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GOVERNMENT OF INDIA

MINISTRY OF FOREIGN TRADE

New Delhi, the 12th July 1972

NOTIFICATION

MARINE PRODUCTS INDUSTRY DEVELOPMENT CONTROL

S. O. No. 485.E. In exercise of the powers conferred by Section 33 of the Marine Products Export Development Authority Act, 1972 (13 of 1972), the Central Government hereby makes the following rules, namely:-

CHAPTER – I

Preliminary

1. Short title and commencement

(1) These Rules may be called the Marine Products Export Development Authority Rules, 1972.

(2) They shall come into force on such date as the Central Government may by notification in the official Gazette appoint:

Provided that different dates may be appointed for different provisions of these rules.*++

2. Definitions: In these rules, unless the context otherwise requires:-

(a) "Act" means the Marine Products Export Development Authority Act, 1972 (13 of 1972);

(b) "Committee" means any of the Committees appointed by the Authority under Section 8;

(c) "Forms" means a form appended to these rules;

(d) "Secretary" means the Secretary to the Authority appointed under Section 7;

(e) "Section" means a section of the Act;

(f) "Vice-Chairman" means the Vice-Chairman of the Authority;

(g) "Year" means the year commencing on the first day of April. #

CHAPTER - II

The Authority and its Committees

3. Constitution of the Authority:

(1) The Authority shall consist of a Chairman, the members specified in clauses (b), (c) and (d) of Sub-section (3) of Section 4 and twenty other members representing other interest specified in Sub-rule (2).

(2) **Of the aforesaid twenty members:-**

(a) eight members shall represent the Governments of the States having a sea-coast, one each from the States of Andhra Pradesh, Gujarat, Kerala, Maharashtra, Karnataka, Odisha, Tamil Nadu and West Bengal;

(b) one member shall represent the Union Territories of Goa, Daman and Diu, Andaman and Nicobar islands, the Laccadive, Minicoy and Aminidiv Islands or Pondicherry, by rotation in that order:

Provided that, if any of the Union territories mentioned in this clause becomes a State at any time the person representing such territory shall continue to be a member of the Authority representing the Union territory till the next constitution of the Authority. Provided also that the above provision shall apply to the

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* *Amendment vide S.O. No. 1896 Dated: 26.7.1972.*

In exercise of the powers conferred by Sub-rule (2) of Rule 1 of the Marine Products Export Development Authority Rules 1972, the Central Government hereby appoints the 26th July 1972 as the date on which the provisions of the said Rules other than Chapter VII thereof, shall come into force.

++ *Amendment vide S.0. No. Dated: 25.8.1978*

In exercise of the powers conferred by Sub-rule (2) of Rule 1 of the Marine Products Export Development Authority Rules, 1972, the Central Government hereby appoints the 25th August 1978 as the date on which the provisions of Chapter VII of the said rules as amended from time to time shall come into force.

Vide Ministry of Commerce letter dated 17.8.1978

Amendment vide S.O. No.913 dated 6.4.1974

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existing members representing the Union territories;

(c) four members shall represent respectively the interest of owners of Fishing Vessels, Processing Plants and Storage Premises for marine products and Conveyances used for the transport of marine products;

(d) three members shall represent the interests of dealers and persons employed in the marine products industry;

(e) one member shall represent the interest of persons employed in research institutions engaged in the researches connected with the marine products industry; and

(f) three members shall represent other persons or class of persons, who in the opinion of the Central Government ought to be represented on the Authority.

(3) The Central Government may make such consultations as it thinks fit before appointing representatives of the interests specified in clauses (c) to (f) Sub-rule (2).

4. Term of office of members:

(1) A member shall hold office for such period not exceeding three years as may be specified in the notification appointing him as such member and shall be eligible for re-appoint ment :

Provided that a member elected or appointed under clause (c), clause (d) or clause (e) of Sub-section (3) of Section 4 shall cease to be a member if he ceases:-

(i) to be a member of the House of Parliament by which he was elected; or

(ii) to hold the office by virtue of which he was appointed; or

(iii) to represent the category from which he was appointed

(2) a member elected or appointed to fill a casual vacancy shall hold office for so long as the member in whose place he is elected or appointed would have held office if the vacancy had not occurred.

5. Membership roll: - The Secretary shall keep a record of the names of members and their addresses.

6. Change of address: - A member shall keep the Secretary informed of any change in his address. If he fails to inform the change of address, the address in the official records shall for all purposes be deemed to be his address.

7. Resignation :

(1) A member may resign his office by a letter addressed to the Chairman.

(2) The office of a member shall fall vacant from the date on which the resignation of such member is accepted or on expiry of thirty days from the date of the receipt of resignation by the Chairman, whichever is earlier.

(3) The Chairman shall communicate the acceptance of the resignation of the member to the Authority at its next meeting.

8. Removal of members :-

The Central Government may remove any member from office:-

(a) if he is of unsound mind and stand so declared by a competent court, or

(b) if he is an undischarged insolvent, or

(c) if he is convicted of an offence involving moral turpitude, or

(d) if, without the leave of the Chairman, he fails to attend three consecutive meetings of the Authority.

9. Absence from India

(1) Before a member is going out of India : -

(a) he shall intimate the Secretary of his departure from, and the date of his expected return to India, and

(b) if he intends to be absent from India for a period longer than six months, he shall obtain leave of absence in writing from the Chairman.

(2) If a member leaves India without fulfilling the conditions specified in Sub-rule (1) he shall be deemed to have resigned his office with effect from the date of departure from India.

10. Vice-Chairman

(1) The Authority shall, at the last meeting held before 30th June of every year, elect, from among its members a Vice-Chairman who shall

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hold office for a period of one year from the 1st of July.

