

	THE MARINE FISHERIES (REGULATION AND MANAGEMENT) BILL, 2012	
	A <i>BILL</i>	
	to provide for regulation of fishing, fisheries and vessels engaged in fishing and fishing activity in the exclusive economic zone of India and the high seas, conservation and sustainable use of marine fisheries resources and maintenance of law and order in the maritime zones of India, addressing livelihood related concerns of fish-workers and for matters connected therewith and incidental thereto.	
	BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:	
	CHAPTER I PRELIMINARY	
Short title and commencement.	1. (1) This Act may be called the Marine Fisheries (Regulation and Management) Act, 2012.	
	(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) “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, 1976; (b) “fish” means any aquatic animal, whether piscine or not, and includes shell-fish, crustacean, helonia, turtle (helonian), aquatic mammal (the young, fry, eggs and spawn thereof), holothurians, coelenterates, sea	80 of 1976

	<p>weed, coral (porifera) and any other aquatic life;</p> <p>(c) “fisheries” means all activities related to fishing or the harvesting, use, conservation and management of marine living resources;</p> <p>(d) “fisheries management plan” includes any plan, guidelines, policy, order, as notified by the Central Government from time to time in relation to fisheries, with a view to ensuring sustainable use, development, management and conservation of fish, monitoring, control and surveillance of fishing and fishing activity; and maintenance of law and order in the maritime zones of India;</p> <p>(e) “fishing” or “fishing activity” includes-</p> <ul style="list-style-type: none"> (i) searching for or tracking or trailing or pursuing fish; (ii) attempting to search for or tracking or trailing fish; (iii) catching or taking or killing of fish by any method; (iv) engaging in any other activity that can reasonably be expected to result in the locating, or tracking or trailing or pursuing or catching or taking or killing of fish; (v) 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; (vi) any purchase of any fish undertaken at sea; and (vii) the processing, carrying, preserving, receiving, transporting, or transshipping of fish; <p>(f) “fishing vessel” means any vessel, whether or not fitted with mechanical means of propulsion, which is capable of undertaking fishing and fishing activity. The term ‘fishing vessel’ includes ‘foreign fishing vessel’ and ‘Indian fishing vessel’;</p> <p>(g) “foreign fishing vessel” means any fishing vessel other than an Indian fishing vessel;</p> <p>(h) “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>(i) “Indian fishing vessel” means-</p> <ul style="list-style-type: none"> (A) a fishing vessel registered under the Merchant Shipping Act, 1958, or under any other applicable Central Act or any State Act, and which is- 	<p>44 of 1958</p>
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	<p>(a) owned by the Government of India or by the Government of any State, or by a corporation established by a Central Act or a Provincial or State Act; or</p> <p>(b) owned by persons to each of whom any of the following descriptions apply, namely:-</p> <p>(i) a citizen of India; or</p> <p>(ii) a company in which not less than fifty one per cent, of the share capital is held by Indian citizen(s); or</p> <p>(iii) a duly registered firm wherein every partner whereof is a citizen of India; or</p> <p>(iv) 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;</p> <p><i>Explanation.</i>– For the purposes of this clause, “registered co-operative society” means a society registered, or deemed to be registered under the Co-operative Societies Act, 1912, or any other law relating to cooperative societies for the time being in force in any State.</p> <p>(B) Any boat or craft of any type other than those specified under sub-clause (i) which the Central Government may, by notification in the Official Gazette, specify to be an Indian fishing vessel.</p> <p>(j) “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>(k) “master” in relation to a vessel, means any person having command, or charge of the vessel;</p> <p>(l) “notification” means notification published in the Official Gazette and the expression ‘notified’ shall be construed accordingly;</p> <p>(m) “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 responsibility for the operation of the vessel from the owner;</p>	<p>2 of 1912</p> <p>80 of 1976</p>
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	<p>(n) “permit” means a written permission granted under section 3 and includes a Unified Fishing Permit;</p> <p>(o) “prescribed” means prescribed by rules made under this Act;</p> <p>(p) “processing” in relation to fishing, includes cleaning, cutting and removal of spines, fins, shells, viscera (guts and other internal soft parts), beheading, filleting, peeling, icing, freezing, canning, salting, smoking, cooking, pickling, drying and otherwise preparing or preserving fish by any other method;</p> <p>(q) “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>(r) “unified fishing permit” means a permit issued to Indian fishing vessels under sub-section (2) of section 3;</p> <p>(s) “vessel” includes any ship, vessel, sailing vessel, chase boats, pilot boats, transport, or carrier vessels, or any vessel used for research on fisheries or any other vessel of any other description that is capable of fishing 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>	80 of 1976
