

പതിനാലാം കേരള നിയമസഭ

പതിനാറാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിടാത്ത

ചോദ്യം നം.1480

31.10.2019-ൽ മറുപടിയ്ക്ക്

ആഴക്കടൽ മത്സ്യബന്ധനം സംബന്ധിച്ച കരട് ബിൽ

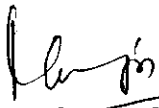
ചോദ്യം	ചോദ്യം		ഉത്തരം
	ശ്രീ.കെ. ദാസൻ :		ശ്രീമതി.ജെ.മേഴ്സി അമ്മ (മത്സ്യബന്ധനവും ഹാർബർ എഞ്ചിനീയറിംഗും കൂട്ടുവണ്ടി വ്യവസായവും വകുപ്പുമന്ത്രി)
(എ)	ആഴക്കടൽ മത്സ്യബന്ധനത്തിന് സ്വദേശി/വിദേശി ബോട്ടുകൾക്ക് അനുമതി നൽകുന്നതുമായും, ആയതിന്റെ ദുരപരിധി നിശ്ചയിക്കുന്നതുമായും ബന്ധപ്പെട്ട കേന്ദ്രസർക്കാരിന്റെ കരട് ബിൽ സംസ്ഥാന സർക്കാരിന്റെ അഭിപ്രായത്തിന് വന്നിട്ടുണ്ടോ;	(എ)	ഉണ്ട്.
(ബി)	എങ്കിൽ പ്രസ്തുത ബില്ലിന്റെ ഉള്ളടക്കം സംക്ഷിപ്തമായി വിശദമാക്കാമോ;	(ബി)	ബില്ലിന്റെ കരട് അനുബന്ധമായി ചേർക്കുന്നു.
(സി)	പ്രസ്തുത ബില്ലിന്മേൽ എന്ത് മറുപടിയാണ് സംസ്ഥാനം നൽകിയിട്ടുള്ളത് എന്ന് വ്യക്തമാക്കാമോ ?	(സി)	കരടിന്മേൽ സംസ്ഥാനത്തിന്റെ അഭിപ്രായം ചുവടെ പറയും പ്രകാരമാണ് സമർപ്പിച്ചിട്ടുള്ളത്.  <ul style="list-style-type: none"> <li>• 12 നോട്ടീക്കൽ മൈലിന് അപ്പുറമുള്ള (200 നോട്ടീക്കൽ മൈൽ വരെയുള്ള) പ്രദേശങ്ങളിലെ മത്സ്യബന്ധന രജിസ്ട്രേഷൻ / ലൈസൻസ് നൽകുന്നതിന് കേന്ദ്രസർക്കാർ സംസ്ഥാന സർക്കാരിനെ ചുമതലപ്പെടുത്തണം.</li> <li>• കേന്ദ്രസർക്കാർ കൊണ്ട് വരാനുദ്ദേശിക്കുന്ന മറൈൻ ഫിഷറീസ് (റെഗുലേഷൻ &amp; മാനേജ്മെന്റ്) ബിൽ- 2019 - ൽ</li> </ul>

കേന്ദ്രസർക്കാരിന്റെ അധികാര പരിധി കൃത്യമായി രേഖപ്പെടുത്തണം. തീരക്കടലിലെ (12 നോട്ടീകൽ മൈലിനകത്ത്) മത്സ്യബന്ധന നിയന്ത്രണം, മാനേജ്മെന്റ് എന്നിവ നിലവിലുള്ളത് പോലെ പൂർണ്ണമായും സംസ്ഥാനത്തിന്റെ അധികാര പരിധിയിൽ തന്നെ നില നിർത്തണം.

