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புதுச்சேரி மாநில அரசிதழ்
La Gazette de L'État de Poudouchéry
The Gazette of Puducherry

PART - II

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No. } Puducherry Tuesday	6th	May 2008
No. }		

(16 Vaisakha 1930)

GOVERNMENT OF PUDUCHERRY
LEGISLATIVE ASSEMBLY SECRETARIAT

No. 3099/2008-LA (Legn.).

Puducherry, the 6th May 2008.

Under rule 140 of Rules of Procedure and Conduct of Business of the Pondicherry Legislative Assembly, the following Bills viz.,

- The Appropriation (No. II) Bill, 2008 (Bill No. 5 of 2008);
- The Puducherry Marine Fishing Regulation Bill, 2008 (Bill No. 6 of 2008).

which were introduced in the Legislative Assembly on 6th May, 2008 are published for general information.

THE SCHEDULE
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
1.	Legislative Assembly Revenue ..	5,60,10,000	18,90,000	5,79,00,000
2.	Administrator Revenue ..	70,000	1,78,10,000	1,78,80,000
3.	Council of Ministers Revenue ..	6,31,70,000	..	6,31,70,000
4.	Administration of Justice Revenue ..	5,00,85,000	..	5,00,85,000
5.	Elections Revenue ..	54,00,000	..	54,00,000
6.	Revenue and Food Revenue ..	181,94,94,000	..	181,94,94,000
7.	Sales Tax Revenue ..	2,93,25,000	..	2,93,25,000
8.	Transport Revenue ..	14,10,30,000	..	14,10,30,000
	Capital ..	32,35,000	..	32,35,000
9.	Secretariat Revenue ..	16,93,40,000	..	16,93,40,000
10.	District Administration Revenue ..	160,90,79,000	..	160,90,79,000
11.	Treasury and Accounts Administration Revenue ..	6,16,40,000	..	6,16,40,000
12.	Police Revenue ..	62,40,48,000	..	62,40,48,000
13.	Jails Revenue ..	2,23,75,000	..	2,23,75,000
14.	Stationery and Printing Revenue ..	9,87,00,000	..	9,87,00,000
15.	Retirement Benefits Revenue ..	112,77,10,000	..	112,77,10,000
16.	Public Works Revenue ..	74,63,23,000	1,50,000	74,64,73,000
	Capital ..	74,79,34,000	..	74,79,34,000
17.	Education Revenue ..	258,90,67,000	39,000	258,91,06,000
18.	Medical Revenue ..	159,48,04,000	..	159,48,04,000

(1)	(2)	(3)	(4)	(5)
		Rs.	Rs.	Rs.
19. Information and Publicity	Revenue ..	20,80,81,000	..	20,80,81,000
	Capital ..	2,00,01,000	..	2,00,01,000
20. Labour and Employment	Revenue ..	10,12,74,000	..	10,12,74,000
21. Social Welfare	Revenue ..	232,67,65,000	..	232,67,65,000
	Capital ..	4,42,50,000	..	4,42,50,000
22. Co-operation	Revenue ..	29,22,49,000	..	29,22,49,000
	Capital ..	13,54,72,000	..	13,54,72,000
23. Statistics	Revenue ..	1,86,60,000	..	1,86,60,000
24. Agriculture	Revenue ..	43,04,76,000	..	43,04,76,000
	Capital ..	4,000	..	4,000
25. Animal Husbandry	Revenue ..	18,54,05,000	..	18,54,05,000
26. Fisheries	Revenue ..	15,95,51,000	..	15,95,51,000
	Capital ..	8,000	..	8,000
27. Community Development	Revenue ..	8,81,65,000	..	8,81,65,000
28. Industries	Revenue ..	709,96,32,000	..	709,96,32,000
	Capital ..	34,00,00,000	..	34,00,00,000
29. Electricity	Revenue ..	530,25,35,000	1,75,000	530,27,10,000
	Capital ..	45,40,12,000	..	45,40,12,000
30. Ports and Pilotage	Revenue ..	67,95,000	..	67,95,000
	Capital ..	3,64,00,000	..	3,64,00,000
— Public Debt	Revenue ..	12,00,00,000	252,92,40,000	264,92,40,000
	Capital	122,40,30,000	122,40,30,000
31. Loans to Government Servants	Capital ..	2,99,70,000	..	2,99,70,000
32. Building Programmes	Revenue ..	9,52,73,000	..	9,52,73,000
	Capital ..	50,52,49,000	..	50,52,49,000
	Total ..	2955,90,66,000	377,33,34,000	3333,24,00,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of sub-section (1) of section 29 of the Government of Union Territories Act, 1963 (No. 20 of 1963) to provide for the appropriation out of the Consolidated Fund of the Union territory of Puducherry of the moneys required to meet the expenditure charged on the Consolidated Fund and the Grants voted by the Legislative Assembly, Puducherry, for the expenditure of this Union territory for the Financial Year 2008-2009.

