

	<b>THE INDIAN MARINE FISHERIES BILL, 2021</b>	
	<i>A BILL</i>	
	<i>to promote the livelihood and socio-economic well-being of traditional and small-scale fishers, to provide for the sustainable development of fisheries resources in the exclusive economic zone of India and to ensure responsible harnessing of fisheries in the high seas by the Indian fishing vessels and for matters connected therewith or incidental thereto.</i>	
	BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:	
	<b>CHAPTER I PRELIMINARY</b>	
Short title and commencement.	<b>1.</b> (1) This Act may be called the Indian Marine Fisheries Act, 2021.	
	(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.	
Application.	<b>2.</b> This Act shall apply to fishing and fishing related activities—	
	(i) by Indian fishing vessels in the exclusive economic zone which is the area beyond and adjacent to the territorial waters and in the high seas; and	
	(ii) by foreign fishing vessels in the maritime zones of India.	
Definitions.	<b>3.</b> In this Act, unless the context otherwise requires,—	
	(a) “authorised officer” means an authorised officer notified under section 22;	
	(b) “Consultative Committee” means the Consultative Committee on Marine Fisheries constituted under section 21;	
	(c) “exclusive economic zone” means the exclusive economic zone of India within the meaning of section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976;	80 of 1976.
	(d) “fish” means finfish, molluscs, crustaceans, and all other forms of marine animals and plants other than marine mammals, reptiles and sea birds;	
	(e) “fisher” means any person engaged in fishing and fishing related activities for the purpose of livelihood or profit and includes a fish worker;	
	(f) “fishing” means searching for or trailing or pursuing fish, catching or taking or harvesting fish by any method;	
	(g) “fishing related activities” means landing, packaging, marketing,	

	processing, preserving, or live transportation of fish, transshipping or transporting of fish that has not been previously landed at port; or any other operations;	
	(h) “fisheries” means fishing and fishing related activities and includes the exploitation, conservation and management of marine fishery resources;	
	(i) “fisheries data” means information on the socio, economic, biological and environmental parameters in which fishing is conducted and is essential to the effective conservation, management and scientific understanding of the fishery resources of India;	
	(j) “fishing vessel” means a ship or boat whether or not motorised or mechanised, that is engaged in fishing and fishing related activities at sea;	
	(k) “foreign fishing vessel” means fishing vessel other than Indian fishing vessel;	
	(l) “high seas” means the waters that are outside the outer limits of the exclusive economic zone, and which do not fall within the exclusive economic zone of any other country;	
	(m) “Indian fishing vessel” means a fishing vessel owned by a citizen of India and registered under the provisions of the Merchant Shipping Act, 1958 or any other law for the time being in force in India;	44 of 1958.
	(n) “licence” means a fishing licence issued under sub-section (5) of section 17 for the purposes of fishing and fishing related activities under this Act;	
	(o) “licensing authority” means the licensing authority appointed by the State Governments under their concerned marine fishing regulation laws;	
	(p) “maritime zones of India” means the territorial waters of India and the exclusive economic zone of India;	
	(q) “master” or “skipper” in relation to a fishing vessel, means any person having command, or charge of the fishing vessel or having the responsibility of the fishing vessel;	
	(r) “mechanised fishing vessel” means any fishing vessel with engine fitted to the hull, which uses machine power for both propulsion as well as fishing operation like casting and pulling the net, operating lines, etc.;	
	(s) “motorised fishing vessel” means any fishing vessel that has an inboard engine fitted to the hull or outboard engine fitted temporarily outside the craft, used for propulsion;	
	(t) “National Policy on Marine Fisheries” means the National Policy on Marine Fisheries notified under section 4;	
	(u) “non-motorised fishing vessel” means a fishing vessel that do not use any kind of machine power for propulsion or for fishing operation;	
	(v) “notification” means a notification published in the Official Gazette and the expression ‘notify’ shall be construed accordingly;	
	(w) “operator” means the owner or the person for the time being having control and management of a fishing vessel;	
	(x) “owner”, in relation to a fishing vessel, means the person to whom	