- നിയമലഘനം പരിശോധിക്കുന്നതിനുള്ള അധികാരം കോസ്റ്റഗാർഡ്, നേവി എന്നിവരിൽ മാത്രം നിജപ്പെടുത്തി നിശ്ചയിക്കാതെ സംസ്ഥാന ഫിഷറീസ് ഉദ്യോഗസ്ഥരെയും ഇതിനായി നിയോഗിക്കണം.
- നിയമലഘന വിഷയത്തിൽ തീരുമാനമെടുക്കാനുള്ള അധികാരം (Adjudication) പ്രിൻസിപ്പൽ മജിസ്ട്രേറ്റ് / മെട്രോപോളിറ്റൻ മജിസ്ട്രേറ്റ് എന്നിവരിൽ നിന്ന് മാറ്റി ഫിഷറീസ് വകുപ്പിലെ ഉദ്യോഗസ്ഥരെ ഇതിനായി ചുമതലപ്പെടുത്തണം.
- തീരുമാനത്തിൽ അപ്പീൽ കേൾക്കുന്നതിനുള്ള അധികാരം ഫിഷറീസ് വകുപ്പിൽ (ഫിഷറീസ് ഡയറക്ടറിൽ) നിക്ഷിപ്തമാക്കണം.
- ഇന്ത്യയുടെ സമുദ്രാതിർത്തിയിൽ മത്സ്യബന്ധനത്തിന് വിദേശ യാനങ്ങൾക്ക് അനുമതി നൽകാൻ പാടില്ല.
- ആഴക്കടൽ മത്സ്യബന്ധനത്തിനുള്ള അവകാശം പരമ്പരാഗത മത്സ്യത്തൊഴിലാളികൾക്കും അവരുടെ സഹകരണ സംഘങ്ങൾക്കുമായി നിജപ്പെടുത്തണം. മത്സ്യത്തൊഴിലാളി സഹകരണ സംഘങ്ങളെ അതിനായി പ്രാപ്തരാക്കണം.

- നിയമലഘനം. ശ്രദ്ധയിൽ പ്പെട്ടാൽ മത്സ്യത്തൊഴിലാളികളെ വാറന്റില്ലാതെ അറസ്റ്റ് ചെയ്യണമെന്ന വ്യവസ്ഥ എടുത്ത കളയണം.
- സംസ്ഥാനത്തിന്റെ അധികാര പരിധിയിലുള്ള 12 നോട്ടീക്കൽ മൈൽ പ്രദേശത്ത് ഫിഷറീസ് മാനേജ്മെന്റ് പ്ലാൻ തയ്യാറാക്കുന്നതിനുള്ള അധികാരം സംസ്ഥാന സർക്കാരിൽ നിക്ഷിപ്തമായിരിക്കണം.
- മത്സ്യ വിഭവ പരിപാലനം, മാനേജ്മെന്റ് എന്നീ കാര്യങ്ങളിൽ തീരുമാനമെടുക്കുന്നതിന് മത്സ്യത്തൊഴിലാളികളെ കൂടി ഉൾപ്പെടുത്തിയുള്ള പങ്കാളിത്ത മാനേജ് മെന്റ് സംവിധാനം കൊണ്ട് വരണം.
- നിയമലഘനത്തിന്റെ ഗൗരവത്തിനനുസരിച്ച് പിഴയുടെ അളവ് നിശ്ചയിക്കണം.
- നിയമലഘനകരിൽ നിന്ന് പിടിച്ചെടുക്കുന്ന മത്സ്യങ്ങളെ വിറ്റഴിക്കുന്നതിനും സർക്കാരിലേക്ക് മുതൽ കൂട്ടുന്നതിനും സുതാര്യമായ സംവിധാനം വേണം.
- മത്സ്യബന്ധനയാനങ്ങൾക്ക് എന്തെങ്കിലും കാരണവശാൽ പെർമിറ്റ് നഷ്ടപ്പെട്ടാൽ അതിനെതിരെ അപ്പീൽ നൽകാൻ വ്യവസ്ഥ വേണം.
- ഫിഷിംഗ് പെർമിറ്റിന്റെ കാലാവധി നിശ്ചയിക്കുന്നതിനും, 'Seaworthiness' ഉറപ്പാക്കുന്നതിനും ബില്ലിൽ വ്യവസ്ഥ ചെയ്യണം.
- ചെറുമത്സ്യങ്ങളെ പിടിക്കുന്നത് തടയൽ, മൺസൂൺ കാല മത്സ്യബന്ധന നിയന്ത്രണം, മത്സ്യബന്ധനയാനങ്ങളുടെ എണ്ണം