Prohibition of fishing without Approval.	<p style="text-align: center;">CHAPTER II</p> <p style="text-align: center;">REGULATION OF FISHING AND FISHERIES</p> <p>3. (1) No vessel shall engage in any fishing or fishing activity within any part of the exclusive economic zone of India, except with a permit issued by the Central Government in accordance with the rules that may be prescribed:</p>	
	<p>Provided that a permit under this Act does not in any manner absolve a person or fishing vessel from obtaining the requisite approval or licences or permit as required under the laws of the relevant State or Union territory, as the case may be, in relation to operating such vessel within the territorial waters of India.</p> <p>(2) The Central Government may, from time to time, in consultation with the Government of the State or Union territory, as the case may be, notify the class or category of Indian fishing vessels, for which a unified fishing permit may be issued by the notified authority of that State or Union territory, for fishing within the territorial waters of India and the exclusive economic zone, subject to such terms and conditions as may be prescribed.</p>	

	<p>(3) No Indian fishing vessel shall engage in any fishing or fishing activity in the high seas except with a permit issued by the Central Government in accordance with the rules that may be prescribed.</p> <p>(4) Every order granting or rejecting an application for the grant of a permit shall be in writing.</p> <p>(5) A permit granted under this Act-</p> <p style="padding-left: 40px;">(a) shall be valid for such areas, for such period, for such method of fishing and for such purposes as may be specified therein;</p> <p style="padding-left: 40px;">(b) may be renewed from time to time; and</p> <p style="padding-left: 40px;">(c) shall be subject to such conditions and restrictions as may be prescribed and to such other additional conditions and restrictions as may be specified in the permits, and any fisheries management plan, or plans that may be made under section 4.</p> <p>(6) A permit granted under this Act shall at all times be displayed prominently on board of the fishing vessel, and shall be produced by the master or owner of the vessel when required by relevant authorities notified under this Act, and during the search of the vessel.</p> <p>(7) 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, except with the prior permission of the Central Government which may be provided under rules prescribed.</p> <p>(8) A person holding a permit under this section shall ensure that every person employed or otherwise engaged (including through sub-contracting), by him complies, in the course of such employment or engagement, with the provisions of this Act or any rule or order or any fisheries management plan made thereunder, and the conditions of such permit.</p> <p>(9) The Central Government may withhold the issuing permit to a vessel or a class of vessels or alter the conditions of a permit issued under this section, 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 policy and public interest.</p>	
	<p>(10) A fishing vessel that is not fitted with any mechanical means of propulsion may, subject to such conditions as may be prescribed in this regard, be exempted from obtaining a permit under sub-section (1):</p> <p style="padding-left: 40px;">Provided that such vessels shall be subject to other provisions of this Act.</p>	

<p>Fisheries Management Plan.</p>	<p>(11) The Central Government may, by notification in this regard, exempt a Government entity, or corporation or any 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> <p>4. (1) The Central Government may, from time to time, after consultation as may appear to it to be appropriate with persons or entities engaged in fisheries, notify one or more plans for management of one or more fishing activities or fisheries in relation to any such area of the maritime zones of India as may be specifically identified in such plan, with the aim to enable conservation and regeneration of fish stock, address livelihood related concerns of low income fish-workers, ensure fishing in an environmentally sustainable manner and ensure maintenance of law and order in the maritime zones of India:</p> <p>Provided that if a fisheries management plan being made under this section is 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 fall.</p> <p>(2) All permits granted under section 3 of this Act, shall be subject to any fisheries management plan notified by the Central Government and in the event of any inconsistency between a permit and a fisheries management plan, all such permits shall be deemed to be amended by the fisheries management plan in a manner so as to remove such inconsistency.</p> <p>(3) Without prejudice to the provisions of sub-section (1), a fisheries management plan may provide for any one or more of the following, namely:-</p> <ul style="list-style-type: none"> (a) determination of the method or methods by which fishing capacity is to be measured, which may include, but are not limited to, methods based on a particular area, a particular species or type or a particular quantity of fish, a particular kind, size or quantity of fishing equipment, a particular number of vessels, a particular period of fishing, or any combination of the above; (b) provide for the management of fisheries by means of imposing specific additional regulations, terms and conditions in relation to permit for fishing and fishing activities that may be granted under section 3; (c) encourage the formation of formal and informal organization of fish-workers at the local level, including through the formation of fish-worker cooperatives, for engaging in conservation, management and sustainable use of fisheries through appropriate local monitoring, control and surveillance of fishing activities; (d) provide for measures for addressing livelihood concerns of low- 	