	the fishing vessel or a share in the fishing vessel belongs; <i>Explanation.</i> – For the purposes of this clause, “person” includes any individual or partnership or any public or private body, whether incorporated or not;	
	(y) “prescribed” means prescribed by rules under this Act;	
	(z) “recreational fishing” means fishing for sport or pleasure;	
	(za) “small-scale fishers” means owner-operated or entrepreneurship fisheries other than large firms or companies, involving small amount of capital and energy and making single-day or multi-day fishing trips, to provide for subsistence, domestic consumption or for export;	
	(zb) “special licence” means a licence issued under section 18;	
	(zc) “State Government” means the State Government and Union territory Administration having coastal location.	
	(zd) “territorial waters” means the territorial waters of India within the meaning of section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones of India Act, 1976;	80 of 1976.
	(ze) “traditional fishers” means traditional community of fishers who primarily reside in coastal areas inheriting sea fishing vocation for bonafide livelihood needs and includes artisanal fishers;	
	<b>CHAPTER II</b> <b>SUSTAINABLE DEVELOPMENT AND</b> <b>MANAGEMENT OF FISHERIES RESOURCES</b>	
National Policy on Marine Fisheries.	<b>4.</b> (1)The Central Government shall, after consultation with the State Governments, prepare and notify the National Policy on Marine Fisheries.	
	(2) The National Policy on Marine Fisheries shall lay down broad guidelines or principles for the development of marine fisheries including strategies for implementation of the provisions of this Act.	
	(3) The Central Government may, from time to time, review and revise the National Policy on Marine Fisheries notified under sub-section (1).	
Marine Fisheries Development Plan.	<b>5.</b> (1) The Central Government may, after consultation with the State Governments, prepare and notify one or more Marine Fisheries Development Plans in accordance with the National Policy on Marine Fisheries.	
	(2) The Marine Fisheries Development Plan shall include measures and activities towards–	
	(i) sustainable development of marine fisheries along with value chain;	
	(ii) promotion of livelihood and well being of traditional and small-scale fishers	
	(iii) enhancement of fish stocks through creation of artificial reefs and sea ranching;	
	(iv) recreational fishing, aqua-sports, marine tourism and other activities aimed at promotion of additional livelihood opportunities;	
	(v) capacity building of marine fishers;	

	(vi) development of post-harvest fisheries infrastructure as may be required for strengthening the value chain; and	
	(vii) safety nets and security of fishers at sea.	
Marine Fisheries Management Plan.	<b>6.</b> (1) The Central Government may, after consultation with the State Governments, prepare and notify one or more Marine Fisheries Management Plans in accordance with the National Policy on Marine Fisheries, for realising the full potential of marine fisheries.	
	(2) The Marine Fisheries Management Plan notified under sub-section (1) shall focus on sustainable utilisation of marine fisheries resources including their conservation through adoption of such measures as may be specified therein, including–	
	(i) optimisation of fleet-size and fishing effort; (ii) spatial and temporal closures; (iii) specifying species-specific mesh size for protection of juvenile fish; (iv) promoting area-specific and resource-specific fishing practices; (v) reduction in by-catch and discards.	
	(3) Without prejudice to the provisions contained in sub-sections (1) and (2), the Central Government shall,– (i) for the purposes of sustainable and responsible utilisation of fisheries resources in the high seas by the Indian fishing vessels and for conservation and management of such resources, from time to time, specify by notification, the measures in compliance with the resolutions emerging from the international instruments and agreements to which India is a party;	
	(ii) for the purposes of holistic and sustainable development of fisheries resources, and after consultation with the State Governments, specify by notification, the measures, based on the FAO Code of Conduct for Responsible Fisheries, adoption of the Ecosystem Approach to Fisheries Management and Co-management and the precautionary approach wherever required.	
	(4) Every licence holder under this Act shall comply with the measures notified under sub-sections (2) and (3).	
Marine fisheries data.	<b>7.</b> (1) The Central Government in the Department of Fisheries shall act as the National Repository of Information on Marine Fisheries.	
	(2) The Central Government, in coordination with the State Governments and such organisations or agencies as it may deem necessary, shall– (i) collect all information and data relating to fisheries, fisheries resources, fish landings, fisheries infrastructure and socio-economic conditions of fishers; (ii) collate, process and disseminate the information referred to in clause (i).	
	(3) The manner of collection, collation, processing and dissemination of the information referred to in sub-section (2), shall be such as may be prescribed.	

