

GOVERNMENT OF ORISSA

THE ORISSA MARINE FISHING REGULATION RULES, 1983

FOREST, FISHERIES & A.H.DEPARTMENT

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NOTIFICATION

The 10th January 1984

S.R.O.No.57/84—In exercise of the powers conferred by section 24 of the Orissa Marine Fishing Regulation Act, 1982 (Orissa Act 10 of 1982), the State Government do hereby make the following Rules, namely:—

CHAPTER I
PRELIMINARY

Short title and commencement.

1. (1) These Rules may be called the Orissa Marine Fishing Regulation Rules, 1983.

(2) They shall come into force with effect from the 1st February 1984.

Definition

2. (1) In these rules, unless the context otherwise required:—

(a) "Act" means the Orissa Marine Fishing Regulation Act, 1982 (Orissa Act 10 of 1982).

(b) "Chairman" means the Chairman of the Appellate Board constituted under sub-section (2) of section 18 of the Act.

(c) "Department" means Fisheries Department, Government of Orissa.

(d) "Form" means a form appended to these rules.

(e) "Member" means the member of the Appellate Board constituted under sub-section (2) of section 18 of the Act).

(f) "Section" means a section of the Act.

(g) "Schedule" means schedule appended to these rules.

(h) "Year" means a year consisting a period of twelve months from the 1st day of July to 30th day of June next following.

(i) "Zone" means the marine fishing zone as prescribed under Rules 16 and 17.

(2) Words and expressions used in these rules, but not defined herein, shall have the meaning respectively assigned to them in the Act.

CHAPTER II

REGISTRATION

Application for registration of vessels.

3. (1) Application form for registration of fishing vessels shall be obtainable from the office of the authorised officer on payment of rupee one for each form.

(2) Every application for registration of fishing vessel under section 9 shall be made by the owner in the Form 1 prescribed for the purpose in Schedule 1 in quadruplicate and it shall be accompanied by:—

(a) a layout of the fishing vessel,

(b) document in support of deposit of the registration fee as prescribed under Rule 4.

Fees payable for registration of vessels.

4. The registration fees for a fishing vessel once for its life time shall be paid at the rate as specified in the table below:—

Table

Class of vessel (1)	Amount of fees (2)
(1) Mechanised fishing vessels above 25 gross tonnes or above 15 metres.	Rs.1000 (Rupee one thousand) only each

- | | | |
|-----|--|--|
| (2) | Mechanised fishing vessels up to 15 metres | Rs.500/- (Rupees five hundred) only each |
| (3) | Country Crafts above 8.5 metres using sail and oars | Rs.40/- (Rupees forty) only each |
| (4) | Country crafts upto 8.5 metres using sail and oars, catamarans and canoes. | Rs.20/- (Rupees twenty) only each |

Conditions for issue of the certificate of registration.

5. (1) The certificate of registration shall be granted subject to the following conditions:—

- (a) No change in the layout design or capacity or other matters shall be made by the owner without prior approval by the Authorised Officer.
- (b) The owner shall use only approved chemicals for preservation, processing and storage of the marine products.
- (c) The owner shall also comply with such other instructions as may, from time to time be issued by the Authorised Officer.
- (d) The owner shall not transfer the ownership without prior approval of the Authorised officer.

Issue of certificate of registration

(2) The authorised officer shall issue the certificate of registration under sub-section (3) section 9 in favour of the owner of the fishing vessel in Form II after entering the same in the register maintained for the purpose.

Change of ownership.

6. (1) In case of change in ownership, the person, in the name of whom the ownership to be transferred, shall apply in Form I to the concerned authorised Officer for issue of certificate of Registration in his favour.

(2) No fees for such transfer of ownership shall be payable by the transferee.

CHAPTER III LICENCE

Application for fishing licence.

7. Every application for grant of a fishing licence under sub-section (1) of section 6 shall be made before the authorised Officer by the owner of the said vessel in the Form III obtainable from the office of the authorised Officer on payment of rupee one for each form.

Fees payable for licence.

