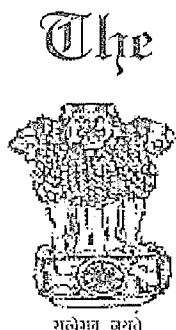


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PART I—Orders and Notifications by the Governor of West Bengal, The High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

WEST BENGAL MARINE FISHING REGULATION (AMENDMENT) RULES, 1998

NOTIFICATION

No. 503-Fish/C-V/1A-2/90 Pt. I.—12th March 1998.—In exercise of the power conferred by section 25 of the West Bengal Marine Fishing Regulation Act, 1993 (West Ben. Act IX of 1993), the Governor is pleased hereby to make the following amendments in the West Bengal Marine Fishing Regulation Rules, 1995 :—

Amendments

In the West Bengal Marine Fishing Regulation Rules, 1995 (hereinafter referred to as the said rules),

(1) in sub-rule (1) of rule 1, *omit* the word "Regulation" ;

(2) in rule 3,—

(a) in sub-rule (7), after the proviso, *insert* the following *Note* :—

"Note : The State Government shall, by order, prescribe from time to time the need based specification of fishing vessel to be allowed for sea going purpose to be mentioned in Form No. MFR-1.",

(b) to sub-rule (11), *add* the following *Note*—

"Note : Every fishing vessel, mechanised or non-mechanised, shall have on board, while fishing, a transistor radio or such telecommunication equipment as will be prescribed by the State Government from time to time for the purpose of receiving meteorological forecast regarding weather, oceanic hazards and other informative matters." ;

(c) after sub-rule (12), *insert* the following sub-rule :—

(13) All seagoing fishing vessels shall have on board the following appliances/arrangements while on fishing voyage :—

(a) life-saving and fire-fighting appliances, that is to say,—

(i) for every person on the boat, there shall be a life jacket, approved by the Marcantile Marine Department ;

(ii) there shall be two lifebuoys to be hung on each side of the vessel of which one shall have a self-igniting light attached by a lifeline ;

(iii) there shall be a foam-type fire extinguisher in the engine room ;

(iv) there shall be two buckets with sands to put out fire ;

(v) there shall be installed a search and rescue transponder (SART) in the vessel ;

(b) other arrangements shall be as follows :—

(i) Painting Wheel-House/Canopy-top : The wheel-house/canopy-top shall be painted in bright orange/yellow colour and registration number shall be painted in bold letters for easy identification of the vessel by the Coast Guard Aircraft ;

(ii) Flag Victor : flag victor shall be flown in most conspicuous position so that other vessels such as Coast Guard and Indian Navy and Merchant Vessels, know that the fishing vessel is in distress and needs assistance ;

(iii) Distress Signals : the following shall be carried in each vessel, and the use of the same may also be imparted to all crew members :—

(A) three hand held flaros or rocket flaros with red light ;

(B) three smoke signals giving orange smoke ;

(C) two all round red lights displayed vertically one above the other with a separation of the meter on the mast from sunset to sunrise during distress ; (iv) Communication Sets :—

(a) all mechanised vessels shall carry one wireless set with channel 16 and alternate two channels in consultation with Central Wireless Wing ;

(b) all deep-sea fishing vessels shall, in addition to the above-mentioned set, carry Radio Transistor set. Fixed frequency in 08/03 kilometre range shall be allotted ;

(v) *Master Log Book* : every fishing vessel shall, before starting voyage, enlist its particulars in Master Log Book to be maintained by the Fishermen Associations in all harbours/landing centres in the form set out below :—

Sl. No.	Date and time of departure	Name of the vessel with colour
1	2	3
Registration No.	Owner/Skipper Name/crew list	Area of operation
4	5	6
Expected time of Arrival with date	Quantity of fuel and Water carried	Remarks
7	8	9

(vi) *Magnetic Compass and Aneroid Barometer* : It is a mandatory equipment to carry a magnetic compass and aneroid barometer so as to interpret the direction and weather in area based on pressure variant. Training may be imparted accordingly ;

(vii) *Provision of Sail* : every vessel shall have facilities to erect and carry on telescopic mast, and a sail for wind propulsion in case of emergency. All vessels shall be in possession of sail materials, preferably made of Polypropylene, so as to utilise them for reaching shore in case of engine failure. The sail mast shall be painted with fluorescent orange paint for early identification by aircraft ;

(viii) *Water, Food and Clothing* : sufficient food and clothing (of protective nature against cold and rain) shall be carried by all vessels at all times ;"

(3) in rule 4,—

(a) for sub-rule (3), *substitute* the following sub-rule :—

"(3) Every fishing vessel shall be covered by adequate insurance coverage against loss/damage arising out of professional hazards/natural calamity, with provision for relaxation that such insurance coverage may not be insisted upon at the time of registration.

Note : At the time of registration or renewal of fishing licence for all categories of vessels, a list of crew to be engaged in fishing voyage with their full particulars shall be submitted by the owner/owners of the vessel to provide with individual identity card. In the case of any change in crew members, such change shall be brought to the notice of the authority concerned immediately to enable it to issue necessary identity card for the new crew."

(b) for sub-rule (16), *substitute* the following sub-rule :—

"(16) The owner of a fishing vessel, holding a valid licence, shall submit to the authorised officer an annual return in Form No. MFR-10 within the 1st month of the following year of fishing licence period."

