

Kerala Gazette No. 32 dated 9th August 1977

COCHIN PORT TRUST

NOTIFICATION

No B5/5280 / 71

6th July, 1977

The following regulations made by the Trustees of Cochin Port in exercise of the powers conferred by sub section (n) of Section 123 of the Major Port Trust Act, 1963 (No. 38) of 1963) are hereby published for the information of the public, the same having been previously published twice as required under sub section (2) of Section 124 of the said Act and having been approved by the Central Government as required by sub-section (1) thereof namely:-

1. Short title, application and commencement- (1) These Regulations may be called 'the Cochin Port Trust (Licencing of China Fishing Nets) Regulation, 1976'.
- (2) They shall apply to all China Fishing Nets situated or erected within the limits of Cochin Port Trust.
- (3) They shall come into force from the date of their publication in the official Gazette.

II Definitions- In these regulations, unless there is anything repugnant in the subject or context

"Port" means the Port of Cochin comprised within the territories of the Kerala State, the limits of which have been demarcated in the Government of India late Ministry of Transport Notification No. 1 - (107) / 49 dated 8-1-1952.

"Chairman means the Chairman of the Cochin Port Trust.

"Deputy Conservator" means the Deputy Conservator of the Cochin Port Trust.

"Net" means China Fishing Net

"Licencee" means a person to whom licence is granted to erect or construct China Fishing Nets.

III. China Fishing Net to be licenced-No person shall as owner, lessee, employee or in any other capacity erect, use or keep in possession any net or its structure within the Port limits unless it has been duly licenced under these regulations.

IV. Licencing fee and penalty - (1) An inspection fee of Rs. 24 (Rupees Twenty Four only) is payable by the applicant in respect of each net.

(2) The fee for issue of a licence shall be Rs. 144 (Rupees One Hundred and Forty Four only) per annum or part thereof irrespective of the location or size of the net. The licence fee shall be payable in advance to the Financial Adviser & Chief Accounts Officer of the Cochin Port Trust under advice to the Deputy Conservator.

(3) A penalty of Rs. 22 (Rupees Twenty Two only) for every month or part thereof may be imposed for late payment of the licence renewal fee.

V. Licencing of China Fishing Net- (1) Every application for the licencing of a Net under Regulation III shall be made to the Deputy Conservator of the Port in Form 'A' along with the receipt for payment of the fees prescribed under regulation IV (1).

(2) On receipt of the application for licence the Deputy Conservator shall inspect the site or / cause it to be inspected in the presence of the owner or of any person duly appointed for the purpose by such owner and may grant licence in Form 'B' on being satisfied that the net on erection will not cause any hindrance to navigation or to the adjacent nets

(3) The licensee shall not misue the premises and shall maintain it in a clean and sanitary condition at all times to the saisfaction of the Port and Health authorities.

(4) Subject to the provisions of these regulations every licence issue in Form 'B' shall be valid for a period of one year from the date of the original issue and shall be renewable every year.

VI. Construction and repair of the China Fishing Net (1) The construction of the Net shall not cause damage to the foreshore or cause the embarkment to be mutilated or cause orosin or obstruct the free flow of current.

(2) The construction of the net shall not protrude into the backwater or the sea so as to cause hindrance to free navigation.

(3) The Net Shall be kept in good condition at all times to the satisfaction of the Deputy Conservator.

(4) The construction shall be completed with six months from the date of the licence to the satisfaction of the Dy. Conservator.

(5) Without permission in writing obtained from the Deputy Conservator the licensee shall not alter the China Fishing Net or its position. All repairs and alterations shall be completed within 15 days from the date of the permission in writing granted for the same

VII. Change of ownership or control of licenced China Fishing Net

1) The licensee shall have no right to ownership in respect of the bed of the backwaters in consequence of erection of the Net.

(2) The licensee shall not lease out the net.

(3) The Licence shall not be transferable.

VIII Revocation of Licence- (1) If in the opinion of the Deputy Conservator the licensee of a Fishing Net has contravened any of these regulation, the Deputy Conservator may call for an explanation and if the explanation is not satisfactory, issue warning to the licensee or require the licensee to remove the erection at his own cost without any right to claim compensation within 72 hours after receiving notice in writing from the Dy. Conservator in this behalf.

(2) If the licensee fails to remove the erection as ordered by the Dy. Conservator within the stipulated time, the Deputy Conservator may cancel the licence and assume control of the same and cause it to be removed and the structure disposed off by public auction or in any other manner as deemed fit by the Dy. Conservator. The expenses incurred in this connection shall be recovered from the sale proceeds and in case the sale proceeds becoming insufficient the balance amount shall be recovered from the owner of the net.

IX Liability of the Port - The Port shall be immune from any Liability for compensation for any damage caused to the net or structure by natural cause or otherwise.

X. Appeal- An appeal against any of the decisions of the Dy. Conservator under these regulations shall lie with the Chairman. Such appeal shall be submitted in writing within 72 hours after the decision of the Dy Conservator has been communicated in writing to the licensee and the decision of the Chairman shall be final.

FORM 'A'**(See Regulation V (1))**

Name and address of the applicant :

Location and survey No. :

Description of the China Net :

DECLARATION

I do hereby declare that I fully understand the provisions under Section 46 of the Major Port Trusts Act, 1963 (38 of 1963) and the regulations made there-under viz. "the Cochin Port Trust (Licencing of China Fishing Nets) Regulations, 1976. I also affirm that I shall not claim any right on the area of backwaters and bed of back waters where in the structures of China Fishing Net are permitted to be erected, on strength of the annual licence for the China Fishing Net granted to me by the Port. I solemnly declare that I shall fully abide by the said regulations. I shall remove the structure in total or in part as may be directed by the Dy Conservator or any officer empowered on this behalf without claim of compensation. I am also aware that the licence so granted is not transferrable.

Place :

Date :

Signature of the applicant

Witness : 1.

2.

FORM 'B'**(See Regulation V (2))****COCHIN PORT TRUST LICENCE
FOR CHINA FISHING NET**

1. Licence No,
2. Order No ... , ... dated ...
3. Name and address of owner.
4. Location of China Net and survey No.
5. Fees collected
6. Date of issue.

7. Date of expiry of licence.

FORM 'B'**(See Regulation V (2))****COCHIN PORT TRUST
LICENCE FOR CHINA FISHING NET**

Licence No is hereby granted to Shri vide order No dated to erect China Fishing Net at in Survey No A sum of Rs (Rupee only) is collected on towards licensing fee This licence is valid up to

Dated :

Deputy Conservator