



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

THE GOA MARINE FISHING REGULATION (AMENDMENT)

BILL, 2019

(Bill No. 16 of 2019)

(To be introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA

AUGUST, 2019

The Goa Marine Fishing Regulation (Amendment) Bill, 2019

(Bill No.16 of 2019)

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BILL

further to amend the Goa, Daman and Diu Marine Fishing Regulation Act 1980 (Act No. 3 of 1981).

BE it enacted by the Legislative Assembly of Goa in the Seventieth Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Goa Marine Fishing Regulation (Amendment) Act, 2019.

(2) It shall come into force on such date as the Government may by notification in the Official Gazette, appoint.

2. Amendment of section 2.- In section 2 of the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 (Act No. 3 of 1981) (hereinafter referred to as the “principal Act”),-

(i) after clause (c), the following clauses shall be inserted, namely:-

“(ca) “Directorate of Fisheries” means the Directorate of Fisheries of the

Government of Goa;

(cb) "*fish*" includes shell fish and crustaceans;

(cc) "fish landing centre" means the landing place where landing or berthing facilities have been provided for fishing vessels and their adjoining areas set apart for repair yards, fuel and ice supply installation, auction hall and such limits as may be specified by the Government from time to time;

(cd) "fishing" means any act or activity connected with the catching of fish from any water by using fishing vessel, fixed machine, free net or otherwise and includes stocking of shell fish, conchs and any type of filtration and culturing of them;

(ce) "fishing stake" or "stake" or "fishing net" or "fishing gear" or "fixed engine" means any trap or such other contrivance for catching fish either fixed in the soil or river bed or made stationary in any other way in a creek, canal, river, stream, water course or sea;";

(ii) after clause (f), the following clause shall be inserted namely:-

(fa) "*prescribed*" means prescribed by rules made under this Act;";

(iii) in clause (g), after item (ii), the following item shall be inserted, namely:-

"(iii) a fishing vessel registered under section 435 G of the Merchant

Shipping Act, 1958 (Central Act 44 of 1958);”.-

3. Amendment of section 3 . – *In section 3 of the principal Act, for clause (a), the following clause shall be substituted, namely:-*

“ (a) Any Officer of the Directorate of Fisheries not below the rank of Fisheries Officer or any Police Officer not below the rank of Police Sub-Inspector; or”

4. Insertion of new section 8.A-after section 8 of the principal Act, the following section shall be inserted, namely:-

“8A. Erection of fishing stakes and registration of net—(1) no person shall erect a fishing stake without obtaining permission from the authorized officer.

(2) The application for permission under sub-section (1) shall be made in such form and with such fees as prescribed.

every person in possession of a fishing net shall register his net with the Directorate of Fisheries and shall apply in such form alongwith such fee as prescribed to obtain a licence for operating the same. The fishing nets operated by the Central or State Government are exempted from this provision.

(3) The authorized officer shall after making inquiry as deem fit in the matter grant licence in such form as prescribed.

No person shall use net the mesh size whereof is less than 24 mm for catching fish and 20 mm for catching prawns.

5. Amendment of section 11.- *In section 11 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:-*

“(1A) where a licence granted under section 6 is suspended or cancelled by the Authorised officer, the holder of such license shall within a period of fifteen days from the date of such suspension or cancellation surrender such licence to the Authorised officer and berth his fishing vessel near the jetty or port or near his residence and under his control and whenever Authorised Officer demands, he shall bring such fishing vessel before such officer for the purpose of inspection.

(1B) where the licence granted under section 6 is suspended, once the suspension period expires the holder of such licence shall collect such licence from the Authorised Officer.”

6. Insertion of new section 17 A.- *After section 17 of the principal Act, the following section shall be inserted, namely:-.*

“17 A. Notifying the fish landing centre for landing and berthing of the fishing vessel:- The Government may, by notification in the Official Gazette, notify the fish landing centre”.

7. Substitution of section 18.- *For section 18 of the principal Act, the following section shall be substituted, namely:-*

“18. Power to enter, search fishing vessels and carry out inquiry.—

(1) The Authorised officer may, if he has reason to believe that any fishing vessel is being or has been used in contravention of any provisions of this Act, or any rule or order or Notification made thereunder or any of the conditions of the licence granted under this Act, he, shall, enter and search such fishing vessel and demand from the tandel or owner or any crew or master of such fishing vessel to produce all the documents related to the registration of fishing vessel, licence of fishing vessel and licence of fishing net or any other documents which is required on vessel under the law in force and may make such inquiry as deemed fit by him and in case he finds violation of the provisions of the Act, or any rule, order or notifications made thereunder or may condition of the licence, he may impound the fishing vessel and seize any fish found in it. The fishing vessel and its accessories

shall be released by the Authorised Officer after making necessary enquiry as he deems fit and taking necessary undertaking from the owner of the fishing vessel in such form as prescribed.

(2) Every owner/tandel/master of fishing vessel shall allow the Authorised Officer to inspect and search the fishing vessel in order to ascertain the contravention of any of the provisions of the Act or any rule or order or notification made thereunder or any of the conditions of the licence. The Authorised Officer shall be not liable for the loss or damage if any caused to the fishing vessel, accessories or fishing gear while impounding the fishing vessel”.