Puducherry, }
6th May, 2008 }

N. RANGASAMY
Chief Minister.

ADMINISTRATOR'S RECOMMENDATION UNDER
SUB-SECTIONS (1) AND (3) OF SECTION 23 OF
THE GOVERNMENT OF UNION TERRITORIES ACT, 1963

[Copy of the letter No. G. 24011/2/2007/F1 (B), dated 5th May, 2008 from Thiru N. Rangasamy, Hon'ble Chief Minister, to the Hon'ble Speaker, Legislative Assembly, Puducherry.]

The Lieutenant-Governor of Puducherry having been informed of the subject matter of the proposed Appropriation (No.II) Bill, 2008, authorising payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Puducherry, for the services in respect of the period from 1st April, 2008 to 31st March, 2009, recommends under sub-sections (1) and (3) of section 23 of the Government of Union Territories Act, 1963, the introduction in and consideration by the Legislative Assembly of the said Bill.

M. SIVAPRAKASAM,
Secretary,
Legislative Assembly Secretariat,
Puducherry.

'B'

**THE PUDUCHERRY MARINE FISHING
REGULATION BILL, 2008**

(Bill No. 6 of 2008)

A

BILL

to provide for the regulation of sea fishing by fishing vessels in the territorial waters of the Union territory of Puducherry and for matters connected therewith.

BE it enacted by the Legislative Assembly of Puducherry in the Fifty-ninth Year of the Republic of India as follows :—

CHAPTER – I

PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Puducherry Marine Fishing Regulation Act, 2008.

(2) It extends to the whole of the Union territory of Puducherry.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint; and 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) “adjudicating officer” means any officer of the Fisheries and Fishermen Welfare Department not below the rank of an Assistant Director of

Fisheries authorised by the Government, by notification in the Official Gazette to exercise the powers conferred on, and to discharge the duties imposed upon, such officer by this Act, for such areas as may be specified in the notification;

(b) "Appellate Board" means the Appellate Board constituted under section 19;

(c) "authorised officer" means an officer authorised by the Government under section 3;

(d) "fish" means any vertebrate and invertebrate animal in the sea, and includes fish, crustacean, shellfish, sea cucumber (beche-de-mer), sea grasses and corals (dead or living), excluding the animals covered under the Wild Life (Protection) Act, 1972;

Central
Act 53 of
1972.

(e) "Fisheries Department" means the Fisheries and Fishermen Welfare Department of the Union territory of Puducherry;

(f) "fishery officer" means an officer of the rank of Fieldman but not above the rank of Inspector of Fisheries in the Fisheries Department or any other officer of the Union territory of Puducherry or the Central Government, as may be appointed by the Government by notification in the Official Gazette;

Central
Act 53 of
1972.

(g) "fishing" means exploitation, catching or collection of vertebrate and invertebrate animals in the sea excluding animals covered under the Wild Life (Protection) Act, 1972, and includes fish, crustacean, shellfish, sea cucumber (beche-de-mer), sea grasses and corals (dead or living) by applying or operating any fishing gears or culture of fish and its harvest in the territorial waters of the Union territory of Puducherry;

(h) "fishing gears" in relation to fishing, includes implements, nets, hooks and lines, cages, traps, harpoons but does not include the explosives, poisons and chemicals or any other device of mass destruction;

(i) "fishing vessels" means a ship or boat, whether or not fitted with mechanised means of propulsion, which is engaged in sea fishing for profit and includes a catamaran, country craft, canoe and dinghy engaged in sea fishing;

(j) "Government" means the Administrator of the Union territory of Puducherry appointed by the President under article 239 of the Constitution;

