

GOVERNMENT OF KERALA
Law (Legislation-Unification) Department
NOTIFICATION

No.13809/Leg.Uni.2/07/Law.

Dated: Thiruvananthapuram. 21st June 2007

In pursuance of clause (3) of article 348 of the Constitution of India the Governor is pleased to authorize the publication in the Gazette of the following translation in English language of the Kerala Monsoon Fishery (Pelagic) Protection Act, 2007(13 of 2007).

By Order of the Governor,

P.B. SHOUKATHALI,

Special Secretary (Law)

THE KERALA MONSOON FISHERY (PELAGIC) PROTECTION ACT, 2007

An Act to provide for security of life and livelihood of the traditional fishermen and to ensure their subsistence by occupying pelagic fishery through tapping the unique pelagic fishery resources in the State like chakara in monsoon season and to regulate them and for matters connected therewith or incidental thereto.

Preamble. — WHEREAS it is expedient to provide for the pelagic fishery by the traditional fishermen using traditional and modified traditional crafts during monsoon season and to regulate them and for matters connected therewith or incidental thereto;

Be it enacted in Fifty-eighth Year of the Republic of India as follows: —

1. *Short title, extent, and commencement.* —(1) This Act may be called the Kerala Monsoon Fishery (Pelagic) Protection Act, 2007.

2. It extends to the whole State of Kerala.

3. It shall come into force at once.

2. *Definition.* — In this Act, unless the context otherwise requires. —

(a) “authorized officer” means such officer as the Government may by notification in the Gazette authorize in respect of the matter in which reference is made in the provision of this Act in which the expression occurs;

a) “Fishing vessel” means a vessel whether or not fitted with mechanical means of propulsion engaged in sea fishing and includes.—

(i) catamaran,

(ii) a country craft and

- (iii) a canoe;
 - (c) “Traditional Fisherman” means any person engaged in fishing with or without traditional or modified traditional crafts and gears for his livelihood;
 - (d) “Modified Traditional Crafts and Gears” means traditional crafts and gears, modified in their shape or form or size including means of propulsion by the usage of motors or engines for the exclusive purpose of propelling the crafts and vessels used by the Traditional Fisherman;
 - (e) “Pelagic Fishery” means fishery or fishing activities relating to fishing of any species of fish resources distributed in the surface or sub surface or column water areas of the specified area;
 - (f) “Specified area” means such area in the sea along the entire coast line of the State, but not beyond territorial waters, as may be specified by the Government by notification in the Gazette;
 - (g) “State” means State of Kerala and includes the territorial waters along the entire coastline of the State.
3. *Authorization of officers for the purpose of any provision of this Act.* — Any officer of the Government authorized under section 3 of the Kerala Marine Fishing Regulation Act, 1980 (Act 10 of 1981) will be Authorized Officers for the purpose of any provision of this Act.
 4. *Rights of fishing during the monsoon season.* — Notwithstanding anything contained in any law, judgement, decree or order of court, the traditional fishermen have the right to conduct pelagic fishery during monsoon season using traditional and modified traditional crafts and gears within the territorial waters:

Provided that no fishing craft, gear, or vessel, which if used would harm the juvenile fish, egg of the fish and such other species which are necessary for the rejuvenation of the marine wealth found in the sea bed shall be used.

Provided further that, the Government may by an order, ban the right of fishing conferred under this section if they are convinced that any person misuse such fishery which is harmful to fish breeding and fish wealth in the sea bed.
 5. *Power to enter and search fishing vessel.* — The authorized officer may if he has reason to believe that any fishing vessel or crafts and gears is being, or has been, used in contravention of any of the provisions of this Act or of any order or rule made there under, enter and search such vessel and impound and confiscate such vessel, fish and the implements thereto.
 6. *Disposal of confiscated vessel, fish and implements.* — (1) The authorized officer shall keep the fishing vessels impounded under section 5 of the Act, in such place and in such manner as may be prescribed.
 (2) The authorized officer shall dispose of the confiscated articles in such manner as may be prescribed.
 7. *Power of the Government to revoke or modify the orders.* — The Government may on report or complaint by the authorized officer or *suo motu* revoke, annual or

modify any order issued by them under section 4 or 5 of the Act, as the case may be, if they are of the opinion that the circumstances render it necessary to do so.

8. *Power to make rules.* —(1) The Government may, by notification in the Gazette, make rules for carrying out the provisions of this Act.

(2) 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 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.