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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

AGRICULTURE, FARMERS WELFARE AND CO-OPERATION DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 22nd June, 2020.

GUJARAT ORDINANCE NO. 4 OF 2020.

AN ORDINANCE

further to amend the Gujarat Fisheries Act, 2003.

WHEREAS the Legislative Assembly of the State of Gujarat is not
in session;

Guj. 8 of
2003. AND WHEREAS the Governor of Gujarat is satisfied that
circumstances exist which render it necessary for him to take immediate
action to amend the Gujarat Fisheries Act, 2003;

NOW, THEREFORE, in exercise of the powers conferred by clause
(1) of article 213 of the Constitution of India, the Governor of Gujarat is
hereby pleased to make and promulgate the following Ordinance, namely :-

1. *Short title and commencement.*- (1) This ordinance may be called the Gujarat Fisheries (Amendment) Ordinance, 2020.

(2) It shall come into force at once.

**Guj. 8 of
2003.**

2. *Guj. 8 of 2003 to be temporarily amended.*- During the period of operation of this Ordinance, the Gujarat Fisheries Act, 2003 (hereinafter referred to as “the principal Act”), shall have effect subject to the amendments specified in sections 3 to 8.

3. *Amendment of section 2 of Guj. 8 of 2003-* In the principal Act, in section 2, -

- (i) to clause (a), the following proviso shall be added, namely:-
“Provided that the District Magistrate shall be the Adjudicating Officer for the purpose of clause (c) of sub-section (1) of section 17;”;
- (ii) after clause (b), the following clause shall be inserted, namely:-
“(bb) “crossing of notional Indo-Pak International Maritime Boundary Line” means an act of fishing vessel entering any area in the “No Fishing Zone” as notified by the Ministry of Home Affairs on 4th May, 1993 which is situated within the territorial waters;”;
- (iii) for clause (c), the following clause and the proviso thereunder shall be substituted, namely:-
“(c) "Enforcement Officer" means such fishery officer or any Police Sub- Inspector or above, posted in the Marine Police Station as notified by the State Government under clause (s) of section 2 of the Code of Criminal Procedure, 1973 as the State Government may appoint for the purpose of section 15:

2 of 1974.

Provided that the Sub-Divisional Magistrate of the concerned area shall be the Enforcement Officer for the purpose of clause (f) of sub-section (1) of section 21.”.

4. Amendment of section 6 of Guj. 8 of 2003.- In the principal Act, in section 6, in the marginal note, after the words “to protect fish”, the words “and to ensure internal security” shall be added.

5. Amendment of section 15 of Guj. 8 of 2003- In the principal Act, in section 15, -

- (i) in clause (iii), the word “and” appearing at the end shall be deleted;
- (ii) in clause (iv), the words “and in other cases, to the Police officer in charge of a police station” shall be deleted;
- (iii) after clause (iv), the following clauses shall be added, namely:-
 - “(v) use such force for taking any action under clause (i) as may reasonably be necessary,
 - (vi) where any vessel or other things are seized by the Enforcement Officer, the same may reasonably be necessary,
 - (vii) provide to the seized vessel, the docking facility by the port notified for the purpose and charges towards docking, maintenance and other related costs of the seized vessel in the manner as may be prescribed, and
 - (viii) produce the seized vessel or other things before a magistrate competent to try an offence under this Act as soon as possible and the magistrate may make such order therefor as he may deem fit.”.

6. Amendment of section 17 of Guj. 8 of 2003.- In the principal Act, in section 17, in sub-section (1),-

- (1) in clause (a), the word “or” appearing at the end shall be deleted;
- (2) in clause (b), for the words” such permission” appearing at the end, the words “such permission, or” shall be substituted;

- (3) after clause (b), the following clause shall be inserted,
namely:-

“(c) the Sub-Divisional Magistrate under clause (f) of sub-section (1) of section 21 imposing fine on the person entering the territorial water,”.

7. Amendment of section 21 of Guj. 8 of 2003.- In the principal Act, in section 21, in sub-section (1), after clause (e), the following clause shall be added, namely:-

“(f) Whoever enters the territorial waters with the fishing vessel from outside the territorial waters of the State for the purpose of fishing or for any other allied purpose in contravention of any provision of this Act shall be punishable by the Sub-Divisional Magistrate of the concerned area with fine of rupees one lakh and five times the value of the fish captured by such person.”.

8. Amendment of section 23 of Guj. 8 of 2003.- In the principal Act, in section 23, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence other than the offence punishable under clause (b), (c), (d) or (f) of sub-section (1) of section 21 shall be cognizable.”.

STATEMENT

As everybody is aware, Gujarat State has the longest coastline in India and is a State having very strategic location in India. It is therefore, utmost necessity to guard the national boundary across the Gujarat Coast.

The State of Gujarat being strategically located in India has unique issues that require urgent attention. It is also necessary that the safety and well-being of the fishermen doing fishing operations along the Gujarat Coast should also be maintained. It is therefore, necessary to see that no unscrupulous persons enter or pass through the territorial waters of Gujarat State without proper registration. For the purpose, it is also necessary to check the fishing vessels as also their identity while they are undertaking fishing activities so that no anti-social or anti-national activities take place under the garb of fishing.

The Gujarat Fisheries Act, 2003 has been enacted and the Gujarat Fisheries Rules, 2003 have been made thereunder to provide for protection, conservation, development and regulation of fisheries in inland and territorial waters of the State of Gujarat and for matters connected therewith or incidental thereto. It is found necessary to amend the provisions of the said Act and the rules to provide for a mechanism to regulate and monitor the fishing vessels and the fishing activities by empowering the police to work in cooperation with the fisheries officers and the coast guards so that the security of the State is not jeopardized by anybody under the garb of the fishing activities in the territorial waters. Certain provisions of the said Act are therefore, amended.

As the Legislative Assembly of the State of Gujarat is not in session, this Ordinance is promulgated to amend the Gujarat Fisheries Act, 2003, to achieve the aforesaid object.

Gandhinagar,
Dated the 20th June, 2020

ACHARYA DEVVRAT
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

MANISH BHARDWAJ,
Secretary to Government.