	(4) The Central Government may, by notification, delegate any or all of its functions specified under clauses (i) and (ii) of sub-section (2), to such entity or entities as it may appoint in this behalf.	
Safety and security of fishers and fishing vessels.	<b>8.</b> (1) The Central Government shall, in consultation with the State Governments, maintain a system of monitoring, control and surveillance to support fisheries management and ensure safety and security of fishing vessels and fishers at sea.	
	(2) The Central Government, for the purposes of sub-section (1), after consultation with the State Governments, shall prescribe such measures including laying down the standards of monitoring, control and surveillance for different classes or categories of fishing vessels and their area or areas of operation.	
	(3) Every fisher and crew onboard a fishing vessel shall carry proof of his identity including Aadhaar card.	
National Plan of Action on Illegal, Unreported and Unregulated Fishing.	<b>9.</b> (1)The Central Government shall, after consultation with the State Governments, notify a National Plan of Action based on the voluntary instrument of the Food and Agriculture Organisation (FAO), namely, the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IUU Fishing).	
	(2) The National Plan of Action notified under sub-section (1) shall provide for a framework to control IUU Fishing in the exclusive economic zone and the high seas, which may include– (i) evaluation of the scope and challenges in addressing IUU fishing; (ii) identifying the roles and functions of different management and regulatory authorities; (iii) sensitisation of the stakeholders; and (iv) such other requirements as the Central Government may deem necessary.	
	(3) The Central Government, for the purposes of giving effect to the provisions of this section, may specify in the notification issued under sub-section (1) such measures which every licence holder under this Act shall be required to comply with.	
Support to traditional and small-scale fishers.	<b>10.</b> The Central Government shall, after consultation with the State Governments, take such measures as may be prescribed, for the promotion of livelihood and socio-economic well-being of traditional and small-scale fishers including fishers operating non-motorised fishing vessels.	
Prohibition of fishing by foreign fishing vessels.	<b>11.</b> No foreign fishing vessel shall engage in fishing or fishing related activities in the maritime zones of India under this Act.	
Transit of foreign fishing	<b>12.</b> Every foreign fishing vessel transiting through the maritime zones of India shall follow such procedure, as may be prescribed.	

vessel		
Prohibition of destructive fishing.	<b>13.</b> No person shall use dynamite or any other explosive substance, poison or noxious chemicals, or destructive materials or employ any destructive methods including the use of light, to catch or destroy the fish:	
	Provided that the use of light may be allowed in certain fishing methods as may be prescribed:	
	Provided further that the Central Government shall, after consultation with the State Governments, by notification, specify the explosive substance, destructive materials or methods of fishing that may be prohibited or restricted under this section.	
Prohibition of juvenile fishing	<b>14.</b> (1) No person shall undertake juvenile fishing or fishing related activities in the exclusive economic zone or the high seas.	
	(2) The Central Government shall, after consultation with the State Governments, prescribe measures to prevent juvenile fishing or fishing related activities.	
	(3) For the purposes of this section, the Central Government shall, by notification, specify the size of different fish species that fall within the category of juvenile fish.	
Licence for Fishing by Indian fishing vessels.	<b>15.</b> (1) On the expiry of one hundred and eighty days from the date of commencement of this Act, no Indian fishing vessels shall engage in fishing or fishing related activities in the exclusive economic zone and in the high seas without a valid licence issued under this Act.	
	(2) The provisions of sub-section (1) shall not apply to non-motorised fishing vessels.	
Licensing authority.	<b>16.</b> The licensing authority of the State Governments shall be the licensing authority for the purposes of this Act.	
Conditions of licence.	<b>17.</b> (1) Any owner of an Indian fishing vessel may make an application to the licencing authority for grant of licence for fishing and fishing related activities in the exclusive economic zone, the high seas or both.	
	(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:	
	Provided that different fees for licence may be prescribed in respect of different classes or categories of fishing vessels and their area or areas of operation.	
	(3) The Central Government shall determine the fees for licence under sub-section (2), after consultation with the State Governments.	
	(4) The licence fee referred to in sub-section (2) shall be collected in such manner as may be prescribed.	
	(5) The licence shall be issued in such form, manner and within such time as may be prescribed and be valid for such period as may be specified therein:	
	Provided that nothing in this sub-section shall prevent the licencing authority from issuing a combined licence for fishing in the territorial waters and for fishing and fishing related activities in the exclusive economic zone:	
	Provided further that the licencing authority may, in the case of any	

