



# കേരള ഗസറ്റ് KERALA GAZETTE

## അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
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29th Makaram 1196

1942 മാഘം 22  
22nd Magha 1942

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കേരള സർക്കാർ

നിയമ (നിയമ നിർമ്മാണ-ഐ) വകുപ്പ്

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തിരുവനന്തപുരം, 2021 ഫെബ്രുവരി 10

1196 മകരം 28

1942 മാഘം 21.

2021 ഫെബ്രുവരി 9-ാം തീയതി കേരള ഗവർണ്ണർ വിളംബരപ്പെടുത്തിയ താഴെ പറയുന്ന ഓർഡിനൻസ് പൊതുജനങ്ങളുടെ അറിവിലേക്കായി ഇതിനാൽ പ്രസിദ്ധപ്പെടുത്തുന്നു.

ഗവർണ്ണറുടെ ഉത്തരവിൻപ്രകാരം,

അരവിന്ദ ബാബു പി. കെ.,

നിയമ സെക്രട്ടറി.



GOVERNMENT OF KERALA  
**Law (Legislation-I) Department**

NOTIFICATION

No. 18575/Leg.II/2018/Law.

*Dated, Thiruvananthapuram, 10th February, 2021  
28th Makaram, 1196  
21st Magha, 1942.*

The following Ordinance promulgated by the Governor of Kerala on the 9th day of February, 2021 is hereby published for general information.

By order of the Governor,

ARAVINTHA BABU P. K.,  
*Law Secretary.*



[Translation in English of “2021-ലെ കേരള മത്സ്യലേലവും വിപണനവും ഗുണനിലവാര പരിപാലനവും ഓർഡിനൻസ്” published under the authority of the Governor.]

**ORDINANCE No. 28 OF 2021**

**THE KERALA FISH AUCTIONING, MARKETING AND MAINTENANCE OF  
QUALITY ORDINANCE, 2021**

Promulgated by the Governor of Kerala in the Seventy-second Year of the Republic of India.

*AN*

*ORDINANCE*

*to provide for regulating of fish auctioning and marketing, to promote systematic, hygienic and efficient auctioning and marketing, to maintain quality and for other matters connected therewith or incidental thereto.*

*Preamble.*—WHEREAS, the Kerala Fish Auctioning, Marketing and Maintenance of Quality Ordinance, 2020 (44 of 2020) was promulgated by the Governor of Kerala on the 22nd day of September, 2020;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Legislative Assembly of the State of Kerala, during its session which commenced on the 31st day of December, 2020 and ended on the same day (special session) and in the session which commenced on the 8th day of January, 2021 and ended on the 22nd day of January, 2021;

AND WHEREAS, under sub-clause (a) of clause (2) of Article 213 of the Constitution of India, the said Ordinance will cease to operate on the 11th day of February, 2021;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;



NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Fish Auctioning, Marketing and Maintenance of Quality Ordinance, 2021.

(2) It shall be deemed to have come into force on 24th day of September, 2020.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) “Adjudicating Officer” means the officer entrusted by the Government under subsection (1) of section 26 of this Ordinance;

(b) “Appellate Authority” means the District Collector having jurisdiction over the district concerned;

(c) “auction commission” means the amount or fish realised from fish sellers as service charge for the auction conducted or for providing facilities for conducting auction;

(d) “auctioneer” means the person who has obtained a valid licence for fish auctioning under section 5;

(e) “Authorised Officer” means an officer in the rank of Assistant Director in the Fisheries Department having jurisdiction over that area, authorised by the Government by notification, for exercising the powers and for performing the duties assigned under this Ordinance;

(f) “chilled storage” means the facility to store fish chilled at low temperature on commercial basis;

(g) “transportation facility” means mechanised vehicle used for the distribution of fish through road on commercial basis;

(h) “fish” means all aquatic animals which are edible and having economic and commercial value;

(i) “fishing” means catching, collecting, attracting or chasing fish by adopting any means;

(j) “Fish Landing Centre Management Society” means the society constituted under section 7 of this Ordinance for the management and maintenance of a landing centre;

(k) “Fish Market Management Society” means the society constituted under section 11 of this Ordinance for the management and maintenance of a market;

(l) “fisherman” means a person traditionally engaged mainly in fishing for livelihood;