Provided that in any year in which the term of office of all the members expires on the 30th June, the Vice-Chairman shall be elected at the first meeting after reconstitution of the Authority and the Vice-Chairman so elected shall hold office upto 30th of June next following.

(2) If a casual vacancy occurs in the office of the Vice-Chairman on account of resignation or ceasing to be a member or otherwise, the Authority shall at its next meeting, elect another member to be Vice-Chairman who shall hold office for the unexpired portion of the term of office of the Vice-Chairman elected under Sub-rule (1)

11. Appointment of Committees

(1) The Authority shall, at the last meeting held before the 30th of June every year, appoint the following standing Committees, namely: -

(a) an Executive Committee,

(b) a Technical Committee, and

(c) an Export Promotion Committee.

(2) The standing Committees appointed under Sub-rule (1) shall hold office for a period of one year from the 1st of July.

(3) The Executive Committee shall consist of: -

(a) the Chairman, who shall be the ex-officio Chairman thereof;

(b) the Vice-Chairman;

(c) the Director;

(d) the Secretary; and

(e) three other members to be elected by members of the Authority from among themselves, in such manner as may be laid down by the Authority.

(4) The Technical Committee shall consist of: -

a. the Chairman, who shall be the ex-officio Chairman thereof;

b. the Vice-Chairman;

c. the Director; and

d. eight other members to be elected by the members of the Authority from among themselves in such manner as may be laid down by the Authority.

(5) The Export Promotion Committee shall consist of: -

a. the Chairman who shall be the ex-officio Chairman thereof;

b. the Vice-Chairman;

c. the Director; and

d. three members to be elected by the members of the Authority from among themselves in such manner as may be laid down by the Authority

12. Functions of the Committees

(a) Executive Committee:- Subject to such restrictions as may be imposed by the Authority, the Executive Committee shall, in addition to such functions as have been specifically assigned to it under these rules, discharge any other functions of the Authority in regard to matters not specifically assigned hereunder to the Technical Committee or the Export Promotion Committee.

(b) Technical Committee:- Subject to such restriction as may be imposed by the Authority, the Technical Committee shall discharge all the functions of the Authority in regard to the promotion of technological researches connected with the marine products industry and with regard to measures that may be undertaken for the development of activities connected with the distribution, deep sea and off-shore fishing, processing and storage of marine products and conveyance used for the transport thereof.

(c) Export Promotion Committee:- Subject to such restrictions as may be imposed by the Authority, the Export Promotion Committee shall discharge all the functions of the Authority with regard to the promotion of exports of marine products.

CHAPTER – III

Procedure for meetings of the Authority

13. Meetings of the Authority

There shall be not less than two ordinary meetings of the Authority in a year on such dates and at such places as the Chairman may think fit and the interval between any two ordinary meetings shall not, in any case, be longer than eight months.

14. Power to call meetings

(1) The Chairman may, at any time, call a meeting of the Authority and may do so if a requisition for a meeting is presented to him in writing by at least ten members.

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(2) The Chairman may require any officer of the Authority or invite any person of standing who has sufficient knowledge, experience or background in a subject relating or relevant to any matter under consideration of the Authority, to attend any meeting of the Authority, but such officer or person shall not be entitled to vote.

(3) At least fourteen clear days before any meeting of the Authority, notice of the time and place of the intended meeting signed by the secretary shall be sent to the Central Government and left at or posted to the address of every member :

Provided that in case of urgency, a special meeting of the Authority may be summoned at any time by the Chairman, who shall inform, at least seven clear days in advance, the Central Government and the members of the subject, matter for discussion and the reasons for which he considers the summoning of such meeting urgently.

(4) Notwithstanding anything contained in this Rule, the Central Government may, at any time call a meeting of the Authority.

15. Quorum

(1) No business shall be transacted at a meeting of the Authority unless there are present at such meeting at least ten members.

(2) If at any time the number of members present at a meeting is less than the number of members specified in Sub-rule (1), the person presiding shall adjourn the meeting to a date not later than three days from the date of such meeting after informing the members of the date, time and place of the adjourned meeting, and it shall thereupon be lawful for the person presiding at such adjourned meeting to dispose of the business intended to be transacted at the original meeting, irrespective of the number of members present.

16. Chairman of meetings

The Chairman shall preside over every meeting of the Authority and in his absence the Vice-Chairman shall preside, and if both the Chairman and Vice-Chairman are absent, the members present at the meeting shall elect one from among themselves to preside over such meeting.

17. Agenda

(1) The Chairman shall cause to be prepared and circulated to the Central Government and among the members of the Authority at least ten days before a meeting of the Authority a list of business to be transacted at such meetings.

(2) No business not included in the agenda shall be transacted at a meeting of the Authority without the permission of the Chairman.

18. Voting

(1) Every question brought before a meeting of the Authority shall be decided by a majority of the Members present and voting.

(2) In the case of an equality of votes, the Chairman, the Vice-Chairman or the member presiding over such meeting shall have second or casting vote.

19. Business by circulation

(1) Any Business which is to be transacted by the Authority may, if the Chairman so directs, be referred to the members (other than members who are not in India) by circulation of papers and copies of papers so circulated shall also be sent to the Central Government.

(2) Any proposal or resolution circulated under Sub-rule (1) and approved by the majority of the members who have recorded their views in writing shall be as effectual and binding as if such proposal or resolution were decided by the majority of the members at a meeting.

Provided that at least ten members of the Board have recorded their views on the proposal or resolution.

Provided further that when a proposal or resolution is referred to the members by circulation, any five members may require that the proposal or resolution be referred to members at a meeting and thereupon such reference shall be made to members at a meeting of the Authority provided also that the recourse to circulating resolutions may be adopted only in unavoidable cases.