8. (1) Every application made under rule 7 for grant of fishing licence in any specified area in a year shall be accompanied by a fee at the rate as indicated in the table below and the licence shall be got renewed before completion of one year from the date of issue of such licence on payment of the requisite fee before 30th June for the next year commencing on 1st July:—

TABLE

Class of fishing vessels	Amount of fees for a specified area
(1)	(2)
(i) Mechanised fishing vessels above 15 metres or above 25 G.T.	Rs.1000 (Rupee One thousand) only per annum
(ii) Mechanised fishing vessels up to 15 metres or up to 25 G.T.	Rs.500/- (Rupees five hundred) only per annum
(iii) Country Crafts above 8.5 metres	Rs.75/- (Rupees Seventy five) only per annum
(iv) Country crafts upto 8.5 metres including canoes and catamaran.	Rs.30 (Rupees thirty) only per annum

Security deposit.

(2) The owner of each mechanised fishing vessel, excluding country crafts shall deposit security money at a flat rate of Rs.500 (Rupees five hundred) only for getting the licence. The security deposit shall be made once for the entire period of operation by the concerned vessel and released when the said vessel ceases its operation at the specified base.

Renewal of licence.

9. Every application for renewal of licence shall be made by the owner along with the money receipt, supporting deposit of licence fee as per provision under Rule 8 to the authorised Officer of the area concerned on or before 30th June of each year.

Penalty for renewal of licence.

10. (1) In case the owner of a registered fishing vessel fails to pay up the fees for renewal of licence by the stipulated date under rule 9 he shall be liable to pay a penalty of Rs. 5 for the 1st month beginning from 1st July up to 31st July and then @ Re. 1 per day for the succeeding months.

(2) In no case the registered fishing vessel shall be allowed to operate, if it fails to pay the fees for renewal of licence within a period of 90 days from the date of expiry of the licence.

11. The authorised Officer, after making enquiry under sub-section (3) of section 6 shall issue licence for the said vessel in Form IV and in case of renewal, the authorised Officer shall only give a renewal certificate on the said licence indicating the period of extension for which the licence fee is paid subject to the conditions, as laid down in Form IV. In case any of the conditions is violated by any of the fishing vessels, the authorised Officer may suspend or cancel the licence of the said vessel and report the Adjudicating Officer, immediately.

CHAPTER IV

AUTHORISED OFFICER

Duties of the authorised Officer.

12. (1) The authorised Officer shall maintain separate case records and registration records on registration of the fishing vessels under sub-section (3) of section 9 within his jurisdiction.

(2) The authorised Officer shall mention clearly the registration number of the fishing vessels in the certificate of registration with an instruction to the owner of the said vessel to affix a plate, indicating the registration number in bold letter (Black and white) and particulars of the ownership as well as the vessel, outside the forebow on both sides of the said vessel.

(3) The authorised Officer shall maintain separate register on issue of licence for fishing and separate case history for each case on granting or refusing the licence.

(4) The authorised Officer shall mention, in the record clearly the date of renewal and the period for which the licence fee is paid under rule 9 against each of the fishing vessel with his signature.

(5) The collection of fees towards registration and licence, specified under rule 4 and 8 respectively, shall be deposited under the appropriate receipt Head of Account.

(6) In case of any refusal for issue of licence to the fishing vessels under sub-section (3) of section 6, the authorised officer shall record the reasons of refusal, and a copy of the same along with the order of refusal shall be made available to the applicant.

(7) The authorised Officer, in case of impounding any vessel under section 14, shall prepare the seizure list in triplicate and sent a copy of it to the concerned Adjudicating Officer and the owner of the said vessel or crews present in the vessel within 3 days from the date of impounding the vessel.

(8) In case neither the owner nor any of the crews signs in the seizure list, the authorised Officer shall mention the fact and shall obtain the signature of any other crews of other vessels or of any other witness of the locality in the seizure list.

CHAPTER V

ADJUDICATING OFFICER

Duties of Adjudicating officer.

13. (1) The Adjudicating Officer on receipt of any report from the authorised Officer as provided under section 16(i) shall issue notices to the parties, concerned within a period not exceeding 15 days, for hearing.