(k) "mechanised fishing vessel" means a ship or boat fitted with mechanised means of propulsion having an engine not less than fifteen Horse Power but not more than hundred and twenty Horse Power and measuring in length not less than eight metres and not more than fifteen metres, but does not include a deep sea fishing vessel, and a "deep sea fishing vessel" means a ship or boat fitted with mechanical means of propulsion having an engine of not less than one hundred and twenty Horse Power and measuring in length not less than fifteen metres;

(l) "Owner" in relation to any fishing vessel, includes any person, who has power to sell or transfer the fishing vessel or who has the custody thereof or who receives whether on his own behalf, or on behalf of any other person rent for such fishing vessels;

(m) "port" means the space within such limits as may, from time to time, be defined by the Government, by notification in the Official Gazette, for the purposes of this Act;

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

Central
Act 13 of
1972.

(o) "registered fishing vessel" means—

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

(ii) a vessel registered as a fishing vessel under section 9 of this Act;

(p) "specified area" means such area or areas in the sea along the entire coastline of the Union territory, but not beyond the territorial waters, as may be specified by the Government, by notification in the Official Gazette from time to time;

(q) "Union Territory" means the Union territory of Puducherry and includes the territorial waters along the entire coastline of the Union Territory.

3. The Government may, by notification in the Official Gazette, authorise an officer of the Government of Puducherry not below the rank of an Assistant Director of Fisheries, or any officer of the Central Government with the consent of that Government, to exercise the powers conferred on, and discharge the duties imposed upon such officer under this Act, in such area or areas as may be specified in the notification.

Authorised officer for the purposes of any provision of this Act.

CHAPTER – II

REGULATION OF FISHING

4. (1) The Government, may, having regard to the provisions of sub-section (2), by order notified in the Official Gazette, regulate, restrict or prohibit –

Power to regulate, restrict or prohibit certain matters within specified area.

(a) the fishing in any specified area by such class or classes of fishing vessels as may be prescribed; or

(b) the number of fishing vessels which may be used for fishing in any specified area; or

(c) the catching in any specified area of such species of fish and for such period as may be specified in the notification; or

(d) the use of such fishing gear in any specified area as may be prescribed; or

(e) fishing in any specified area during such period of day or night as may be prescribed.

(2) In making an order under sub-section (1), the Government shall have due regard to the following matters, namely :—

(a) the need to protect the interest of different sections of persons engaged in fishing, particularly those engaged in fishing by using traditional fishing crafts such as catamaran, country craft, canoe or dinghy;

(b) the need to conserve fish and to regulate fishing on a scientific basis;

(c) the need to maintain law and order in the sea;

(d) the need to lease any specified area of the territorial waters to conserve or culture any species of fish or shellfish;

(e) the need to lease out right to fish in the territorial waters for fish culture and harvest; and

(f) any other matter as may be prescribed.

(3) Notwithstanding anything contained in sub-sections (1) and (2), no owner or master of a mechanised fishing vessel shall use or cause or allow to be used such fishing vessel for fishing operation in the sea within three nautical miles from the coastline in the Union Territory and the owner or master of a

mechanised fishing vessel shall use or cause or allow to be used such mechanised fishing vessels only beyond three nautical miles from the coastline in the Union Territory and such operation beyond three nautical miles shall be subject to the following condition, namely :—

(i) the mechanised fishing vessel referred to in this sub-section shall leave the notified place of berth or anchoring only after 5 a.m. and the mechanised fishing vessel shall report back at the notified place of berth concerned not later than 9 p.m. and such mechanised fishing vessel shall remain at the notified place of berth or anchoring till 5 a.m. of the following day.

Explanation.— “Notified place of berth or anchoring” in respect of a mechanised fishing vessel means the place of berth or anchoring which the authorised officer shall specify as a place of berth or anchoring for that mechanised fishing vessel;

(ii) any other condition which the Government may on the recommendation of the Director of Fisheries, specify.

(4) Notwithstanding anything contained in sub-sections (1) and (2), no owner or master of a deep sea fishing vessel shall use or cause or allow to be used such fishing vessel for fishing operation in the sea within three nautical miles from the coastline in the Union Territory and the owner or master of a deep sea fishing vessel shall use or cause or allow to be used such deep sea fishing vessel only beyond three nautical miles from the coastline in the Union Territory and such operation beyond three nautical miles shall be subject to such conditions as the Government may by notification, specify.

Prohibition of use of fishing vessel in contravention of any order made under section 4.

