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കേരള സർക്കാർ  
Government of Kerala  
2021



Regn.No. KERBIL/2012/45073  
dated 05-09-2012 with RNI  
Reg No.KI/TV(N)/634/2018-20

# കേരള ഗസറ്റ് KERALA GAZETTE

## അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്  
PUBLISHED BY AUTHORITY

വാല്യം 10 Vol. X	തിരുവനന്തപുരം, വ്യാഴം	2021 ഫെബ്രുവരി 11 11th February 2021	നമ്പർ No. } 684
	Thiruvananthapuram, Thursday	1196 മകരം 29 29th Makaram 1196 1942 മാഘം 22 22nd Magha 1942	

കേരള സർക്കാർ

നിയമ (നിയമ നിർമ്മാണ-ഐ) വകുപ്പ്

വിജ്ഞാപനം

നമ്പർ 26085/ലെഗ്.ഐ1/2019/നിയമം.

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. 26085/Leg.II/2019/Law.

*Dated, Thiruvananthapuram, 10th February, 2021*

*28th Makaram, 1196*

*21st Magha, 1942.*

The following Ordinance promulgated by the Governor of Kerala on the 9<sup>th</sup> 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 ഉൾനാടൻ ഫിഷറീസും അക്വകൾച്ചറും (ഭേദഗതി) ഓർഡിനൻസ്” published under the authority of the Governor.]

**ORDINANCE No. 29 OF 2021**

**THE KERALA INLAND FISHERIES AND AQUACULTURE (AMENDMENT)  
ORDINANCE, 2021**

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

*AN*

*ORDINANCE*

*to amend the Kerala Inland Fisheries and Aquaculture Act, 2010.*

*Preamble.*—WHEREAS, the Kerala Inland Fisheries and Aquaculture (Amendment) Ordinance, 2020 (81 of 2020) was promulgated by the Governor of Kerala on the 16th day of December, 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 Inland Fisheries and Aquaculture (Amendment) Ordinance, 2021.

(2) It shall be deemed to have come into force on 18th day of December, 2020.

2. *Act 15 of 2010 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Inland Fisheries and Aquaculture Act, 2010 (15 of 2010 ) (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3 to 18.

3. *Amendment of section 2.*—In the principal Act, in section 2,—

(i) after clause (d), the following clause shall be inserted, namely:—

“(da) ‘Brooder’ means fishes capable for breeding;”;

(ii) after clause (e), the following clause shall be inserted, namely:—

“(ea) ‘Fish cage’ means the cage set up in the water by covering all the sides using net, for fish farming;”;

(iii) after clause (s), the following clause shall be inserted, namely:—

“(sa) ‘Local Fisheries Management Council’ or ‘Council’ means the Local Fisheries Management Council constituted under section 6A of this Act;”;

(iv) after clause (t), the following clause shall be inserted, namely:—

“(ta) ‘Fish pen’ means the area in the water body separated by using net for farming aquatic organisms;”;

(v) after clause (x), the following clauses shall be inserted, namely:—

“(xa) ‘Rack’ means a device placed in the water body for culturing mussel species organisms;

(xb) ‘Sluice’ means a system set up to enable or control the flow of water into and out of an aquaculture farm or a filtration land or paddy field and which includes ‘pettiyum parayum’;

(xc) 'final harvesting' (*Kettu kalakkal*) means the method of stirring the bottom of the shrimp farms by human effort after harvesting shrimp fields and capturing the remaining fish by own fishing methods;";

(vi) after clause (z), the following clause shall be inserted, namely:—

“(za) ‘perennial filtration’ means the shrimp farm which is filtered through out the year;”.

4. *Amendment of Section 3.*—In the principal Act, for section 3, the following section shall be substituted, namely:—

“3. *Fishery and allied activities in public water bodies.*—(1) The regulation of fishery and aquaculture activities in inland public water bodies and fish conservation and aquaculture development, shall be vested with the State Government:

Provided that fish conservation and aquaculture development regarding a public water body exclusively within the boundaries of any Local Self Government Institution shall be vested with the respective Local Self Government Institution and necessary technical advice for that shall be given by an officer of the Fisheries Department deputed in this behalf.

(2) Permission to engage in aquaculture activities in public water bodies may be granted as prescribed.

(3) Notwithstanding anything contained in any other law for the time being in force, no activity to transform the public water body or wet land from their original state, in such a manner adversely affecting the survival of fish, shall be carried out other than as prescribed.

(4) Whoever acts contrary to any of the provisions of this section shall be subjected to penal actions under section 36.”.