(3) Where any business is referred to members under Sub-section (1), a period of not less than ten clear days shall be allowed for the receipt of replies from member and such period shall be reckoned from the date on which the notices of business is issued.

(4) If a proposal or resolution is circulated under this rule, the result of the circulation shall be communicated to all the members and to the Central Government.

(5) All decisions on questions arrived at by circulation of papers shall be placed at the next meeting of the Authority for record.

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20. Record of business

(1) A record shall be maintained by the Secretary of all items of business transacted by the Authority and copies of such record shall be forwarded to the Central Government immediately after these are ready.

(2) When a business is transacted by circulation of papers under Rule 19, a record of business so transacted shall be signed by the Chairman.

(3) The record of business is transacted at every meeting of the Authority shall be signed by the Chairman, the Vice-Chairman or as the case may be, the member presiding over such meeting.

21. Review

(1) The Central Government may, for reasons to be recorded in writing, review any decision of the Authority and pass such order in such manner as it thinks fit.

(2) A copy of every order passed under Sub-rule (1) shall be sent to the Authority by the Central Government.

(3) On receipt of a copy of the order under Sub-rule (2), the Authority may make a representation to the Central Government against the said order and the Central Government, may, after considering such representation, either cancel, modify or confirm the order passed by it under Sub-rule (1), or take such other action as may in its opinion be just or expedient.

CHAPTER - IV

Powers of the Authority, the Chairman, the Director and the Secretary

22. Power to incur expenditure and to write off losses

(1) Subject to the provisions of the Act, these rules and the rules made by the Central Government relating to revenue and expenditure for the time being in force, the Authority may incur such expenditure as it may think fit on items provided for, and within the amounts sanctioned by the Central Government, in the budget.

(2) The Authority may write off losses incurred on account of theft, fraud or negligence upto ten thousand rupees and write off losses or waive recoveries upto twenty thousand rupees in individual cases, subject to the observance of general guidelines, if any, issued by the Central Government from time to time.

(3) Re-appropriations between Sub-heads under Heads of expenditure may be made by the Authority within the overall sanctioned budget for the implementation of schemes approved by the competent authority.

(4) The Authority shall not incur expenditure outside India in excess of fifteen thousand rupees on any single item without the previous sanction of the Central Government.

23. Borrowing Powers

The Authority may, with the previous sanction of the Central Government borrow, on the security of the Marine Products Export Development Fund or any of its other assets for meeting its expenses or for carrying out the measures referred to in Section 9.

24. Contracts

(1) The Authority may enter into any contracts for the discharge of its functions under the Act; provided that :-

(a) every contract which extends over a period of more than three years or involves an expenditure in excess of rupees one lakh; and

(b) every agreement or contract for technical collaboration or consultation services with firms or foreign Governments, shall require the previous sanction of the Central Government.

(2) Contracts shall not be binding on the Authority unless they are executed by the Chairman or any officer authorised by the Authority with the previous approval of the appropriate authority concerned.

(3) Neither the Chairman nor any officer of the Authority nor any member thereof shall be personally liable under any assurances or contracts made by the Authority and any liability arising under such assurances or contracts shall be discharged from the money at the disposal of the Authority.

25. Powers and duties of Chairman

(1) The Chairman shall be responsible for the proper functioning of the Authority and the discharge of its functions under the Act and these Rules.

(2) The Chairman shall have the following powers, namely:-

(i) to grant leave to officers and employees of the Authority including the Director and the Secretary;

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(ii) to exercise administrative control over all departments and officers of the Authority including the Director and the Secretary;

(iii) to call for documents and record and to inspect or cause to be inspected, the accounts and places of storage or of business as required under the Act or these Rules;

(iv) to sanction expenditure for contingencies; supplies and services and purchase of articles required for the working of the office of the Authority; and

(v) to carry out the measures referred to in Section 9.

(3) The Chairman shall have power to require the Authority or any Committee thereof to defer taking action in pursuance of any decision taken by the Authority or the Committee, as the case may be, pending a reference to the Central Government on such decision.

(4) Where a matter has to be disposed of by the Authority or a Committee and a decision in respect of that matter cannot wait till a meeting of the Authority or the Committee, as the case may be, is held or till the completion of circulation of the resolution relating to that matter among the members of the Authority or the Committee, as the case may be, the Chairman may take the decision himself.

(5) Where the Chairman takes a decision under Sub-rule (4) he shall submit the same for ratification to the Authority or the Committee, as the case may be, at its next meeting, provided that where the Authority or the Committee, as the case may be modifies or cancels the action taken by the Chairman, any action taken prior to such modification or cancellation shall have effect to the extent that the action so taken cannot be modified or cancelled retrospectively.

26. Powers of Director

(1) The Director shall be responsible for the implementation of the decisions arrived at by the Authority with regard to the planning, development and evaluation of the various matters in relation to offshore and deep sea fishing vessels, processing, inspection, quality control, market intelligence and other technical functions.

(2) The Director shall present to the Authority such periodical reports as may be specified by the Chairman on the export of marine products with particular reference to market potential, quality control, pre-shipment inspection or any other matter and steps to be taken if any to accelerate the quantum of exports of such products.

27. Powers of Secretary

(1) The Secretary shall be responsible for the implementation of the decisions arrived at by the Authority or by the Committees and the discharge of the duties imposed on him under the Act or by these Rules.