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<p>Cancellation or Suspension of a permit.</p>	<p>income fish-workers, including through capacity building and assistance programmes for supporting conservation and sustainable fishing;</p> <p>(e) provide for measures to be adopted for ensuring law and order and maintenance of security in the maritime zones of India;</p> <p>(f) contain a description of fishing or fishing activity with reference to area, fish species (based on factors such as migratory, endangered or sensitive), fishing methods or fishing vessels to be employed or any other matter;</p> <p>(g) specify the kind and quantity of equipment that may be used in the fishing or fishing activity;</p> <p>(h) specify obligations on persons that have been granted permits under section 3, with a view to ensuring conservation and sustainable utilization of fisheries, or for the establishment of law and order and national security in the maritime zones of India;</p> <p>(i) provide for and enable the implementation of infrastructure development projects in relation to fishing and fishing activities;</p> <p>(j) prohibit or regulate recreational fishing;</p> <p>(k) terms and conditions relating to joint ventures or other cooperative arrangements in relation to fishing or fishing activities;</p> <p>(l) requirements in relation to personnel employed or otherwise engaged in a vessel, such as requirements in relation to nationality, or standards to be used for training and qualifications of such personnel;</p> <p>(m) provide for welfare measures for fish-workers or other personnel employed in vessels;</p> <p>(n) regulate fishing for scientific research purposes;</p> <p>(o) provide for implementation of any international or regional conventions/ obligations / agreements for fishing and activities related to fisheries to which India is a signatory, in consultation with the Governments of the State, and Union territories with a view to ensuring that the interests of low-income fish-workers is taken into consideration;</p> <p>(p) code of conduct for fishing operations and any fishing activities (including post-harvest operations); and</p> <p>(q) any other matter which the Central Government may determine to be relevant for achieving any of the objectives of this Act.</p> <p>5. (1) The Central Government may cancel or suspend a permit granted under section 3, if there is reasonable cause to believe that-</p> <p>(a) there has been a violation of any of the provisions of section 3; or</p> <p>(b) there has occurred a contravention of the provisions of any permit</p>	
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<p>Entry of vessel without permit.</p> <p>Regulation of scientific research.</p> <p>Docking of Foreign Fishing Vessel</p>	<p>or any conditions or restrictions specified in any permit, or of any rules made under this Act, or of any fisheries management plan; or</p> <p>(c) that 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 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 the relevant fishing activity in respect of which the permit had been given, and shall not resume such fishing or fishing 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 section 3, 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> <p>(4) Every holder of a permit which is suspended or cancelled shall, immediately after such suspension or cancellation, surrender such permit, as the case may be, to the Central Government.</p> <p>6. Every vessel that enters the exclusive economic zone of India without a valid permit granted under section 3, shall ensure that it's fishing gear of the fishing vessel and equipment are, at all times as it is in such zone, kept stowed in the prescribed manner.</p> <p>7. The Central Government may, through a special permit to be issued in writing, allow a vessel to carry out any scientific research or investigation or for any experimental fishing in accordance with such terms and conditions as may be prescribed.</p> <p>8. The Central Government may, by notification in the Official Gazette, identify and specify ports for the purpose of this Act, and such ports shall be used as the only ports where a foreign fishing vessel can dock for the purpose of this Act.</p>	
