



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

THE GOA MARINE FISHING REGULATION (AMENDMENT)

BILL, 2019

(Bill No. 16 of 2019)

(As passed by the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA

AUGUST, 2019

The Goa Marine Fishing Regulation (Amendment) Bill, 2019

(Bill No.16 of 2019)

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BILL

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

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

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

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

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

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

“(ca) “Directorate of Fisheries” means the Directorate of Fisheries of the Government of Goa;

(cb) “fish” includes shell fish and crustaceans;

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

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

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

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

(fa) “prescribed” means prescribed by rules made under this Act;”;

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

“(iii) a fishing vessel registered under section 435 G of the Merchant Shipping Act, 1958 (Central Act 44 of 1958);”.-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Every owner/tandel/master of fishing vessel shall allow the Authorised Officer to inspect and search the fishing vessel in order to ascertain the

contravention of any of the provisions of the Act or any rule or order or notification made thereunder or any of the conditions of the licence. The Authorised Officer shall be not liable for the loss or damage if any caused to the fishing vessel, accessories or fishing gear while impounding the fishing vessel”.

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

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

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

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

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

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

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