

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 20th February, 2016 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 6 of 2016

A Bill further to amend the Tamil Nadu Marine Fishing Regulation Act, 1983.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2016.

Short title and commencement.

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

2. In the long title to the Tamil Nadu Marine Fishing Regulation Act, 1983 (hereinafter referred to as the principal Act), for the expression “in the sea along the whole or part of the coastline of the State”, the expression “and for the protection and conservation of fishery resources in the sea along the whole or part of the coastline of the State and for matters connected therewith” shall be substituted.

Amendment of long title.

3. In section 3 of the principal Act,—

Amendment of section 3.

(1) after clause (b), the following clause shall be inserted, namely,—

“(bb) “artificial reef” means one or more objects of natural or man-made structure deployed on the seafloor for the purpose of enhancing fishery resources;”;

(2) after clause (c), the following clauses shall be inserted, namely :—

“(ca) “boat building yard” means a yard or place where fishing boats are built or repaired irrespective of the category of fishing boat;

“(cb) “coastal area” includes coastal water, the coastline and the coastal lands;

(cc) “country craft” means wooden or Fibreglass Reinforced Plastic (FRP) vallam or catamaran or canoe fitted with or without sail and without any engine;

(cd) “deep sea fishing vessel” means a ship or boat fitted with mechanical means of propulsion having an engine of not less than two hundred and forty Horse Power and measuring in overall length of not less than twenty four metre;

(ce) “driving licence” means the licence issued by an authorised officer, authorising the person specified therein, to drive a Mechanised fishing vessel for the purpose of fishing;”;

(3) for clause (d), the following clauses shall be substituted, namely:—

“(d) “fish” includes all marine flora and fauna, live or dead;

Tamil Nadu
Act 8 of
1983.

(da) "fish aggregating device" means a floating or anchored, permanent, semi-permanent or temporary structure or device made from any material and used to lure fish;

(db) "fisherman" means any person involved in fishing for livelihood or profit;

(dc) "fishing" means the pursuit of capturing or catching fish;

(dd) "fishing harbour" means the place, which contains the complex of facilities ensuring safe berthing of fishing vessels and providing such service to fishing vessels as may be notified by the Government, from time to time;

(de) "fishing net manufacturing unit" means a factory unit involved in manufacture of nets and fishing implements for fishing;"

(4) for clause (e), the following clauses shall be substituted, namely:—

"(e) "fishing vessel" means a ship or boat, whether or not fitted with mechanical means of propulsion, which is engaged in sea or backwater fishing for livelihood or profit and includes,—

(i) a deep sea fishing vessel,

(ii) a mechanised fishing vessel,

(iii) a motorised country craft, wooden or Fibreglass Reinforced Plastic vallam or catamaran,

(iv) a country craft, including wooden or Fibreglass Reinforced Plastic vallam or catamaran or canoe, engaged in fishing;"

(ea) "gear" means any tool including net, trap, hook and line used for fishing;

"(eb) "inspection officer" means an officer not below the rank of Sub-Inspector of Fisheries working under the administrative control of an authorised officer, authorised by an order, to exercise such powers, and discharge such duties, as may be specified in the order;"

(5) for clause (g), the following clauses shall be substituted, namely:—

"(g) "mechanised fishing vessel" means a ship or boat fitted with mechanical means of propulsion having an engine of not less than twenty-eight Horse Power but not more than two hundred and forty Horse Power and measuring in overall length (OAL) not less than ten metres and less than twenty-four metres, but does not include a deep sea fishing vessel;

"(ga) "mesh size" means the size of the square opening space formed by threads, cord or wire as fully diagonally stretched;

(gb) "motorised country craft" means a wooden or Fibreglass Reinforced Plastic (FRP) catamaran or vallam or canoe of overall length (OAL) not more than twelve metre and fitted with Out Board Motor (OBM) or Inboard Engine (IBE) having an engine capacity of less than twenty-eight Horse Power;

(gc) "no fishing zone" means such area as may be notified by the Government, around defence installations, nuclear installations and any other installations having national security concern;"

(6) for clause (j), the following clauses shall be substituted, namely:—

"(j) "registered fishing vessel" means a fishing vessel registered under section 435-C of the Merchant Shipping Act, 1958 (Central Act 44 of 1958) or Under this Act;

“(ja) “sea ranching” means stocking of cultured fish juveniles in marine and estuarine environments for the purpose of stock enhancement;

(jb) “sea safety” means measures and means of life saving, fire fighting appliances and materials in sea at the time of distress;”;

(7) after clause (l), the following clauses shall be added, namely:—

“(m) “surveillance and communication system” means the system used for making communication from fishing vessel and includes Global Positioning System (GPS), Very High Frequency (VHF), High Frequency (HF), Wireless, seamless communication, Vessel Tracking and Monitoring System (VTMS), Navigation lights and shapes;

(n) “unit” means boat building yard , fish net manufacturing unit or supplying unit, as the case may be;”.

