

MONSOON FISHERY (PELAGIC) PROTECTION ACT, 13 OF 2007

267 THE ICRLA MONSOON FINERY (PELAGIC) PROTECIION ACT, 2007 (ACT 13 OF 2007)
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 Season Power to enter and search fishing vessel Disposal of confiscated vessel, fish and Implements
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 of "2007-02.] (cruqclß0a.J@10æo) cryöë" published under the authority of the Govemor] ACT 13 OF
 2007* KERALA ÜONSOON FISHERY (PELAGIC) PROTECTION ACT, 2007 An Act provide for
 securuy of life and livelihood of the traditional fishermen and to ensure thetr subsistence by occupymg
 pelagzc fishery through lapping the umque pelagtc fishery resources an the State like chakara in monsoon
 season and to. regulate them and for matters connected therewith or Incidental thereto Preamble —
 WHEREAS It 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 — I
 Short title, extent and commencement This act may be called the Kerala Monsoon Fishery (pelagic)
 Protection Act, 2007 It extends to the whole State of Kerala. (2) It shall come into force at one (3) 2
 Defimton —In this Act, unless the context otherwise requres,— "authorised officer" means such officer
 as the Government may by (a) notification In the Gazette authorise tn respect of the matter In which
 reference IS made In the provision of this Act nn which the expression occurs, (b) "Fishing vessel" means
 a vessel whether or not fitted With mechanical means of propulsion engaged In sea fishing and Includes,—
 (i) catamaran, (11) a country craft and (111) a canoe, (c) "Traditional Fisherman" means any person
 engaged In fishing With or without traditional or modified traditional crafts and gears for his livelihood, •
 Recclvd the assent of Governor on the 21st June. 2007 and published in the Kerala Gazette Extraordinary
 No 1 161 dated 21st June. 2007 270 (d) "Modified traditional Crafts and Gears" means traditional crafts
 and gears, modified m their shape or form or size Including means of propulsion by the usage of motors or
 engmes 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 enure coast lme of the state, but not beyond territorial water, 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 coast lme of the State 3 Authorisation of Officers for the
 purpose of any provzszon of this Act —Any officer of the Government authorised under section 3 of the
 Kerala Manne Fishing Regulation Abt, 1980 (Act IO of 1981) Will be the Authorised Officers for the
 purpose of any of the provision of this Act 4 Right of fishing dunng the monsoon season —Not
 withstanding anything contained In any law, Judgement, decree or order of court, the traditional fishennen
 have the rtght to conduct pelagic fishery during monsoon season using traditional and modified tradtlonal
 crafts and gears within the temtonal waters Provided that no fishing craft, gear or vessel, which If used
 would harm the Juvenile fish, egg of the fish and such other ,spectes which are necessary for the
 rejuvenation of the manne wealth found tn 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 convmced that any person
 misuse such fishery which iS harmful to fish breeding and fish wealth xn the sea bed. 5 Power to enter and
 search fishing vessel —The authorized officer may, if he has reason to believe that any fishmg 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 thereunder, enter and search such vessel and Impound and confiscate such vessel, fish
 and the Implements thereto 6 Disposal of confiscated vessel, fish and Implements The authonzed officer
 shall keep the fishing vessels mpounded under section 5 of the Act, tn such place and In such manner as
 may be prescribed 271 (2) The authorized officer shall dispose of the confiscated articles tn such manner
 as may be prescribed. 7 Power of the Government to revoke or modify the 0' ders —The Government
 may, on report or complamt by the authorized officer or suo motu revoke, annul or modify any order
 Issued by them under section 4 or of the Act, as the case may be, If they are of the opimon that the
 circumstances render It necessary to do so 8 Power to make rules A1) The Government may, by

notification In the Gazette, make rules for carrying out the provistons 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 session, for a total period of fourteen days •which may be comprised In one session or in two successive sessions, and If before the exprry 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 prevtously done under that rule