	person applying for fishing and fishing related activities in the exclusive economic zone who is already in possession of a valid licence for fishing in the territorial waters, instead of issuing a separate licence, extend the licence of such applicant, to fishing and fishing related activities in the exclusive economic zone, subject to fulfilling the requirements of this section.	
	(6) While issuing a licence under sub-section (5), the licencing authority shall have regard to,—	
	(i) the seaworthiness and the safety and manning norms of the fishing vessel in accordance with the Merchant Shipping Act, 1958 and matters relating to maintenance of law and order or any other matter of public interest;	44 of 1958.
	(ii) the requirements of the measures notified under section 6; and	
	(iii) the requirements of the measures notified under section 9.	
	(7) Any refusal to grant licence under this section shall be communicated to the applicant by an order in writing and such order may be relatable to a fishing vessel or a class or category of fishing vessels, as may be specified in the order.	
	(8) A licence granted under this Act shall not be transferrable or be assigned to, or create any interest in favour of any third party, except in such circumstances as may be prescribed.	
Special licence for certain activities.	<b>18.</b> (1) The Central Government may authorise the State Government to grant special licence for allowing recreational fishing, aqua-sports, marine tourism and any other activity on such terms and conditions, as may be prescribed.	
	(2) The Central Government may, through a special licence, allow a vessel to carry out survey, scientific research or investigation related with fisheries on such terms and conditions, as may be prescribed.	
Suspension or cancellation of licence.	<b>19.</b> (1) The licensing authority may, if there is any reasonable cause to believe that the holder of any licence has made any statement in, or in relation to, any application for the grant or renewal of such licence which is incorrect or false in material particulars, suspend or cancel the licence by order, in such manner as may be prescribed.	
	(2) If any holder of a licence repeatedly fails to comply with any of the provisions of this Act, the licensing authority may suspend such licence, on third and subsequent offence.	
	(3) No licence shall be suspended or cancelled under this section unless the holder of the licence has been given a reasonable opportunity of being heard.	
	(4) Notwithstanding anything contained in this section, the Central Government may, in the public interest, maintenance of law and order and without prejudice to any other penalty to which the licence holder may be liable under this Act, direct the licensing authority to suspend or cancel the licence.	
	(5) Every person whose licence has been suspended under this section shall, immediately after such suspension, stop fishing or undertake fishing	

	related activity in respect of which such licence was issued and shall not resume such activities until the order of suspension has been revoked in writing.	
	(6) Any holder of a licence whose licence has been suspended or cancelled shall, immediately after such suspension or cancellation, surrender the licence to the licensing authority.	
Levy of charges and exemptions thereof.	<b>20.</b> (1) Every fishing and fishing related activities under this Act shall be subject to levy of such charges as may be determined by the Central Government after consultation with the State Governments and be collected in such manner, as may be prescribed.	
	Provided that different charges may be levied for different classes or categories of fishing vessels and their area or areas of operation as may be prescribed.	
	(2) The Central Government shall, by notification, exempt non-motorised fishing vessels, motorised fishing vessels, scientific research and survey vessels and such other category of fishing vessels from the levy of charges under this section.	
	(3) The Central Government may, after consultation with the State Governments, by notification, exempt certain classes or categories of mechanised fishing vessels and such other vessels engaged in fishing related activities from the levy of charges under this section.	
	<b>CHAPTER III CONSULTATIVE COMMITTEE ON MARINE FISHERIES</b>	
Consultative Committee on Marine Fisheries	<b>21.</b> (1) The Central Government shall, by notification, constitute a Consultative Committee on Marine Fisheries with representatives from the Central Government, the State Governments, fishers and fisheries organisations and associations, institutions and experts.	
	(2) The Consultative Committee shall advise the Central Government on marine fisheries development and management, welfare of fishers and implementation of this Act.	
	(3) The composition of the Consultative Committee, the terms of its functioning including the manner of transaction of its business, shall be such as may be prescribed.	
	(4) The Central Government may from time to time constitute such number of sub-committees to aid and assist the Consultative Committee on such matters as it may deem necessary.	
	<b>CHAPTER IV AUTHORISED OFFICERS AND ADJUDICATION OF OFFENCES</b>	
Authorised officers.	<b>22.</b> The Central Government, after consultation with the State Governments shall, by notification, appoint such number of authorised officers as may be specified therein, from amongst officers of the Central Government or the State Government, as authorised officers to exercise the powers and duties conferred under this Act, for such class or classes of fishing vessels or such area or areas or such activities, as may be	30 of 1978.

