

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

ACT 16 OF 2021

THE KERALA FISH PROCUREMENT, MARKETING AND MAINTENANCE OF QUALITY ACT, 2021*

An Act to provide for regulating of fish procurement, 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*, it is expedient to provide for regulating fish procurement, auctioning and marketing and to promote systematic, hygienic and efficient auctioning and marketing, to maintain quality and other matters connected therewith or incidental thereto;

BE it enacted in the Seventy-second Year of the Republic of India as follows:—

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

(2) It shall be deemed to have come into force on the 24th day of September, 2021.

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

(a) “Adjudicating Officer” means the officer authorised by the Government under sub-section (1) of section 26 of this Act;

(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;

* Received the assent of the Governor on the 13th day of November, 2021 and published in the Kerala Extraordinary Gazette No. 3380 dated 15th November, 2021.

(e) “Authorised Officer” means an officer of 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 Act;

(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 Act for the management and maintenance of a landing centre ;

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

(l) “fisherman” means a person 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 Act for the management and maintenance of a fishing harbour ;

(p) “ice plant” means the establishment producing ice industrially/ commercially for keeping fish without being spoiled;

(q) “landing centre” means the place notified under section 3 of this Act, where fish can be brought directly from the sea to the shore ;

(r) “market” means the place notified under section 3 of this Act where marketing or transferring of fish is carried out for domestic consumption or exporting other than landing centre, harbour, shop room, booth and fish farm ;

(s) “notification” means a notification published in the official gazette;

(t) “prescribed” means prescribed by rules made under this Act;

(u) “pre-processing” means beheading, separation of meat, removal of gills, removal of entrails, removal of scales etc 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, marinading, freezing, drying by smoking or preparing fish for marketing in similar manner;

(x) “processing centre” means an establishment, place or premise set up for processing fish commercially;

(y) “State Level Fish Quality Maintenance Committee” means the Committee constituted as per section 16;

(z) “user fee” means the fees realised from persons, institutions and vehicles towards the utilization or use of infrastructure arranged by the Government or Local Self Government Institutions in the landing centre, 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 Act;

(2) The Government may, by notification, specify the standards 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 as per sub-section (1) of section 3 of this Act;

Provided that nothing in this sub-section prevents the fishermen from directly marketing the fish without auction.

(2) No person who has not obtained licence under section 5 of this Act shall 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, on the basis of the recommendation of the Harbour Management Society / Fish Landing Centre Management Society concerned, for engaging in fish auctioning temporarily outside the landing centre, harbour or market notified by the Government.

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

(4) An amount not exceeding five percent of the amount of auction may be realised as auction commission, in the manner prescribed.

(5) The auction commission realised as per sub-section (4), may be apportioned as follows, namely:—

(a) Fish Landing Centre /Fishing Harbour

(i) to the Auctioneer- twenty percentage;

(ii) to the Harbour Management Society/ Fish Landing Centre Management Society- twenty percentage;

(iii) to return to the fishermen concerned as annual production bonus- forty percentage;

(iv) to the societies taking part in the auction- twenty percentage.

(b) Fish Market

(i) to the Auctioneer- twenty percentage;

(ii) to the Fish Market Management Society- twenty percentage;

(iii) to the Fishermen Welfare Fund Board for carrying out welfare activities- thirty percentage;

(iv) to the Local Self Government Institutions/ owner of the market- thirty percentage.

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

(7) The auction shall be conducted on the basis of the number or weight of fish or the number of box or basket in which they contain.

(8) Any person who has 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 penal actions under section 30 of this Act.

5. *Licence for auctioneer.*—(1) For obtaining licence for conducting fish auctioning in landing centre, harbour and 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 with required details and remitting such fee as prescribed, along 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 place where he intends to engage in auction or the Fisherman Development Welfare Co-operative Society existing in that area.

(3) On receipt of an application under 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 application.