(4) in rule 5,—

(a) for clause (a) of sub-rule (1), *substitute* the following clause :—

"(a) With a view to regulating fishing by different classes of fishing vessels and having regard to the provisions of section 4, the territorial water of the State shall be divided in 2 fishing zones as shown in table below :

Table

1. *Class of fishing vessel* : Vessel fitted with 30 horse power engine including traditional and non mechanised ones

Fishing Zone

Zone A

Specified area for fishing : Territorial waters up to 15 Km.

2. *Class of fishing vessel* : Vessel fitted with engine of more than 30 horse power.

Fishing Zone
Zone B

Specified area of fishing : Territorial waters beyond 15 kilometres.

Note : (1) Distance in kilometre shown in column 3 of the table denotes shortest distance from shore line.

(2) Territorial waters shall have the same meaning as in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976. (80 of 1976)",

(b) after sub-rule (3), *insert* the following sub-rules :—

"(4) The use of Shooting or Behundi or any other bag-net made of mosquito netting-cloth for the purpose of catching seedling of marine fish species, including prawn, in the coastal areas, estuarine mouth, canals and creeks including the Sundarban area of the State, shall be strictly prohibited in accordance with the provisions of clause (d) of sub-section (1) of section 4 for the purpose of fishing, and the Wild Life (Protection) Act, 1972 (53 of 1972) for the purpose of protection of wild life.

(5) The fishing in the areas as aforesaid shall be restricted within the months of July to February and the period within the months of March to June shall be observed as "Closed Season" when there shall be no fishing for the purpose of maintaining conservation measures and scientific fishing in accordance with the provisions of section 4" ;

(5) in Schedule I,—

(a) in the heading, omit the words "AND PRICES THEREOF" ;

(b) in the second column headed "Particulars", in the entry against "MFR-10" in the first column headed "FORM NUMBER", for the word "Monthly", *substitute* the word "ANNUAL" ;

(c) omit the third column headed "Price in Rupees" and the entries in that column ;

(d) omit the Note ;

(6) for Schedule II, *substitute* the following Schedule :—

"SCHEDULE II

FEES PAYABLE FOR REGISTRATION, TRANSFER OF OWNERSHIP, CHANGE OF PRINCIPAL FISHING
BASE AND REPLACEMENT OF ENGINE.

[See rule 3(6) of the West Bengal Marine Fishing Rules, 1995]

Description of fishing vessel	Registration	Transfer of ownership	Change of principal fishing base	Replacement of engine
1. Mechanised fishing vessel propelled by an engine of—				
(a) not more than 30 horse power ..	Rs. 30.00	Rs. 30.00	Nil	Nil
(b) more than 30 horse power ..	Rs. 50.00	Rs. 50.00	Nil	Nil
2. Non-mechanised country craft powered by oars and sails ..	Nil	Nil	Nil	Nil

The fees are subject to revision under rule 3(6) of the West Bengal Marine Fishing Rules, 1995" ;

(7) for Schedule III, *substitute* the following Schedule :—

**"SCHEDULE III
FEES PAYABLE FOR FISHING LICENCE AND PENALTY FOR DELAY IN RENEWAL OF FISHING
LICENCE**

[See rule 4(8), and rule 4 (13), of the West Bengal Marine Fishing Rules, 1995]

Description of fishing vessel	Fishing licence/renewal of fishing licence	Penalty for delay in renewal for every month or part of a month ,
1. Mechanised fishing vessel powered and propelled by an engine of—		
(a) not more than 30 horse power ..	Rs. 30.00/Rs. 30.00	Rs. 30.00
(b) more than 30 horse power ..	Rs. 50.00/Rs. 50.00	Rs. 50.00
2. Non-mechanised country craft powered by oars and sails ..	Nil/Nil	Nil

The fees are subject to revision under rule 4(8) of the West Bengal Marine Fishing Rules, 1995."

(8) in Schedule IV, for the figures "1994", *substitute* the figures "1995" ;

(9) in Form No. MFR 1,—

(a) for the figures "1994", *substitute* the figures "1995" ;

(b) *omit* the word and letters "Price : Rs.

(10) in Form No. MFR 2, *omit* the word and letters "Price : Rs." ;

(11) in Form No. MFR 4, *omit* the word and letters "Price : Rs. " ;

(12) in Form No. MFR 5, *omit* the word and letters "Price : Rs. " ;

(13) in Form No. MFR 6, *omit* the word and letters "Price : Rs. " ;

(14) in Form No. MFR 7, *omit* the word and letters "Price : Rs. " ;

(15) in Form No. MFR 8, *omit* the word and letters "Price : Rs. " ;

(16) in Form No. MFR 10,—

(a) in the heading, for the word "Monthly", *substitute* the word "Annual" ;

(b) for the word "month" in the two places where it occurs, *substitute* the word "year"

(c) in the Note,—

(i) in clause 1, for the word "Monthly", *substitute* the word "Annual" ;

(ii) for clause 2, *substitute* the following clause :—

"2. Annual Return for the year under report shall be submitted within the last date of the first month of the following year." ;

(iii) for clause 3, *substitute* the following clause :—

"3. If there is no fishing in a year, a "Nil" report for the year under report against item Nos. 6, 7 and 8 shall be submitted within one month of the following year'.

By order of the Governor,

R. K. TRIPATHI,

Secy. to the Govt. of West Bengal.