5. No owner or master of a fishing vessel shall use, or cause to allow such vessel to be used, for fishing in any manner which contravenes an order made under section 4 :

Provided that nothing in such order shall be construed as preventing the passage of any fishing vessel from, or to, the shore, through any area whether specified area or otherwise:

Provided further that the passing of such fishing vessel through any specified area shall not, in any manner, cause any damage to any fishing nets or tackles belonging to any person who engages in fishing in the specified area by using any traditional fishing craft such as catamaran, country craft, canoe or dinghy in accordance with the provisions of this Act.

Licensing of fishing vessels.

6. (1) The owner of a fishing vessel may make an application to the authorised officer for the grant of a licence for using such fishing vessel for fishing in any specified area.

(2) Every application under sub-section (1) shall be in such form, contain such particulars, and be accompanied by such fees, as may be prescribed.

(3) The authorised officer may, after making such inquiry as he may deem fit and having regard to the matters referred to in sub-section (4), either grant or refuse to grant, to the owner of the fishing vessel a licence for using such fishing vessel for fishing in the specified area or specified areas as may be mentioned in such licence.

(4) In granting or refusing to grant a licence under sub-section (3), the authorised officer shall have regard to the following matters, namely :—

- (a) whether the fishing vessel is registered or not;
- (b) the condition of the fishing vessel including the accessories and fishing gear with which it is fitted;

(c) whether any order has been made under section 4; and

(d) any other matter as may be prescribed.

(5) A licence granted under this section shall be in such form and valid for such period and subject to such conditions, including conditions as to payment of such fees and furnishing such security for the due performance of the conditions, as may be prescribed:

Provided that different fees and different amounts by way of security may be prescribed in respect of licences for different classes of fishing vessels.

(6) A licence granted under this section may be renewed by the authorised officer subject to the rules made under sub-section (5).

7. No person shall, after the commencement of this Act, carry on fishing in any specified area using a fishing vessel, which is not licensed under section 6:

Provided that nothing in this section shall apply to a fishing vessel, which was being used for fishing in such area immediately before the commencement of this Act, for such period as may be specified by the Government, by notification in the Official Gazette.

Prohibition of fishing by using fishing vessels which are not licensed.

8. (1) If the authorised officer is satisfied, either on a reference made to him in this behalf or otherwise, that—

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

(b) the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act

Cancellation, suspension and amendment of licences.

or any order or rule made thereunder, then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the authorised officer may, after giving the holder of the licence a reasonable opportunity of showing cause and being heard, cancel or suspend the licence or forfeit the whole or any part of security, if any, furnished for the due performance of the conditions subject to which the licence has been granted.

(2) Subject to any rules that may be made in this behalf, the authorised officer may, for reasons to be recorded in writing, also vary or amend a licence granted under section 6.

Registration of fishing vessels, boat building yards, etc.

9. (1) All fishing vessels/boats other than a fishing vessel registered under section 11 of the Marine Products Export Development Authority Act, 1972, boat building yards, processing plant, ice factory and other industries related to fisheries shall be registered under this Act. Any new construction of fishing boat shall also be got approved.

Central Act 13 of 1972.

(2) Every application for registration or approval under sub-section (1) shall be made by the owner thereof to the authorised officer in such form and in such manner and shall be accompanied by such fees as may be prescribed,—

- (a) before the expiry of one month from the date on which he became the owner thereof; or
- (b) before the expiry of three months from the date of commencement of this Act,

whichever is later :

Provided that the authorised officer may, for reasons to be recorded in writing, extend the time limit for registration by such period not exceeding six months at a time, as he may think fit.

(3) The authorised officer shall assign a registration number to the vessel and issue to the owner of the vessel registered by him a certificate of registration in the prescribed form and shall enter the particulars of the certificate in the register to be kept by him in such form as may be prescribed :

Provided that the authorised officer may, for reasons to be recorded in writing, refuse to register the vessel.

(4) The registration once made shall continue to be in force until it is cancelled by the authorised officer.

(5) Every fishing vessel registered under this section shall carry the registration mark assigned to it by the authorised officer and such mark shall be displayed on the vessel in the prescribed manner.

(6) No fishing vessel, other than a registered fishing vessel, shall be entitled to apply for a licence under section 6.

10. Where a registered fishing vessel moves from the area of one port to the area of another port, for fishing in that area, the owner of such fishing vessel shall give information to that effect, in the prescribed manner, to the authorised officer by whom such fishing vessel was registered and also to the port officer having jurisdiction over the area to which such fishing vessel moves.

