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PART-I

LIVESTOCK AND FISHERIES DEPARTMENT

Karachi, dated the 16th June, 2022.

NO.SO-II/L&F/7(27)(Illegal Jetties/2002: In exercise of the powers conferred by section 27 of the Sindh Fisheries Ordinance, 1980, the Government of Sindh are pleased to make the following rules, namely:-

1. **Short title and commencement.** These rules may be called the Sindh Registration and Regulation of Fishing Jetties Rules, 2022.

(2) These rules shall come into force at once.

2. **Definitions.** (1) In these rules, unless the context otherwise requires -

- (i) "Appendix" means the Appendix appended to these rules;
- (ii) "crew card" means an identity card issued to a fisherman or a crew of fishing boat;
- (iii) "crew list" means a list of crew produced by nakhuda or owner of the fishing boat to the Director for the purpose of issuing fishing trip permit;
- (iv) "department" means the Fisheries Department, Government of Sindh and includes any officer authorized by it to carry out the powers, functions and duties under these rules;
- (v) "Director General" means the Director General Fisheries Sindh Marine;
- (vi) "fishing logbook" means a register, whether manual or digital with required information, maintained by the nakhuda or owner of the fishing boat for the purpose of entry of fish catch records during a fishing voyage;
- (vii) "fishing trip permit" means a permit issued to fishing boats in marine territorial waters for a single fishing voyage for a specified period manually or through online process;
- (viii) "Fund" means the "Fisheries Conservation Fund" created under these rules;
- (ix) "Government jetty" means any jetty that is built by Government;
- (x) "jetty" means a structure built from a shore out into the water or along the shoreline, either fixed or floating, whether earthen

or cemented, used for landing of fish or berthing of fishing boat and loading or offloading of fishing equipment and supplies, or used for fisheries related trade or business including harbor; and includes Government jetty, private jetty and traditional jetty;

- (xi) "landing site" means a collection centre or a place nearby fishing waters or along the coastal waters whether earthen or cemented where the fish or aquatic organisms are landed, collected, sold or purchased and includes the jetty, harbor, dikka or any place used for loading or offloading the fish for the purpose of trade or business of fish;
- (xii) "license" means a license granted under these rules for operating a private jetty;
- (xiii) "Marine Police" means the Marine Fisheries Conservation Police established under these rules;
- (xiv) "nakhuda card" means an Identity Card issued to Nakhuda (Captain) of a fishing boat; and
- (xv) "Ordinance" means the Sindh Fisheries Ordinance, 1980;
- (xvi) "private jetty" means a jetty which is exclusive property of person(s) who has, for the time being, an exclusive right to use it;
- (xvii) "traditional jetty" means any jetty which is neither a Government jetty nor private jetty and is regulated by the Department;

(2) The expressions used but not defined in these rules shall have the same meanings as assigned to them under the Ordinance and rules made thereunder.

3. **Registration of Jetty.** (1) All Jetties operating along the Sindh coast shall be registered, documented and notified by the Department.

(2) No jetty shall be constructed or altered without prior approval of the Department.

(3) Any jetty operating without registration under sub-rule (1), shall be seized by the Inspector of Fisheries alongwith all equipment and fish.

(4) No person shall be granted licence, permit, special permit or fishing trip permit or operate on jetty unless the jetty has been registered in accordance with these rules.

(5) The Department shall conduct inspection of the jetty(s) prior to registration for ensuring that all conditions are met for its registration.

(6) A private jetty shall be registered on the request of the owner.

(7) The form of application for registration shall be made available to the applicant online or at designated offices of the Department, and the same shall be submitted alongwith the documents and fees of rupees ten thousand:

Provided that no fees shall be recovered from the Government jetty or traditional jetty.

(8) No application for registration will be processed contained incomplete information documents, and fees to be paid by the applicant in the form of call deposit or pay order.

(9) The Department or any officer authorized by it shall have right to approve or reject application for registration at any stage without notice; provided that an opportunity of being heard shall be provided to the applicant before passing final orders for rejections of his application.

(10) The Department shall inform the applicant about the approval or rejection of his application for registration within one month; provided that the reasons of rejection of the registration shall be informed to the applicant, in writing.