- (m) “Government” means the Government of Kerala;
- (n) “harbour” means the place with necessary infrastructure for landing fishing vessels and for unloading and handling fish safely and hygienically;
- (o) “Harbour Management Society” means the society constituted under section 9 of this Ordinance for the management and maintenance of a fishing harbour;
- (p) “ice plant” means the institution producing ice industrially/commercially for keeping fish without being spoiled;
- (q) “landing centre” means the place where fish can be brought directly from the sea to the shore and notified under section 3 of this Ordinance;
- (r) “market” means the place where marketing or transferring of fish is being carried out for domestic consumption or exporting other than landing centre, harbour, shop room, booth and fish farm and notified under section 3 of this Ordinance;
- (s) “notification” means a notification published in the official gazette;
- (t) “prescribed” means prescribed by rules made under this Ordinance;
- (u) “pre-processing” means beheading, separation of meat, removal of gills, removal of entrails, removal of scales of fish;
- (v) “pre-processing centre” means an establishment, place or premise set up for doing pre-processing of fish industrially/commercially;
- (w) “processing” means canning, pickling, cooking, drying, marinating, freezing, drying by smoking or preparing fish for marketing in similar manner;
- (x) “processing centre” means an establishment, place or premise set up for fish processing on commercial basis;
- (y) “State Level Fish Quality Maintenance Committee” means the Committee constituted under section 16;
- (z) “user fee” means fees levied from persons, institutions and vehicles towards the utilization or use of infrastructure arranged by the Government or Local Self Government Institutions, harbour or market;
- (za) “vessel” means a vehicle used for fishing or transporting fish by water.

3. *Power to declare landing centre, harbour and market.*—(1) Notwithstanding anything contained in any other law for the time being in force, the Government may, by notification, declare landing centre, harbour and market from time to time, for the purposes of this Ordinance;



(2) The Government may, by notification specify the standard of physical infrastructure of landing centre, harbour and market.

4. *Regulating of fish auctioning.*—(1) No person shall conduct fish auctioning through places other than the landing centre, harbour and market which are notified under sub-section (1) of section 3 of this Ordinance;

(2) A person who has not obtained licence under section 5 of this Ordinance shall not conduct fish auctioning in landing centre, harbour or market:

Provided that in any special circumstance, the Authorised Officer may grant licence in the prescribed manner, for engaging in fish auctioning temporarily outside the landing centre, harbour or market notified by the Government.

(3) The method of conducting fish auctioning and allied activities shall be in the manner prescribed.

(4) The Government may, realise an amount not exceeding five percent of the amount of auction as auction commission, in the manner prescribed.

(5) The Government may, by notification, fix the ratio of the auction commission realised under sub-section (4), to be apportioned among the auctioneer, Fishermen Development Welfare Co-operative Society, Local Self Government Institution, Fish Landing Centre Management Society/Harbour Management Society/Fish Market Management Society and Government.

(6) No person, including the auctioneer, shall realise other benefits of any kind as money or otherwise in connection with the fish auctioning.

(7) The auction shall be conducted on the basis of number or weight of fish or the number of box or basket containing it.

(8) Any person who availed loan from the Fishermen Development Welfare Co-operative Society for acquiring fishing equipments shall not engage in fish auctioning except through the auctioneer deputed by the said society.

(9) Any person who contravenes any of the provisions of this section shall be subjected to the penal actions under section 30 of this Ordinance.

5. *Licence for auctioneer.*—(1) For obtaining licence for conducting fish auctioning in landing centre, harbour or market, a person shall submit such application as prescribed, before the Authorised Officer of that area.

(2) An application under sub-section (1) shall be submitted along with required details, remitting such fee as prescribed and with the recommendation of the Fish Landing Centre Management Society or Harbour Management Society or Fish Market Management



Society, as the case may be, constituted in the proposed place to engage in auction or the Fisherman Development Welfare Co-operative Society existing in that place.

(3) On receipt of an application as per sub-section (1), the Authorised Officer shall, after conducting or causing to be conducted necessary enquiry and on the basis of such criteria as may be prescribed, either grant licence for conducting fish auctioning or reject the application within thirty days from the date of receipt of the application.

(4) For obtaining licence, the applicant shall remit security deposit for prescribed amount in the manner prescribed.

(5) The licence granted as per sub-section (3) shall be in such form as prescribed and the name of the fish landing centre/harbour/market for which the licence is granted and the district in which it is situated shall be recorded in it.

(6) In case an application submitted under sub-section (1) is rejected, said information shall be intimated to the applicant along with the reason for rejection, within thirty days from the date of receipt of the application.