(2) Subject to such delegation as may be made by the Chairman to such other officers as may be appointed for the purpose of this Rule, the Secretary shall: –

(a) cause all important papers and matters to be presented to the Authority as early as practicable;

(b) issue directions as to the method of carrying out the decisions of the Authority;

(c) grant or subject to the resolutions by the Authority, authorise some other person to grant receipts on behalf of the Authority for all moneys received under the Act;

(d) maintain or cause to be maintained an account of the receipts and expenditure of the Authority; and

(e) present an annual draft report on the working of the Authority to the Authority for approval and submit the report in the form approved by the Authority to the Central Government not later than the dates specified from time to time in this behalf by the Central Government for being laid on the table of both the Houses of the Parliament.

CHAPTER - V

Finance, Budget and Accounts of the Authority

28. Budget Estimates

(1) The Authority shall, in each financial year, prepare a budget for the Marine Products Export Development Fund for the next financial year and shall submit it for sanction to the Central Government on or before such dates as may be appointed by the Government.

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(2) No expenditure shall be incurred until the budget is sanctioned by the Central Government and the sanction for that expenditure by the competent authorities are received.

(3) The budget shall be prepared in the following form or as may be directed by the Central Government indicating:-

(i) the estimated opening balance;

(ii) the estimated receipts referred to in Sub-section (1) of Section 17;

(iii) the estimated expenditure classified under the following broad heads or such other heads as per the schemes approved by the Central Government.

(a) Administration;

(b) Development;

(c) Prawn Farming;

(d) Market and Product Development;

(e) Export Promotion and Publicity;

(f) Statistics;

(g) Works;

(h) Financial and other assistance / subsidy scheme;

(i) Others

Note: Wherever applicable, full details shall be given, under various Sub-heads for each broad head, indicating estimated expenditure including that of pay of officers, pay of establishment, allowance, honoraria, contingencies and the like.

(4) Supplementary estimates of expenditure, if any shall be submitted for the sanction of the Central Government in such form and on such dates as may be directed by it in this behalf.

29. Accounts of the Authority

(1) The Authority shall maintain accounts of all receipts and expenditure relating to every financial year.

(2) The expenditure incurred in a particular financial year shall be shown under separate Heads and Sub-heads.

(3) The opening balance, if any, shall also be stated as such separately.

(4) The closing balance of the year shall be shown at the foot of the accounts on the expenditure side.

30. Deposit of Funds of Authority in Banks and investment of such funds

(1) Money required for the current expenditure of the Authority with the exception of petty cash and surplus moneys shall be kept in the Personal Ledger Account in the District Treasury or Sub-Treasury or in Current Account with the State Bank of India or any of its subsidiaries or with any nationalised bank.

(2) Any funds not required for current expenditure may be placed in deposit account with the Central Government in the Public Account.

Provided that the funds in the Authority's pension fund or provident fund not required for current expenditure may be invested in Trustees Securities or Ten Year Treasury Saving Deposit Certificates or National Defense Certificates to the extent permissible or in fixed deposit with the State Bank of India or any of its subsidiaries or, if approved by the Central Government, with any other scheduled bank.

(3) Payment by or on behalf of the Authority shall be made in cash or by cheque drawn against the current account of the Authority.

31. Financial transactions in general

Except as otherwise provided in these Rules, the provisions of the Central Treasury Rules, the Delegation of Financial Powers Rules, 1958, and the General Financial Rules, 1962 of the Central Government, for the time being in force, shall subject to such modifications or adaptations as may be made by the Authority therein with the previous approval of the Central Government apply to all financial transactions of the Authority.

CHAPTER - VI

Additional Functions

32. Additional matters in respect of which measures may be undertaken by the Authority

The Authority may, in addition to the functions specified in Sub-section (2) of Section 9 undertake the following measures in the discharge of its functions, viz :-

(a) assess the requirements of any machinery, equipments and spares, including ancillary material, required for the handling and processing of marine products and, where necessary, recommend and arrange for import of such machinery, equipment, spares and ancillary material;

(b) assess the standards of quality of indigenous processing equipment and recommend measures for their improvement;

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(c) suggest the manufacture of new modern items of equipment required for the marine products industry;

(d) augment the availability of raw material for processing;

(e) assess the requirements of the marine products industry for cold-storage, transport and other facilities and ensure provision of such facilities;

(f) specify and enforce the layout of the processing plants equipment and other matters for maintaining high quality of the marine products;

(g) co-ordinate the demand and availability of reefer space and hold for regulating the shipment of marine products from the existing as well as new ports;

(h) undertake regulatory measures for conservation and management of fisheries on behalf of the Ministry of Agriculture of the Government of India; and

(i) undertake such other measures which shall directly or indirectly improve, organise and develop the marine products industry with special reference to exports.

CHAPTER - VII

Registration

33. Application for Registration

(1) Every application for the Registration of a Fishing Vessel, Processing Plant or Storage Premises for marine products or Conveyance used for the transport of marine products shall be made to the Secretary or other officer authorised by him in Form I, Form II, Form III or Form IV, as the case may be, obtainable from the offices of the Authority on payment of rupees five for each application.

(2) Every application under Sub-rule (1) for the Registration of a Fishing Vessel, Processing Plant, Storage Premises or Conveyance specified in column (1) of the table below shall be accompanied by the fees specified in the corresponding entry in column (2) of the said table*

TABLE

(1)	(2)
1. Fishing Vessels	
a. Fishing vessels upto 45' in length	₹ 25.00
b. Fishing vessels of more than 45' in length	₹ 100.00
2. Storage*	
I Chilled and Frozen	
a) For Storage upto and including 50 tonne capacity (both chilled and frozen)	₹ 50.00
b) For Storage above 50 tonne capacity (both chilled and frozen)	₹ 100.00
II Other than Chilled and Frozen	
(a) For Storage upto and including 50 tonnes capacity	₹ 10.00
(b) For Storage above 50 tonne capacity	₹ 20.00
3. Processing Plants	
(a) For Plants with processing capacity to handle upto and including 5 tonnes raw materials	₹ 50.00
(b) For Plants with processing capacity to handle above 5 tonnes of raw material	₹ 100.00
4. Conveyances	
per conveyance	₹ 25.00