4. Section 4 of the principal Act shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:—

Amendment of section 4.

“(2) The authorised officer may, by an order, authorise an inspection officer to exercise the powers and discharge the duties, for the purpose of registration of fishing vessel, licensing of fishing vessel, and to enter, search, seize, any fishing vessel, as may be specified in the order.”.

5. In section 5 of the principal Act,—

Amendment of section 5.

(1) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Notwithstanding anything contained in sub-sections (1) and (2),—

(a) no owner or master of mechanised fishing vessel shall use or cause or allow to be used such fishing vessel for fishing operation in the sea within five nautical miles from the coast line in the State and the owner or master of a mechanised fishing vessel shall use or cause or allow to be used such mechanised fishing vessel only beyond five nautical miles from the coast line in the State and such operation beyond five nautical miles shall be subject to such conditions as may be specified in the Schedule to this Act;

(b) no owner or master of motorised country craft having motorised means of propulsion either from single engine or from multiple engines having capacity of eight Horse Power and above shall use or cause or allow to be used such fishing vessel for fishing operation in the sea within three nautical miles from the coast line in the State and the owner or master of a motorised country craft having motorised means of propulsion either from single engine or from multiple engines having capacity of eight Horse Power and above shall use or cause or allow to be used such fishing vessel only beyond three nautical miles from the coast line in the State and such operation beyond three nautical miles shall be subject to such conditions as may be specified in the Schedule to this Act.

(2) in sub-section (4) – II(a) for the expression “three nautical miles from the coast line in the State”, in two places where it occurs, the expression “ the territorial waters” shall be substituted;

(b) for the expression “such operation beyond three nautical miles”, the expression “such operation beyond the territorial waters” shall be substituted.

Amendment of
section 6.

6. (1) Section 6 of the principal Act, shall be renumbered as sub-section (1) of that section, and in the second proviso to sub-section (1), as so renumbered,—

(a) for the expression “any fishing nets or tackles”, the expression “any gear” shall be substituted;

(b) for the expression “any traditional fishing craft such as catamaran, country craft or canoe”, the expression “country craft or motorised country craft” shall be substituted;

(2) after sub-section (1) as so renumbered, the following sub-sections shall be added, namely:—

“(2) No owner or master of a fishing vessel shall use or cause or allow to be used the fishing vessel for fishing by using prohibited gears and shall also not carry any prohibited gear on board which is prohibited under this Act.

(3) No owner or master of a fishing vessel shall use or cause or allow to use the fishing vessel without sea safety, surveillance and communication system as may be prescribed.”.

Amendment of
section 7.

7. In section 7 of the principal Act,—

(1) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(2-A) The authorised officer shall by an order cause the fishing vessel to be inspected by an inspection officer;

(2-B) The inspection officer shall inspect the fishing vessel to ensure the compliance of the requirements as may be prescribed for issue of certificate of inspection.”;

(2) in sub-section (4),—

(i) after clause (a), the following clauses shall be inserted, namely:—

(aa) whether the fishing vessel carry the registration mark displayed in the size and manner as may be prescribed;

(aaa) whether the fishing vessel is painted in such manner as may be prescribed by the Government from time to time;

(ii) for clause (bb), the following clauses shall be substituted, namely:—

“(bb) the condition of sea safety, surveillance and communication system in the fishing vessel as may be prescribed for such fishing vessel;

(bbb) any dues or charges to be remitted to the Government by the owner of the fishing vessel.”;

(3) after sub-section (5-A), the following sub-section shall be inserted, namely:—

“(5-B) The owner of a fishing vessel which has been licenced under this section before the date of commencement of the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2016 shall provide sea safety, surveillance and communication system as may be prescribed in such fishing vessel within ninety days from such commencement.”.

8. After section 7 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 7-A and 7-B.

“7-A. *Driving licence to drive mechanized fishing vessel.*— (1) No person shall drive a *mechanized* fishing vessel, unless he holds an valid driving licence authorising him to drive the *mechanized* fishing vessel.