(7) The auctioneer shall have the right to conduct auction only at the place recorded in the licence.

(8) The licence granted under this section shall be valid for a period of three years, unless cancelled or suspended.

(9) A licence obtained under sub-section (3) may be renewed by complying the procedure to be followed for obtaining a new licence and by remitting such fee as may be prescribed, before its expiry.

6. *Conditions to be complied by the auctioneer.*—(1) Subject to the provisions of this Ordinance and the rules made thereunder, the auctioneer shall comply with the following conditions, namely:—

(i) shall act in accordance with the conditions prescribed for obtaining licence under section 5 and in the notifications/orders related to it;

(ii) shall conduct auctioning of fish only in the harbour/landing centre/market specified in the licence subject to the provisions of this Ordinance, the rules made thereunder and the conditions and provisions in the licence;

(iii) auctioneer shall not have the right to realize any kind of fees or commission or any amount similar to it or not, except the auction commission fixed by Government thorough notification from time to time.



(2) If the auctioneer does any act in contravention of the provisions of this Ordinance or rules made thereunder or the conditions in the licence, he shall be subjected to the penal actions under section 30.

7. *Constitution of Fish Landing Centre Management Society.*—(1) The Government may, by notification in the Gazette, constitute Fish Landing Centre Management Society for the proper management, maintenance and surveillance of each fish landing centre. It shall consist of the following members, namely:—

- (i) President of the Grama panchayat/Chairman of the Municipality/Member of Municipal Corporation Division of the area .. Chairperson
- (ii) the officer in charge of Matsyabhavan having jurisdiction over the area .. Member Secretary
- (iii) Food safety officer having jurisdiction over the area. .. Member
- (iv) Project Officer, Matsyafed, having jurisdiction over the area. .. Member
- (v) Chairman of the Development Standing Committee of the Grama Panchayat/Municipality of the area (not applicable for Municipal Corporation) .. Member
- (vi) Member of the Administrative Committee of the Grama Panchayat/Municipal Council of the ward where the fish landing centre is situated (not applicable for Municipal Corporation) .. Member
- (vii) two persons nominated by the Government from among the presidents of the Fishermen Co-operative Society having area of operation .. Members
- (viii) Not more than five person nominated by Government from among the traditional fishermen in the respective area. .. Member





(2) The term of those who become members by virtue of the official position they hold, as per items (ii), (iii) and (iv) of sub-section (1) shall be till they hold such office.

(3) The term of those who become members by virtue of the official position they hold in the Local Self Government Institutions as per items (i), (v) and (vi) of sub section (1) shall be till they hold such position.

(4) The term of those who become members as nominated from the presidents of Fishermen Co-operative Society, under item (vii) of sub-section (1) shall be five years from the date of publication of the notification under sub-section (1) or till he ceases to be a president, whichever is earlier.

(5) The term of the traditional fishermen nominated as per item (viii) of sub-section (1) shall be five years from the date of publication of the notification under sub-section (1).

(6) The non-official members nominated as per items (vii) and (viii) of sub-section (1) may resign his membership by giving notice in writing to the Government, but he may continue in the office till Government accept the resignation.

(7) The interim vacancy or casual vacancy of a nominated non-official member shall be filled within three months from the occurrence of vacancy and the member so newly nominated shall hold office for the remainder of the term of office of the member in whose place he is so nominated.

(8) The Government may, if any nominated member,—

- (a) is adjudged by a court of competent jurisdiction as unsound mind; or
- (b) is adjudged as an insolvent by a court of competent jurisdiction; or
- (c) is incapable of continuing as such due to physical or mental disabilities; or
- (d) is punished for offence which in the opinion of the Government involves moral turpitude or financial irregularities,

remove him from membership.

8. *Powers, duties and functions of Fish Landing Centre Management Society.*—The powers, duties and functions of the Fish Landing Centre Management Society constituted under section 7 of this Ordinance shall be as follows, namely:—

(i) to engage in the formulation of basic infrastructure development works and other connected activities of the fish landing centre and in the formulation of plans and supervision;

(ii) to ensure that the fish auctioning, sale and maintenance of quality, in the fish landing centre are in accordance with the provisions of this Ordinance;

(iii) to give awareness about the provisions of this Ordinance to all stakeholders;



(iv) to solve disputes, if occur, between the participants of fish auctioning and sale in fish landing centre, by restricting unnecessary trends that may occur;

(v) to assist the Government officials concerned for implementing the provisions of this Ordinance effectively;

(vi) to arrange for realisation of user fee fixed by the Government by notification, from the users;

(vii) to spend the user fee and the share of auction commission received, for the development, functioning and for other activities of the fish landing centre concerned;

(viii) to remit prescribed rate of amount from user fee and auction commission received, as Government's share, to the Government Treasury in time;

(ix) to depute temporarily required employees for carrying out the management, maintenance and surveillance of the fish landing centre, based on the financial position of the Society;

(x) to exercise such other powers and fulfill such duties and functions as may be prescribed.