		<p>നിയന്ത്രിക്കൽ, അശാസ്ത്രീയ മത്സ്യബന്ധന നിയന്ത്രണം, വലകളുടെ കണ്ണി വലിപ്പം, ആകെ വലിപ്പം എന്നിവയിലെ നിയന്ത്രണം എന്നിവയ്ക്ക് ബില്ലിൽ വ്യവസ്ഥകൾ ഉൾപ്പെടുത്തണം.</p> <ul style="list-style-type: none"> <li>• 'മത്സ്യബന്ധനയാനം' എന്നതിന്റെ നിർവ്വചനത്തിൽ യന്ത്രം ഘടിപ്പിക്കാത്ത യാനങ്ങളെ കൂടി ഉൾപ്പെടുത്തണം.</li> <li>• പ്ലാസ്റ്റിക് ഉൾപ്പെടെയുള്ള എല്ലാതരം കടൽ മലിനീകരണത്തെയും നിയന്ത്രിക്കുന്നതിനുള്ള വ്യവസ്ഥ ബില്ലിൽ ഉൾപ്പെടുത്തണം.</li> </ul>
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 സെക്ഷൻ ഓഫീസർ

சென்னை

	<b>THE MARINE FISHERIES (REGULATION AND MANAGEMENT) BILL, 2019</b>	
	<b>A BILL</b>	
	to provide for regulation and management of fisheries in the Exclusive Economic Zone of India and the high seas and for conservation and sustainable use of marine fisheries resources; maintenance of law and order in the maritime zones of India (for fishing and fishing related activities); supporting the social security, livelihoods and safety at sea of fishers and fish-workers, in particular the traditional and small-scale fishers; and for matters connected therewith and incidental thereto.	
	Be it enacted by Parliament in the Seventieth Year of the Republic of India as follows:	
	<b>CHAPTER I PRELIMINARY</b>	
Short title and commencement.	1. (1) This Act may be called the Marine Fisheries (Regulation and Management) Act, 2019. (2) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint: Provided that different dates may be appointed for different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.	
Definitions.	2. In this Act, unless the context otherwise requires, (a) "authorized officer" means any officer or subordinate officer of the Indian Coast Guard constituted under the Coast Guard Act, 1978, or such other officer of Government as may be authorized by the Central Government. (b) "code of conduct for responsible fisheries" means establishment of guiding principles and standards applicable for conservation, management and development of fisheries in the maritime zones of India and to provide a necessary framework for sustainable exploitation of aquatic living resources in harmony with the environment. (c) "company" means a company as defined in the Companies Act, 2013; (d) ["ecosystem approach to fisheries management" means a practical way to implement sustainable development and sustainably maximize the ecosystem benefits of a fishery system, including: (i) Ecological well-being (e.g. healthy habitats, food webs, and sustainable fishing); (ii) Human well-being (e.g. increased & equitable wealth, food security and sustainable livelihoods); and (iii) Good governance (e.g. effective institutions and arrangements for setting and implementing rules and regulations).] (e) "endangered, threatened and protected species" include forms of marine animals that are endangered or threatened and need protection by national legislations or applicable international instruments or in need of a protected status, and <i>inter alia</i> include sea turtles, marine mammals and some species of sharks and rays. (f) "exclusive economic zone" means the exclusive economic zone of India as defined under section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones of India Act, 1975; (g) "fish" means finfish, molluscs, crustaceans, and all other forms of marine animals and plant life other than marine mammals, reptiles and birds.	80 of 1976