5. *Amendment of section 4.*—In the principal Act, for section 4, the following section shall substituted, namely:—

“4. *Notifying as aquaculture area.*—(1) The Government may, for the aquaculture related development or for general interest of aquaculture sector, declare, by Gazette

notification, any public water body or part thereof or other suitable area as aquaculture area exclusively for aquaculture related activities:

Provided that in the case of areas included in the Coastal Regulation Zone, it shall be subject to the permission of the Coastal Aquaculture Authority:

Provided further that for declaring a public water body or public area under the exclusive control of a Local Self Government Institution, as an aquaculture area, the Local Self-Government Institution concerned shall be consulted.

(2) Any aquaculture area so notified shall not be used for any other commercial purpose than aquaculture related purposes.

(3) Any area notified as aquaculture area experiencing tidal phenomenon, shall not be used for any other aquaculture activities except for fish farming in fish cage or culturing of molluscs, or algae cultivation.

(4) If any industrial enterprises proposed to be newly started within a radius of five hundred meters of an aquaculture area or public water body with drainage system opening to water body in such a way detrimental to the fish farming, No Objection Certificate shall be obtained in advance from the Officer authorized for the purpose.

(5) Considering the capacity or any other technical matters of a water body and in accordance with the advice of the District Aquaculture Development Agency constituted as per section 8A, the Authorised Officer may, stop the procedure of giving registration and licence for aquaculture in an aquaculture area at any time.

(6) Whoever acts in contravention of the provisions of this section shall be subjected to penal actions under section 36.”.

6. *Amendment of section 5.*—In the principal Act, for section 5, the following section shall be substituted, namely:—

“5. *Restriction on fishing.*—(1) No person shall, use or cause to be used any fishing vessel, free net or fixed machine which has not obtained a certificate of registration and licence for fishing under the provisions of this Act and the rules made thereunder, for fishing activities in public water bodies:

Provided that persons fishing with single hook for entertainment or for own use as food need not obtain registration or license:

Provided further that this provision shall not be an impediment to the harvesting of fish cultivated by aquaculture.

(2) For fish conservation, the Government may, prohibit any or all of the following activities, through gazette notification, namely:—

- (a) fishing from any public water body;
- (b) catching any species of fish;
- (c) catching fish of any size or weight;
- (d) fishing for any period;
- (e) any type of fishing method;
- (f) fishing by using free net of any kind or link size, or fixed machine or other equipments; and
- (g) fishing by using any type of fishing vessel.

(3) For conservation of fish following types of fishing and collection from public water bodies shall not be done, namely:—

- (a) fishing by using fixed machine during high tide;
- (b) fishing by using stake net or dip net having more than four metres diameter;
- (c) fishing by installing privately, materials helpful for fish breeding;
- (d) fishing from protected fish areas or protected fish coverts;
- (e) fishing by using stake nets or dip nets up to a distance of one kilometre from the estuary to the backwaters;
- (f) fishing in such a manner as to impede the free movement of fish in a public water body up to a distance of fifty metres on both sides of a bridge;
- (g) fishing at night by attracting fishes with one or more electric lamps having power of more than twenty watts;
- (h) fishing by obstructing over fifty percent width of the public water body:

Provided that the Director of Fisheries may, on the recommendation of the Authorised Officer, grant relaxation from any of the prohibitions in this sub-section to carry out research activities of any Government Institution in the fisheries sector.

(4) For conservation of fish, fishing with fixed machine in public water bodies shall be as prescribed.

(5) No person shall conduct fishing with free net within the radius of ten metres from a fixed machine.

(6) Shifting of the place of a fixed machine installed in a public water body from a place for which permission has been once obtained to another place shall be on the recommendation of the Local Fisheries Management Council concerned, constituted under section 6A of this Act, in the prescribed manner.

(7) Any person who obtained a registration certificate and license for fishing vessel, fixed machine and free net for engaging in fishing, shall have the duties to sustain the inland fishing zone as prescribed.

(8) No registration or license shall be granted for the installation of a new fixed machine other than that of the holders of the conventional license obtained through the Department of Fisheries:

Provided that new registration can be given, subject to scientific studies, in the manner as prescribed.

(9) For engaging in fishing activities in any public water body under the control of the Local Self Government Institution, apart from the registration certificate and license obtained under the provisions of this Act, permission of the Local Self Government Institution concerned shall also be obtained.

(10) No person shall obtain certificate of registration and license for more than one china net or more than four dip nets or stake nets or more than four free nets of the same type simultaneously for the use in fishing and the Authorised Officer shall not allow the same:



Provided that the aforesaid limit shall not apply to those who acquired at present under the provisions in force prior to the commencement of the Kerala Inland Fisheries and Aquaculture (Amendment) Ordinance, 2020.