9. *Constitution of Harbour Management Society.*—(1) The Government may, by notification, constitute Harbour Management Societies for the proper management, maintenance and surveillance of each fishing harbour. It shall consists of the following members, namely:—

(i)	District Collector	..	Chairperson
(ii)	Executive Engineer, Harbour Engineering Department	..	Vice chairperson
(iii)	Deputy Director of Fisheries	..	Member Secretary
(iv)	District Manager, Matsyafed	..	Assistant Member Secretary
(v)	a representative from Marine Products Export Development Authority	..	Member
(vi)	Assistant Commissioner (Food Safety Department)	..	Member
(vii)	District Medical Officer (Health)	..	Member



- (viii) Executive Engineer (Kerala Water Authority) .. Member
- (ix) one person nominated by the Government from .. Member  
the elected members of the District Panchayat/  
Ward Councilors of the area
- (x) not exceeding five representatives nominated .. Members  
by the Government from among the recognised  
trade unions in the harbour
- (xi) one representative nominated by the .. Member.  
Government from the owners of the mechanised  
vessels of the area.

(2) For performing administrative functions and other duties of the Harbour Management Society and for taking decisions thereon, the Government may constitute an executive committee consisting of members not less than six. The powers and functions of the executive committee shall be in the manner prescribed.

(3) The term of those who become members by virtue of the official position they hold as per items from (i) to (iv) and (vi) to (viii) of sub-section (1) shall be till they hold such office in the said district.

(4) The term of the nominated member from the elected representatives of the people of Local Self Government institutions under item (ix) of sub-section (1), shall be for such period till he holds such office.

(5) The term of the representative as per item (v) and representatives nominated under items (x) and (xi) of sub-section (1) shall be five years from the date of publication of the notification under sub-section (1).

(6) The non-official members nominated under items (x) and (xi) of sub-section (1) may resign his membership by giving a notice in writing to the Government, but may continue in such office till the Government accept the resignation.



(7) The interim vacancy or casual vacancy of a nominated non-official member shall be filled within three months from the occurrence of such vacancy and the member so newly nominated shall hold office for the remainder of the term of office of the member in whose place he is so nominated.

(8) The Government may, if any nominated member,—

- (a) is adjudged by a court of competent jurisdiction as unsound mind; or
- (b) is adjudged as an insolvent by a court of competent jurisdiction; or
- (c) is incapable of continuing as such due to physical or mental disabilities; or
- (d) is punished for offence which in the opinion of the Government involves moral turpitude or financial irregularities,

remove him from membership.

10. *Powers, duties and functions of the Harbour Management Society.*—The powers, duties and functions of the Harbour Management Society constituted as per section 9 of this Ordinance shall be as follows, namely:—

(i) to engage in the formulation of infrastructure development works and other activities of the harbour and in the formulation of plans and supervision;

(ii) to ensure that the fish auctioning, sale and maintenance of quality in the harbour are in accordance with the provisions of this Ordinance:

Provided that in special circumstances, the Harbour Management Society may with the permission of the Government, undertake the first sale of fish and connected activities discarding auction.

(iii) to give awareness about the provisions of this Ordinance to all stakeholders;

(iv) to solve disputes, if occur, between the participants of fish auctioning and sale in the harbour, by restricting unnecessary trends that may occur;

(v) to assist the Government officials concerned for implementing the provisions of this Ordinance effectively;

(vi) to arrange for the realisation of user fee fixed by the Government by notification, from the users;

(vii) to apportion the auction commission realised, in the ratio fixed under sub-section (5) of section 4;

(viii) to spend the user fee and the share of auction commission received for the development, functioning and for other activities of the harbour;



(ix) to remit prescribed rate of amount from user fee and auction commission, as Government's share, to the Government Treasury in time;

(x) to fix the basic price of fish and procure fish;

(xi) to depute temporarily required employees for carrying out the management, maintenance and surveillance of the harbour based on the financial position of the society;

(xii) to exercise such other powers and fulfill such other duties and functions as may be prescribed.