(*) Amendment vide S. O. No. dated 10.1.1973 vide Ministry's letter dated 10.1.1973

(*) Amendment vide S. O. No. 914 dated 6.4.1974

34. Grant of Registration Certificate

(1) On receipt of an application under Rule 33, the officer referred to in Sub-rule (1) of the said rule shall cause the concerned Regional Office of the Authority to verify the particulars given in the application and to inspect the concerned units to ensure that the unit meets the standards prescribed by the Authority. The Certificate of Registration shall be issued by the aforesaid officer only if he is satisfied on the report of verification and inspection of the Regional Officer as aforesaid. However, in case any defect is noticed in the application, the attention of the applicant shall be drawn in writing requesting him/her to rectify the defect within a specific period, and in case of failure on the part of the application to rectify the defect within such period that the registration shall be refused.

(2) Where the application for registration is refused the reasons for such refusal shall be recorded in writing and a copy of the same along with the order of refusal shall be furnished to the applicant; and fees paid by the applicant shall be refunded to him.

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(3) Where the application for registration is not refused a Certificate of Registration shall be granted in Form V, Form VI, Form VII or Form VIII, as the case may be, and shall be subject to the terms and conditions specified in the certificate.

35. Power to call for additional information

(1) The Secretary or other officer authorised by him may require the applicant to furnish within a specified period such additional information as he may consider necessary for the purpose of registration and every such applicant shall be bound to furnish such information within the specified period.

(2) The Secretary or other officer may, by order, refuse an application to register a fishing vessel, processing plant, storage premises or conveyance if the applicant fails to furnish the information asked for or furnishes incorrect information.

Provided that a copy of the order together with the reasons for such refusal shall be communicated to the applicant.

(3) Nothing in Sub-rule (2) shall preclude the applicant to apply afresh for registration after six months of the rejection made thereunder, if the applicant has rectified the defects and has reasons to believe that he can fully comply with the standards prescribed by the Authority.

36. Cancellation of Registration

Where the Secretary or other officer is satisfied that any person has obtained a Certificate of Registration under Rule 34 by furnishing incorrect information or that he has contravened any of the provisions of these rules or of the conditions mentioned in the certificate of registration, the Secretary or such officers may, without prejudice to any other action that may be taken against such person, by order cancel the Certificate of Registration:

Provided that before cancelling such certificate, the person concerned shall be given an opportunity to make its representations:

Provided further that a copy of the order together with the reasons for the cancellation shall be communicated to the person concerned.

37. Appeal

Any person aggrieved by an order of refusal under Rule 34 or Rule 35 or an order of cancellation under Rule 36 may within thirty days from the date of receipt by him of a copy of the order of refusal or cancellation, as the case may be, appeal to the Chairman who may either affirm, vary or set aside such order.

38. Transfer of Fishing Vessels

(1) Where a Fishing Vessel, Processing Plant, Storage Premises or Conveyance is transferred by way of sale, mortgage or other-wise, the transferee shall within a period of one month from the date of such transfer apply to the Secretary or other officer authorised by him for registering the transfer along with the document evidencing such transfer.

(2) Every such application shall be accompanied by a fee of rupees fifteen.

(3) The Officer referred to in Sub-rule (1) shall, after verifying the connected documents / original Registration Certificate / transfer requests from the original owner, register the transfer and record an entry to that effect in the Certificate of Registration.

39. Change of details included in the Certificate of Registration

(1) If during the period when the registration of the Fishing Vessel, Processing Plant, Storage Premises or Conveyance is in force, the owner thereof desires to change place where the Processing Plant or Storage Premises is located, or the lay-out as approved by the Authority, or any change in its capacity or otherwise, or change the place of operation of the Fishing Vessel or Conveyance he shall apply to the Secretary or other officer authorised by him at least thirty days in advance of such intended change.

(2) Every such application shall specify in detail the new place, lay-out or other changes, the area of operation, as the case may be, and shall be accompanied by a fee of rupees fifteen.

(3) Where the Secretary or other officer agrees to the change he shall enter the details of such change in the Certificate of Registration.

40. Registration of Exporters

(1) No person shall, after the expiration of two months from the date of coming into force of this Rule, export any marine products unless he has been registered as an exporter with the Authority. The applicant will be allowed to export during the period of one month pending issue of the Certificate of Registration:

Provided that this Rule shall not apply to the export of marine products:-

a) by or on behalf of the Central Government or the Authority or any person authorised by the Central Government or the Authority to export marine products;

b) by means of gift parcel or sending of samples;

c) as personal effects of passengers;

d) for any non-commercial purposes; and

e) for any exhibition abroad.

(2) In case of items referred to in clauses (b) to (e) of the provision to Sub-rule (1), a maximum limit in terms of value shall be fixed by the Authority from time to time, depending on the nature of the product, quantum to be exported, volume of samples to be exhibited/distributed.

41. Application for Registration

(1) Every application for registration as an exporter of marine products shall be made to the Secretary or other officer authorised by him in form IX obtained from the offices of the Authority on payment of ₹ 5/- for each application and shall be accompanied by a certificate regarding his financial status from any Scheduled Bank.

(2) Every application for registration as an exporter shall also be accompanied by a fee of rupees fifteen.

(3) The applicant shall also be bound to furnish such additional information in respect of his application as the Secretary or other officer may require.

42. Grant of a Certificate of Registration

(1) On receipt of an application for the grant of a Certificate of Registration, the Secretary or other officer may, after making such inquiry as he deems necessary, either grant or by order refuse such registration.