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

(5) The licence granted under 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 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 with by the auctioneer.—(1) Subject to the provisions of this Act 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 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 Act and the rules made thereunder and the terms and conditions 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 from time to time, through notification;

(2) If the auctioneer does any act in contravention of the provisions of this Act or the 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, 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) 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 to 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 : Member
(not applicable for Municipal Corporation)
- (vii) two persons, nominated by the Government, from among the presidents of the Fishermen Co-operative Society within whose area of operation, the area situates. : Members
- (viii) not more than five representatives, nominated by the Government, from among the traditional fishermen in the respective area. : Members

(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 members as per item (viii) of the 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 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 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, remove any nominated member from membership,—

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

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

(c) if he became incapable of continuing as such due to physical or mental disabilities; or

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

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

(i) to engage in the formulation of infrastructure development works and other connected activities of the Fish Landing Centre, formulation of plans and supervision;

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

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

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

(v) to assist Government officials concerned, for implementing the provisions of this Act 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, management and for other activities of the Fish Landing Centre concerned;

(viii) to remit prescribed rate of amount from the user fee 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 perform such other 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 consist of the following members, namely:—

(i) District Collector : Chairperson

Member of the Legislative Assembly of the

- (ii) area : Member
Executive Engineer, Harbour Engineering
- (iii) Department : Member
- (iv) Deputy Director of Fisheries : Member Secretary
- (v) District Manager, Matsyafed : Assistant Member Secretary
- (vi) a representative from Marine Products : Member
Export Development Authority
- (vii) Assistant Commissioner (Food Safety : Member
Department)
- (viii) District Medical Officer (Health) : Member
- (ix) Executive Engineer (Kerala Water : Member
Authority)
- (x) one person nominated by the Government : Member
from the elected members of the District
Panchayat /Ward Councilors of the area
- (xi) not exceeding five representatives : Members
nominated by the Government from among
the recognised trade unions in the
harbour.
- (xii) 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, Government may constitute an executive committee consisting of not less than six members. The powers and functions of the executive committee shall be as prescribed.

(3) The term of those who become members by virtue of the official position they hold, as per items from (i) to (v) and (vii) to (ix) of sub-section (1) shall be, till they hold such office.

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

(5) The term of the representative as per item (vi) and representatives nominated under items (xi) and (xii) 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 (xi) and (xii) 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) 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, Government may 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 Act shall be as follows, namely:—

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

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

Provided that in special circumstances, the Harbour Management Society may, with the permission of the Government, take over the first sale of fish and connected activities by avoiding auction.

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

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

(v) to assist Government officials concerned for implementing the provisions of this Act 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, as fixed in 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, 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 public-private partnership or under Local Self Government Institutions or in private sector or in co-operative sector. It shall consist of the following members, namely:-

- (i) President of the Grama Panchayat/ Chairman of the : Chairperson
Municipality/ Member of the Division of the Municipal
Corporation, of that area
- (ii) The officer in charge of Matsyabhavan having jurisdiction : Member
over the area Secretary
- (iii) Food safety officer, having jurisdiction over the area : Member
- (iv) Project Officer, Matsyafed : Member
- (v) Chairman, Grama Panchayat Development Standing : Member
Committee/ Chairman, Municipality Health Standing
Committee, concerned.
(Not applicable to Municipal Corporation)
- (vi) Member of the ward, Grama Panchayat/ Municipality, where : Member
fish market is situated
(Not applicable to Municipal Corporation)
- (vii) two representatives nominated by the Government from the : Members
recognised trade unions of fishing allied workers
- (viii) one representative nominated by the Government from : Member.
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 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 date of occurrence of the vacancy and the term of the member so newly nominated shall only for the remainder of the term of the member who vacated the office.

(8) 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) 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, Government may 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 Act shall be as follows, namely:—

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

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

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

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

(v) to assist Government officials concerned for implementing the provisions of this Act 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 in time the 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 the 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. Regulation of 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 Act 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 Act.

(3) All ice plants, chilled storage, pre-processing centre, processing centre and transporting facility functioning on the date of commencement of this Act shall obtain permit under section 14 within 30th June, 2022.

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 as per sub-section (1) shall be as prescribed, in such form and remitting such fee.

(3) The Authorised Officer shall, on the applications received as per sub-section (1), conduct or cause to be conducted an enquiry and based on the eligibility as may be prescribed, either grant the 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 prescribed amount of security deposit in the manner prescribed.

(5) If the application is rejected, said information, together with reasons thereof shall be intimated to the applicant in writing or 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 before its expiry by complying the procedure to be followed for obtaining a new permit and by remitting such fee as may be prescribed.

15. Regulation of quality maintenance of fish.—(1) The owner or possessor of a fish landing centre, harbour, market, shop room, booth, sales outlet, chilled storage, ice plant, pre-processing centre, processing centre, transport facility or container where fish is handled shall comply with all criteria fixed by Government, by notification, for maintenance of quality of fish and hygiene.

(2) No person shall engage in any activity in such a way 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 as per sub-section (1).