11. *Constitution of Fish Market Management Society.*—(1) The Government may, by notification, constitute Fish Market Management Societies for the proper management, maintenance and surveillance of each fish market functioning in public ownership or under Local Self Government Institutions. It shall consists of the following members, namely:—

- |       |  |    |                  |
|-------|--|----|------------------|
| (i)   | President of the Grama Panchayat/Chairman of the Municipality Member of the Division of the Municipal Corporation of that area                                   | .. | Chairperson      |
| (ii)  | The officer in charge of Matsyabhavan having jurisdiction over the area  | .. | Member Secretary |
| (iii) | Food safety officer, having jurisdiction over the area   | .. | Member           |
| (iv)  | Project Officer, Matsyafed   | .. | Member           |
| (v)   | Chairman, Grama Panchayat Development Standing Committee/Chairman, Municipality Health Standing Committee concerned<br>(Not applicable to Municipal Corporation) | .. | Member           |
| (vi)  | Member of the ward, Grama Panchayat/ Municipality, where fish market is situated<br>(Not applicable to Municipal Corporation)                                    | .. | Member           |



- (vii) two representatives nominated by the Government .. Members from the recognised trade unions of fishing allied workers
- (viii) one representative nominated by the Government .. Member. from presidents of Fishermen Co-operative Societies

(2) The term of those who become members by virtue of the official position they hold under items (i), (ii), (iii), (iv) and (v) of sub-section (1) shall be till they hold such office in the respective area.

(3) The term of the member who is the elected representative of Local Self Government Institutions under item (vi) of sub-section (1) shall be till he hold such position.

(4) The term of the representatives nominated under item (vii) of sub-section (1) shall be five years from the date of publication of the notification under sub-section (1).

(5) The term of the members nominated as per item (viii) of sub-section (1) shall be five years from the date of publication of the notification under sub section (1) or till he ceases to be the president of the Fishermen Co-operative Society, whichever is earlier.

(6) The non-official members nominated under item (vii) of sub-section (1), may resign his membership by giving a notice in writing to the Government, but may continue in that office till the Government accept the resignation.

(7) The interim vacancy or casual vacancy of a nominated non-official member shall be filled within three months from the occurrence of vacancy and the term of the member so nominated shall be the remainder of the term of the member who vacated the office.

(8) The Government may, if any nominated member,—

- (a) is adjudged by a court of competent jurisdiction or as unsound mind; or
- (b) is adjudged as an insolvent by a court of competent jurisdiction; or
- (c) is incapable of continuing as such due to physical or mental disability; or
- (d) is punished for offence which in the opinion of the Government involves moral turpitude or financial irregularities,

remove him from membership.

12. *Powers, Duties and Functions of Fish Market Management Society.*—The powers, duties and functions of the Fish Market Management Society constituted as per section 11 of this Ordinance shall be as follows, namely:—



(i) to engage in the formulation of basic infrastructure development works and other activities of the market and in the formulation of plans;

(ii) to ensure that the fish auctioning, sale and quality maintenance are in accordance with the provisions of this Ordinance;

(iii) to give awareness about the provisions of this Ordinance to all stakeholders;

(iv) to solve disputes, if occur, between the participants of fish auctioning and sale in the market by restricting unnecessary trends that may occur;

(v) to help the Government officials concerned for implementing the provisions of this Ordinance effectively;

(vi) to arrange for realisation of the user fee fixed by Grama Panchayat/Municipality/Municipal Corporation from users; from the amount so realised, remit prescribed rate of amount in the Local Self Government Institution of the area where the fish market is situated, in time.

(vii) to spend the user fee received, for the development, management and other activities of market.

(viii) to depute temporarily required employees for carrying out the management, maintenance and surveillance of the market based on the financial position of the society;

(ix) to exercise such other powers and fulfill such other duties and functions as may be prescribed.

*13. Regulating ice plant, chilled storage, pre-processing centre, processing centre and transporting facility.*—(1) Ice plant, chilled storage, pre-processing centre, processing centre and transporting facility which have not obtained permit under section 14 of this Ordinance shall not function in the State.

(2) Any person who contravenes the prohibition under sub-section (1) shall be subjected to the penal actions under section 29 of this Ordinance.

