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Kerala Marine Fishing Regulation (Amendment) Act, 2021

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കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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Thiruvananthapuram,
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14th November 2021

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29th Thulam 1197

1943 കാർത്തികം 23
23rd Karthika 1943

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No.

3343

GOVERNMENT OF KERALA Law (Legislation-I) Department NOTIFICATION

No. 25891/Leg.II/2019/Law.

Dated, Thiruvananthapuram

14th November, 2021

29th Thulam, 1197

23rd Karthika, 1943.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 13th day of November, 2021.

By order of the Governor,

V. HARI NAIR,
Law Secretary.



ACT 17 OF 2021

THE KERALA MARINE FISHING REGULATION (AMENDMENT) ACT, 2021

An Act further to amend the Kerala Marine Fishing Regulation Act, 1980.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Marine Fishing Regulation Act, 1980 (10 of 1981) for the purposes hereinafter appearing;

BE it enacted in the Seventy-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Marine Fishing Regulation (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 5th day of October, 2020.

2. *Amendment of preamble.*—In the preamble of the Kerala Marine Fishing Regulation Act, 1980 (10 of 1981) (hereinafter referred to the principal Act), after the words "fishing vessels in the sea", the words "as well as the fishermen in the fishing vessels" shall be inserted.

3. *Insertion of new sections.*—In the principal Act, the section "5" shall be renumbered as section "4A" and after section 4A, so renumbered, the following sections shall be inserted, namely:—

"5. *Power to restrict and regulate fishermen in fishing vessels.*—No owner of a fishing vessel shall allow any person in the fishing vessel unless he possesses Aadhar".

5A. *Prohibition of use of fishing vessel for the purposes other than fishing.*—No owner of a fishing vessel shall use, or cause or allow to be used the fishing vessel for any purpose other than fishing without the prior permission of the Authorised Officer."

4. *Amendment of section 17.*—In section 17 of the principal Act,—

(i) for sub-section (1) and clauses (a) and (b) thereof, following shall be substituted, namely:—

"(1) Where the Adjudicating Officer, after inquiry under section 16 finds that,—

(a) any owner/master of a fishing vessel has contravened the provisions of sections 4A, 7 or 9, he shall be liable to the following penalty, namely:—

(i) if the horse power of the fishing vessel so used is upto ten hp, five thousand rupees;



(ii) if the horse power of the fishing vessel so used is above ten hp and upto twenty five hp, ten thousand rupees;

(iii) if the horse power of the fishing vessel so used is above twenty five hp and upto fifty hp, twenty-five thousand rupees;

(iv) if the horse power of the fishing vessel so used is above fifty hp and upto ninety hp, fifty thousand rupees;

(v) if the horse power of the fishing vessel so used is above ninety hp and upto one hundred and twenty hp, ninety thousand rupees;

(vi) if the horse power of the fishing vessel so used is above one hundred and twenty hp and upto one hundred and fifty hp, one lakh and twenty thousand rupees;

(vii) if the horse power of the fishing vessel so used is above one hundred and fifty hp and upto two hundred hp, one lakh and fifty thousand rupees;

(viii) if the horse power of the fishing vessel so used is above two hundred hp and upto two hundred and eighty hp, two lakh rupees; and

(ix) if the horse power of the fishing vessel so used is above two hundred and eighty hp, two lakh and fifty thousand rupees only.

(b) any person has used or caused or allowed to be used any non-motorised fishing vessel in contravention of the provisions of sections 4A, 5A or 9 or any rule made or order issued thereunder, shall be liable to penalty of an amount of five thousand rupees;”;

(ii) clause (c) shall be omitted and the remaining clauses shall be relettered accordingly;

(iii) in clause (c), so relettered, the words “any person has used or caused or allowed to be used” shall be inserted at the beginning and after “(c)”;

(iv) in clause (d), so relettered, the words “any person has used or caused or allowed to be used” shall be inserted at the beginning and after “(d)”;

(v) in clause (a) of sub-section (4), the word “non-motorised”, shall be omitted;

(vi) after sub-section (4), the following sub-sections shall be inserted, namely:—

“(4a) Whoever contravenes any of the provisions of section 5, shall be liable to penalty which may extend to one thousand rupees:



Provided that in the case of second offence, penalty may extend to two thousand rupees and for subsequent offences, penalty may extend to five thousand rupees.

(4b) Whoever contravenes any of the provisions of section 5A, shall be liable to penalty as mentioned in clause (a) and (b) of sub-section (1) of section 17:

Provided that for the second or subsequent offence, the registration and licence of the vessel shall be cancelled and the fishing vessel shall be forfeited.

(4c) Whoever contravenes any of the provisions of this Act or any rule made thereunder shall, if no penalty is provided for the offence in the Act, shall be punishable with fine which may extend to five thousand rupees.”.

5. *Repeal and saving.*—(1) The Kerala Marine Fishing Regulation (Amendment) Ordinance, 2021 (110 of 2021) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