(2) Any person, who has completed eighteen years of age, may apply to the authorised officer having jurisdiction in the area, in which he ordinarily resides or carries on business to issue to him a driving licence for driving a *mechanized* fishing vessel.

(3) Every application under sub-section (2) shall be in such form and shall be accompanied by such fee and such documents as may be prescribed.

(4) The authorised officer, on satisfaction of the terms and conditions as may be prescribed, shall issue the applicant a driving licence to drive a *mechanized* fishing vessel.

(5) The licence issued under sub-section (4) shall be valid for a period of five years.

7-B *Renewal of driving licence.*— (1) An authorised officer may, on an application made to him, renew a driving licence for a further period of five years to drive a *mechanized* fishing vessel.

(2) An application for the renewal of a driving licence shall be in such form and shall be accompanied by such fee and such documents as may be prescribed.”.

9. In section 10 of the principal Act,—

Amendment of section 10.

(1) in sub-section (1), for the expression “section 11 of the Marine Products Export Development Authority Act, 1972 (Central Act 13 of 1972)”, the expression “section 435-C of the Merchant Shipping Act, 1958 (Central Act 44 of 1958)” shall be substituted;

(2) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(2-A) On receipt of such application, the authorised officer shall, by an order, cause the fishing vessel to be inspected by an inspection officer.

(2-B) The inspection officer shall inspect the fishing vessel to ensure the compliance of the requirements as may be prescribed and issue a certificate of inspection.”;

(3) in sub-section (5-A), for the expression “carry buoy, first aid box, equipment for communication and such life saving and fire fighting appliances”, the expression “carries sea safety, surveillance and communication system” shall be substituted;

(4) after sub-section (5-B), the following sub-sections shall be inserted, namely:—

“(5-BB) The owner of a fishing vessel which has been registered under this section before the date of commencement of the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2016 shall provide sea safety, surveillance and communication systems as may be prescribed in such fishing vessel within ninety days from such commencement.”;

(5-C) Every fishing vessel registered under this section shall be painted in such manner as may be prescribed by the Government from time to time.”.

Insertion of
new
sections 10-
A and 10-B.

10. After section 10 of the principal Act, the following sections shall be inserted, namely:—

“10-A. *Registration of boat building yards, fishing net manufacturers or suppliers.*—

(1) The owner of every boat building yard unit, fishing net manufacturing unit or supplying unit shall register such unit under this Act.

(2) Every application, for registration of such unit, shall be made, by the owner thereof to the authorised officer in such form and shall be accompanied by such fees as may be prescribed.

(3) Notwithstanding anything contained in this Act, but subject to the provisions of sub-section (4), every owner of a unit immediately before the commencement of the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2016 may continue the unit.

(4) Every unit continued under sub-section (3), shall not continue after the expiry of a period of three months from the date of commencement of the Tamil Nadu Marine Fishing Regulation (Amendment) Act, 2016, unless the unit is registered under this section:

Provided that the authorised officer may, for sufficient reasons to be recorded in writing, extend the time limit for registration for such period not exceeding three months, as he deems fit.

(5) The authorised officer shall, by an order, cause the unit to be inspected by an inspection officer.

(6) The inspection officer shall inspect such unit and issue a certificate of inspection.

(7) On receipt of such certificate of inspection, the authorised officer shall register such units and issue a certificate of registration in the prescribed form and shall enter particulars of such certificate in the register to be maintained by him, in such form as may be prescribed.

(8) The certificate of registration once issued shall continue to be in force unless it is cancelled or suspended by the authorised officer.

(9) All boat building yards, building mechanised or non-mechanised fishing vessel of wood or Fibre glass Reinforced Plastic or steel, shall furnish a certificate to the effect that the boats are built as per the approved type design and are seaworthy and such certificate shall be enclosed by the fishermen at the time of registration of such fishing vessel under this Act.

(10) All the fishing net manufacturers in the State already registered with the Director of Industries and Commerce and applying for registration, shall obtain a No Objection Certificate from the Department of Fisheries and shall abide by the conditions as may be specified under this Act on the quality of the fishing material and regulation of mesh size.

(11) A certificate of registration issued under this section, shall be valid for the period specified therein or for such extended period as the authorised officer may think fit to allow in any case.

10-B. *Employment of person below eighteen years of age.*— No owner or master of any fishing vessel shall engage any person below eighteen years of age. Person with sound physical and mental health alone shall be engaged in such fishing vessel.

11. For section 11 of the principal Act, the following section shall be substituted, namely: —

Substitution of section 11.