(5) Whoever contravenes any of the provisions of this section shall be subjected to the penal actions under section 30 of this Act.

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 Act and it shall consist of the following members, namely:—

- (i) Director of Fisheries —Chairperson
- (ii) Commissioner of Food Safety—Member
- (iii) Director of Health Services—Member
- (iv) Director of Panchayats—Member
- (v) Chief Government Analyst—Member
- (vi) A representative nominated from the Central Institute of 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 as per 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 Act;

- (ii) to give awareness to the fish consumers about the quality;
- (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 Act;
- (v) to fix and and publish the quality of fish obtained by fishing;
- (vi) to perform such other functions as may be prescribed.

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

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

19. *Procurement of Fish and Fixation of basic price.*—(1) The Harbour Management Society shall have the power to fix the basic price of fish, from time to time, as prescribed.

(2) The fish caught and brought by fishermen, if they are interested may be procured as prescribed, through the Fishermen Development Welfare Co-operative Societies in which they are members, after giving the basic price fixed as per sub-section (1). The procurement facilities needed for this shall be, as prescribed.

20. *Certification of fish obtained by fishing.*—(1) If it is necessary for exporting fish, the owner of the fishing vessel shall be eligible to obtain certificate as prescribed.

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

21. *Certification of quality of fish .*—(1)When an application is submitted in the manner as may be prescribed, the producer shall be eligible to get quality certificate for the fish, for ensuring that it is edible and for protecting the interest of consumers.

(2) The quality needed for the fish for obtaining certificate as per sub-section (1) 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 the 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 and the auctioneer who has obtained licence for fish landing centre, harbour or market shall submit 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 ensuring the accuracy of the returns, the Authorised Officer may require the licence/ permit holder to produce the connected records.

(4) For ensuring the accuracy of the returns, the licence/ 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 Act.

23. Cancellation, suspension and amendment of permit.—If the licence/ permit granted as per sections 5 and 14 is obtained by furnishing false information or the permit holder contravenes any of the provisions of this Act 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 partly 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, as Authorised Officer for exercising the powers and performing the duties given under this Act.

25. Power for inspection, seizure and disposal of.—(1) The Government may authorise officers of the Fisheries Department not below the rank of Fisheries Officer as Inspecting Officers to ensure that the provisions of this Act are implemented effectively.

(2) If the Inspecting Officer is convinced that the provisions in sections 13 and 18 of this Act 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 Act, the Inspecting Officer shall give direction to the person or the establishment 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. Provided 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 Act.

(2) The Adjudicating Officer shall, on receipt of a report from the Inspecting officer under sub-section (5) of section 25, hold an enquiry into the matters mentioned

in the report if necessary in the manner as may be prescribed, after giving all the parties concerned a reasonable opportunity of being heard.

(3) On an action taken under sub-section (2), if the adjudicating officer is satisfied that a person has contravened the provisions of sections 13 or 18 or the fish handled was stale or contain germs or added chemical or toxic substance or of substandard quality, that person shall be subjected to fine and action under section 29 of this Act.

27. *Appeal.*—(1) Any person aggrieved by the decision of the Adjudicating Officer, may prefer 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 the decision made under the provisions of this Act, the appellant 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 appeal.

(4) The Appellate Authority may stay 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 under this Act.*—(1) For the purpose of inquiry under this Act, 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) to requisition any public records or copy thereof from any court or office, and

(e) to examine witnesses and inspect documents.

(2) The powers exercised by the Adjudicating Officer or the Appellate Authority as per this Act 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 (Central Act 2 of 1974).

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

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

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

(c) one lakh rupees, for any contravention of law for the third or 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 any arrear of public revenue due on land.

30. *Trial for the offence.*—(1) Anyone who contravenes sections 4, 6 or 15 of this Act or the rules made thereunder, shall be tried by a Court of Judicial Magistrate of First Class .

(2) Whoever contravenes any of the provisions of sections 4, 6 or 15 of this Act, 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, if committed more than two times;

(d) whoever contravenes or attempt to contravene the provisions of this Act or the rules or notifications or orders made thereunder, shall be convicted, if proved, without prejudice to other penalties he 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 Act 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 of it, 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 the offence have committed the contravention of the law.

(5) Whoever contravened or abetted to contravene the provisions of this Act or the rules or notification or order made thereunder, may be subjected to action as per law.

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 of the provisions of this Act or the 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 Act or any rule made thereunder.

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

(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 Act.

(2) Every rule made under this Act 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, 2021 (112 of 2021) is hereby repealed.

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