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<p>Authorized officers and their powers.</p>	<p style="text-align: center;">CHAPTER III</p> <p style="text-align: center;">POWERS OF SEARCH AND SEIZURE</p> <p>9. (1) Any officer of the Coast Guard constituted under the Coast Guard Act, 1978, or such other officer of Government as may be authorized by the Central Government (hereinafter referred to be Authorized Officer) may, for the purpose of ascertaining whether or not the requirements of this Act have been complied with, either with or without a warrant-</p> <ul style="list-style-type: none"> (a) stop or board a fishing vessel in any maritime zone of India, and search such vessel for fish and/or for equipment used or capable of being used for fishing or any fishing activity; (b) require the master of such vessel to produce- <ul style="list-style-type: none"> (i) any registration certificate, permit, log book, or other document relating to the vessel, and examine or take copies of such registration certificate, permit, log book or document; (ii) any catch, net, fishing gear or other equipment on board of such vessel or belonging to the vessel, and any document relating thereof; and (c) examine such catch, net gear or equipment on board of such vessel or belonging to the vessel, and (d) make such enquiries as may be necessary to ascertain compliance with any of the provisions of this Act. <p>(2) Where the Authorized Officer referred to in sub-section (1) above, has reason to believe that any fishing vessel has been, is being, or is about to be, used for committing an offence under this Act, or undertake any illegal activity in contravention of applicable laws of India, he may, with or without a warrant:</p> <ul style="list-style-type: none"> (a) seize and detain such vessel, including any fishing gear, fish, equipment, stores or cargo found on board such vessel or belonging to the vessel, and seize and detain any fishing gear abandoned by the vessel; and/or, (b) require the master of such vessel seized or detained under sub-clause (a) to bring such vessel to a port specified by such officer, the costs for which shall be borne by the owner or master of the vessel: <p>Provided that in case a vessel seized under sub-section (2) above, is either a vessel which is-</p>	<p>30 of 1978</p>
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	<p>(i) not fitted with mechanical means of propulsion; or</p> <p>(ii) a motorized vessel not exceeding twelve meters over all length, the Authorised Officer shall not confiscate or seize any fish or catch stored or found in such seized vessel, and the owner or master shall be allowed to dispose of such fish or catch in the manner he deems fit.</p> <p>(3) If the Magistrate finds an offence in case of such vessels, a fine of rupees five thousand in addition to any other penalties that may be imposed by the Magistrate, with regard to the catch or fish.</p> <p>(4) In taking any action under sub-section (2), the Authorized Officer may use such force as may be reasonably necessary.</p> <p>(5) Where any vessel or other things are seized under sub-section (2)-</p> <p>(a) the vessel or other things so seized shall, as soon as possible, be produced before a Magistrate competent to try an offence under this Act and the Magistrate shall make such order in writing as he may deem fit for the retention of custody of such vessel or things seized with the Central Government, or any authority determined by the Magistrate in this regard, pending the completion of any proceedings for the prosecution of any offence under this Act, or for its use by such authority during such retention or custody on such terms and conditions as the Magistrate may deem fit to impose:</p> <p>Provided that the Magistrate may, on an application made by the owner or master of such vessel in the prescribed form, order the prompt release of the vessel or things so seized to the owner or master furnishing reasonable security in the form of cash or an irrevocable and unconditional bank guarantee;</p> <p>(b) The Central Government shall be promptly informed in writing of such seizure and the details thereof.</p> <p>(6) Where the Magistrate is of the opinion on inspection of the fish so seized under sub-section (2) that such fish is subject to speedy and natural deterioration, the Magistrate may order such fish to be sold by public auction and the sale proceeds thereof, after deduction of the expenses of any sale or auction or other incidental expenses relating thereto, shall –</p> <p>(a) where no order for confiscation is ultimately passed by the Magistrate; or</p> <p>(b) where the person alleged to have committed an offence in contravention of the provisions of the Act is acquitted, be paid to the owner or master or any other person from whom it is seized.</p>	
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<p>Penalty for contravention of Permit Granted under Section 3.</p>	<p>(7) 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 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.</p> <p>(8) If the Authorized Officer seeks to dock the seized vessel at any port wherein it requires the assistance of any other authority, such as the Port Authority, the Authorized Officer shall co-operate and provide all reasonable assistance to such other authority to ensure the maintenance and management of the vessel seized including payment of any charges that may be required for the maintenance and management of such seized vessel.</p> <p>(9) If no claimant comes forward appears in relation to any seized vessel for a period of six months from the date of the seizure of the vessel, the Authorized 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.