(2) The notice issued by the Adjudicating Officer under sub-rule (1) shall contain.—

(a) the date of hearing,

(b) the time of hearing and

(c) the place of hearing clearly.

(3) The Adjudicating Officer should see that the notices/Summons are served properly in time with due acknowledgement of the parties, concerned.

(4) The Adjudicating Officer shall as far as possible dispose of the case within 60 days from the date of receipt of such report. In cases where the disposal is delayed he shall record the reasons for the delay. The copy of the order and the reasons thereof shall be supplied to the parties.

Disposal of seized fish.

14. (1) The Adjudicating Officer, on receipt of any report from the authorised Officer relating to seized fish if not disposed of, shall direct the authorised Officer to sell the seized fish on public auction.

(2) The sale-proceeds of seized fish shall be kept in the safe custody of the Adjudicating Officer in shape of cash-till finalization of the case.

Preservation of seized vessel.

15. The Adjudicating Officer on receipt of any report from the authorised Officer shall direct the authorised Officer to keep the seized vessel in his safe custody.

CHAPTER VI

Regulation of fishing.

16. (1) Non-Mechanised Traditional Fishing Crafts shall be allowed to operate freely without any restrictions. Waters up to five kilometres from the shore shall be reserved exclusively for such fishing crafts and in no case any other type of Mechanised Fishing vessels shall be allowed to operate in that area.

(2) Mechanised fishing vessels up to fifteen metres of length shall be allowed to operate beyond five kilometres limit from the coast.

(3) Mechanised fishing vessels of twenty-five gross tonnes and above or above fifteen metres of length shall be allowed to operate beyond ten kilometres from the shore only.

(4) In no case any fishing vessel, allowed to operate under sub-rules (1), (2) and (3) shall operate beyond twenty-four nautical miles from the shore.

17. The fishing vessels shall operate within the zone limit of the respective fishing base as specified in Form VI.

18. The mechanised vessels including off-shore and deep sea fishing vessels should be very careful during their to and fro movement in the sea in order to avoid any damage or loss to the nets, fishing gears, etc. of the other vessels laid in the sea.

19. No vessel shall ordinarily be allowed to interchange the base without permission of the concerned authorised Officer.

20. Every owner of a registered fishing vessel shall furnish under sub-section (1) of section 11 a monthly report to the concerned Authorised Officer in Form V.

CHAPTER VII

APPELLATE BOARD

Secretary of the Appellate Board.

21. The Deputy Director of Fisheries (Marketing) shall officiate as Secretary of the Appellate Board. The appeals are to be addressed to the Chairman and shall be received by the Secretary who will make all correspondences, keep all the case records, arrange for the sitting of the Board in consultation with the Chairman and members.

Fees payable to the Appellate Board.

22. For each sitting of the Appellate Board the Chairman, the members and the Secretary shall receive T.A. and D.A. as admissible under the Orissa T. A. Rules. The cost shall be borne by the Fisheries Department.

Jurisdiction of the Appellate Board.

23. The Appellate Board shall have jurisdiction throughout the State of Orissa.

Appellate Authority.

24. Appeals under sub-section (1) of section 13 shall be preferred to the Additional Director of Fisheries, Orissa who shall be the Appellate Authority.

CHAPTER VIII

APPEALS

Procedure for presentation to and disposal of appeals by the Appellate Authority.

25. (1) An appeal to the Appellate Authority shall be presented by the owner of the fishing vessel or by his duly appointed agent either in person during the office hours or sent by the registered post.

(2) When such an appeal is presented by an agent, it shall be accompanied by a letter of authority of the appellant, appointing him as such.

(3) Every appeal shall be accompanied by a certified copy of the order against which the appeal is preferred.

(4) Every appeal shall—

(a) be either type written or hand written in ink legibly,

(b) specify the name and particulars of the fishing vessel and the name of the owner,

(c) clearly state the grounds on which the appeal is made,

(d) give the date of the order appealed against, and

(e) state the relief which the appellant claims.

(5) On receipt of the appeal the Appellate Authority shall endorse on it the date of its receipt.

(6) The Appellate Authority, as soon as possible, examine it and satisfy that—

(a) the person presenting it has the authority to do so,

(b) it is made within the prescribed time-limit, and

(c) it conforms to all the relevant provisions of the Act and the rules.