(11) No person who has not acquired registration certificate and license to arrange filtration as per the provisions of the Act and the rules made there under shall arrange filtration in a private or public water body. Filtration arranged after acquiring licence or registration certificate shall be subject to the following restrictions and prohibitions, namely:—

(a) no other aquaculture activities shall be carried out in the water body on the basis of the license obtained for filtration;

(b) no person shall use antibiotics, chemicals, pesticides and other drugs used for aquaculture in the filtration area without the prior permission of the Authorized Officer or the officer having fixed qualification published by Government through notification, for this purpose;

(c) no person shall use one or more lamps having light more than twenty watts for attracting fishes into the sluice in the filtration area at night;

(d) no person shall attract fishes to the filtration area by giving feed;

(e) no person shall artificially deposit fry in filtration areas;

(f) no person shall use nets of link size less than twenty millimeters to collect fish from the filtration area;

(g) no person shall fill the conventional filtration area;

(h) in the filtration area where the right of fishing exists as per the covenant, no person shall conduct such fishing except for the period allowing it by the government through Gazette notification, published from time to time:

Provided that in the water area in respect of which registration certificate and licence have been obtained for carrying out aquaculture activities, there shall not be any right of fishing through covenant and filtration shall not be carried out in that area for any reason. If filtration is to be carried out again, in the said area after cancelling the registration and licence

obtained for aquaculture activities, registration and licence for carrying out filtration are to be newly obtained and the above said fishing right is to be restored in the said area.

(i) no registration shall be given to anyone to engage fresh perennial filtration;

(j) no person shall use any kind of pesticides, toxins, fish anesthetics or other chemicals directly or in combination with any other material to catch fish alive or otherwise in areas where filtration is engaged; and

(k) no person shall deposit or cause to be deposited, directly or otherwise, any form of bio-chemical waste, household waste and plastic waste which cause water pollution in the filtration area.

(12) The industrial collection of shellfish or their shell, which are naturally deposited in public water bodies, shall be subject to the restriction and prohibition as prescribed.

(13) Not more than two hundred kilograms of the shell or shellfish species whether alive or not, that has been fished, collected or stored, be transported from one place to another except on the basis of a transit permit, as prescribed.

(14) Whoever contravenes the provisions of this section shall be subjected to penal actions under section 36.”.

7. *Amendment of Section 6.*—In the principal Act, for section 6, the following sections shall be substituted, namely:—

“6. *Conservation of fish in selected water bodies.*—(1) For conservation of fish, following activities shall not be carried out in rivers, backwaters, lakes and other water bodies notified by the Government in this behalf, namely:—

(a) construction in such a manner as to obstruct the natural flow of the water body and the propagation of fish;

(b) depositing of solid or liquid contaminants, chemicals, pesticides and plastic in the water body;

(c) propagation, deposit, rearing and marketing of foreign fish species not permitted by Government through notification; and

(d) depositing other fish in water bodies in the wildlife sanctuary which may endanger the native fish wealth.

(2) Naturally occurring fish seed shall not be collected from public water body or stored, raised, sold, purchased or transported:

Provided that they may be collected with the permission of the Director of Fisheries and under the supervision of Authorised Officer, for the purpose of research and developmental activities of the Central Government or State Government.

(3) Whoever contravenes the provisions of this section shall be subjected to penal actions under section 36.

6A. *Constitution of the Local Fisheries Management Council.*—(1) In order to ensure that conservation of fish in inland water bodies is carried out in a sustainable and responsible manner and the provisions of this Act and the rules made thereunder, are properly enforced, the Government may, based on the rivers, backwaters, lakes and other public water bodies notified by the Government on this behalf, as a whole or dividing them into parts, constitute each Local Fisheries Management Council, by notification in the official gazette.