“11. Information to be given to authorized officer about movement of fishing vessel. — Where a registered fishing vessel moves from the notified place of berthing, the owner of such fishing vessel shall give information to that effect in the prescribed manner, to the authorised officer having jurisdiction over the notified place where such fishing vessel is berthed and also to the authorised officer having jurisdiction over the notified place where such fishing vessel is intended to be moved.”.

12. In section 13 of the principal Act,—

Amendment of section 13.

(1) in the marginal heading, for the expression “sections 7, 9 and 10”, the expression “sections 7, 9, 10 and 10-A” shall be substituted;

(2) for the expression “under section 7, section 9 or section 10”, the expression “under section 7, section 9, section 10 or section 10-A” shall be substituted;

(3) for the expression “registration of a fishing vessel”, the expression “registration of a fishing vessel or unit” shall be substituted.”.

13. In section 14 of the principal Act, in sub-section (1), for the expression “register a vessel or cancelling or suspending the certificate of registration of such vessel”, the expression “register a fishing vessel or unit or transferring or cancelling or suspending the certificate of registration of such fishing vessel or unit” shall be substituted.

Amendment of section 14.

14. After section 14 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 14-A.

14-A. *Management and control of fishing harbours and fish landing centres.*— (1) The Government may, for the purposes of this Act, by notification, declare any place as a fishing harbour or any centre for landing of fish as a fish landing centre, and thereupon the management and control of such fishing harbour and fish landing centre shall vest with the Government.

(2) The Government may, by notification,—

(a) appoint a District Level Management Advisory Committee and transfer to it the management and control of all fishing harbour and fish landing centre in the District;

(b) appoint a Fishing Harbour Management Committee and transfer to it the management and control of the fishing harbour.

Explanation.— For the purpose of this section, “Fishing Harbour “ means any Fishing Harbour or Fish Landing Centre with facilities for safe landing of harvest, marketing, distribution and other dependent activities.

(3) The constitution, composition, powers and functions of the District Level Management Advisory Committee and Fishing Harbour Management Committee shall be such as may be prescribed.

(4) The District Level Management Advisory Committee and Fishing Harbour Management Committee shall meet at such interval as may be prescribed.

(5) The Government shall have power to levy and collect fee or charge from the operator of the fishing vessel, transporter of fish and other person using the facilities of the fishing harbour or fish landing centre at such rates as may be prescribed:

Provided that the Government may authorise the District Level Management Advisory Committee and Fishing Harbour Management Committee to exercise all or any of the powers of the Government under this sub-section.”.

Amendment of heading under chapter III.

15. Under Chapter III of the principal Act, for the heading “PENALTIES”, the heading “OFFENCES AND PENALTIES” shall be substituted.

Substitution of new section 15.

16. For section 15 of the principal Act, the following section shall be substituted, namely:—

“15. *Power to enter and search fishing vessel.*— (1) The authorised officer or inspection officer may, if he has reason to believe that any fishing vessels has not been provided with sea safety, surveillance and communication system in conformity with the rules made under this Act, or any fishing vessel is being or has been used in contravention of any of the provisions of this Act or of any notifications issued or rules made thereunder or any of the conditions of the licence granted under this Act, enter and search such fishing vessel and seize such fishing vessel and fish found on it and the authorized officer may impound such fishing vessel after giving an opportunity of being heard:

Provided that if no claim is made by any person in respect of any seized vessel within a period of six months from the date of seizure of the vessel, the authorised officer shall declare that the seized vessel is abandoned and shall provide for the disposal of the abandoned vessel in such manner as may be prescribed.

(2) The authorised officer or inspection officer may seize the prohibited gear, if he has found such gear on board, or used for the purpose of fishing and submit seizure mahazar to the adjudicating officer in the prescribed format.

(3) The adjudicating officer may, if he has any reason to believe that the said gear was used in contravention of any provisions of the Act, authorize an officer by an order to destroy such gear into pieces beyond use in the presence of panel of members as he deems fit.

Explanation.— For the purpose of this section, “Panel of members” means an officer not below the rank of Village Administrative Officer in the Revenue Department and an officer not below the rank of Sub-Inspector in the Police Department and an officer not below the rank of Sub-Inspector of Fisheries in the Fisheries Department.”.

Amendment of section 17.

17. In section 17 of the principal Act, in sub-section (1), for the expression “buoy, first aid box, equipment for communication and life saving and fire fighting appliances”, the expression “prescribed sea safety, surveillance and communication system” shall be substituted.

Insertion of new section 17-A.