</p> <p style="text-align: center;">CHAPTER IV</p> <p style="text-align: center;">OFFENCES AND PENALTIES</p> <p style="text-align: center;">PART- A: OFFENCES BY INDIAN FISHING VESSELS</p> <p>10. (1) Where any Indian fishing vessel is used in contravention of the provisions of sub-section (1) section 3, the owner or master of such vessel shall be punishable with a fine which is as follows -</p> <p>(a) in a case where the vessel is not fitted with mechanical means of propulsion, the offence shall be punishable with fine which may extend to one thousand rupees for the first two offences and with a fine which may extend to five thousand rupees for the third and subsequent offences;</p> <p>(b) in a case where the vessel is a motorized vessel not exceeding twelve metres over all length, the offence shall be punishable as follows -</p> <p style="padding-left: 40px;">(i) for the first offence with fine which may extend to five thousand rupees;</p> <p style="padding-left: 40px;">(ii) for the second offence with fine which may extend to fifteen thousand rupees; and</p> <p style="padding-left: 40px;">(iii) for the third and subsequent offence, with fine which may extend to twenty-five thousand rupees and cancellation of the permit.</p> <p>(c) in case where the vessel is a motorized vessel between twelve and twenty meters over all length, the offence shall be punishable as follows -</p> <p style="padding-left: 40px;">(i) for the first offence, with fine which may extend to twenty-five thousand rupees;</p>	
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<p>Penalty for fishing without a section 3 Permit.</p>	<p>(ii) for the second offence, with fine which may extend to rupees fifty thousand; and</p> <p>(iii) for the third and subsequent offence, with fine which may extend to rupees seventy-five thousand and cancellation of the permit.</p> <p>(d) in a case where the vessel is a motorized vessel beyond twenty meters over all length, the offence shall be punishable as follows-</p> <p>(i) for the first offence, with fine which may extend to one lakh rupees;</p> <p>(ii) for the second offence, with fine which may extend to one lakh rupees and suspension of permit upto a period of ninety days; and</p> <p>(iii) for the third and subsequent offence, with fine which may extend to rupees one lakh fifty thousand, and cancellation of the permit.</p> <p>(2) Where any Indian fishing vessel is used in contravention of the provisions of sub-section (2) of section 3, the owner or master of such vessel shall-</p> <p>(a) in case where the vessel is not fitted with mechanical means of propulsion, the offence shall be punishable as follows-</p> <p>(i) with fine which may extend to two thousand rupees for the first offence;</p> <p>(ii) with fine which may extend to ten thousand rupees for the second offence; and</p> <p>(iii) with fine which may extend to twenty thousand rupees for the third and subsequent offence.</p> <p>(b) in case where the vessel is a motorized vessel not exceeding twelve meters over all length the offence shall be punishable as follows -</p> <p>(i) with fine which may extend to fifty thousand rupees for the first offence ; and</p> <p>(ii) with fine which may extend to one lakh rupees-for the second and subsequent offence.</p> <p>(c) in case where the vessel is a motorized vessel between twelve and twenty meters over all length, the offence shall be punishable-</p> <p>(i) with fine which may extend to one lakh rupees for the first offence; and</p> <p>(ii) with fine which may extend to one lakh fifty thousand rupees for the second and subsequent offence.</p> <p>(d) in case where the vessel is a motorized vessel beyond twenty meters over all length, be punishable with fine:</p> <p>(i) with fine which may extend to two lakh rupees for the first</p>	
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<p>Penalty for contravention of permit granted under section 3.</p>	<p style="text-align: center;">PART B: OFFENCES BY FOREIGN FISHING VESSELS</p> <p>14 (1) Where any foreign fishing vessel is used in contravention of a permit granted under the provisions of section 3, the owner and master of such vessel shall be punishable with</p> <ul style="list-style-type: none"> (a) imprisonment for a term not exceeding three years; and/or (b) with fine which is the higher of either rupees two million or the value of such vessel; and/or (c) confiscation of the fish catch present in the vessel, confiscation of the vessel and cancellation of the permit. <p>(2) Where any person is employed or engaged or is present in the vessel shall be punishable with fine which may extend to fifty thousand rupees.</p> <p style="text-align: center;">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 commission of such offence.</p>	
<p>Penalty for Fishing without section 3 Permit</p>	<p>(3) Where any foreign fishing vessel is used for fishing in contravention of the provisions of any permit the owner and master of such vessel shall-</p> <ul style="list-style-type: none"> (a) be punishable with imprisonment for a term not exceeding five years; and/or (b) be punishable with fine which may extend to four million rupees or the value of such vessel; and/or (c) confiscation of the fish catch present in the vessel and confiscation of the vessel. 	