	<p>(h) "fisheries" means all activities related to fishing, harvesting, conservation and management of marine living resources;</p> <p>(i) "fisheries management plan" means any document issued by the Central Government in relation to sustainable use and development of fisheries; management and conservation, including monitoring, control and surveillance of fishing and fishing related activities; and maintenance of law and order in the maritime zones of India;</p> <p>(j) "fishing" and "fishing related activities" include-</p> <ul style="list-style-type: none"> <li>(i) searching for or tracking or trailing or pursuing fish;</li> <li>(ii) catching or taking or harvesting of fish by any method;</li> <li>(iii) engaging in any other activity that <i>inter alia</i> includes landing, packaging, processing, transshipping, or transporting of fish that have not been previously landed at a port;</li> <li>(iv) any operations at sea directly in support of or linked to or in preparation of any activity described in this definition or for processing of or preservation of any fish;</li> </ul> <p>(k) "fishing vessel" as defined in the Merchant Shipping Act, 1958;</p> <p>(l) "foreign fishing vessel" means any fishing vessel other than an Indian fishing vessel;</p> <p>(m) "high seas" means the waters that are outside the outer limits of the exclusive economic zone of India, and which do not fall within the exclusive economic zone of any other country;</p> <p>(n) "illegal, unreported and unregulated fishing" includes following activities:</p> <p>(A) Illegal fishing:</p> <ul style="list-style-type: none"> <li>(i) conducted by Indian fishing vessels in the Exclusive Economic Zone of India without the permit issued under this Act;</li> <li>(ii) conducted by foreign vessels in the maritime zones of India;</li> <li>(iii) conducted by Indian flag vessels in contravention of the conservation and management measures adopted by Regional Fisheries Management Organization to which India is a party, or relevant provisions of the applicable international law;</li> </ul> <p>(B) Unreported fishing:</p> <ul style="list-style-type: none"> <li>(i) which have not been reported, or have been misreported to the authority notified under this Act, in contravention of this Act and the Rules and Regulations framed thereunder;</li> </ul> <p>(C) Unregulated fishing:</p> <ul style="list-style-type: none"> <li>(i) by an Indian fishing vessel, in a manner that is not consistent with or contravenes the conservation and management measures of regional fisheries management organization in its area of application; or</li> <li>(ii) in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with India's responsibilities for the conservation of living marine resources under international law.</li> </ul> <p>(o) "Indian fishing vessel" means a fishing vessel registered under the Merchant Shipping Act, 1958 and is owned by:</p> <ul style="list-style-type: none"> <li>(i) the Government of India or by the Government of any State, or by a corporation established by a Central Act or a State Act; or</li> <li>(ii) by persons to each of whom any of the following descriptions apply, namely- <ul style="list-style-type: none"> <li>(a) a citizen of India; or</li> <li>(b) a company in which the entire share capital is held by Indian citizen(s); or</li> <li>(c) a duly registered firm wherein every partner whereof is a citizen of India;</li> </ul> </li> </ul>	<p>44 of 1958</p> <p>44 of 1958</p>
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	<p>or</p> <p>(d) a fisher organization/association registered under the Societies Registration Act, 1890 or any other such Law enacted by the coastal States/UTs and every member whereof is a citizen of India; or</p> <p>(e) a registered co-operative society, every member whereof is a citizen of India or where any other cooperative society is a member thereof, every individual member of such other cooperative society is a citizen of India; or</p> <p>(f) any boat or craft of any type other than those specified as above, which the Central Government may, by notification in the Official Gazette, specify to be an Indian fishing vessel.</p> <p>(p) "maritime zones of India" means the territorial waters, contiguous zone, continental shelf, exclusive economic zone and other maritime zones determined in accordance with the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976;</p> <p>(q) "master" in relation to a vessel, means any person having command, or charge of the vessel;</p> <p>(r) "notification" means notification published in the Official Gazette and the expression 'notified' shall be construed accordingly;</p> <p>(s) "owner" in relation to a vessel means the owner of the vessel as well as any other person, including any organization or association of persons, whether incorporated or not, by whom the vessel or a share in the vessel is owned, or who has assumed the legal responsibility for the operation of the vessel;</p> <p>(t) "permit" means a permission granted under this Act for fishing and fishing related activities.</p> <p>(u) "prescribed" means prescribed by Rules made under this Act;</p> <p>(v) "processing" in relation to fishing, includes cleaning, cutting and removal of spines, fins, shells, viscera (guts and other internal soft parts), beheading, bleeding, filleting, peeling, icing, freezing, canning, salting, smoking, cooking, pickling, drying and otherwise preparing or preserving fish by any other method;</p> <p>(w) "specified ports" means such ports as the Central Government may, by notification in the Official Gazette, specify for the purpose of this Act;</p> <p>(x) "territorial waters of India" means the territorial waters of India in accordance with the provisions of section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones of India Act, 1976;</p> <p>(y) "vessel" includes any ship, or craft (vessel), sailing vessel, chase boats, pilot boats, transport, or carrier vessels, or any craft (or vessel) used for research on fisheries or any other vessel of any other description that is capable of fishing, stocking or storing or processing or transporting fish, fuel or other supplies from or to a fishing vessel or is otherwise capable of providing logistical or any other support to fishing vessels.</p>	<p>..... Act of 1890</p> <p>80 of 1976</p> <p>80 of 1976</p>
<p>Prohibition of fishing without permit.</p> <p>Levy of Fee, charges and exemptions thereof</p>	<p style="text-align: center;"><b>CHAPTER II</b></p> <p style="text-align: center;"><b>REGULATION OF FISHERIES IN THE EXCLUSIVE ECONOMIC ZONE AND HIGH SEAS</b></p> <p>3.(1) No Indian fishing vessel shall engage in any fishing or fishing related activity within the exclusive economic zone of India or the high seas, except with a permit issued by the Central Government or any authority notified under this Act for fishing, and shall be subject such conditions and restrictions as prescribed.</p> <p>(2) Permit issued under this Act shall be subject to levy of fee and charges for fishing and fishing related activities and in such manner as prescribed.</p>	