(11) Every jetty operating immediately before the commencement of this rule, shall get itself registered with the Fisheries Department, and in case of failure, the jetty including any material attached thereto shall be ceased and the owner of jetty shall also be liable to fine as may be determined by the Inspector.

4. **License to Jetty.** No jetty shall be granted license unless it has obtained the certificate of registration in accordance with these rules.

(2) The jetty registered as a Government or traditional jetty shall be licensed for a specified period for operation by an association of users.

(3) A registered private jetty may be licensed to an individual or an association of users.

(4) For licensing of a jetty, the applicant shall submit application in the form as prescribed by Director General, which will be accompanied with the fees specified in Appendix-I.

(5) The following shall be the conditions for Government jetty / traditional jetty and private jetty for grant of license:-

A. Government / Traditional Jetty:

- (i) Formation of an association, for the management of jetty, which shall submit application on prescribed Form;
- (ii) Security clearance from Law enforcement Agencies (LEAs) operating on land and in the sea;
- (iii) The jetty shall be licensed for a period of maximum three years which may be extended for a further period on the terms and conditions as agreed between the Department and the licensee(s).

B. Private Jetty:

- (i) Application to be submitted to the Department by the owner or developer or an association of users for registration and/or license;
- (ii) NOC from the Board of Revenue, Sindh, ascertaining the title of the land;
- (iii) Security clearance from Law enforcement Agencies (LEAs) operating on land and in the sea;
- (iv) Stability certificate for jetty from the concerned Departments or agencies;
- (v) The jetty shall be licensed for a period of maximum three years which may be renewed for a further period on payment of such fees specified in Appendix-I and in accordance with the conditions mentioned in rule 7.

5. **Eligibility conditions for licensing a Jetty.** A jetty shall be licensed if it meets the following conditions or the licensee shall undertake to develop the same within stipulated time before getting authorisation for operations:-

A. Landing Jetty

- (i) a well-built, risk-free structure with standardized space for berthing of boats;
- (ii) hygienic and well-placed structures for clean fish landing;
- (iii) availability of adequate potable water for fish washing, cleaning and proper drainage system;
- (iv) availability of hygienic ice to be used on jetty and the boats using the jetty;
- (v) general cleanliness and maintenance of hygienic conditions at all times at the jetty;
- (vi) availability of safety and fire fighter system at jetty;

B. Berthing Jetty.

- (i) used for berthing or parking of boats;
- (ii) must maintain hygienic conditions at jetty;
- (iii) arrangement of proper berthing space at jetty;
- (iv) availability of safety and fire fighter system at jetty;

6. **Licensing procedure.** (1) The application for the purpose of license, shall be accompanied with fees and security deposit as may be prescribed, in the form of call deposit or pay order.

(2) No application for license shall be processed containing incomplete information and without requisite documents or payment of fees.

(3) The form of application shall be made available to the applicant online or at designated offices of the Department, and the same shall be submitted alongwith the documents as may be required by the Director General.

(4) While submitting the application and documents as required under sub-rule (1) and (2), the applicant shall also undertake that -

- (i) no jetty shall operate without a valid license, as the case may be, issued by the Department;
- (ii) that no fish traders, seller or dealers, ice suppliers, transporter, fish processor shall operate on jetty unless he has obtained registration and a valid license from the department;
- (iii) no boat shall operate from jetty which uses banned nets or catches undersize fish or violates the law and rules, for time being in force.

(5) The Department shall have right to approve or reject application for license at any stage without notice; provided that an opportunity of being heard shall be provided to the applicant before passing final orders for rejections of application.

(6) The Department shall inform the applicant about the approval or rejection of his application within one month; provided that the reasons of rejection shall be informed to the applicant, in writing.

(7) In case of rejection of an individual's application for a private jetty license, the Department may license the same to an association of users or any other individual for safeguarding the public interest.

(8) Every jetty operating immediately before the commencement of this rule, shall get registered and licensed with the Department, and in case of failure, the jetty including any material attached thereto shall be ceased and the owner of jetty shall also be liable to penalty as may be determined by the Inspector.

(9) The licensee shall be required to abide by other statutory laws, rules and regulations in addition to fisheries laws and rules and will comply with such fishing bans as imposed by the Department from time to time.