Information to be given to the authorised officer about movement of fishing vessels.

11. (1) Every owner of a registered fishing vessel shall furnish to the authorised officer at such interval and in such manner such return as may be prescribed.

Returns to be furnished by owners of registered fishing vessels.

(2) The authorised officer may enter upon and inspect any registered fishing vessel at any time to verify the correctness of any return furnished by the owner under sub-section (1).

Finality of orders under sections 6, 8 and 9.

12. Every decision of the authorised officer under section 6, section 8 or section 9, granting or refusing to grant licence for a fishing vessel or cancelling, suspending, varying or amending such licence, or registering or cancelling or suspending the certificate of the registration of a fishing vessel shall, subject to any right of appeal under section 13, be final.

Appeal against an order made under section 6, section 8 or section 9.

13. (1) Any person aggrieved by an order made under section 6 or section 8 or section 9 may, within thirty days from the date on which the order is communicated to him, prefer an appeal before the adjudicating officer in the prescribed manner:

Provided that the adjudicating officer may entertain the appeal after the expiry of the said period of thirty days, but not beyond sixty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the adjudicating officer shall, after giving the parties a reasonable opportunity of being heard, pass such orders thereon as he deems fit as expeditiously as possible, and in any case before the expiry of three months from the date of filing of appeal.

Powers and duties of fishery officers.

14. Every fishery officer shall assist the authorised officer in the discharge of his duties and may—

(a) interpose for the purpose of preventing, and shall to the best of his ability prevent, the commission of an offence punishable under this Act ;

(b) enter into any vessel or premises, for inspecting fishing implements or fish therein and check the possession of the fishing licence and registration of the vessel ;

(c) conduct field verification of the fishing implements and crafts available with the parties who have applied for fishing licence; and

(d) on knowing the desire of any person to commit an offence punishable under this Act, bring the same to the notice of the authorised officer.

15. If the authorised officer has, either on receipt of a report of fishery officer or otherwise, reason to believe that any fishing vessel is being or has been used in contravention of any provision of this Act or of any order or rule made thereunder or of any of the conditions of the licence, he may enter and search such vessel and impound the vessel and seize the fish found in it.

Power to enter and search fishing vessels.

16. (1) The authorised officer shall keep the fishing vessel impounded under section 15, in such place and in such manner as may be prescribed.

Custody of fishing vessels and disposal of seized fish.

(2) In the absence of suitable facilities for the storage of the fish seized, the authorised officer may, if he is of the opinion that the disposal of such fish is necessary, dispose off such fish and deposit the proceeds thereof in the prescribed manner in the office of the adjudicating officer.

CHAPTER – III

ADJUDICATION

17. (1) Where any authorised officer has reason to believe that any fishing vessel is being, or has been, used in contravention of any of the provisions of this Act, or of any rule or order made thereunder or of any of the conditions of the licence, he shall make a report thereof to the adjudicating officer.

Adjudication.

(2) The adjudicating officer shall hold an enquiry into the matter mentioned in the report in the prescribed manner after giving all the parties concerned a reasonable opportunity of being heard.

Penalty.

18. (1) The adjudicating officer shall, after the inquiry under sub-section (2) of section 17, decide whether any person has used, or caused or allowed to be used, any fishing vessel in contravention of any of the provisions of this Act or of any rule or order made thereunder or any of the conditions of the licence, and any such person, on being found guilty by the adjudicating officer, shall be liable to such penalty not exceeding,—

(a) in case the vessel involved is fifty feet or above in length,—

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

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

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

(b) in case the vessel involved is below fifty feet in length,—

(i) one thousand rupees, if the value of the fish involved is not more than one hundred rupees; or

(ii) five times the value of the fish, if the value of the fish involved is more than one hundred rupees but not more than one thousand rupees ; or

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

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

(a) the registration certificate of the fishing vessel which has been used, or caused or allowed to be used, in contravention of any provision of this Act or of any order or rule made thereunder or of any condition of the licence shall be—

(i) cancelled; or

(ii) suspended for such period as the adjudicating officer deems fit; or

(b) the fishing vessel which has been impounded and the fish which has been seized under section 15 shall be forfeited to the Government:

Provided that no fishing vessel shall be forfeited under clause (b), if the adjudicating officer, after hearing the owner of the vessel or any person claiming any right thereto, is satisfied that the owner or such person had exercised due care and caution for the prevention of the commission of such offence.