No : 3595370/2019/F &amp; P (OS)

	<p>Provided that Central Government may exempt any person, entity or category or class of vessel(s) from the requirement of payment of fee and charges as prescribed.</p> <p>(3) No permit shall be issued unless the fishing vessel is registered under the Merchant Shipping Act, 1958.</p> <p>(4) No permit shall be granted under this Act to foreign fishing vessel for fishing and fishing related activities within the exclusive economic zone of India.</p> <p>(5) A permit granted under this Act shall be non-transferrable, and shall not be assigned to, or create interest in favour of any third party.</p> <p>(6) No fishing vessel granted permit under this Act shall indulge in any form of Illegal, Unreported and Unregulated fishing activity in the maritime zones of India, the high seas and in the waters under national jurisdictions of other countries without authorization.</p> <p>(7) The Central Government may deny or withhold the issuance of permit, to a vessel or a class of vessels, having regard to matters related to national security of India and maintenance of law and order in the maritime zones of India.</p> <p>(8) Every order of accepting or rejecting an application for the grant of permit shall be in writing.</p> <p>(9) The Central Government may, by notification in this regard, exempt a Government entity, or corporation or any category or class of vessel(s) from the requirement of a permit under sub-section (1) of this section 3, and from the application of any other provision of this Act.</p>	44 of 1958
Fisheries Management Plan.	<p>4. (1) The Central Government may, from time to time, after consultation, notify one or more plans for management of one or more fisheries or fishing related activities in such area(s) of the maritime zones of India as may be prescribed.</p> <p>Provided that if a fisheries management plan is being made in relation to any area within the territorial waters of India, then such plan shall be formulated by the Central Government in consultation with the Government of the State or Union Territory under whose jurisdiction the relevant area of the territorial waters falls.</p> <p>(2) All permits granted under this Act, shall be subject to fisheries management plan(s) as may be notified by the Central Government and in the event of any inconsistency between a permit so granted and a fisheries management plan, all such permits shall be deemed amended in consonance with such fisheries management plan.</p> <p>(3) Fisheries management plan(s) shall follow the Code of Conduct for Responsible Fisheries and the Ecosystem Approach to Fisheries Management and other relevant instruments as may be prescribed.</p> <p>(4) Fisheries management plan(s) will ensure protection of endangered, threatened and protected species as prescribed.</p> <p>(5) Fisheries management plan(s) will ensure that the ecological integrity of the maritime zones of India, including prevention, control and mitigation of any form of pollution arising through fishing and fishing related activities is maintained.</p> <p>(6) Fisheries management plan(s) shall also ensure that they are consistent with the implementation of International or regional conventions/obligations/ agreements/ arrangements for fisheries and fishing related activities to which India is a signatory.</p> <p>(7) Any other matter which the Central Government may determine to be relevant for achieving any of the objectives of regulation and management of marine fisheries under this Act.</p>	