(2) The Local Fisheries Management Council shall have the following members, namely:—

- (i) Collector of the district which covers most of the water .. Chairman  
body concerned
- (ii) Grama Panchayat President/Municipality Chairperson/ .. Members  
Municipal Corporation Standing Committee  
(Development) Chairman covering most of the water  
body concerned (maximum seven persons)
- (iii) Government nominees from the Presidents of the .. Members  
Fishermen Development and Welfare Co-operative  
Societies concerned (maximum two persons)
- (iv) Government nominees from Experts in the field of .. Members  
fisheries (maximum two)
- (v) Government nominees from Inland Fishermen Trade .. Members  
Union activists (maximum four)

- (vi) Government nominees from Senior Fishermen above the age of fifty years (Maximum two) .. Members
- (vii) Deputy Director of the District Panchayat covering most of the water body concerned. .. Member
- (viii) Executive Engineer, Irrigation covering most of the water body concerned .. Member
- (ix) Officer of the State Pollution Control Board .. Member
- (x) Joint Director of Fisheries (Regional) .. Member
- (xi) Deputy Director/Assistant Director of Fisheries in charge of the district covering most of the water body concerned .. Member Secretary

6B. *Powers, Duties and Responsibilities of the Local Fisheries Management Council.*—(1) The Local Fisheries Management Council shall have the following powers, duties and responsibilities, namely:—

(a) create awareness among fishermen and coastal dwellers on responsible fishing and conservation of inland fish wealth;

(b) monitor activities related to the conservation of inland fish wealth and provide necessary advice;

(c) prepare inland fisheries management plan for a public water body or part thereof, taking into account the local needs.

(d) resolve fishing-related issues and social discords among fishermen and coastal dwellers;

(e) ensure that the provisions of this Act are effectively enforced locally, and

(f) for the effective implementation of the provisions of this Act, constitute Village Level Fisheries Management Councils at the level of Grama Panchayat with President of the Grama Panchayat as the Chairman and the technical officer concerned of the Fisheries Department as the Convener, the Presidents of the Fishermen Development Welfare

Co-operative Societies concerned and the members of the Coastal Wards of the Grama Panchayat as members.

(2) The administrative system of the Council, procedures of the meeting travelling allowance and sitting fee of the members shall be as prescribed.

6C. *Tenure of office, resignation, casual vacancies and removal of the members of the Council.*—(1) The term of officials and people's representatives who become members of the council by virtue of their official capacity they hold shall be till they hold such office and the term of nominated members shall be five years from the date of publication of the notification.

(2) A non-official member nominated to the council may resign his membership, by giving a notice in writing, to the Government, but shall continue in the office, till the Government accepts the resignation.

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

(4) 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 disability; or

(d) is punished for offence which in the opinion of the Government involves moral turpitude or financial irregularities,

remove him from such position.”.

8. *Amendment of Section 8.*—In the Principal Act, for section 8, the following sections shall be substituted, namely:—

“8. *Restriction on aquaculture activities.*—(1) No person who has not obtained a certificate of registration and license from an officer authorized under the provisions of this Act, shall engage in aquaculture activities in any inland water body:

Provided that in order to get the registration and license to engage in aquaculture activities in a public water body which falls only within the boundaries of any Local Self Government Institution, the permit of the Local Self Government Institution concerned shall also be obtained:

Provided further that no registration or license is required under this section for the maintenance of fish, for entertainment, in small ponds/tanks of the size and type specified by the Government through Gazette Notification.

(2) The Government may, by gazette notification, limit, restrict or prohibit all or any of the following matters in the aquaculture allied activities, whether permanently or temporarily, namely:—

(a) limit the maximum number of fish seeds that can be used in each aquaculture method, depending on the species of fish used;

(b) completely control the use of any drugs, antibiotics, pesticides, fish pesticides, probiotics, growth promoters and other chemicals, fix the maximum quantity of it that can be used and fix the educational qualifications of those who provide technical advice to the fish farmer in order to ensure their proper use;

(c) utilize the ecologically important areas which are fish breeding centers or nurseries for aquaculture;

(d) limit the maximum weight of fish or 'biomass' depending on the species of fish, that can be reared in each type of aquaculture, and

(e) prohibit engaging in aquaculture in any paddy field without cultivating paddy which are suitable for cultivating at least one crop of paddy:

Provided that the above ban is not applicable to the fields which are certified by the agriculture officer concerned as unsuitable for paddy cultivation.

(3) No non domestic fish and their seeds shall be used for aquaculture without subjecting to quarantine procedures and quality check.

(4) Water from the farm affected by fish disease shall not be released into any public water body without disinfecting, under the supervision of the Authorized Officer.

(5) The maximum carrying capacity for engaging aquaculture activities in each public water body may be determined by the Government through the Gazette Notification on the recommendation of the District Aquaculture Development Agency constituted as per sub-section (1) of section 8A of this Act and no new registration and license shall be issued to any person in contravention to it.

(6) Registration and license for engaging in aquaculture in a public water body experiencing high tide and low tide phenomenon, shall not be issued without complying the prioritization of fishermen's group, inland fishermen, women's neighbourhood group and activity group residing near that area.