<p>Penalty for contravention of section 6.</p>	<p>15. In case of a foreign fishing vessel that contravenes of the provisions of section 6, the owner and master of such vessel shall be punishable with fine which may extend to two million rupees.</p>	
<p>Penalty for contravention of section 7.</p> <p>Confiscation of vessels.</p>	<p style="text-align: center;">PART C: PROVISIONS APPLICABLE FOR OFFENCES BOTH BY INDIAN FISHING VESSELS AND FOREIGN FISHING VESSELS</p> <p>16. Whoever contravenes the provisions of section 7, shall be punishable with fine which may extend to one lakh rupees.</p> <p>17. (1) Where any person is convicted of an offence and penalties are imposed under sections 14 or section 15, the foreign vessel used in or in connection with the commission of the said offence, together with its fishing gear, equipment, stores and cargo and any fish on board such ship shall also be liable to confiscation.</p>	

<p>Penalty for obstruction of authorized officers.</p>	<p>(2) The foreign vessel or other things confiscated under sub-section (1) shall vest in the Central Government.</p> <p>(3) Where vessel or other things confiscated under sub-section (2) shall vest in the Central Government, the authorized officer of the Central Government shall take and hold possession and dispose of the confiscated goods in the manner it deems fit.</p> <p>18. (1) If any person-</p> <p>(a) intentionally obstructs any authorised officer in the exercise of any powers conferred under this Act; or</p> <p>(b) fails to afford reasonable facilities to the authorised officer or his assistants to board the vessel or to provide for adequate security to such officer and assistants at the time of entry into the vessel or when they are on board such vessel; or</p> <p>(c) fails to stop the vessel or produce the licence, permit, log book or other document or any fish, net, fishing gear or other equipment on board such vessel, when required to do so by the authorised officer,</p> <p>he shall be-punishable with imprisonment for a term which may extend to one year or with fine not exceeding rupees fifty thousand or with both.</p>	
<p>Agencies</p>	<p>19. (1) Where any person is convicted of an offence under this Act, the Court before which such proceedings are being conducted may, in addition to awarding any punishment, order that any costs incurred in connection with the retention or custody of the vessel during the pendency of any proceedings for the prosecution of an offence under this Act, as reduced by the amount if any realized out of the use of the vessel by the authority with whom such vessel was retained or kept in custody, shall be payable by the person convicted.</p> <p>(2) The Court may also order that any fines or costs as ordered under the provisions this Act may be recovered through sale of the vessel or any equipment, stores or cargo found on board such vessel or belonging to the vessel.</p>	
<p>Offence by companies.</p>	<p>20. (1) 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 accordingly.</p> <p>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 commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is</p>	

<p>General Power to Appoint Agencies to Discharge Functions</p> <p>Offences to be cognizable.</p> <p>Cognizance and trial of offences.</p> <p>Magistrate's power to impose enhanced penalties.</p> <p>Place of trial.</p>	<p>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 accordingly.</p> <p>Explanation.- For the purpose of this section,-</p> <p>(a) "company" means a body corporate and includes a firm or other association of persons; and</p> <p>(b) "director", in relation to a firm, means a partner in the firm.</p> <p style="text-align: center;">CHAPTER V</p> <p style="text-align: center;">MISCELLANEOUS</p> <p>21.(1) 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.</p> <p>(2) The Central Government may also delegate any agency notified under sub-clause (1), to make regulations on specific aspects as may be specified by the Central Government for the effective implementation certain aspects of this Act.</p> <p>22. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable.</p> <p>23. (1) No Court shall taken 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.</p> <p>(2) No Court inferior of that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act.</p> <p>24. 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.</p> <p>25. Any person committing an offence under this Act or any rule made thereunder may be tried for the offence in such place as the Central Government may, by general or special order, published in the official</p>	<p>2 of 1974</p> <p>2 of 1974.</p>