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Cancellation or Suspension of a permit.	<p>5. (1) The Central Government may cancel or suspend a permit granted under this Act, if there is reasonable cause to believe that-</p> <p>(a) there has been a violation of any of the provisions of the Act; or</p> <p>(b) there has occurred a contravention of the provisions in the permit or any conditions or restrictions specified in the permit, or of any Rules made under this Act, or of any fisheries management plan; or engaged in fishing in 'no fishing zone', or</p> <p>(c) the permit or any renewal thereof has been issued on false or erroneous information.</p> <p>Provided that no permit shall be cancelled or suspended under sub-section (1), unless the holder of the permit shall be given reasonable opportunity of showing cause why the permit should not be cancelled or suspended, as the case may be.</p> <p>Provided further that nothing in this sub-section shall apply where the Central Government is satisfied that, for reasons to be recorded in writing, it is not reasonably practicable to give to the holder of the permit an opportunity for showing cause.</p> <p>(2) Every person whose permit has been cancelled or suspended under sub-section (1) above shall, immediately after such suspension or cancellation, stop fishing or undertaking any fishing related activity in respect of which the permit had been given, and shall not resume such fishing or fishing related activity, as the case may be, until such order has been revoked in writing.</p> <p>(3) The Central Government may also cancel a permit issued under this Act, having regard to matters relating to protection of national security of India, maintenance of law and order in the maritime zones of India or any other matter relating to public interest.</p>	
Notification of transit.	<p>6. Every foreign fishing vessel that transits through the Maritime Zones of India according to their entitlements to this effect under the applicable international law shall follow the procedure as prescribed.</p>	
Regulation of scientific research and recreational fishing.	<p>7. The Central Government may, through a special permit to be issued in writing, allow a vessel to carry out any scientific research, survey or investigation relating to fisheries or for any experimental or recreational fishing in accordance with such terms and conditions as may be prescribed.</p>	
Powers of authorized officers.	<p style="text-align: center;">CHAPTER III</p> <p style="text-align: center;">POWERS TO BOARD, SEARCH AND SEIZURE</p> <p>8. (1) Any authorized officer may, to ensure compliance with this Act, either with or without a warrant may board, search and seize a fishing vessel in any maritime zone of India, and or in the high seas as may be prescribed. [for foreign vessels]</p> <p>(2) In taking any action under sub-section (1), the Authorized Officer may use such force as may be reasonably necessary.</p> <p>(3) The seized vessel shall be provided with docking facility by the port notified for the purpose and charges towards docking, maintenance and other related costs of the seized vessel shall be made as prescribed.</p> <p>(4) Where any vessel or other things are seized under sub-section (1), the same, as soon as possible, be produced before a Magistrate competent to try an offence under this Act and the Magistrate shall make such order as prescribed.</p> <p>(5) Where, in pursuance of the commission of any offence under this Act, any vessel is pursued beyond the limits of the exclusive economic zone of India, the powers</p>	