	specified therein.	
Powers of authorised officers.	<b>23.</b> (1) Any authorised officer may, on being satisfied that any fishing vessel is being used or activity is undertaken in contravention of any provisions of this Act, or the rules or orders made or notification issued there under, either with or without a warrant—	
	(a) stop and board, and search or inspect such vessel for fish or for equipment used or capable of being used for fishing and fishing related activities;	
	(b) require the master or skipper of such vessel to produce registration documents, log book, or any other documents relating to the vessel, documents and details of the persons onboard and examine or take copies of such documents and details thereof;	
	(c) examine any catch, fishing gear or equipment on board such vessel or belonging to the vessel, including any document relating thereto;	
	(d) make such enquiries as deem necessary to ascertain compliance with any of the provisions of this Act.	
	(2) Where the authorised officer has reason to believe that any foreign fishing vessel has committed an offence under this Act, or undertaken any illegal activity in India, he may, with or without a warrant,—	
	(a) seize and detain such vessel, along with gear, catch, equipment, stores or cargo found on board of such vessel or belonging to the vessel; or (b) seize and detain any fishing gear abandoned by the vessel; or (c) arrest such person who has committed the offence, and command the master or operator of such seized foreign fishing vessel to bring the vessel to a port notified by the Central Government for this purpose:	
	Provided that the vessel so detained or seized shall be subject to such charges towards docking, maintenance and upkeep of the seized vessel and the fish catch onboard including live catch, if any, as may be prescribed.	
	(3) In taking any action against a foreign fishing vessel under sub-section (2), the authorised officer may use such force as may reasonably be necessary and shall as soon as possible, inform the Central Government in writing of such seizure and detention along with the details of the person or persons arrested, and produce the arrested person or persons along with a report of the offence, before a Magistrate of the first class or a Metropolitan Magistrate for the initiation of proceedings.	
	(4) Where the authorised officer has reason to believe that an Indian fishing vessel has contravened the provisions of section 6 or sub-section (2) of section 8 or section 17, he shall prepare a report of such contravention and submit to the adjudicating authority concerned for initiating proceedings and a copy of the report shall also be provided to the master or skipper or the person in command of the vessel:	
	Provided that the authorised officer shall not seize any fish catch or fishing gear for an offence under this sub-section.	