(7) On receipt of an appeal, the Appellate Authority shall fix a date for hearing and issue notice for hearing to the appellant as well as to the authorised Officer.

(8) On the date so fixed, the Appellate Authority shall go through the relevant papers, hear the appellant or his agent, if present and pass suitable orders on the appeal.

(9) The Appellate Authority may adjourn to any other day the hearing of any appeal at any state.

(10) When the hearing of the appeal is completed the Appellate Authority may announce its judgement forthwith or may reserve it for a subsequent date.

(11) Every decision or order of the Appellate Authority shall be supplied to the appellant and such other parties as the Appellate Authority deem proper.

Procedure for presentation to and disposal of the Appellate Board under section 10(4)

26. Subject to the provisions of section 18, the procedure laid down in rule 25 shall *mutatis mutandis* apply to appeals preferred to the Appellate Board under subsection (4) of section 18.

Grant of certified Copies

27. Any owner of the fishing vessel or his duly authorised agent requiring copies of any document, shall on an application, be supplied the required copies on payment of a sum calculated at the rate of one rupee for each hundred words of the copy applied for subject to a minimum of rupees three.

28. Unless Government otherwise directs, all fees payable under the Act or the Rules shall be paid in cash under proper receipt to the authorised Officer or shall be deposited into the Treasury under the Head "112—Fisheries (c)—Other receipts (B)—Miscellaneous Receipts".

Schedule I
FORM I
(See Rule 3)

Form of Application for Registration of Fishing Vessels

1. Name and address of the applicant in full (in Block-letters) ..
2. Name of the fishing vessel ..
3. Particulars of registration, if any ..
4. Where, and when the fishing vessel was secured ..
5. Particulars of fishing vessel— ..
 - (i) Materials - Wooden/steel/FRP/Ferro Cement ..
 - (ii) Sheathing - Copper/G.R.P/Alumuncom/No sheathing ..
 - (iii) Length ..
 - (iv) Breadth ..
 - (v) H.P. of the engine. No and trade mark of the engine ..
 - (vi) Type of vessel ..
 - (vii) Type of gear to be used ..
6. Place where constructed and name of the Boat Building yard ..
7. Year of construction of the vessel ..
8. The base where it is proposed to operate ..
9. Number and designation of crews ..
10. Mode of payment of registration fees ..

Place :

Date :

Signature of the applicant

VERIFICATION

I/We.....do hereby declare that to the best of my knowledge and belief the above information are correct and complete.

That I/we fully understand all the provisions of the Act and Rules and Orders issued thereunder and agree to abide by them.

Place :

Date :

Signature of owner/s

FORM II
(See Rule 5)

Certificate of Registration for Fishing Vessels

1. Number and date of the certificate of registration
2. Name and address of the person to whom the certificate of registration is issued.

3. Particulars of the fishing vessel, name of the vessel, length, breadth, H.P. of the engine and type.
4. Name of the fishing base where it will operate
5. Registration number with gear

Signature of the Officer issuing the certificate

(Seal)

Place :

Date :

Conditions for certificate of registration

1. No change in the layout, design or capacity or other matters shall be made by the owner without prior approval by the authorised Officer.
2. The owner shall use only approved chemicals for preservation, processing and storage of the marine products.
3. The owner shall comply with such other instructions as may from time to time be issued by the authorised Officer.

The owner shall not transfer the ownership without prior approval of the authorised Officer.

FORM III

(See Rule 7)

Application for issue of Licence for the Fishing Vessel

1. Name and address of the applicant
2. Name of the Fishing Vessel
3. Registration No. and date
4. Particulars of fishing vessel—
 - (A) Non-mechanised/Mechanised
 - (B) Length overall
 - (C) Breadth
 - (D) H.P. of Engine
5. Nature of deposit of Licence Fees—

Challan/Receipt number and date
(Enclose Challan or Receipt as the case may be)

6. Place of operation (Mention name of the fishing base)
7. Type of Gear used—
(Gillnet/Trawl net)
8. No. of crews

Signature of the applicant

FORM IV
(See Rule 11)