	conferred on an Authorized Officer by this section may be exercised beyond such limits in the circumstances and to the extent recognized by international law and applicable laws of India.
	CHAPTER IV OFFENCES AND PENALTIES
Penalty for fishing without a permit issued under section 3.	9. (1) Where any Indian fishing vessel is fishing in the exclusive economic zone of India and or the high seas without obtaining a permit granted under sub-section (1) of section 3, such vessel shall be impounded and the owner or master of such vessel shall be punishable with a fine as prescribed.
Penalty for contravention of permit Granted under Section 3.	(2) Where any foreign fishing vessel is fishing in the Maritime Zones of India, such vessel shall be impounded and the owner or master of such vessel shall be punishable with a fine as prescribed.
Composition of certain offences.	(3) Where any Indian fishing vessel is used in contravention of the permit granted under the provisions of sub-section (1) of section 3, the owner and or master of such vessel shall be punishable with a fine as prescribed.
Penalty for IUU fishing	(4) Any person who fails to comply with an order made by the officer referred to in sub-section (1), in respect of compounding the offence, shall be punishable with imprisonment for a term which may extend to six months, or with fine as prescribed, or with both.
Penalty for foreign fishing vessels.	(5) Any fishing vessel violates the provisions of sub-section (5) of section 3 shall be punishable with fine as prescribed.
Penalty for contravention of section 7.	(6) Where any foreign fishing vessel contravenes the provisions of section 6, the owner and or master of such vessel shall be punishable with [imprisonment for a term not exceeding three years] and/or with fine as prescribed.
Penalty for obstruction of authorized officers.	(7) Whoever contravenes the provisions of section 7, shall be punishable for imprisonment not exceeding five years and/or with fine as prescribed.
Offence by companies.	(8) If any person intentionally obstructs any authorised officer in the exercise of any powers conferred under this Act or in the discharge of the duties of the authorised officer, he/she shall be punishable with imprisonment for a term which may extend to one year or with fine as prescribed or with both.
	(9) 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 as prescribed.
	Provided that nothing contained in this sub-section shall render any such person liable to any such punishment provided in this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the occurrence of such offence.
	(10) Notwithstanding anything contained in sub-section (1), where an offence under this Act 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, such person shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished as prescribed.

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CHAPTER V MISCELLANEOUS	
General Power to create agencies to discharge functions	10. The Central Government may by notification in the Official Gazette, designate one or more Central Government or State Government agencies or officials or create a new government agency to discharge any one or more of its powers and functions under this Act.
Offences to be cognizable.	11. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable.
Cognizance and trial of offences.	12. (1) No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by an authorised officer.  (2) No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act.
Magistrate's power to impose enhanced penalties.	13. Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any Metropolitan Magistrate or any Judicial Magistrate of the first class specially empowered by the State Government in this behalf to pass any sentence authorised by this Act.
Appeals.	14. Any person aggrieved by the decision of the Central Government appointing any agency under this Act may prefer an appeal to the High Court which has jurisdiction over such matters.
Protection of action taken in good faith.	15. (1) No suit, prosecution or other legal proceeding shall lie against authorized officer or any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.  (2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.
Co-operation between Central and State Governments.	16. (1) The Central Government shall ensure co-ordination with the Governments of the coastal States/Union Territories in relation to the effective implementation of this Act, especially in so far as such implementation has impact on the territorial waters of India.  (2) The Governments of the coastal States/Union Territories shall extend full co-operation and assistance at all times to the Central Government to ensure effective implementation of this Act.
Safety nets and good working conditions for fishers	17. The Central Government may ensure provision of safety nets for fishers and fish workers, including protection of their life at sea, during weathers of severe intensities and other forms of natural calamities.  18. The Central Government may make provisions for securing sustainable small-scale fisheries in the context of food security and poverty eradication.  19. The Central Government in coordination with the coastal States/Union Territories shall ensure good conditions onboard fishing vessels.
Power to make rules.	20. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.  (2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:  (a) the manner, form, payment of fees for permit, and conditions and restrictions for fishing and fishing activity under sub-section (1) of section 3;

of 1974

80 of 1976.

42 of 1981.