	<p>(5) Where the authorised officer has reason to believe that an Indian fishing vessel has contravened the provisions of section 6 or section 13 or section 14 or section 15, he shall—</p> <p>(i) seize the documents of the vessel along with fish catch, fishing gear, equipment, stores or cargo;</p> <p>(ii) direct the master or skipper or the person in command of the vessel in writing, to berth the vessel in its notified place of berthing; and</p> <p>(iii) prepare a report of such contravention and submit to the adjudicating authority concerned for initiating proceedings.</p>	
	<p>(6) Where, in pursuance of the commission of any offence under this Act, any fishing vessel is pursued beyond the limits of the exclusive economic zone, the powers conferred on an authorised officer by this section may be exercised beyond such limits in the circumstances and to the extent recognised by international law and applicable laws of India.</p>	
	<p>(7) The Central Government may, after consultation with the State Governments, confer, by notification, such other powers to authorised officer as it may consider necessary, to discharge the duties imposed upon the authorised officer for the purposes of Indian fishing vessels operating in the high seas.</p>	
Adjudication.	<p><b>24.</b> (1) On receipt of the report under sub-section (4) or sub-section (5) of section 23, the adjudicating authority shall hold an enquiry into the matters contained in the report thereof and initiate proceedings, in such manner as may be prescribed, after giving all the parties concerned a reasonable opportunity of being heard and give his decision thereon.</p>	
	<p>(2) In addition to penalty that may be imposed under this Act, if the adjudicating authority or the Magistrate of the first class or a Metropolitan Magistrate, as the case may be, is of the opinion that the fish so seized under section 23 is subject to speedy and natural deterioration, he may order such fish to be sold by public auction and the sale proceeds thereof, be kept in his safe custody.</p>	
	<p>(3) On the final decision of the adjudicating authority or the Magistrate of the first class or a Metropolitan Magistrate, as the case may be, the sale proceeds referred to in sub-section (2), after deduction of the expenses of any sale or auction or other incidental expenses relating thereto, shall be paid into the Marine Fisheries Development Fund or to the owner or master or skipper or any other person from whom it is seized, on acquittal.</p>	
	<p>(4) The procedure for adjudication of any violation of the terms and conditions of special licence granted under section 18, shall be such as may be prescribed.</p>	
Adjudicating authority.	<p><b>25.</b> An officer of the State Government not below the rank of Assistant Director of Fisheries of the District as may be notified by the Central Government after consultation with the State Government concerned, shall be the adjudicating authority for the purposes of adjudication of offences under sub-section (4) and sub-section (5) of section 23.</p>	

Appellate authority.	<b>26.</b> An officer not below the rank of an Additional Director (Fisheries), of the State Government as may be notified by the Central Government after consultation with the State Government concerned shall be the appellate authority for the purposes of this Act.	
Appeals.	<b>27.</b> (1) Any person aggrieved by an order of the Adjudicating Authority under section 24 may within thirty days from the date on which the order is made available to him, prefer an appeal to the appellate authority:	
	Provided that no appeal shall be entertained by the appellate authority unless the appellant has, at the time of filing the appeal, deposited the amount of penalty payable under the order appealed against:	
	Provided further that the appellate authority may entertain any appeal after the expiry of the said period of thirty days but before the expiry of ninety days from the date aforesaid, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.	
	(2) The Appellate Authority, while deciding the appeal, shall follow such procedure, as may be prescribed.	
Power of appellate authority to call for records, etc.	<b>28.</b> The appellate authority may call for and examine the records of any order passed by an adjudicating officer under this Act and against which no appeal has been preferred under section 27 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:	
	Provided that no such order prejudicially affecting any person shall be made except after the person so affected is given a reasonable opportunity of being heard in the matter.	
Powers of Adjudicating officer and appellate authority in relation to holding enquiry.	<b>29.</b> (1) The adjudicating officer and the appellate authority shall while holding an enquiry have all the powers of a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:— (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 of office; (d) receiving evidence on affidavits, and (e) issuing commissions for the examination of witnesses or documents.	5 of 1908.
	<b>CHAPTER V OFFENCES AND PENALTIES</b>	
Penalty for contravention of certain provisions of Act by foreign fishing vessels in maritime zones of India.	<b>30.</b> Any foreign fishing vessel,— (i) found fishing in the maritime zones of India in contravention of section 11, may be confiscated along with its catch, gear, equipment, stores or cargo onboard and the owner or operator or master, as the case may be, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one crore rupees, or with both;	
	(ii) transitting through the maritime zones of India in contravention of	

section 12, shall be punishable with fine which shall not be less than ten lakh rupees but which may extend to twenty lakh rupees.

Penalty for contravention of certain provisions of Act by Indian fishing vessels in exclusive economic zone.