(2) Where the application for registration is refused, the reasons for such refusal shall be recorded in writing and a copy of the same along with the order of refusal shall be furnished to the applicant, and the fees paid by the applicant shall be refunded to him.

(3) Where the application for registration is not refused, the Secretary or other officer shall grant the applicant a Certificate of Registration in Form X which shall be subject to such conditions as are mentioned in the certificate thereof.

43. Cancellation of Registration

Where the Secretary or other officer is satisfied that any person has obtained a Certificate of Registration by furnishing incorrect information or that he has contravened any of the provisions of this rule or of the conditions mentioned in the Certificate of Registration, or any person who has been registered as an exporter fails during the period of twelve consecutive months to export any of the marine products in respect of which he is registered, or if the Secretary or other officer is satisfied that such person has become disqualified to continue as an exporter, the Secretary or such officer may, after giving the person who holds a certificate a reasonable opportunity of making his objections, by order, cancel the registration and communicate to him a copy of such order.

44. Appeal

Any person aggrieved by an order of refusal under Rule 42 or an order of cancellation under Rule 43 may within thirty days of the date of receipt by him of the copy of the order, appeal to the Chairman who may either affirm, amend or set aside such order.

45. Registers

The Authority shall maintain the following registers, namely:-

a) a register of Fishing Vessels;

b) a register of Processing Plants;

c) a register of Storage Premises;

d) a register of Conveyances;

e) a register of Exporters.

46. Power to call for returns

(1) The Authority may, by general or special order direct the holder of a Certificate of Registration issued under this Chapter to maintain such records of his business in such form and manner as may be specified in the order and to submit to the Authority returns relating to his business in such form as may be specified in such order.

(2) The Chairman or any officer authorised by him in writing, may with a view to secure compliance with these Rules:-

a) require any holder of a certificate of registration to give any information in respect of his business ; and

b) inspect any books, accounts or other documents relating to his business.

CHAPTER - VIII

Miscellaneous

47. Payment of fees.

Any fees or amount payable to the Authority under the Act or these Rules shall be paid either by money order to the Authority or by Cheque or Draft drawn in favour of the Authority.

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FORM I

THE MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY RULES 1972

(See Rule 33)

Form of application for Registration of Fishing Vessels

1. Name and address of the applicant (in full)
2. Name of the Fishing Vessel
3. Particulars of registration, if any done previously
4. Particulars of registration under the Merchant Shipping Act, 1953
5. Where and when the Fishing Vessel was secured
6. Particulars of Fishing Vessel
   (a) Length
   (b) Breadth
   (c) Draft
   (d) H. P. of the Engine
   (e) Type of vessel
7. Place where constructed
8. Year of construction
9. The Port where it is proposed to operate
10. Number of crew
11. Mode of payment of registration fees

Place:

Date:

Signature of applicant

VERIFICATION

I, ... do hereby declare that to the best of my knowledge and belief, the above information is correct and complete.

Place:

Date:

Signature

Note :

A lay-out of the fishing vessel should be sent along with this application.

FORM II

THE MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY RULES 1972

(See Rule 33)

Form of application for Registration of Processing Plant for marine products

1. Name and address of the applicant (in full)
2. Location of Processing Plant
3. Type of processing
4. Capacity of Processing Plant
   a. Length
   b. Breadth
   c. Height
   d. Capacity
5. List of machinery with particulars
6. Total HP of motors / prime movers
7. Type of canning plant
8. Type of grading
9. Names of marine products proposed to be processed
10. Mode of payment of registration fees

Place:

Date:

Signature of applicant

VERIFICATION

I, ...do hereby declare that to the best of my knowledge and belief, the above information is correct and complete and that I agree to abide by the conditions of the Certificate of Registration.

Place:

Date:

Signature

Note :

1. Separate application should be sent in respect of each building or place where the processing is proposed to be done.
2. A lay-out of the Processing Plant should be sent along with this application.

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FORM III

THE MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY RULES 1972

(See Rule 33)

Form of application for Registration of Storage Premises for marine products

1. Name and address of the applicant (in full)
2. Locations of Storage Premises
3. Capacity of Storage
   (a) Length
   (b) Breadth
   (c) Height
   (d) Hold capacity
4. List of machinery with particulars
5. Name of marine products to be stored
6. Mode of payment of registration fees

Place:

Date:

Signature of applicant

VERIFICATION

I, ...do hereby declare that to the best of my knowledge and belief, the above information is correct and complete.

Place:

Date:

Signature

Note:

1. Separate application should be sent in respect of each building or place where storage is proposed to be done.
2. A lay-out of the Storage Premises should be sent along with this application

FORM IV

THE MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY RULES 1972

(See Rule 33)

Form of application for the Registration of Conveyance for the transport of marine products

1. Name and address of the applicant (in full)
2. Type of Conveyance
3. Registration number, if any of the Conveyance
4. Details of the Conveyance regarding machinery, capacity, trailer, etc.
5. Mode of payment of registration fees

Place:

Date:

Signature of applicant

VERIFICATION

I, ...do hereby declare that to the best of my knowledge and belief, the above information is correct and complete.

Place:

Date:

Signature

Note:

1. Separate application should be sent in respect of each conveyance
2. A lay-out of the Conveyance should be sent along with this application

FORM V

THE MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY RULES 1972

[See Rule 34 (3)]

Certificate of Registration for Fishing Vessels

1. Number and date of Certificate of Registration
2. Name of the person to whom the Certificate of Registration is issued
3. Particulars of the Fishing Vessels including the port where it is operated

Signature of the Officer
issuing the certificate
(Seal of the Authority)

Conditions of the Certificate of Registration

1. This Certificate of Registration is granted subject to the provisions of the Marine Products Export Development Authority Rules, 1972.
2. Any Change in the lay-out design or capacity or other matters should be got approved by the Authority.