(10) The licensee of the jetty shall be responsible and liable to be prosecuted under statutory laws if smuggling, money laundering, drug or human trafficking carried out through the jetty.

(11) The licensee shall provide the information about offenses under sub-rule (5) and (6) to the concerned agencies immediately, failing to do so, he shall be liable for cancellation of his license in addition to any action as provided under the relevant law.

7. **Renewal of license.** (1) The licence shall be renewed on payment of such fees as indicated in Appendix-I.

(2) The application for renewal of license shall be submitted three months in advance before the expiration of term of license, as the case may be.

(3) If the licensee fails to apply for renewal of his license within stipulated period provided under sub-rule (2), he shall be liable to pay fine at the rate of 1% of annual fee per day; provided that if the licensee has failed to pay fine, his license shall be cancelled and he will be charged double fee for each previous year for issuing a fresh license.

8. **Department to operate jetty.** The Department shall have power, notwithstanding anything contain in these rules, to operate any jetty which is lying non-operational or non-functional due to non-licensing or whose license has been cancelled, by deputing departmental staff for its operation in greater public interest.

9. **Jetty to be well-guarded.** The licensee shall ensure that the jetties are well guarded to thwart any illegal activity and shall bear responsibility for any consequences therefrom.

10. **Inspections.** The Department shall have the power to conduct inspection of the jetty, prior to its registration and licensing during the period of his license, as the case may be.

11. **Cancellation of license, permits etc.** The license, permit and special permit shall be liable to cancellation on violation of the conditions thereof or in contravention of the provisions of the Ordinance or any rules made there under.

12. **Services to be made available by licensee.** The licensee shall make jetties and their services available to the Federal or Provincial Government or any organization or agency under their direct control when required, for the use or berthing of crafts as required during national emergencies, including -

- (i) Loading, unloading of relief goods, equipment etc. for relief or rescue operations;
- (ii) any unusual circumstances, national disasters, earthquake, flooding, cyclone etc., wherein Government may require access to or use of the jetty.

13. **Operation of Boats and Traders at Jetty.** The fishing boats operating from jetty shall have fitness certificate (Sea worthiness certificate) issued by concerned department.

(2) No boat shall operate without getting registered and licensed by Department and upgrade their post-harvest facilities as per rules.

(3) It shall be the responsibility of licensee that crew of boats operating from jetty is registered with the Department prior to proceeding for fishing.

(4) No boat shall carry minors for labour.

(5) No boat shall leave jetty without fishing trip permit.

(6) The boats using the jetty shall maintain fishing catch logbook (as per specified proforma) and in case of failure to maintain the same, their registration and/or license shall be liable for cancellation.

(7) The entry and exit details of each boat will be maintained and provided to the Department by the licensee on monthly basis; provided that if any boat returns after the specified period mentioned in the fish trip permit, the licensee shall report it to the Department.

(8) The verification or inspection, as the case may be, of fishing vessels, prior to its proceeding to sea and upon returning, will be carried out by the inspector.

(9) The boats shall handover fishing catch logbooks to the inspectors assigned for the jetty along with details of all fish landed including kind, weight and condition of fish.

(10) All boats of 15 meters length or larger will install recommended VMS and all smaller boats to install GPS (or local version of VMS).

(11) All boats shall ensure safety equipment on boats.

(12) All boats to pass through entry and exit check posts setup by the Department and get their logbooks verified and FTP stamped with date and time.

(13) Every person working with fish traders shall be registered with the Department.

(14) The boats, traders and others operating from jetty shall abide by all fisheries laws and rules and shall comply with such fishing bans as imposed by the Department from time to time.

14. **Restriction for foreign boats / foreign nationals.** (1) Notwithstanding anything contained in these rules no licensee shall allow foreign boats to berth or land fish catch.

(2) No foreigner without the proper approval of government shall embark / disembark or board any craft for any purpose on the jetty.

15. **Administrative and Monitoring Arrangements.** (1) The Department shall make arrangements for regulation and operation of jetties, and issuance of necessary documents such as Nakhuda (captain) card, Fisherman / Crew card, Crew lists, and Fishing Trip Permits (FTP).

(2) Fishing trip permit shall be issued with specifying the duration of fishing trip, with dates of exit and entry, for a fishing voyage and the area to be fished, and the duration shall not exceed thirty (30) days.