(3) All ice plants, chilled storage, pre-processing centre, processing centre and transporting facility functioning on the date of commencement of this Ordinance shall obtain permit under section 14 within ninety days from the date on which this Ordinance came into force.

*14. Permit for ice plant, chilled storage, pre-processing centre, processing centre and transporting facility.*—(1) For obtaining a permit for operating ice plant, chilled storage, pre-processing centre, processing centre or transporting facility, a person shall submit an application before the Authorised Officer of that area in the prescribed manner.



(2) The applications submitted under sub-section (1) shall be in such form and remitting such fee, as prescribed and shall be enclosed with a copy of the licence, if any, obtained under the provisions of the Food Safety and Standards Act, 2006, (34 of 2006) attested by a Gazetted Officer.

(3) The Authorised Officer shall, on the applications received under sub-section (1), conduct or cause to be conducted an enquiry and based on the qualification as may be prescribed, either grant permit in the form that may be prescribed or reject the application, within a period not exceeding thirty days from the date of receipt of the application.

(4) For granting permit the applicant shall remit security deposit for prescribed amount in the manner prescribed.

(5) If the application is rejected, said information, together with reasons thereof shall be communicated to the applicant within thirty days from the date of receipt of the application.

(6) The permit issued under this section shall be valid up to three years, unless suspended or cancelled.

(7) A permit obtained under sub-section (3) may be renewed by complying the procedure to be followed for obtaining a new permit and by remitting such fee as may be prescribed, before its expiry.

15. *Regulating quality management of fish.*—(1) The owner or possessor of a vessel, fish landing centre, harbour, market, shop room, booth, sales outlet, chilled storage, ice plant, pre-processing centre, processing centre, transport facility or container handling fish shall comply with all criteria fixed by Government, by notification, for quality management of fish and hygiene, along with the provisions of Food Safety and Standards Act, 2006 (34 of 2006).

(2) No person shall engage in any activity in such manner contravening any of the provisions stated in sub-section (1) or abetting the same.

(3) No person shall, voluntarily or by inducement of another person add any chemical/toxic substances to the fish and make it inedible or poor quality.

(4) No person shall engage in auctioning, marketing, transportation and distribution of fish without complying with the provisions and criteria under sub-section (1).

(5) Any person who contravenes any of the provisions of this section shall be subjected to the penal actions under section 30 of this Ordinance.

16. *Constitution of State Level Fish Quality Maintenance Committee.*—The Government may, by notification, constitute a State Level Fish Quality Maintenance





Committee for the effective and efficient implementation of the provisions of this Ordinance and it shall consist of the following members, namely:—

(i) Director of Fisheries	..	Chairperson
(ii) Commissioner of Food Safety	..	Member
(iii) Director of Health Service	..	Member
(iv) Director of Panchayat	..	Member
(v) Chief Government Analyst	..	Member
(vi) A representative nominated from the Central Institute to Fisheries Technology	..	Member
(vii) Joint Director of Fisheries	..	Member Secretary

17. *Powers, duties and functions of the State Level Fish Quality Maintenance Committee.*—The State Level Fish Quality Maintenance Committee constituted under section 16 shall have the following powers, duties and functions, namely:—

- (i) to provide necessary technical advice and recommendation to the Government regarding the implementation of the provisions of this Ordinance;
- (ii) to give awareness about quality to the consumers of fish;
- (iii) to provide technical support to the notified officials for issuing quality certificate to the fish obtained by fishing;
- (iv) to give recognition to the laboratories for conducting examinations under the provisions of this Ordinance;
- (v) to fix and publish the quality of fish obtained by fishing;
- (vi) to perform such other functions as may be prescribed.

18. *Restriction of auctioning, marketing etc. based on the item and size of fish.*—(1) The Government may, by notification, impose restriction or prohibition of auction, marketing, transportation and distribution of particular item or particular size of fish.

(2) Any person who contravenes the restriction or prohibition imposed under sub-section (1) shall be subjected to the penal actions under section 29 of this Ordinance.

19. *Fixation of basic price of fish.*—The Harbour management Society shall have power to fix the basic price of the fish, from time to time, as prescribed.



20. *Certification of fish acquired by fishing.*—(1) If application is submitted immediately after fishing in the manner as may be prescribed, the owner of the fishing vessel shall be eligible to get certificate containing the information such as source of fish and the means adopted for fishing, in a way convincing the consumer that the fish acquired by fishing is caught legally.