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3. The sanitary and hygienic requirements should conform to the regulations issued in this behalf by the Export Inspection Agency and the Authority from time to time.
4. The owner should use only approved chemicals for preservation, processing and storage of marine products.
5. The owner shall also comply with such other instructions as may, from time to time, be issued by the Authority.

Endorsement of any change in the ownership, etc.

FORM VI

THE MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY RULES 1972

[See Rule 34 (3)]

Certificate of Registration of Processing Plant

1. Number and date of the Certificate of Registration.
2. Name of the person to whom the Certificate of Registration is issued
3. Location of the Processing Plant
4. Details of the Processing Plant
5. Name(s) of the Marine Products authorised to be processed.

Place:

Date:

Signature of the Officer
issuing the certificate.
(Seal of the Authority)

Conditions of the Certificate of Registration

1. This Certificate of Registration is granted subject to the provisions of the Marine Products Export Development Authority Rules, 1972.
2. Any change in the lay-out, design or capacity or other matters should be got approved by the Authority.
3. The sanitary and hygienic requirements should conform to the regulations issued in this behalf by the Export Inspection Agency and the Authority from time to time.
4. The owner should use only approved chemicals for preservation, processing and storage of marine products.
5. The owner shall also comply with such other instructions as may, from time to time be issued by the Authority.

Endorsement of any change in the ownership, etc.

FORM VII

THE MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY RULES 1972

[See Rule 34 (3)]

Certificate of Registration of Storage Premises

1. Number and date of the Certificate of Registration
2. Name of the person to whom the Certificate of Registration is issued
3. Location of the Storage Premises
4. Details regarding the Storage Premises
5. Name of marine products authorised to be stored

Place:

Date:

Signature of the Officer
issuing the certificate
(Seal of the Authority)

Conditions of the Certificate of Registration

1. This Certificate of Registration is granted subject to the provisions of the Marine Products Export Development Authority Rules, 1972.
2. Any change in the lay-out, design or capacity or other matters should be got approved by the Authority.
3. The sanitary and hygienic requirements should conform to the regulations issued in this behalf by the Export Inspection Agency and the Authority from time to time.
4. The owner should use only approved chemicals for preservation, processing and storage of marine products.
5. The owner shall also comply with such other instructions as may, from time to time be issued by the Authority.

Endorsement of any change in the ownership, etc.

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FORM VIII
THE MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY RULES 1972
[See Rule 34 (3)]
Certificate of Registration of Conveyance

1. Number and date of the Certificate of Registration
2. Name of the person to whom the certificate of registration is issued
3. Registration number of the Conveyance and the type of conveyance
4. Place of operation
5. Technical details regarding the conveyance

Place:

Date:

Signature of the Officer
issuing the Certificate
(Seal of the Authority)

Conditions of the Certificate of Registration

1. This Certificate of Registration is granted subject to the provisions of the Marine Products Export Development Authority Rules, 1972.
2. Any change in the lay-out, design, capacity or other matters should be got approved by the Authority.
3. The sanitary and hygienic requirements should conform to the regulations issued in this behalf by the Export Inspection Agency and the Authority from time to time.
4. The owner should use only approved chemicals for preservation, processing and storage of marine products.
5. The owner shall also comply with such other instructions as may, from time to time be issued by the Authority.

Endorsement of any change in the ownership, etc.

FORM IX
(*) THE MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY RULES 1972
(See Rule 41)

Form of application for Registration as an Exporter of marine products

1. Name and address of the applicant
2. Category of exporter (strike out whichever is not applicable)
   (a) Manufacturer Exporter (b) Merchant Exporter
   (c) Route through Merchant Exporter (d) Ornamental Fish Exporter
3. Full particulars of the firm
   (a) Year of establishment of the firm
   (b) Whether the firm is Proprietary/Partnership/ or a Limited Company
   (c) Name of Proprietor, or Partners or Directors, as the case may be and their addresses. (Attach separate sheet, if necessary)
   (d) Affix passport size photograph of the Proprietor / Managing Partner/ Managing Director
   (e) Registered address of the firm
   (f) Permanent residential address of the Proprietor/ Managing Partner/ Managing Director (Please attach proof of residential address)
   (g) Telephone numbers with STD code
   (h) Mobile telephone number of the Chief Executive
   (i) E-mail ID of the firm
   (j) Website, if any
4. Category of marine products which the applicant wishes to export. Please tick (√)

Frozen Marine Products		Canned Marine Products
Freeze Dried Marine Products		Live Marine Products, other than Ornamental Fish
Dried Marine Products		Chilled Marine Products
Ornamental Fish		Others (specify)

5. Is the applicant an established exporter? YES / NO
   If yes A) Quantity and Value of exports made during the last three years

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B) Whether the applicant was deregistered as an exporter of marine products?

If yes, indicate reasons for deregistration and the year of deregistration.

6. Name and address of Processing Plant/handling facility where the applicant proposes to process and store marine products. (Attach a copy of the agreement and the original of the undertaking by owner of Processing Plant or Handling Facility addressed to MPEDA by the processor).

   (a) Approved processing capacity of the plant.

   (b) Number of merchant exporters currently processing at the above premises.

   (c) MPEDA Registration Numbers and date of the Processing Plant / Handling Centre / Storage Premises under rule 33 (Attach original Registration Certificate issued to the Processing Plant and Storage Premises / Handling Facility).

   (d) Whether payment of endorsement fee has been made YES/NO

   (e) Export Inspection Agency approval and validity of the processing establishment. (Attach a copy of the same).