(3) Any person violating the provisions of sub-rule (2) by returning beyond the period specified, he shall be liable to the penalty of fine at the rate of rupees five thousand per day, to be imposed and collected at the spot by issuing the fine receipt by the officer authorized by Director General.

(4) The Department will post staff as per needs of the jetty for ensuring sustainable operation.

(5) Other agencies including PMSA, PCG, Pak Customs, Police etc. may have their own arrangements and may establish their offices or desks on the jetty or may liaise with the fisheries department for "One-Window Operation".

(6) The Director General may, as and when required, issue guidelines or Standard Operating Procedures, not inconsistent with the provisions of the Ordinance and rules made thereunder.

16. Fisheries Conservation Fund. (1) There shall be a fund to be called the "Fisheries Conservation Fund" created for meeting the regulatory and development requirements of jetties and welfare of fishing sector, fisheries resources or fishermen.

(2) For the purpose of achieving the objects of the Act and these rules, such Fund shall consist of -

- (i) annual grants as may be determined by Government;
- (ii) grant-in-aid by Federal or Provincial Governments, Local Government or any other local or foreign agency;
- (iii) fees and fines to be recovered under these rules;

(3) The Fund shall be operated by the Directorate General Fisheries Sindh (Marine) and such other Director(s) as co-signatories for utilization and transactions of the Fund.

(4) The Department may constitute, by notification, such Committee to be headed by the Secretary of the Department alongwith the Director General being Secretary of the Committee and two Directors as members, for the purpose of managing the Fund.

(5) The Fund shall be auditable through external auditors chartered firm or Auditor General of Pakistan in Sindh as may be determined by Government for maintaining the transparency.

17. Marine Fisheries Conservation Police. There shall be Marine Fisheries Conservation Police to be called the Marine Police.

(2) The Marine Police will comprise Fisheries Constables, Fisheries Head Constables, Sub-Inspector Fisheries, Inspector Fisheries, Deputy Superintendent of Fisheries Police (DSPF), and Superintendent of Fisheries Police (SPF) and shall be headed by the Superintendent of Fisheries Police (SPF).

(3) The Superintendent of Fisheries Police (SPF) will report to the Director General.

(4) The Marine Police shall perform the functions which may include the Monitoring, Control and Surveillance (MCS) of fisheries resources in marine territorial waters.

(5) Without prejudice the functions provided in the preceding rules, the Marine Police shall also have such powers and duties as may be assigned to it by Department by issuing notification in the form of SOPs.

(6) Any member of the Marine Police, not below the rank of Sub Inspector may, in performance of his functions, powers and duties, seek assistance from the concerned police and the concerned police shall render all possible assistance.

18. Wearing of Uniform. All personnel of Marine Police shall wear such uniform as may be prescribed by the Department.

19. Amendment of Appendix. Government may, by notification, amend, alter or rescind the Appendix.

20. Precedence over other rules. Notwithstanding anything contrary contained in any other rules, the provisions of these rules shall have precedence over such rules.

APPENDIX-I

Fees Structure for License/Renewal of License**(1) Annual License Fee (non-refundable).****A. Fish Landing Jetty with**

- i. Capacity of 50 boats and above (Pak Rs.7,000,00 per year)
- ii. Capacity of 30 and above (Pak Rs.5,000,00 per year)
- iii. Capacity of 20 and above (Pak Rs.3,000,00 per year)
- iv. Capacity of 10 and above (Pak Rs.1,00,000 per year)
- v. Capacity of below 10 (Pak Rs.50,000 per year)

B. Berthing Jetty with

- i. Berthing capacity of 50 boats and above (Pak Rs.3,000,00 per year)
- ii. Berthing capacity of 20 and above (Pak Rs.1,000,00 per year)
- iii. Berthing capacity of 10 and above (Pak Rs.50,000 per year)
- iv. Berthing capacity of less than 10 – No fee (But registration is mandatory)

(2) Application Processing fee

- i. Application Processing Fee Rs.5,000/- per application (non-refundable)

(3) Security Deposit

- i. All applicants to submit security deposit of 20% of annual fee as security deposit (refundable) with their application

(4) The fees of renewal of licence shall be such as of the fees payable in respect of grant of licence mentioned in this Appendix.