(2) The certificate under sub-section (1) shall be issued by an officer not below the rank of Fisheries Extension Officer in Fisheries Department, authorised by Government through notification, by complying the procedures as may be prescribed.

21. *Certification of standard of fish obtained by fishing.*—(1) When an application is submitted in the manner as may be prescribed, the producer shall be eligible to get certificate for the fish obtained by fishing, with a view to ensure that it is edible and protecting the interest of consumers.

(2) The standard of each type of fish obtained by fishing shall be fixed separately and published by the State Level Fish Quality Maintenance Committee constituted as per section 16.

(3) The certificate under sub-section (1) shall be issued by an officer not below the rank of Fisheries Extension Officer in Fisheries Department, authorised by Government through notification, by complying the procedures as may be prescribed.

22. *Submission of return by the permit holder.*—(1) The owner or possessor who has obtained permit for ice plant, pre-processing centre or processing centre or the auctioneer who has obtained licence for fish landing centre, harbour or market shall furnish a return to the Authorised Officer in the manner as may be prescribed and within the time as may be prescribed.

(2) The Authorised Officer shall examine the returns and ensure their accuracy and clarity.

(3) For verifying the accuracy of the returns, the Authorised Officer may require the licence/permit holder to produce the connected records.

(4) For verifying the accuracy of the returns, the licensee/permit holder shall have the responsibility to produce the records as required by the authorised officer.

(5) Any person who contravenes the provisions in this section shall be subjected to penal actions under section 29 of this Ordinance.



23. *Cancellation, suspension and amendment of permit.*—If the licence/permit granted under sections 5 and 14 is obtained by furnishing false information or the permit holder contravenes any of the provisions of this Ordinance or the rules made thereunder or notifications or orders issued, the Authorised Officer shall have the power to cancel, suspend or amend such licence/permit or realise wholly or partially the security amount remitted:

Provided that no licence/permit shall be cancelled or suspended or amended or no security amount be realised fully or partly without affording a reasonable opportunity of being heard to the person or the owner concerned, before taking such action.

24. *Powers, duties and functions of the Authorised Officer.*—The Government may, by notification, authorize an officer of the Fisheries Department in the rank of Assistant Director having jurisdiction over the respective area, for exercising the powers and performing the duties given under the Ordinance.

25. *Power to inspect, seize and dispose of.*—(1) The Government may authorise officers of the Fisheries Department not below rank of Fisheries Officers as Inspecting Officers to ensure that the provisions of this Ordinance are implemented effectively.

(2) If the Inspecting Officer is convinced that the provisions in sections 13 and 18 of this Ordinance are contravened or the fish handled are stale or containing germs or added chemicals/toxic substances or of sub-standard quality, he shall have the power to inspect any vessel, fish landing centre, harbour, market, shop room, booth, chilled storage, ice plant, pre-processing centre, processing centre, fish transportation facility and container and allied things.

(3) If the places inspected under sub-section (2) are not functioning in accordance with the provisions of this Ordinance, the Inspecting Officer shall give direction to the person or the institution concerned to stop functioning and close down the same within a fixed time, in the manner as may be prescribed.

(4) If stale, infected, chemicals/toxic substance added or sub-standard fish is found on inspection, the Inspecting Officer shall have the power to seize and destroy it in the manner as may be prescribed. But the reason for seizure/destruction shall be given in writing to the person or the institution concerned.

(5) After taking action under sub-sections (3) and (4), the Inspecting Officer shall urgently report its details to the Adjudicating Officer in the manner prescribed.



26. *Adjudication.*—(1) The Government may, by notification, authorise an officer of the Fisheries Department not below the rank of Deputy Director having jurisdiction over that district as adjudicating officer for exercising the powers and performing the functions given under this Ordinance.

(2) The Adjudicating Officer shall on receipt of a report from Inspecting officer under sub-section (5) of section 25, if necessary, hold an enquiry into the matters mentioned in the report in the manner as may be prescribed, after giving all the parties concerned a reasonable opportunity of being heard.

(3) If in an enquiry under sub-section (2), the adjudicating officer finds that a person contravened the provisions of sections 13 or 18 or that the handled fish was stale or contain germs or added chemical or toxic substance or of sub standard quality, that person shall be subjected to fine and action under section 29 of this Ordinance.