7. Indicate the name and address of the Scheduled Bank from where the Bank Certificate is produced.

8. Whether the applicant is a member of any Chamber of Commerce, Seafood Exporters Association of India or the Federation of Indian Exporters Organisation.

   YES / NO

   If yes, give particulars.

9. If the applicant is a Route through Merchant Exporter (Attach relevant copies of approval letter of Director General of Foreign Trade).

10. Import Export Code Number of the applicant. [Attach a copy of the Certificate of Import Export Code (IEC)]

11. Details of payment of registration fees as an exporter.

Place: Signature of the applicant
Date: Name:
(Seal) Designation:

DECLARATION

I, ...(Name) do hereby declare that to the best of my knowledge and belief, the above information is correct and complete. I also certify that I shall handle, process, pack and store the items allowed for export as at Sl.No.4 above only in premises approved by Export Inspection Agency and registered with Marine Products Export Development Authority as per the guidelines issued by Marine Products Export Development Authority vide Office Order Part I – No.10/ 2004 dated 23.7.2004.

Place: Signature

Date:

List of enclosures: -

(1) Passport size Photograph of the applicant.

(2) Proof of address (PAN Card/Voters ID Card/ Passport).

(3) Copy of written agreement for utilisation of surplus capacity of Processing Plants and Handling Facilities.

(4) Original of the undertaking by owner of Processing Plant or Handling Facility.

(5) Original Registration Certificate of Processing Plant/Handling Facility for endorsement.

(6) Original Registration Certificate of Storage Premises for endorsement.

(7) Fee for endorsement (Cash or Demand Draft favoring Marine Products Export Development Authority).

(8) Certificate from Scheduled Bank showing financial soundness.

(9) Copy of the Certificate or Importer Exporter Code issued by Director General of Foreign Trade.

(10) Approval letter issued by Director General of Foreign Trade in case of Route through Merchant Exporter.

(11) Registration fee of ₹ 5000/- (Cash or Demand Draft favoring Marine Products Export Development Authority.

(12) Copy of the purchase order

PS - Certificate at 5 & 6 above shall be collected from Marine Products Export Development Authority after endorsement.

(*) Amendment vide S.O.No.1096 (E) dated 8.10.2004.

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FORM X

(**) THE MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY RULES 1972

(See Rule 41)

Certificate of Registration as an Exporter

1. Number and date of Certificate of Registration
2. Name and address of the person to whom the certificate is granted
3. Category of exporter (Strike out whichever is not applicable)
   - (a) Manufacturer Exporter
   - (b) Merchant Exporter
   - (c) Route through Merchant Exporter
   - (d) Ornamental Fish Exporter
4. Name(s) of Marine Products permitted to be exported (Strike out whichever is not applicable)
   - (1) Frozen Marine Products
   - (2) Canned Marine Products
   - (3) Freeze Dried Marine Products
   - (4) Live Marine Products other than Ornamental Fish
   - (5) Dried Marine Products
   - (6) Chilled Marine Products
   - (7) Ornamental Fish
   - (8) Others (Specify)
5. If Merchant Exporter, details of Processing Plant or Handling Facility, the production from which alone the exporter is allowed to export: -

Sl. No.	MPEDA Regn No.	Name of Unit	Date from	Date to	Remarks
1.					
2.					
3.					
4.					
5.					
6.					
7.					

6. Endorsements (may be done on additional sheets, if necessary)

Signature of the Officer issuing the Certificate

Place:
Date: (Seal of the Authority)

CONDITIONS OF THE CERTIFICATE OF REGISTRATION

(1) This Certificate of Registration is granted subject to the provisions of the Marine Products Export Development Authority Rules, 1972, as amended from time to time.

(2) The holder will abide by the Guidelines dated 23.07.2004 of Marine Products Export Development Authority for issue of Certificate of Registration as an Exporter, as amended from time to time.

(3) Only the item(s) permitted to be exported vide Sl. No. 4 of this certificate will be exported.

(4) The exporter shall ensure that the quality of the marine products exported by him conform to the specifications recognized by the Central Government under Section 6 of the Export (Quality Control and Inspection) Act 1963 (21 of 1963) and rules, regulations and instructions there-under, as amended from time to time.

(5) The exporter shall conform to the rules, regulations and instructions issued by the Export Inspection Council of India, Export Inspection Agency and the Authority from time to time in respect of packing, quality control, pre-shipment inspection and all other matters.

(6) The sanitary and other hygienic requirements relating to preservation, processing and storage of marine products should also conform to the regulations issued by the Export Inspection Council of India, Export Inspection Agency and the Authority from time to time.

(7) The exporter shall process, handle, pack or store the items allowed for export as above only in premises registered with Marine Products Export Development Authority and approved by the Export Inspection Agency.

(8) The licence is liable to be cancelled for any act of omission or commission by the holder or by any person utilizing the surplus capacity of a processing plant or live fish or dried fish or chilled fish handling facility owned / operated by the holder, either in respect or quality issues or for trade related issues, including cheating, whether or not the complaint can be attributed to the processing unit or handling facility.

(9) The registration shall cease to be valid if the holder

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becomes no longer entitled to such registration under the provisions of the Guidelines dated 23.07.2004 of Marine Products Export Development Authority for issuing Certificate of Registration as an Exporter, as amended from time to time.

(10) The holder shall indicate in every invoice and shipping bill the name and the Marine Products Export Development Authority registration number of the processing plant or handling facility where the marine products being exported has been processed / handled.

(11) The exporter shall comply with such other instruction as may, from time to time be issued by the Government of India, the Authority, the Export Inspection Council of India and the Export Inspection Agency.

(**) Amendment vide S.O. No.1096 (E) dated 8.10.2004.

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