------------------|---|
| 14. | If so, the names of the fishermen constituting the crew and the particulars of their Accident Insurance. | Name | Period of validity. | Name of Insurance Company, premium receipt and policy No. and date. |
| 15. | Licence fees paid, particulars of payment.   |      |                     |   |
| 16. | Whether the vessel carries two band transistor radio and if so, particulars of the radio.                |      |                     |   |

I/ We hereby declare that I/We have understood the provisions of the Maharashtra Marine Fishing Regulation Act, 1981, and the rules made thereunder and that I/ We shall abide by the terms and conditions of the licence if granted. Signature of the owners of the fishing vessel. Date : (For office use only) The application received on ..... Licence fees of Rs. .... received on ..... Licence No. .... granted on ..... for the period from ..... to ..... Form 2 [See rule 5(1)] Licence for using fishing vessel for fishing in any specified area Port ..... District ..... Licence No. .... Date of Issue ..... Period of Licence: From ..... to ..... Amount of fees paid ..... This licence for using a fishing vessel for fishing in the sea within the specified areas, namely : (here describe the specified areas) is hereby granted to ..... (here mention the name(s) of owners of fishing vessel) ..... for the fishing vessel ..... bearing registration number for operating from the Base Port .....

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

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

(1)The fishing vessel shall be operated only within the specified area for which the licence is granted.(2)Any change in the layout, design or capacity of the vessel should be effected only with the prior approval of the Licensing Officer.(3)Any change in the type of fishing gear licensed shall be effected only with the prior approval of the Licensing Officer.(4)It shall be competent for the Licensing Officer or the Enforcement Officer or any officer authorised by him to enter the fishing vessel for the purpose of inspection, whether in the waters or on shore.(5)The licence is liable to be cancelled if the vessel is impounded or confiscated for illegal activities or default under any Central or State Act for the time being in force, or if the vessel is not duly insured, and the insurance not kept effective.(6)The fishing vessel and every member of the crew shall be duly insured against the marine risk and accidents as required under sub-rule (2) of rule 5 of the Maharashtra Marine Fishing Regulation Rules, 1982.(7)Every fishing vessel while going on sea, for fishing should carry two band transistor radio with it.Seal of the Licensing Officer.Signature and Designation of the Licensing Officer.Form 3[See rule 5(3)]Register of licences issued under section 6 of the Maharashtra Marine Fishing Regulation Act, 1981

Licence No. and Date	Registration No. of the fishing vessel and thename of the fishing vessel		Whether mechanized, if Base so, the HP of the engine Port	Type of fishing gear	Area of operation		
1	2		3	4	5	6	
Vessel Insured	Crew Insured	Particulars of two band transistor	Remarks	Signature of the Licensing Officer			
Period of Licence	Insurance	Period of validity	Insurance	Period of validity			
7	8	9	10	11	12	13	14

Form 4[See rule 6]Form of application for registration of fishing vesselToThe Registration Officer,(District )I/ We hereby request that my/our fishing vessel, the particulars of which are given below, may be registered under the Maharashtra Marine Fishing Regulation Act, 1981 (Maharashtra LIV of 1981).

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

- (4) Dimensions of the vessel
- Over all ..... m. Keel -Length  
.....m. Breadth ..... m. Depth .....  
m.
- (5) Place and year of construction of the fishing vessel.
- (6) Whether mechanised or non-mechanised.
- (7) If mechanised, the details of the engine fitted.
- Make ..... Power ..... HP Year of  
installation of engine.
- (8) Base Port from which the fishing vessel shall be operated.
- (9) Particulars about the mortgage or hypothecation, or any other charge on the fishing vessel.
- (10) Particulars of registration fees paid.

I am/ We are aware that in the event of change of the base port of operation. I/We shall have to obtain prior permission in writing from the Registration Officer, and the failure to do so shall constitute an offence liable to be penalised under section 21 of the aforementioned Act. The information given above is true and correct to the best of my/ our knowledge. I/ we agree to abide by the terms and conditions of the registration and the relevant provisions of the aforementioned Act. Signature(s) of the applicant(s) Place : (For Office use only)

Application received on

Registration fees Rs.      received on

Registration No.      Allotted on

Form 5 [See rule 8(2)] Certificate of registration of fishing vessel under the Maharashtra Marine Fishing Regulation Act, 1981

1. Port of registration :
2. Registration number :
3. Date of registration :
4. Name(s) and address(es) of the owner(s) of the fishing vessel:
5. Name of the fishing vessel :
6. Whether mechanised or non-mechanised.

7. Dimensions of the fishing vessel.
- Overall length Keel  
length Breadth Depth Gross Registered  
tonnage.
8. If mechanised, the particulars of the engine.
- Make HP
9. Place and year of construction of the fishing vessel.
10. Year of installation of the engine.
11. Base port from which the fishing vessel shall be operated.
- 12.

Particulars of hypothecation; mortgage or other charge on the fishing vessel, if any.

Signature and Designation of the Registration Officer. Seal of the Registration Officer Place : Date :  
:Note. - Any change in the layout, design, capacity of the vessel be effected only with the prior approval of the Registration Officer. Form 6[See rule 8(3)]Register of fishing vessels registered under section 9 of the Maharashtra Marine Fishing Regulation Act, 1981

Port : District  
:

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

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

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

Form 7[See rules No. 10 and 11]Application for change of particulars in the certificate of registration issued under the Maharashtra Marine Fishing Regulation Act, 1981Registration Number of the fishing vesselChange of particulars requested.

Item No. Previous particulars Proposed particulars

I/ we request that the change in the particulars as mentioned above may be accepted and incorporated in the Certificate of Registration of the said vessel. Place : Date : Signature of the, owner of the registered fishing vessel. Signature of the new owner of the registered fishing vessel (if the change of ownership is proposed)