(7) Under any circumstance, a person shall not be allowed to have more than one hundred cubic meters of fish cage, more than twenty-five square meters of rack and more than one hundred square meters of fish pens.

(8) Registration and license for engaging in aquaculture activities in a public water body which is not experiencing high tide and low tide phenomenon, shall not be issued without complying the prioritization of fishermen's group, inland fishermen, Women's Neighbourhood Group, Activity Group, those belonging to Scheduled Castes and Scheduled Tribes, ex-service man and nominal farmer residing near that area:

Provided that in the case of reservoirs, others shall be considered only in the absence of the Fishermen's Co-operative Society in the area concerned:

Provided further that the right to arrange aquaculture in public water bodies in forest areas is limited only for Scheduled Tribes.

(9) Aquaculture activities in public water bodies shall not be harmful to the environment for any reason.

(10) No person shall deposit or release live domestic fish into a public water body from an aquaculture area without the prior permission of the Authorized Officer.

(11) No person shall use pesticides, antibiotics, probiotics, chemicals or other drugs in public water body or private water body without the written instructions of the person having educational qualification in this regard, fixed by the Government through order.

(12) No person shall engage in aquaculture activities of permitted fish species from any foreign country without adopting biosafety measures.

(13) Water from the public water bodies shall not be pumped into or taken back from the water bodies where the scientific shrimp farming is carried out, without the prior permission of the Authorized Officer.

(14) No aquaculture activity shall be carried out in a manner obstructing water transport.

(15) No aquaculture activity in a public water body shall obstruct the other public needs of that water body.

(16) No person shall engage in any activity which may cause damage to any infrastructure or produce of aquaculture activity.

(17) The relocation of fish cage, fish pen or rack from the permitted place to another place for aquaculture activities in a public water body shall only be in the prescribed manner.

(18) Anyone who obtained registration certificate and license to engage in aquaculture activities shall have the duties as prescribed, to sustain the aquaculture sector.

(19) Whoever contravenes the provisions of this section shall be subjected to penal actions under section 36.

8A. *Constitution of District Aquaculture Development Agency.*—(1) The Government may, by Gazette notification, constitute, at the district level, each District Aquaculture Development Agency to ensure the sustainable development of the aquaculture sector and to implement in a responsible manner and to ensure that the provisions of this Act and the rules made thereunder are properly implemented. It shall have the following members, namely:—



- |        |   |                        |
|--------|---|------------------------|
| (i)    | District Panchayat President  | .. Chairman            |
| (ii)   | District Collector  | .. Member              |
| (iii)  | Chairperson, District Panchayat Standing Committee<br>(Development)                           | .. Member              |
| (iv)   | A representative nominated by the Government from the<br>experts in the field of aquaculture  | .. Member              |
| (v)    | Two representatives nominated by the Government from<br>the fish farmers                      | .. Members             |
| (vi)   | Joint Director of Fisheries (Regional)  | .. Member              |
| (vii)  | District Planning Officer   | .. Member              |
| (viii) | Principal Agriculture Officer   | .. Member              |
| (ix)   | Executive Engineer, Irrigation  | .. Member              |
| (x)    | Manager, Lead Bank  | .. Member              |
| (xi)   | Deputy Director of Fisheries having charge of the district<br>Assistant Director of Fisheries | .. Member<br>Secretary |

(2) The Fish Farmers' Development Agency (F.F.D.A.) functioning at the district level may be wound up and its assets and liabilities and posts may be transferred to the District Aquaculture Development Agency of the district concerned constituted as per sub-section (1). The employees of the Fish Farmers Development Agency so transferred to the District Aquaculture Development Agency, shall be entitled to continue in office for the same period, with the same pay, with the same terms and with the same conditions they would have, if such a transfer had not been taken place, even after coming into force of this provision.

(3) The administration procedure for meeting, travelling allowance and sitting fee of the members of the agency constituted as per sub-section (1) shall be as prescribed.

(4) The employees in the posts transferred under sub-section (2), shall be under the administrative control of the Member Secretary.

(5) In the District Aquaculture Development Agency, the term of the officers who have become member by virtue of holding official position and peoples representatives shall be till they hold such office and the term of those who become members by nomination shall be five years from the date of publication of the notification.

(6) Non-official member nominated under sub-section (1) may resign his membership by giving notice in writing to the Government, but may continue in such office till the Government accepts the resignation.

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

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

(a) is adjudged as unsound mind by a court of competent jurisdiction; or

(b) is adjudged as an insolvent by a court of competent jurisdiction; or

(c) has become incapable of continuing as such due to physical or mental disabilities; or

(d) is convicted for an offence which in the opinion of the Government involves moral turpitude or financial irregularities, remove from membership.”.