19. (1) The Government may, by notification in the Official Gazette, constitute an Appellate Board.

Constitution
of Appellate
Board and
appeal to
Appellate
Board.

(2) The Appellate Board shall consist of three members, one of whom shall be a person who is or has been a District Judge and such person shall be appointed as the Chairperson of the Appellate Board and the other members shall be persons having expertise in Fisheries or law and such other qualifications as may be prescribed.

(3) The fees and allowances payable to the Chairperson and other members of the Appellate Board shall be such as may be prescribed.

(4) Any person aggrieved by an order of the adjudicating officer may, within thirty days from the date on which the order is communicated, prefer an appeal to the Appellate Board:

Provided that the Appellate Board may entertain any appeal after the expiry of the said period of thirty days, but not after the expiry of sixty days from the date aforesaid, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(5) No appeal under this section shall be entertained by the Appellate Board unless the appellant has, at the time of filing the appeal, deposited half of the amount of penalty payable under the order appealed against :

Provided that, on an application made by the appellant in this behalf, the Appellate Board may, if it is satisfied that the deposit to be made under this sub-section will cause undue hardship to the appellant, by order in writing, dispense with such deposit either unconditionally or subject to such conditions as it may deem fit to impose.

(6) On receipt of an appeal under sub-section (4), the Appellate Board may, after holding such inquiry as it deems fit, and after giving the parties concerned a reasonable opportunity of being heard, confirm, modify or set aside the order appealed against and the decision of the Appellate Board shall be final.

(7) Where the amount deposited by the appellant by way of penalty under sub-section (5) exceeds the amount directed to be paid by the Appellate Board, the excess amount so deposited, or where the Appellate Board sets aside the order imposing penalty, the whole amount so deposited by way of penalty, shall be refunded to the appellant.

20. The Appellate Board may call for and examine the records of any order made under section 18 and against an order where no appeal has been preferred under section 19, for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of the procedure and pass such order with respect thereto as it may think fit :

Revision by Appellate Board.

Provided that no such order shall be made without giving a reasonable opportunity of being heard to the parties.

21. (1) The adjudicating officer and the Appellate Board shall for the purpose of any enquiry under this Act, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

Powers of the adjudicating officer and the Appellate Board.

Central Act 5 of 1908.

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of any document ;

(c) requisitioning any public record or copy thereof from any court or office ;

(d) receiving evidence on affidavits ;

(e) issuing commissions for the examination of witnesses or documents ; and

(f) any other matter as may be prescribed.

Central Act 2 of 1974.

(2) The adjudicating officer and the Appellate Board, while exercising any power under this Act, shall be deemed to be civil courts for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

Central Act 5 of 1908.

(3) The Appellate Board shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice

and subject to the other provisions of this Act and the rules made thereunder, the Appellate Board shall regulate its own procedure.

Contravention
by companies.

22. (1) Where a person committing contravention of any of the provisions of this Act or any rule or order made thereunder or any of the conditions of a licence granted under it is a company, every person who, at the time of contravention 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 contravention and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention under this Act or any rule or order made thereunder or any of the conditions of a licence granted under it 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 of the company, such director, manager, secretary, or other officer shall be deemed to be guilty of that contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

CHAPTER – IV
MISCELLANEOUS

23. (1) Nothing contained in this Act shall apply Exemptions.
to survey vessels belonging to —

- (a) the Central Government;
- (b) a State Government;
- (c) a Union Territory Government; and
- (d) a public undertaking.

Explanation.— For the purposes of this sub-section, “public undertaking” means any company or corporation owned or controlled by the Central Government or by a State Government or by a Union Territory Government.

(2) If the Government is of the opinion that, having regard to the purposes of this Act, it would not be in the public interest to apply all or any of the provisions of this Act to any class or classes of fishing vessels used for fishing in any specified area or specified areas, it may, by notification in the Official Gazette, exempt, subject to such conditions as it may think fit to impose upon such class or classes of fishing vessels used for fishing in such specified area or specified areas, as it may specify in the notification, from the operation of all or any of the provisions of this Act :

Provided that no notification under this sub-section shall remain in force for more than six months at a time.