**31.** (1) Any Indian fishing vessels engaged in fishing or fishing related activities without a valid licence in the exclusive economic zone in contravention of section 13 or section 15, shall be punishable to the extent mentioned in the third, fourth and fifth columns of the following table, with reference to the category of fishing vessels mentioned in the second column for the offences mentioned in the first column, respectively,—

Table

Offences	Category of fishing vessel	Penalty on first offence	Penalty on second offence	Penalty on third and subsequent offence
(1)	(2)	(3)	(4)	(5)
Sections 13 and 15.	Motorised vessels of less than 15 m overall length(OAL)	Nil	Nil	Fine of two thousand rupees
	Motorised vessels of 15m OAL and above	Fine of two thousand rupees	Fine of five thousand rupees	Fine of ten thousand rupees
	Mechanised vessels of less than 15mOAL	Fine of five thousand rupees	Fine of ten thousand rupees	Fine of twenty-five thousand rupees
	Mechanised vessels of 15 m OAL and above	Fine of ten thousand rupees	Fine of twenty thousand rupees	Fine of fifty thousand rupees

(2) Any Indian fishing vessel engaged in fishing or fishing related activities in the exclusive economic zone in contravention of the measures prescribed under section 6 or sub-section (2) of section 8 or section 17, shall be punishable to the extent mentioned in the third, fourth and fifth columns of the following table, with reference to the category of fishing vessels mentioned in the second column, for the offences mentioned in the first column, respectively,—

Table

Offences	Category of fishing vessel	Penalty on first offence	Penalty on second offence	Penalty on third and subsequent offence
(1)	(2)	(3)	(4)	(5)
Sections 6, 8 (2) and 17.	Motorised vessels of less than 15m overall length (OAL)	Nil	Nil	Fine of one thousand rupees

	Motorised vessels of 15 m OAL and above	Fine of one thousand rupees	Fine of two thousand rupees	Fine of five thousand rupees
	Mechanised vessels of less than 15 m OAL	Fine of three thousand rupees	Fine of five thousand rupees	Fine of ten thousand rupees
	Mechanised vessels of 15 m OAL and above	Fine of five thousand rupees	Fine of ten thousand rupees	Fine of twenty thousand rupees

Penalty for contravention of certain provisions of Act by Indian fishing vessels in high seas.

**32.** (1) Any Indian fishing vessels engaged in fishing or fishing related activities without a valid licence in the high seas in contravention of section 13 or section 15, shall be punishable to the extent mentioned in the third, fourth and fifth columns of the following table, with reference to the category of fishing vessels mentioned in the second column for the offences mentioned in the first column, respectively,–

Table

Offences	Category of fishing vessel	Penalty on first offence	Penalty on second and subsequent offence
(1)	(2)	(3)	(4)
Sections 13 and 15.	Mechanised vessels of less than 15 m OAL	Fine of twenty-five thousand rupees	Fine of fifty thousand rupees and impounding of vessel for a period of thirty days
	Mechanised vessels of 15 m OAL and above	Fine of fifty thousand rupees	Fine of two lakh rupees and impounding of vessel for a period of thirty days

(2) Any Indian fishing vessels engaged in fishing or fishing related activities in contravention of clause (i) of sub-section (3) of section 6 in the high seas, shall be punishable to the extent mentioned in the third, fourth and fifth columns of the following table, with reference to the category of fishing vessels mentioned in the second column, for the offences mentioned in the first column, respectively,–

Table

Offences	Category of fishing vessel	Penalty on first offence	Penalty on second and subsequent offence
(1)	(2)	(3)	(4)
Section 6 (3) (i).	Mechanised vessels of less than 15 m OAL	Fine of twenty thousand rupees	Fine of forty thousand rupees and suspension of licence for a period of thirty days
	Mechanised vessels of 15 m	Fine of twenty-five thousand rupees	Fine of one lakh rupees and

