
**REPORT OF THE SUBJECT COMMITTEE
ON
THE KERALA MARINE FISHING REGULATION
(AMENDMENT) BILL, 2021
AND
THE BILL AS REPORTED BY THE SUBJECT COMMITTEE**

Presented on 29th October, 2021

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SUBJECT COMMITTEE I
(AGRICULTURE, ANIMAL HUSBANDRY
AND FISHERIES)
(2021-2023)
Composition

Chairman:

Shri P. Prasad,
Minister for Agriculture.

Ex-Officio Members:

Smt. J. Chinchurani,
Minister for Animal Husbandry & Dairy Development.

Shri Saji Cherian,
Minister for Fisheries, Harbour Engineering, Culture and Youth Affairs.

Members:

Shri Anoop Jacob, MLA
Shri P. P. Chitharanjan, MLA
Shri P. J. Joseph, MLA
Shri C. H. Kunhambu, MLA
Shri K. P. Mohanan, MLA
Shri Kurukkoli Moideen, MLA
Shri Murali Perunelly, MLA
Shri M. Vincent, MLA

Legislature Secretariat:

Shri S. V. Unnikrishnan Nair, Secretary.
Shri P. P. Shah Nawas, Joint Secretary.
Smt. Sheena Sivadas, Deputy Secretary.
Smt. Deepa N. G., Under Secretary.

**THE KERALA MARINE FISHING REGULATION
(AMENDMENT) BILL, 2021
(Report of the Subject Committee)**

Subject Committee I (Agriculture, Animal Husbandry and Fisheries) to which “The Kerala Marine Fishing Regulation (Amendment) Bill, 2021” was referred, considered the Bill (Bill No. 48) clause by clause and now submits this report with the Bill as reported by the Subject Committee annexed thereto.

2. The Kerala Marine Fishing Regulation (Amendment) Bill was published as a Gazette Extraordinary dated 26th September, 2021. The Bill was introduced in the Assembly on 28th October, 2021 and was referred to the Subject Committee on the same day.

3. The Committee considered the Bill clause by clause at its meeting held on 28th October, 2021 and recommends to adopt the Bill with following modifications.

Clause 3

For section 5 and its provisos proposed to be inserted in the principal Act, the following section shall be substituted, 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 Aadhaar”.

4. All other changes are either verbal or consequential.

5. The Minutes of dissent and the Bill as reported by the Subject Committee are appended.

Thiruvananthapuram,
28 October, 2021.

P. PRASAD,
Chairman,
Subject Committee I.

APPENDIX I

വിയോജനക്കുറിപ്പ്

സംസ്ഥാനത്തെ തീരരേഖയിലുള്ള സമുദ്രത്തിൽ മത്സ്യബന്ധന നൗകകളെ നിയന്ത്രിക്കുന്നതിനായുള്ള കേരള സമുദ്ര മത്സ്യബന്ധന നിയന്ത്രണ ആക്ടിലെ പിഴ നിരക്ക് കുറയ്ക്കുന്നതിനുവേണ്ടിയുള്ള നിർദ്ദേശമാണ് ബില്ലിലുള്ളത്. പിഴ നിരക്ക് കുറയ്ക്കാനുള്ള നിർദ്ദേശം സ്വാഗതാർഹമാണെങ്കിലും നിലവിൽ ഉൾപ്പെടുത്തിയിരിക്കുന്നതിനേക്കാൾ നിരക്ക് കുറയ്ക്കുന്നത് ആയിരുന്ന ഉചിതം. കൂടാതെ പിഴ കുറച്ചപ്പോൾ മത്സ്യത്തൊഴിലാളികൾക്ക് കൂടുതൽ നിയന്ത്രണം ഏർപ്പെടുത്തുന്ന ചില വ്യവസ്ഥകൾ കൂടി ഉൾപ്പെടുത്തിയിരിക്കുന്നു.

ആയതിനാൽ ബില്ലിലെ വ്യവസ്ഥകളോട് വിയോജിപ്പ് രേഖപ്പെടുത്തുന്നു.

അനൂപ് ജേക്കബ്

(ഒപ്പ്)

കുറുക്കോളി മൊയ്തീൻ

(ഒപ്പ്)

എം. വിൻസെന്റ്

(ഒപ്പ്)

APPENDIX-II

**THE KERALA MARINE FISHING REGULATION
(AMENDMENT) BILL, 2021**

(As Reported by the Subject Committee)

[The words sidlined indicate the modifications suggested by
the Committee]

A

Bill

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-motorized 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) 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.

Secretariat of the Kerala Legislature,
Thiruvananthapuram,
28th October, 2021.

S. V. UNNIKRIISHNAN NAIR,
Secretary.