8. Insertion of new section 18A.- *After section 18 of the principal Act, the following new section shall be inserted, namely:-*

“18A. Prohibition on destruction of fish by explosives in inland waters and on coast.-

(1) No person shall use any dynamite or other explosive substance, with intent to catch or destroy fish in any waters.

(2) No person shall put any poison, lime or noxious material in any waters, with intent thereby to catch or destroy any fish therein.

Explanation:- The word water shall include the sea within the distance of 12 Nautical Mile of the sea coast”.

9. Amendment of section 21. – *In section 21 of the principal Act, for sub- section (1), the following sub- section shall be substituted, namely:-*

“ (1) The adjudicating officer shall, after the enquiry under section 20, decide whether any person has used or caused or allowed to be used any fishing vessel in contravention of any of the provisions of this Act or any rule or order or notification made thereunder or any condition of licence and any such person on being found guilty by the adjudicating officer, shall be liable to such penalty as may be prescribed”.

Statement of Objects and Reason

The fishing in inland waters of the State of Goa was governed by the Indian Fisheries Act, 1897 (Central Act 4 of 1897) and the Goa, Daman and Diu Fisheries Rules, 1981 framed thereunder by the Government of Goa. The Repealing and Amending Act, 2015 (Central Act 17 of 2015) as enacted by Parliament repealed the said Indian Fisheries Act, 1897. As such, with the repeal of the said Act, 1897, there is a need to make certain provision for regulating fishing in inland waters.

The Bill, therefore, seeks to amend the Goa, Daman and Diu Marine Fishing Regulation Act, 1980 (Act No. 3 of 1981) so as to make certain provisions for the purpose of regulating fishing in inland waters.

The Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill would generate additional revenue on account of fees payable, which cannot be quantified at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1 (2) of the Bill empowers the Government to issue notification for appointing a date for bringing the Act into force.

Clause 3 of the Bill empowers the Government to issue notification for authorising the officers of the Directorate of Fisheries or police officers under section 3 of the Act.

Clause 4 of the Bill empowers the Government to frame rules to prescribe form and fee for erection of fishing stakes and net license

Clause 6 of the Bill empowers the Government to issue notification for notifying fish landing centres.

Clause 7 of the Bill empowers the Government to frame rules for prescribing the form of Undertaking to be obtained from the owner of fishing vessel under sub-section (1) of section 18.

Clause 9 of the Bill empowers the Government to frame rules for prescribing penalties.

These delegations are of normal character.

Assembly Hall
Porvorim, Goa
5th August, 2019

FILIFE NERY RODRIGUES
Minister for Fisheries

Assembly Hall
Porvorim, Goa
5th August, 2019

NAMRATA A. ULMAN
Secretary to the Legislative
Assembly of Goa

ANNEXURE

Extract of section 2 (g), 3, 11,18 and 21 of Goa Daman and Diu Marine Fishing Regulation Act, 1980

(Act no. 3 of 1981)

Section 2 (g)

(g) “registered fishing vessel” means

(i) a fishing vessel registered under section 11 of the Marine Products Export Development Authority Act, 1972 or;

(ii) a fishing vessel registered under section 12;

Section 3

3. Authorisation of officers for the purpose of any provisions of this Act—The Government may by notification in the Official Gazette, authorize—

(a) any officer of the Government not being an officer below the rank of Gazetted Officer; or

(b) any Officer of the Central Government, not being any officer below the rank of a Gazetted Officer or a Commissioned Officer in the armed forces of the Union, with the consent of that Government, to exercise the powers conferred on and discharge he duties imposed upon any such authorized officer under this Act in such area as may be specified in the notification.

Section 11

11. Cancellation, suspension and amendment of licences.—(1) If the authorized officer is satisfied either on a reference made to him in this behalf or otherwise, that—

(a) a licence granted under section 6 or section 8 has been obtained by misrepresentation as to an essential fact; or

(b) the holder of the 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 order 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 authorized officer may, after giving the holder of the licence a reasonable opportunity of showing cause, can cancel or suspend the licence or forfeit the whole or any part of the 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 authorized officer may also vary or amend a licence granted under section 6 or section 8.

Section 18

18. Power to enter and search fishing vessels.—The authorized officer may, if he has reason to believe that any fishing vessel is being or has been used in contravention of any of the provisions of this Act, or of any order or rule made thereunder or any of the conditions of the licence, enter and search such vessel and impound the same and seize any fish found in it.

Section 21

21. Penalty.—(1) The adjudicating officer shall, after the enquiry under section 20, decide whether any person has used or caused or allowed to be used any fishing vessel in contravention in any of the provisions of this Act, or of any order or rule made thereunder, or any of the condition of licence and any such person on being found guilty by the adjudicating officer, shall be liable to such penalty not exceeding:-

(a) five thousand rupees, if the value of the fish involved is one thousand rupees or less; or

(b) five times the value of the fish, if the value of the fish involved is more than one thousand rupees; or

(c) five thousand rupees, in any other case, being a case not involving in any fish, as may be adjudged by the adjudicating officer.

(2) In addition to any penalty that may be imposed under sub-section (1), the adjudicating officer may direct that-

(a) the registration certificate of the fishing vessels which has been used or caused or allowed to be used, 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) suspend for such period as the adjudicating officer deems fit; or

(b) the fish that might have been impounded or seized or the proceeds thereof as the case may be, under sections 18 or 19 shall be forfeited to the Government.

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