8B. *Powers, Duties and Responsibilities of the District Level Aquaculture Development Agency.*—The District Level Aquaculture Development Agency constituted under section 8A shall have the following powers, duties and responsibilities, namely:—

(a) to determine by surveying the inland water bodies and areas to be notified as aquaculture areas under section 4, demarcate them and prepare data books and maps relating to them;

(b) to conduct, monitor and classify research regarding aquaculture practices that may be arranged in water bodies classified as aquaculture areas;

(c) to calculate and limit the maximum number of aquaculture units that may be installed in inland water bodies classified as aquaculture area;

(d) to formulate and codify activities for aquaculture in water bodies under the control of Local Self Government Institutions, Water Resources Department, Forest Department and Kerala State Electricity Board;

(e) to establish and operate fish seed centers, demonstrative farms, health inspection centers and fish feed outlets at the district level to facilitate fish farming for fish farmers;

(f) to arrange training programs, seminars, workshops and exhibitions in the field of aquaculture;

(g) to publish scientific study reports, books, audio-visual means etc., based on the subject of aquaculture;

(h) to carry out research activities in the field of aquaculture and to impart the knowledge obtained thereby to the fish farmers;

(i) to publish aquaculture resource data books from time to time;

(j) to formulate guidelines for advanced aquaculture management activities;

(k) to prepare aquaculture master plans at the district level;

(l) to assist in the formulation and implementation of aquaculture schemes of Local Self Government Institutions;

(m) to monitor and give necessary advice on aquaculture related activities in public waters bodies;

(n) to resolve aquaculture disputes that may occur at local and district levels; and

(o) to take or arrange such other reasonable measures conducive to the growth of aquaculture sector or necessary for the administration of District Aquaculture Development Agency.

8C. *Regulation of marketing and display of ornamental fishes.*—(1) No person who has not obtained a certificate of registration or license under the provisions of this Act and the rules made thereunder shall engage in the commercial sale of ornamental fishes or exhibit ornamental fishes and other fishes for a period exceeding thirty days by charging amount by ticketing system:

Provided that the provisions of this sub-section shall not apply to the sale of ornamental fishes from an ornamental fish production unit and displaying ornamental fishes in glass containers at houses.

(2) In the case of species of fish from foreign countries, sale and display of those having no permission to import into the country, shall not be done.

(3) No ornamental fish marketing unit shall engage in the sale of antibiotics, other drugs and chemicals which belong to the prohibited category.

(4) Ornamental fishes brought from other States or foreign countries into the State, shall be subjected to prescribed quality certification. Otherwise no person shall, for any reason, sell them through ornamental fish marketing units or display during occasions of ornamental fish exhibition.

(5) If infection appears in the fishes stored in ornamental fish marketing units and ornamental fish exhibition fairs, no person shall release such infected fish or the water in which such fishes are kept, into any private or public water body, without subjecting it to treatment under the supervision of an Authorised Officer.

(6) Any person who contravenes the provisions of the above sub-sections shall be subject to penal actions under section 36.”.

9. *Amendment of Section 11.*—Section 11 of the principal Act shall be omitted.

10. *Amendment of Section 13.*—In sub-section (1) of section 13 of the principal Act, after the words “registration certificate” the words “for free net” shall be inserted.

11. *Amendment of section 14.*—In the principal Act, for section 14, the following section shall be substituted, namely:—

“14. *Transfer of ownership.*—(1) The ownership of fishing vessel, fixed machine and free net may be transferred to another fisherman after complying the following conditions, namely.

(a) the ownership of any fixed machine can be transferred to the legal heir or in the event he is not a fisherman, to another fisherman, only on the basis of a written permission from the Authorized Officer:

Provided that before transferring such ownership, there shall not be any arrears to the Government regarding its possession;

(b) regarding the transfer of a fixed machine, in case the fisherman who gets the machine transferred has ownership of any other fixed machine, shall not acquire more than that he may legally possess;

(c) on transferring the ownership as above, the transferee shall give notice to the Authorised Officer within fifteen days from the date on which transfer effected in the prescribed manner and shall obtain new registration certificate as prescribed; and

(d) the Authorized Officer shall issue a Certificate of Registration in compliance with the procedure provided in section 12 for granting a new registration.

