GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No.11112/Leg.B2/86/Law, Dated, Trivandrum,4th August 1986

The following Act of the Kerala state Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 4th day of August, 1986.

By Order of the Governor,

E.J.ANTONY PANJIKARAN,
Special Secretary (Law)

ACT OF 1986

THE KERALA MARINE FISHING REGULATION (AMENDMENT)

ACT 1986

An Act further to amend the Kerala Marine Fishing Regulation Act, 1980.

Preamble- WHEREAS it is expedient further to amend the Kerala Marine Fishing Regulation Act 1980, for the purpose herein after appearing;

IT be enacted in the Thirty-seventh Year of the Republic of India as

1. Short title and commencement-(1) This Act may be called the Kerala Marine Fishing Regulation (Amendment) Act, 1986,

   (2) It shall be deemed to have to come into force on the 15th day of October, 1985.

2. Amendment of section 17-In section 17 of the Kerala Marine Fishing Regulation Act, 1980 (10 of 1981) (here in after referred to as the Principal Act.)

   (1) to sub-section (1), the following proviso shall be added, namely

"Provided that where the adjudicating officer after the enquiry under section 16 decides that any person had used, or caused, or allowed to be used, any fishing vessel in contravention of the provisions of section 5 or section 7, such person shall, on being found not be less than twenty five thousand rupees but which may extend to fifty thousand rupees, as may be adjudged by the adjudicating officer.

(2) in sub section (2),for the proviso, the following proviso shall be substituted namely;

"provided that where the penalty under the proviso to section (1) is imposed on a person for the second or subsequent time, the adjudicating officer shall direct that the fishing vessels or fish that may have been impounded or seized, as the case may be under section 14 shall be forfeited to the Government"

(3) Repeal and saving –(1) The Kerala Marine Fishing Regulation second Amendment) Ordinance, 1986 (32 of 1986) is here by repealed.

(2) Not withstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the Principal Act as amended by this Act.

KERALA GAZETTE

EXTRA ORDINARY

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GOVERNMENT OF KERALA

Law (Legislation-B) Department

NOTIFICATION

No.17815/Leg.B2/86/Law, Dated, Trivandrum, 3oth November, 1986/
9th Agrahayana, 1908

The following Act of the Kerala state Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 30th day of November, 1986.

By Order of the Governor,

E.J.ANTONY PANJIKARAN,
Special Secretary (Law)

ACT OF 1986

THE KERALA MARINE FISHING REGULATION (AMENDMENT)

ACT, 1986

An Act further to amend the Kerala Marine Fishing Regulation Act, 1980.

Preamble- WHEREAS it is expedient further to amend the Kerala Marine Fishing Regulation Act 1980, for the purpose herein after appearing;

BE it enacted in the Thirty-seventh Year of the Republic of India as follows:-

1. Short title and commencement☹1) This Act may be called the Kerala Marine Fishing Regulation (Second Amendment) Act, 1986.
(2) It shall be deemed to have come into force on the 9th day of August,1984.

2. Amendment of section 2:- In section 2 of the Kerala Marine Fishing Regulation Act, 1980 (10 OF 1981)(hereinafter referred to as the Principal Act), clause (b) shall be omitted.

3. Substitution of new section for section 18:-
For section 18 of the Principal Act, the following section shall be substituted namely:-

"18 Appeal – (1) Any person aggrieved by an order of the adjudication officer may, within thirty days from the date on which the order is made, prefer an appeal to the District Collector having jurisdiction over the area for which the adjudicating officer exercises powers;

Provided that the District Collector may entertain an appeal after the expiry of the said period of thirty days, from the aforesaid, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) No appeal under this section shall be entertained by the District Collector unless the appellant has, at the time of filing the appeal deposited the amount of penalty payable under the order appealed against;

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

(3) On receipt of an appeal under sub-section (1), the District Collector may, after holding such enquiry as he deems fit and after giving the parties concerned a reasonable opportunity of being heard, confirm, modify

or aside the order appealed against; and –

(a) If the sum deposited by way of penalty under such section (2) exceeds the penalty directed to be paid by District Collector the excess amount, or

(b) If the District Collector sets aside the order imposing penalty the whole of the sum deposited by way of penalty shall be refunded to the appellant".

(4) Where the District Collector entertains appeal after dispensing with the deposit under the proviso to sub-section (2) and if the order appealed against is not set aside or as the case may be, if the order appealed against is modified involving the depositing of penalty the appellant shall deposit such amount by way of penalty as may be ordered by District Collector."

4. Amendment of section 19- In section 19 of the principal Act.-

(a) in the marginal note, for the words "Appellate Board" the word "District Collector" shall se substituted.

(b) for the words "Appellate Board", the words "District Collector be substituted ;

(c) for the word "itself", the word "himself" shall be substituted.

(d) for the word "it", the word "he" shall be substituted.

5. Amendment of section 20- In section 20 of the principal Act.-

(i) in the marginal note, for the words "Appellate Board", the words "District Collector" shall be substituted;

(ii) in sub-section(1), for the words "Appellate Board", the words "District Collector" shall be substituted;

(iii) in sub-section (2), for the words "Appellate Board", the words "District Collector" shall be substituted;

6. Amendment of section 24- In s sub- section (2) of section 24 of the Principal Act, for clause (k), the following clause shall be substituted, namely:-

"(k) the procedure to be followed by the District Collector under section 18"

7. Transitory provision – All appeals from the orders of adjudicating officers under section 18 of the principal Act and pending before the Appellate Board at the commencement of this Act shall be transferred to the District Collector having jurisdiction and the District Collector shall dispose of such appeals under the Principal Act as amended by this Act.

8. Repeal and saving –(1) The Kerala Marine Fishing Regulation (Second Amedment Ordinance, 1986 (62 of 1986), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the Principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the Principal Act as amended by this Act.