Licence for the fishing vessel

1. Registration No. of the vessel
2. Name and address of the owner
3. Name of the vessel
4. Particulars of the vessel
 - (A) Length
 - (B) Breadth
 - (C) H.P. of the Engine/ Make of the Engine
 - (D) G.R.T
5. Type of the vessel
(Non – mechanised/ Mechanised/ Trawler/ Gill – netter/ Combination Vessel/ Frozen Trawler/ Long liner)
6. Year of construction
7. Name and place of the Boat Building yard
8. Period for which the licence is issued

Signature of the Issuing Officer

Place
Date

Seal

The above licence is renewed fromto.....
The licence fees amounting to Rs..... is paid, vide Challan/Receipt
No.....

Date.....

Signature of the Issuing Office

Conditions for Issuing Licence

1. Area specified for fishing from time to time shall be strictly observed
2. Conservation regulations verified from time to time shall be followed strictly
3. The vessel either mechanized or non-mechanised shall not obstruct the navigational channel by operating any type of fishing gear.
4. 200 metres on the river mouths on both upstream and downstream, where fishing base is established, shall not be obstructed by operating any active or passive fishing gear.
5. The fishing vessels shall not go on mooring or anchorage on the river mouth or navigational channel

6. The fishing vessels shall be kept open for inspection when required by Inspecting Officer (Licence Issuing Officer or any other officer authorized by him or the Adjudicating Officer).
7. The fishing vessels shall not be used for any other purpose than only fishing
8. The departure and arrival timing, specified by the concerned authorized Officer, shall be followed strictly by the fishing vessels.
9. The fishing vessels shall not operate during prohibited period of the year and prohibited area as specified from time to time by the concerned authorised Officer.
10. The fishing vessels shall not carry, with them any explosion or objectionable weapons

FORM V

(See Rule 20)

Return to be submitted by the mechanised vessel to the Licensing Authority
(Monthly report for the month of)

- (a) Name of the fishing vessel
- (b) Registration No.
- (c) Name and address of the owner
- (d) Name of the fishing base

No. of fishing days in the month	Up to date fishing days	Consumption of fuel during the month	Up to date consumption of fuel	Total catch	Prawn/Hilsa	Other fishes	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Signature of the owner of vessel

Form VI

(See Rule 17)

Demarcation of area of operation by the Fishing Vessel and optimum Nos. of mechanised vessels fixed for different bases.

District	Marine fishing base (including those proposed to be developed in the near future)	Zone (Landmarks) but interchangeable within the State for commercial viability	Optimum Nos. of mechanised crafts below 15M or 25 gross tonnes to operate beyond 5 km. from shore	No. of offshore and deep sea vessels above 15M or 25 gross tonnes to operate beyond 10 kms.
(1)	(2)	(3)	(4)	(5)
Balasore . .	Kirtania . .	Balasore district from West Bengal border south wards till Hanskura river mouth.	45	. .
	Kasafal . .	Balasore district from Hanskura river mouth south wards till 2 Kms. south of Panchpara river mouth.	35	. .
Balasore . .	Chandipur . .	Balasore district from 2 Kms. south of Panchapara river mouth till 10 Kms. south of Talpada (To be restricted during activities of the proof station of the Defence Ministry).	250	. .
	Adhuan . .	Balasore district from 10 Kms. south of Talapada (To be restricted during activities of the proof station of the Defence Ministry).	50	. .
	Dhamara . .	Balasore district from Bideipur till Hansua river mouth in Cuttack district.	100	15 (OS)

Cuttack	Paradeep	Cuttack district from Hansua river mouth south wards till Harishpurgarh (North of Devi river mouth).	300	10 (OS) 40 (DS)
Puri	Astaranga	Cuttack district from Harishpurgah till 2 Kms. north of Chilika lake mouth in Puri district.	100	..
Ganjam	Rusikulya, Gopalpur	Puri district from 2 Kms. south of Chilika lake mouth and Ganjam district.	120	15 (OS)

[No.532-FY-A.H.]

By order of the Governor
Sd. V.CHHOTRAY
Additional Secretary to Government

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