27. *Appeal.*—(1) Any person aggrieved by a decision of the adjudicating officer, may file an appeal before the Appellate Authority of that area, within thirty days from the date of that decision. The decision taken thereon by the Appellate Authority shall be final.

(2) When an appeal is preferred against a decision made under the provisions of this Ordinance, the applicant shall deposit the entire fine amount, otherwise the Appellate Authority shall not accept the appeal.

(3) On receipt of an appeal under sub-section (1), the Appellate Authority shall make an inquiry in the matter and shall finally dispose of it within thirty days from the date of receipt of the appeal.

(4) The Appellate Authority may stay the further actions on the decision rendered by the adjudicating officer, till the disposal of such appeal.

28. *Powers of the Adjudicating Officer and the Appellate Authority for conducting enquiry as per this Ordinance.*—(1) For the purpose of inquiry under this Ordinance, the adjudicating Officer and the Appellate Authority shall have the same powers vested in a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), while trying a civil suit, in respect of the following matters, namely:—

- (a) to summon any person and examine him on oath;
- (b) to require the discovery and production of any document;
- (c) to receive evidence on affidavit;
- (d) requisition of any public records or copy thereof from any court or office;
- (e) to examine witnesses and inspect documents; and
- (f) any other matters as may be prescribed.



(2) The powers exercised by the adjudicating officer or the Appellate Authority as per this Ordinance shall be deemed to be equal to civil court and be subjected to the provisions of sections 345 and 346 of the Code of Criminal Procedure, 1973 (Act 2 of 1974).

29. *Penalty.*—(1) Whoever contravenes any of the provisions of sections 13 or 18 or 22 of this Ordinance or any conditions of licence/permit or whoever handles fish which is stale, contain germs, added chemicals/toxic substance or of substandard quality, and if found guilty, the adjudicating officer may impose an amount not exceeding the following amount as fine,

(a) ten thousand rupees for the contravention of any law for the first time;

(b) twenty-five thousand rupees for the contravention of any law for the second time;

(c) one lakh rupees for the contravention of any law for the third and more times.

(2) In addition to the fine under sub-section (1), the adjudicating officer may, suspend or cancel the licence/permit.

(3) Any amount of penalty imposed under this Act may be recovered as if it were an arrear of public revenue due on land.

30. *Trial of the offence.*—(1) Anyone who contravenes sections 4, 6 or 15 or the rules made thereunder shall be tried in the court of Judicial Magistrate of First Class.

(2) Whoever contravenes any of the provisions of sections 4, 6 or 15 of this Ordinance, if found guilty, shall be liable to punishment not exceeding the following, namely:—

(a) imprisonment for two months or fine of one lakh rupees or with both for any one or more offences, for the first time;

(b) imprisonment for one year or fine of three lakh rupees or with both, for any one or more offences, for the second time;

(c) imprisonment for one year or fine of five lakh rupees or with both, for any one or more offences, for two or more times;

(d) whoever contravene or attempt to contravene the provisions of this Ordinance or rules or notifications or orders made thereunder, shall be convicted, if proved, without prejudice to the other penalties they may get.

(3) In addition to the penalty under sub-section (2), the licence/permit issued may be suspended or cancelled until found eligible.

(4) The person who contravenes any of the provisions of this Ordinance or the rules made thereunder or any notification or order issued on that basis is an association or a co-operative society or a corporation or a body corporate or a director or a manager or an officer



or an agent thereof, whoever may be, it shall be deemed that the person who held the position at the time of commission of offence have committed the contravention of the law.

(5) Whoever contravened or abetted to contravene the provisions of this Ordinance or the rules made thereunder or notification or order shall be subjected to legal action.

31. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceeding shall lie against any officer or authority for anything which is done in good faith or intended to be done in pursuance of any provisions of this Ordinance or rules made thereunder.

(2) No suit or other legal proceeding shall lie against any officer or authority for any damage caused or likely to be caused by any action which is done in good faith or intended to be done in pursuance of this Ordinance or any rule made thereunder.

32. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by general or special order, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Ordinance.

(2) Every order made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly.

33. *Power to make rules.*—(1) The Government may, by notification in the Gazette make rules to carry out all or any of the purposes of this Ordinance.

(2) Every rule made under this Ordinance 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.



34. *Repeal and saving.*—(1) The Kerala Fish Auctioning, Marketing and Maintenance of Quality Ordinance, 2020 (44 of 2020) is hereby repealed.

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

ARIF MOHAMMED KHAN,  
*GOVERNOR.*