		OAL and above	rupees	suspension of licence for a period of thirty days	
Penalty for violation of terms and conditions of special licence.	<b>33.</b> If any Indian fishing vessel fails to comply with the terms and conditions of the special licence granted under section 18, the owner or operator of such vessel shall be punishable with fine which may extend to one lakh rupees along with suspension or cancellation of the licence.				
Penalty for obstruction of authorised officers.	<b>34.</b> (1) If any person intentionally obstructs an authorised officer in the exercise of his powers, he shall be punishable— (i) in the case of Indian fishing vessel of less than 15 meter overall length, with fine of five thousand rupees and ten thousand rupees in case of 15 meter overall length and above; (ii) in the case of foreign fishing vessel, with fine which may extend to five lakh rupees.				
Offences by companies.	<b>35.</b> (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, or 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:				
	Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.				
	(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is 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 of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.				
	<b>CHAPTER VII MISCELLANEOUS</b>				
Constitution of Fund.	<b>36.</b> (1) There shall be a Fund to be called the Marine Fisheries Development Fund and there shall be credited thereto—				
	(a) any grants or loans that may be made by the Central Government for the purposes of this Act;				
	(b) all receipts collected under this Act; and				
	(c) any grants or loans that may be made by any State Government or institution for the purposes of this Act.				

	(2) The Fund shall be utilised for the welfare of fishers including traditional fishers operating non-motorised fishing vessels and for sustainable development and management of marine fisheries and related activities, as may be prescribed.	
	(3) The Central Government shall, by notification, appoint an entity to maintain and administer the Fund.	
Offences to be cognizable.	<b>37.</b> Notwithstanding anything contained in the Code of Criminal Procedure, 1973, offences punishable under section 28 shall be cognizable.	1 of 1974.
Protection of action taken in good faith.	<b>38.</b> (1) No suit, prosecution or other legal proceeding shall lie against the authorised officer or any officer appointed as the adjudicating authority or the appellate authority, for anything which is done in good faith or intended to be done in the discharge of his duty in pursuance to the provisions of this Act.	
	(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 done in good faith or intended to be done in pursuance of the provisions of this Act.	
Power to make rules.	<b>39.</b> (1) The Central Government after consultation with the State Government may, by notification, make rules for carrying out the provisions of this Act.	
	(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-	
	(a) the manner of collection, collation, processing and dissemination of the information under sub-section (3) of section 7;	
	(b) measures for the promotion of livelihood and socio-economic well-being of traditional and small-scale fishers including fishers operating non-motorised fishing vessel under section 10;	
	(c) procedure to be followed by foreign fishing vessels transiting through the maritime zones of India under section 12;	
	(d) fishing methods in respect of which use of light may be allowed under section 13;	
	(e) the form, particulars and fees under sub-section (2), manner of collecting fees under sub-section (4), the form, manner and time within which licence may be issued under sub-section (5) and exceptional circumstances under which licence may be transferred under sub-section (8), of section 17;	
	(f) the terms and conditions of special licence under sub-sections (1) and (2) of 18;	
	(g) the manner of suspension and cancellation of licence under sub-section (1) of section 19;	
	(h) the charges to be levied and manner of its collection under sub-section (1) of section 20;	
	(i) the composition of the Consultative Committee and terms of its functioning under sub-section (3) of section 21;	

	(j) the charges to be levied on the foreign fishing vessels detained under sub-section (2) of section 23;	
	(k) manner of enquiry and initiating proceedings by the adjudicating authority under sub-section (1) and procedure for adjudication under sub-section (4), of section 24;	
	(l) the procedure for deciding appeal by the Appellate Authority under sub-section (2), of section 27;	
	(m) the marine fisheries related activities under sub-section (2) of section 33;	
	(n) any other matter which is to be, or may be prescribed.	
Rules and notifications made or issued to be laid before Parliament.	<b>40.</b> Every rule made under this Act 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 immediately following the session or the successive sessions 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.	
Effect of Act 80 of 1976.	<b>41.</b> The provisions of sub-section (5) of section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 shall have no effect for the purposes of this Act.	80 of 1976.
Power to remove difficulties.	<b>42.</b> (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 or expedient for removing the difficulty:	
	Provided that no such order shall be made under this section after the expiration of three years from the date of commencement of this Act.	
	(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.	
Repeal and savings.	<b>43.</b> (1) The Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981, is hereby repealed.	42 of 1981.
	(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 licence 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.	