18. After section 17, the following section shall be inserted, namely:—

“17-A. *Prohibition of fishing vessel for use of other purposes.*— (1) No owner or master of a fishing vessel shall use or cause or allow to be used such fishing vessel:—

(a) for fishing in contravention of any of the provisions of the Act or rules or of any notification issued thereunder;

(b) for any unlawful activities other than fishing;

(c) for fishing by using prohibited gear or carry prohibited gear onboard;

(d) for fishing of any fish species declared as protected fish species under the Wild Life (Protection) Act, 1972 (Central Act 53 of 1972).

19. In section 18 of the principal Act,—

Amendment
of section
18.

(1) in sub-section (1),—

(a) for the expression “without buoy, first aid box, equipment for communication and life saving and fire fighting appliances”, the expression “without sea safety, surveillance and communication system” shall be substituted;

(b) for the expression “shall be liable to such penalty not exceeding “, the expression “shall be liable to such penalty” shall be substituted;

(c) for clauses (a), (b) and (c), the following clauses shall be substituted, namely:—

(a) not exceeding fifteen thousand rupees, if the value of fish involved is three thousand rupees or less;

(b) not exceeding five times the value of the fish, if the value of the fish involved is more than three thousand rupees; or;

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

(d) which shall be,-

(i) five thousand rupees, if the fishing vessel entered the specified area for the first time and discontinuance of any kind of assistance for fishing extended by the Government for a minimum period of one year;

(ii) ten thousand rupees, if the fishing vessel entered the specified area for the second time and discontinuance of any kind of assistance for fishing extended by the Government for a minimum period of three years;

(iii) fifteen thousand rupees, if the fishing vessel entered the specified area for the third time and discontinuance of any kind of assistance for fishing extended by the Government for life time;

(iv) fifteen thousand rupees, if the fishing vessel entered the specified area for the fourth time and suspension of fishing for a week;

(v) fifteen thousand rupees, if the fishing vessel entered the specified area for the fifth time and cancellation of fishing licence;

(e) which shall be. —

(i) five thousand rupees and discontinuance of any kind of assistance for fishing extended by the Government for a minimum period of one year, if the fishing vessel entered the “no fishing zone” for first time;

(ii) ten thousand rupees and discontinuance of any kind of assistance for fishing extended by the Government for a minimum period of three years, if the fishing vessel entered the “no fishing zone” for second time;

(iii) fifteen thousand rupees and discontinuance of any kind of assistance for fishing extended by the Government for life time along with cancellation of fishing licence, if the fishing vessel entered the “no fishing zone” for third time;

(f) which shall be,—

(i) five thousand rupees for the fishing vessel carrying out fishing during the specified period for the first time along with impoundment of fishing vessel for the entire specified period and discontinuance of any kind of assistance for fishing extended by the Government for a minimum period of one year;

(ii) ten thousand rupees for the fishing vessel carrying out fishing during the specified period for the second time along with impoundment of the fishing vessel for the entire specified period and discontinuance of any kind of assistance for fishing extended by the Government for a minimum period of three year;

(iii) fifteen thousand rupees for the fishing vessel carrying out fishing during the specified period for the third time along with cancellation of licence and cancellation of any kind of assistance for fishing extended by the Government.

(2) after sub-section (1), the following sub-section shall be inserted, namely:—

(1-A) The adjudicating officer shall after the enquiry under section 17, decide whether any unit has contravened any of the provisions of this Act or of any notification issued or of any rule made thereunder or any of the conditions of the certificate of registration granted under this Act and any such unit, on being found guilty by the adjudicating officer, shall be liable to such penalty,—

(a) not exceeding fifteen thousand rupees, if the unit has engaged in such offence for the first time;

(b) minimum of fifteen thousand rupees not exceeding fifty thousand rupees, for subsequent offence by the unit.

(3) in sub-section (2),

(a) in clause (a), for the expression “does not carry buoy, first aid box, equipment for communication and life saving and fire fighting appliances”, the expression “does not carry sea safety, surveillance and communication system or which” shall be substituted;

(b) after clause (b), the following clause shall be added, namely:—

(c) the unit may be kept closed for such period as the adjudicating officer may deem fit.

(3) after sub-section (2), the following sub-section shall be added, namely:—

“(3) (a) The fishing vessels engaged in unlawful activities other than fishing and found guilty or violating any provisions of the Act, shall be impounded by the authorised officer and on adjudication they shall be confiscated and either be disposed in public auction or destroyed upon orders of the adjudicating officer or by any other competent authority in the presence of panel of members.