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<p>Presumptions.</p>	<p>Gazette, direct in this behalf.</p> <p>26. (1) Where any offence is alleged to have been committed under the provisions of this Act, the place of commission of such offence shall be presumed on the basis of the copy of the relevant entry in the log book as certified by an Authorized Officer, or any other official record of the vessel which was used in connection with the detection of the offence.</p> <p>(2) Where any vessel is found within any maritime zone of India and the fishing gear of such vessel is not stowed in the manner provided in this Act or rules made thereunder, or fish is found on board such vessel, it shall be presumed, unless the contrary is proved, that the said vessel was used for fishing within that zone.</p>	
<p>Appeals.</p>	<p>27. 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.</p>	
<p>Protection of action taken in good faith.</p>	<p>28. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.</p> <p>(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.</p>	
<p>International co-operation</p>	<p>29. The Central Government may, subject to such terms and conditions as may be prescribed, allow a vessel belonging to another country, to enter the maritime zones of India for the purpose of-</p> <p>(a) innocent passage; or</p> <p>(b) any other purpose as determined as relevant by the Central Government.</p>	
<p>Co-operation between Central Government and State Governments.</p>	<p>30. (1) The Central Government shall ensure co-ordination with the State Governments of the various coastal States of India in relation to the effective implementation of the Act, especially in so far as such implementation has impact on the territorial waters of India.</p> <p>(2) The State Governments of the various coastal states of India shall extend full co-operation and assistance at all times when the Central Government makes a request for such assistance to ensure effective implementation of the Act.</p>	
<p>Power to make rules.</p>	<p>31. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.</p> <p>(2) In particular and without prejudice to the generality of the</p>	

foregoing power, the Central Government may make rules with regard to all or any of the following matters under this Act :-

- (a) the manner, form and payment of fees for permit for fishing and fishing activity under sub-section (1) of section 3;
- (b) the terms and conditions subject to which the Central Government may grant unified fishing permit under sub-section (2) of section 3;
- (c) form and manner in which the Central Government may issue permit for Indian fishing vessel for fishing activity on high seas under sub-section (3) of section 3;
- (d) the manner and form of transfer of permit under sub-section (7) of section 3;
- (e) the conditions under which the permit may be exempted under sub-section (11) of section 3;
- (f) the manner and form for implementation or compliance of any international or regional conventions/obligations/agreements for fishing and activities related to fisheries as per clause (o) and clause (p) under sub-section (3) of section 4;
- (g) the manner of keeping stowed the fishing gear of the vessel under section 66;
- (h) the forms and conditions and which special permit may be issued for vessel to carry out scientific research or investigation under section 7;
- (i) the form of application before the Magistrate by the owner or master of the vessel under the proviso to sub-section (5) of section 9;
- (j) the payment of sum for compounding of offence under sub-clause (1) of section 11;
- (k) the manner of filing application for compounding of offence under sub-section (3) of section 11;
- (l) the purpose for which the sum collected under section 11 may be applied under section 12; and
- (m) 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.

(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

<p>Proviso to sub-section (5) of section 7 of Act No. 80 of 1976 not to apply.</p>	<p>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>80 of 1976.</p>
<p>Removal of difficulties.</p>	<p>32. 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>33. (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></p>
<p>Repeal and savings.</p>	<p>34. (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>	<p>42 of 1981.</p>