(2) Right of aquaculture in public water bodies may be transferred complying the following conditions, namely:—

(a) right of any fish cage, fish pen and rack set up in public water bodies for aquaculture shall be transferred only on the basis of a written permit obtained from the Authorised Officer:

Provided that such transfer of right shall only be in favour of a fisherman:

Provided further that before transferring the ownership as above there shall not be any arrears to the Government regarding its possession:

Provided also that for such transfer, in respect of a public water body falling exclusively within the jurisdiction of one Local Self Government Institution, there shall also be the permit of the Local Self Government Institution concerned.

(b) on transferring the ownership as above, the transferee shall give notice to the Authorized Officer within fifteen days from the date on which the transfer effected in the

prescribed manner, and a new registration certificate shall be obtained in the prescribed manner; and

(c) the Authorized officer shall issue a Certificate of Registration in compliance with all the procedures provided in section 12 for granting a new registration.

(3) Right of aquaculture in privately owned water bodies may be transferred complying the following conditions, namely:—

(a) there shall not be any arrears to the Government regarding the possession of any fish cage, fish pen and rack set up for aquaculture in privately owned water body, prior to its transfer;

(b) on transferring the ownership as above, the transferee shall give notice to the Authorized Officer within fifteen days from the date on which the transfer effected in the prescribed manner and a new registration certificate shall be obtained in the prescribed manner; and

(c) the Authorized officer shall issue a new registration certificate in compliance with all the procedures prescribed in section 12 for granting a new registration.

(4) Regarding the matters in this section, additional provisions, if necessary, may be made in the prescribed manner and such provisions shall also be complied with in this regard.”.

12. *Amendment of Section 17.*—In the principal Act, for sub-section (1) of section 17, the following sub-section shall be substituted, namely:—

“(1) No license shall be granted to any person who has not obtained Certificate of Registration under this Act for specific purpose.”

13. *Amendment of section 19.*—In the principal Act, for section 19, the following section shall be substituted, namely:—

“19. *Liability of the license holder to produce license.*—Any person having license given under this Act shall be bound to produce such license at any time for inspection, if so required by an authorized officer or an officer of the Fisheries Enforcement Unit constituted under section 35B:

Provided that in respect of a public water body which is exclusively under the control of one Local Self Government Institution, the power to require and inspect license shall, also be vested in the officer of the Local Self Government Institution concerned, authorized in this behalf.”.

14. *Amendment of section 20.*—In the principal Act, for section 20, the following section shall be substituted, namely:—

“20. *Cancellation or Suspension of License.*—If the licensee, acts contrary to the provisions of this Act or the rules made thereunder or the orders issued by Government in this regard, from time to time or any of the conditions of licence or is convicted for any offence under this Act or if the licensee is found to have obtained licence by misrepresentation or concealment of facts, any such licence of him may be cancelled or suspended by the Authorized Officer:

Provided that no licence shall be cancelled or suspended without affording a reasonable opportunity of being heard to the licence holder.”.

15. *Amendment of Section 33.*—Section 33 of the principal Act shall be omitted.

16. *Insertion of new sections 35A, 35B and 35C.*—In the principal Act, after section 35, the following sections shall be inserted, namely:—

“35A. *Powers and Duties of the Authorized Officer.*—(1) The Authorized Officer shall be vested with the duty to ensure that the provisions of this Act or the rules made thereunder or the orders issued by the Government in this regard are duly fulfilled.

(2) The Authorized Officer shall have the following powers and duties, for preventing any activities contrary to any of the provisions of this Act or the rules made thereunder or orders issued by the Government in this regard, namely:—

(a) to remove structures or objects that are in violation of the provisions of this Act or the rules made thereunder or prevent such constructions while it is taking place;

(b) to sell the seized fish through public auction in the prescribed manner, within twenty-four hours and remit the amount obtained through such sale into the revenue head of the State Government;

(c) if the owners of the fishing vessel, net, vehicle, equipment or any other material or objects seized have not executed the bond as per sub-section (2) of section 35, to

sell such fishing vessel, vehicle, net, equipment and object by conducting public auction and to remit the amount obtained through such sale into the revenue head of the State Government;

(d) to conduct survey of inland water bodies for notifying as aquaculture area under section 4 and demarcate them, and

(e) to take steps to control the spreading of fish disease in public water bodies and private water bodies.

35B. *Constitution of Fisheries Enforcement Unit.*—The Government may, for implementing the provisions of this Act and the rules made thereunder, constitute by Gazette notification, Fisheries Enforcement Unit at district level, including such nominated officers of Fisheries Department, under the Authorised Officer.