Explanation.— For the purpose of this section, “Panel of members” includes an officer not below the rank of Village Administrative Officer in the Revenue Department and an officer not below the rank of Sub-Inspector in the Police Department, in addition to the officer not below the rank of Sub-Inspector of Fisheries in the Fisheries Department.”.

(b) While fishing in the sea, if any person found, engaged in illegal activities which amount to be a cognizable offence, by an officer of the Department of fisheries, a case be registered under relevant section of the Indian Penal Code, 1860 (Central Act XLV of 1860) and any other relevant Act for the time being in force by the police on a written request to be made by the authorised officer concerned.”.

20. After section 21 of the principal Act, the following section shall be inserted, namely:—

Amendment of section 21.

“21-A Civil Court not to decide questions under this Act.— No civil Court shall have jurisdiction to decide or deal with any question which is by or under this Act required to be decided or dealt with by any authority or officer mentioned in this Act.”.

21. In section 26 of the principal Act, in sub-section (2),—

Amendment of section 26.

(1) in clause (d), for the expression “cancelling or suspending the certificate of registration”, the expression “cancelling or suspending the certificate of registration or in registering a unit under section 10-A or cancelling or suspending the certificate of registration of unit” shall be substituted;

(2) for clauses (e) and (ee), the following clauses shall be substituted, namely:—

“(e) the form of the application for registration of a fishing vessel under section 10 or registration of a unit under section 10-A, the particulars which such application shall contain, the fees which shall accompany the application, the form of the certificate of registration, the form of the register referred to in that section;

(ea) the number and description of sea safety, surveillance and communication system to be carried by a fishing vessel;

(eb) the procedure to be followed by the inspection officer in conducting inspection and issuing certificate under section 7 and section 10 and the procedure to be followed to enter, search and seize the fishing vessel or gear under sub-section (1) of section 15.”.

(3) for clause (l), the following clauses shall be substituted, namely:—

(l) the prohibition or regulation of the use of fishing gear;

(m) the regulation of the dimension and kind of gear to be used and the mode of using them;

(n) the prohibition of fishing in the specified area;

(o) the prohibition the use of any dynamite or other explosive substance, poison or noxious materials to catch or destroy the fish;

(p) manner of sea ranching of any fish in the specified area;

(q) manner of installation of artificial reef and fish aggregating device (FAD);

(r) any other matter which is to be, or may be, provided for by rules under this Act;

(3) in sub-section (3), for the expression “Every rule made under this Act or notification issued under section 5”, the expression “Every rule made or every notification issued under this Act” shall be substituted.”.

22. In the Schedule to the principal Act, in the heading, for the expression “three nautical miles”, the expression “five nautical miles” shall be substituted.

Amendment of Schedule.

STATEMENT OF OBJECTS AND REASONS

The multi dimensional expansion of marine fishing activities, Government's initiative to diversity fishing into deep sea and dynamic coastal security scenario require quality fishing boats with higher length and engine capacity, quality fishing implements and skill development of fishermen to enable fishing boats for deep sea fishing.

In the above context, the Government keenly felt the need to enact legislation to provide sufficient capacity fishing boats constructed in boat yards regulated by Government's quality standards and regulations, regulated production and supply of fishing implements and capacity building of fishermen to drive such fishing vessels. It is therefore considered necessary by the Government to amend the Tamil Nadu Marine Fishing Regulation Act, 1983 (Tamil Nadu Act 8 of 1983) for safeguarding the interest of traditional fishermen, regulation of fishing by fishing vessels, regulation of boat building yards and net manufacturing units, conservation and management of fishery resources along the coast of Tamil Nadu.

The Bill seeks to give effect to the above decision.

K.A. JAYAPAL
Minister for Fisheries.

A.M.P. JAMALUDEEN,
Secretary.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1(2), 3(dd), 3(gc), 5(3)(a), 5(3)(b), 6(3), 7(2-B), 7(4)(aa), 7(4)(aaa), 7(4)(bb), 7(5-B), 7-A(3), 7-A(4), 7-B(2), 10(2-B), 10(5-BB), 10(5-C), 10-A(2), 10-A(7), 10-A(10), 10-A(11), 14-A(1), 14-A(2), 14-A(3), 14-A(4), 14-A(5), 15(1) and 15(2) of the Bill authorise the Government to issue notifications or orders or directions to make rules, as the case may be, for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

K.A. JAYAPAL,
Minister for Fisheries.

A.M.P. JAMALUDEEN,
Secretary.