<p>International co-operation &amp; compliance</p> <p>Presumptions.</p>	<p>(b) provisions to prevent, deter and eliminate all forms of IUU fishing in the maritime zones of India, the high seas and the waters under national jurisdiction of other countries without authorization under sub-section (5) of section 3;</p> <p>(c) the conditions under which the permit may be exempted under sub-section (8) of section 3;</p> <p>(d) the details of one or more plans for management of one or more fishing activities in relation to any such area of the maritime zones of India under sub-section (1) of section 4;</p> <p>(e) formulation of fisheries management plan(s) following the Code of Conduct for Responsible Fisheries and Ecosystem Approach to Fisheries Management under sub-section (3) of section 4;</p> <p>(f) form and manner for implementation of measures to protect endangered, threatened and protected species as per sub-section (4) of section 4;</p> <p>(g) formulation of plan(s) to prevent, control and mitigate any form of pollution, whether originating from the land or at sea as per sub-section (5) of section 4;</p> <p>(h) the manner and form for implementation or compliance of any international or regional conventions/obligations/agreements for fisheries, fishing and fishing related activities as per sub-section (6) of section 4;</p> <p>(i) any other matter which is to be or may be prescribed by the Central Government to be relevant for achieving any of the objectives of regulation and management of marine fisheries under this Act as per sub-section (7) of section 4;</p> <p>(j) declaration of 'no fishing zone(s)' by the Central Government as per sub-section (1) (b) of section 5;</p> <p>(k) the manner of keeping fishing gear, other paraphernalia and matters relating to movement of the vessels through the maritime zone of India as per section 6;</p> <p>(l) the forms and conditions for which special permit may be issued to vessel to carry out scientific research, survey or investigation, experimental fishing, or for recreational fishing as per section 7;</p> <p>(m) the form and manner in which the Central Government may notify the authorized officer(s) under sub-section (1), (2) and (3) of section 8;</p> <p>(n) the form and manner in which the matter will be produced before a Magistrate competent to try an offence under this Act as per sub-section (4) of section 8;</p> <p>(o) describe the offence and penalty for each category of fishing vessels as per sub-section (1) of section 9;</p> <p>(p) describe the offences and their corresponding penalties for each category of fishing vessels as per sub-section (2) of section 9;</p> <p>(q) the payment of sum for compounding of offence under sub-section (3) of section 9;</p> <p>(r) describe offences and corresponding penalties for foreign fishing vessel including owner and or master of such vessel as per sub-section (4) of section 9;</p> <p>(s) describe the quantum of fine and penalties for Indian and foreign vessels as per sub-section (5) of section 9;</p> <p>(t) describe the quantum of fine for Indian and foreign vessels in cases of obstructions to authorised officer as per sub-section (6) of section 9;</p> <p>(u) describe the offences and penalties for violations committed by companies as per</p>	
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<p>Proviso to sub-section (5) of section 7 of Act No. 80 of 1976 not to apply.</p> <p>Removal of difficulties.</p> <p>Repeal and savings.</p>	<p>sub-sections (7) and (8) of section 9;</p> <p>(v) provisions to provide safety nets for fishers and fish workers, including protection of their life at sea during weathers of severe intensities and other forms of natural calamities as per section 17.</p> <p>(w) provisions for securing sustainable small-scale fisheries in the context of food security and poverty eradication as per section 18.</p> <p>(x) measures to ensure good conditions onboard fishing vessels as per section 19.</p> <p>(y) any other matter which is to be or may be prescribed by, or provided for by Rules under, this Act, and any matter, which in its opinion is expedient for proper control over fishing and any fishing activity and for ensuring law and order.</p> <p>(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule 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.</p> <p>21. The proviso to sub-section (5) of section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 shall not apply to requirements for a permit and other requirements specified under this Act.</p> <p>22. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty.</p> <p>Provided that no such order shall be made after expiry of a period of three years from the commencement of this Act.</p> <p>(2) Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.</p> <p>23. (1) The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed (including any notification, order, appointment, certificate, notice, or receipt issued, application made, or permit granted) which is not inconsistent with the provisions of this Act shall be deemed to have been done or taken under the corresponding provisions of this Act.</p>	
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*Blazji*  
*Amal B. Bhandari*