35C. *Powers, duties and functions of the Fisheries Enforcement Unit.*—(1) Any officer of the Fisheries Enforcement Unit shall, voluntarily or on the basis of a complaint that any person is engaged in fishing or in aquaculture activities, contrary to any of the provisions of this Act or the rules made thereunder, inspect the same and take necessary action thereon. The officers concerned shall, as part of the said inspection, have the following powers, functions and duties, namely:—

(a) to stop any fishing vessel and enter in it and conduct inspection;

(b) to inspect any fixed machine, free nets and other equipments used for fishing;

(c) to enter any area where aquaculture is carried out and inspect the quality of water, feeding system and records / notes of the procedures therein and collect samples of water, soil and fish for testing purposes, as per the guidelines issued by the Government;

(d) to stop, enter and inspect any vehicle used or suspected to be used for transporting fish;

(e) to enter and inspect any place where aquaculture activity is carried out; and

(f) to inspect fish in the possession of any person.

(2) If it is convinced that there is reason to believe that any person has engaged in fishing or aquaculture activities contrary to any of the provisions of this Act or the rules or of the Certificate of Registration or license issued thereon, shall,—

(a) seize the fishing vessel, free net, fixed machine, devices attracting fish or other equipments;

(b) seize fish, shellfish and its outer shell; and



(c) seize the fish cage, fish pen or rack used for rearing fish or congenial for it or close down other type of aquaculture unit.

(3) Any officer of the Fisheries Enforcement Unit shall prepare a report of seizure and closure under sub-section (2) as prescribed and submit it before the Authorized Officer as early as possible along with the seized items.

(4) All necessary assistance for the discharge of the duties of the Authorized Officer shall be provided on the basis of his order.”.

17. *Amendment of section 36.*—In the principal Act, in clause (c) of sub-section (2) of section 36 for the word “hatchery” the words “sale or display of ornamental fish” shall be substituted.

18. *Amendment of section 41.*—In the principal Act, for section 41, the following section shall be substituted, namely:—

“41. *State Inland Fisheries Management Council.*—(1) The Government may, by notification in the Gazette, constitute a State Inland Fisheries Management Council at the State level for ensuring the sustainable development, protection and conservation of inland fisheries scientifically, for responsible implementation of aquaculture development and for ensuring protection of livelihood of fishermen in the State.

(2) The State Inland Fisheries Management Council, constituted under sub-section (1) shall consists of the following members, namely:—

- (a) Minister for Fisheries;
- (b) Three members of the Legislative Assembly, one of whom shall be elected from any of the Assembly constituencies, comprising Vembanad Lake or Ashtamudi Lake;
- (c) Secretary, Fisheries;
- (d) Chairman/representative, Rajiv Gandhi Center for Aquaculture;
- (e) Director/representative, Central Inland Fisheries Research Institute;
- (f) Director/representative, Central Marine Fisheries Research Institute;
- (g) Director/representative, Central Institute of Freshwater Aquaculture;
- (h) Director/representative, Central Institute of Brackish Water Aquaculture;
- (i) Chairman, Kerala State Co-operative Federation for Fisheries Development;
- (j) Chairman, State Fish Seed Centre;

(k) Dean, Faculty of Fisheries, Kerala University of Fisheries and Ocean Studies;

(l) two members who are technical experts or scientists in the fisheries sector;

(m) Chairman/representative, State Biodiversity Board;

(n) Chairman/representative, State Pollution Control Board;

(o) Director of Fisheries;

(p) Director, Department of Agriculture Development and Farmers' Welfare;

(q) Director of Panchayats;

(r) Chief Engineer, Water Resources Department;

(s) Executive Director, Agency for Development of Aquaculture;

(t) Managing Director, Kerala Aqua Ventures International Limited (KAVIL);

(u) Additional Director of Fisheries;

(v) Joint Director of Fisheries (Inland);

(w) Two representatives of Local Self Government Institutions;

(x) One representative each from any of the four trade unions in the fisheries sector; and

(y) Two representatives of fish farmers.

(3) In the State Inland Fisheries Management Council constituted under subsection (1), the Government shall nominate the representatives from members of Legislative Assembly, representatives from Local Self Government Institutions and non-official members and the Minister for Fisheries shall be the Chairman and the Director of Fisheries shall be the convenor.

(4) The term of office of the council members, meeting procedure of the Council, sitting fee, travelling allowance etc., of the nominated members shall be such as may be prescribed.

19. *Repeal and saving.*—(1) The Kerala Inland Fisheries and Aquaculture (Amendment) Ordinance, 2020 (81 of 2020) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action 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 Ordinance.

ARIF MOHAMMED KHAN,  
GOVERNOR.