24. (1) No suit, prosecution or other legal proceeding shall lie against the Government or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any order or rule made thereunder. Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against the Government or any officer or authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any order or rule made thereunder.

Power to
make rules.

25. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) to regulate, restrict or prohibit the matters under clauses (a), (d) and (e) of sub-section (1) of section 4 and the matters to be considered by the Government under clause (e) of sub-section (2) thereof;

(b) the form of the application for grant of licence under sub-section (1), the particulars which it shall contain and the fees which shall accompany it under sub-section (2) of section 6;

(c) the matters to be considered by the authorised officer in granting or refusing to grant a licence under clause (d) of sub-section (4) of section 6;

(d) the form of licence, the fees payable, the conditions therein, and the security for the due performance of the conditions of the licence under sub-section (5) of section 6 ;

(e) the procedure to be followed in varying or modifying a licence under sub-section (2) of section 8;

(f) the form of application for registration of a vessel as a fishing vessel, boat building yard, etc., and approval for any new construction of boat and the fees which shall accompany such application under sub-section (2) of section 9;

(g) the form of certificate of registration of a vessel as a fishing vessel, the form of the register referred to in sub-section (3) of section 9 and the manner in which the registration mark of the fishing vessel shall be displayed under sub-section (5) of that section;

(h) the manner in which the information relating to movement of a fishing vessel from the area of one port to the area of another port shall be given under section 10;

(i) the time and manner in which returns by the owner of a registered fishing vessel shall be furnished under sub-section (1) of section 11;

(j) the manner in which appeal shall be preferred before the adjudicating officer under sub-section (1) of section 13;

(k) the place and the manner in which an impounded fishing vessel shall be kept under sub-section (1) of section 16 and the manner in which the proceeds of the seized fish disposed off shall be deposited with the adjudicating officer under sub-section (2) of that section.

(l) the procedure of the inquiry by the adjudicating officer under sub-section (2) of section 17;

(m) the qualifications of the members of Appellate Board other than the Chairperson under sub-section (2) of section 19;

(n) the fees and allowances payable to the Chairperson and other members of the Appellate Board under sub-section (3) of section 19;

(o) the matters to be prescribed under clause (f) of sub-section (1) of section 21 ;

(p) the procedure of Appellate Board under sub-section (3) of section 21;

(q) any other matter in respect of which provision is to be made by rules under this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides 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.

Power to
remove
difficulties.

26. (1) If any difficulty arises in giving effect to the provisions of this Act, the 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 :

Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Puducherry and the provisions of sub-section (3) of section 25 shall apply in respect of such order as they apply in respect of a rule made under this Act.

STATEMENT OF OBJECTS AND REASONS

The geographic base of Indian marine fisheries has 8118 km. coastline, 2.02 million sq. km. of Exclusive Economic Zone (EEZ) including 0.5 million sq. km. of continental shelf. Of this, the Union territory of Puducherry has 45 km. of coastline in the regions of Puducherry, Karaikal and Mahe. Marine fisheries within the territorial waters are the subject of maritime States, whereas fisheries beyond this limit within the EEZ fall in the jurisdiction of the Central Government. Among the thirteen States / Union territories, including the two island territories on the east and west coasts, all other States / Union Territories except the Union territory of Puducherry have promulgated Marine Fishing Regulations to regulate the various aspects of Marine fishing like registration of vessels, issuing fishing licences to them and enforcing measures aimed at conservation of the rich marine resources as well as their sustainable exploitation. In the absence of such a regulation in our Union Territory, all these measures could not be properly implemented and hence the need to introduce a legislation for the purpose.

The draft Bill therefore seeks to achieve the above objects.

M.O.H.F. SHAHJAHAN,
Minister for Fisheries.

FINANCIAL MEMORANDUM

The implementation of the provisions of the Puducherry Marine Fishing Regulation Bill, would involve a recurring expenditure to the tune of rupees three lakhs per annum and a non-recurring expenditure to the tune of rupees one lakh from the Consolidated Fund.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4, clause 6, clause 8, clause 9, clause 10, clause 11, clause 13, clause 16, clause 17, clause 19 and clause 21 of the Puducherry Marine Fishing Regulation Bill, 2008 empower the Government to frame rules for carrying out the purposes of the Act.

The power delegated under the above clauses relate to matters of detail or procedure and is thus of a normal character.

M. SIVAPRAKASAM,
Secretary,
Legislative Assembly Secretariat,
Puducherry.
