The Kerala Monsoon Fishery (Pelagic) Protection Act, 2007

Act 13 of 2007

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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) “authorised officer” means such officer as the Government may by notification in the Gazette authorise in respect of the matter in which reference is made in the provision of this Act in 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

   1. catamaran,
   2. a country craft and
   3. 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 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 line of the State.

3. Authorisation of officers for the purpose of any provision of this Act.-Any
officer of the Government authorised under section 3 of the Kerala Marine Fishing
Regulation Act, 1980 (Act 10 of 1981) will be the Authorised Officers for the purpose of
any provision of this Act.

4. Right of fishing during the monsoon season.- Notwithstanding anything
contained in any law, judgment, 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 seabed.

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, annul 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.

(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.