15.1 Tamil Nadu Panchayats (Lease and licensing of Fishery rights in water sources vested and regulated by Village Panchayats and Panchayat Union Councils) Rules, 1999

(G.O. (Ms) No.169, RURAL DEVELOPMENT (P3) DEPARTMENT, Dated 16.08.1999)

1. In exercise of the powers conferred by Section 242 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and in supersession of the Tamil Nadu Lease and Licensing of Fishery Rights in Panchayats, Panchayat Union Rules 1983, the Governor of Tamil Nadu makes the following Rules:—

2. The Rules hereby made shall come into force on the 23rd August 1999.

RULES

1. Short title —These Rules may be called the Tamil Nadu Panchayats (Lease and Licensing of Fishery Rights in Water Sources vested and regulated by Village Panchayats and Panchayat Union Councils) Rules, 1999.

2. Prohibition of Fishing without lease or licence in water sources under the control of Village Panchayat or Panchayat Union Council —No person shall take any fish from the water sources specified in Appendix I of these Rules except under a lease or licence granted by the Village Panchayat or the Panchayat Union Council, as the case may be, or by such authority as may be authorized by them with such conditions as may be specified in the lease or licence, as the case may be, which may be suitably modified or amended from time to time.

3. Penalty—Whoever commits a breach of the provisions of Rule 2 shall be punishable with fine which may extend to five hundred rupees and when the breach is a continuing one, with a further fine which may extend to fifty rupees for every day after the date of commission of first rupees for every day after the date of commission of first offence, during which the breach is proved to have been persisted in.

4. Forfeiture —A Magistrate may, on the imposition of the penalty specified in Rule 3 on any person for the breach of these Rules, order the seizure, forfeiture and removal of the fixed engines erected or used or net used in contravention of these Rules, and also order the forfeiture of any fish taken by means of any such fixed engine or net.

5. Proof of possession of fish within the jurisdiction —A licensee or his authorized agent found in possession of fish within two hundred metres of the licensed area shall be liable to prove to the satisfaction of the Executive Authority of the Village Panchayat or the Commissioner of the Panchayat Union as to how he came into possession of the fish, failing which the fish shall be forfeited to the Village Panchayat or the Panchayat Union Council concerned, as the case may be.

6. Production of licence on demand —The licence issued under these Rules shall be produced on demand to the Executive Authority of the Village Panchayat or the Panchayat Union Commissioner or any person authorized by them.

7. Transfer of licence —The licence shall not be transferable but in the event of the death of the licensee or in case, he becomes incapable or physically disqualified for fishing, it may be transferred in the name of his legal heir on an application to the Village Panchayat or Panchayat Union Council, as the case may be.

8. Issue of duplicate licence —If a licence is lost and cannot be recovered or mutilated, a duplicate licence shall be issued on payment of five rupees.

9. Conditions and Form of licence —The licence shall be in the form appended to these Rules. The conditions of the licence shall be as specified in the said form in Appendix-II.

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10. Cancellation of licence — The Executive Authority of the Village Panchayat or the Panchayat Union Commissioner may cancel any licence, if the licensee fails to conform to any of the conditions prescribed in the licence, after giving a reasonable opportunity to the licensee.

11. Lease of fishery rights —The lease of fishery rights in the water sources vested in the Village Panchayat or the Panchayat Union Council shall be given after conducting public auction by the respective Village Panchayats or Panchayat Union Council, as the case may be. Such lease shall be for a period of five years. Lease amount shall be raised every year at the rate of 10 per cent over the lease amount of the previous year.

Upset lease amount shall be fixed by the Village Panchayat and the Panchayat Union Council concerned in consultation with the Inspector of Fisheries of the respective area.

12. Authority competent to conduct auction of fishery rights —(1) The Executive Authority of Village Panchayat concerned shall be competent to conduct public auction of fishery rights in its respective water sources specified in item (3) of Appendix-I. The Commissioner of Panchayat Unions concerned shall be competent to conduct public auction of fishery rights in the water sources specified in items (1) and (2) of Appendix-I. Such auction of fishery rights shall be conducted after giving sufficient notice and publicity. When the auction for the fishery rights takes place, if any fisheries Co-operative Society participating in the auction comes forward to match the highest bid, preference shall be given to such fisheries Co-operative Society. In case of more than one fisheries Co-operative Society participating in the auction, the highest bid of the Co-operative Society shall be finalised.

(2) The fisheries Co-operative Society not participating in the auction shall have no right to claim for fishery right by offering to match the highest bid amount.

(3) For the purpose of participating in the auction, earnest money deposit amount shall be fixed at the rate of 5 per cent of upset lease amount.

13. Authority competent to confirm the auction —The Inspector of Panchayats shall confirm the auction. In case the lease or auction amount is less than the previous year, it shall be referred to the Inspector for disposal.

14. Termination of lease —The lessee shall remit 25 per cent of the lease amount at the time of the lease and the balance of 75 per cent shall be remitted within seven days from the date of confirmation of the auction as provided in Rule 13. In case of default, the lease shall be terminated without assigning any reason. The Village Panchayats or Panchayat Union Council concerned shall have the right to re-lease.

15. Appeal —Any person aggrieved by the orders of the Village Panchayat or Panchayat Union Council in accepting the bid under Rule 13 may prefer an appeal to the Inspector within thirty days from the date of confirmation of the auction. The decision of the Inspector in the matter shall be final.

16. Revisionary powers —Any person aggrieved by the orders of the Inspector may prefer a revision application within thirty days from the date of the receipt of the orders by the Inspector to the Director of Rural Development.

RAMESH CHANDRA PANDA
SECRETARY TO GOVERNMENT

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APPENDIX – I

(See Rules 2 and 12)

(1) Irrigation sources which are entrusted to Panchayat Union Council under Section 133 (1) of the Tamil Nadu Panchayats Act, 1994 and maintained by them and non-provincialised water sources of the Public Works Department and maintained by them.

(2) Irrigation sources which are entrusted to Panchayat Union Council under Section 133 (1) of the Tamil Nadu Panchayats Act, 1994 but maintained by Village Panchayats.

(3) All public water sources are vested with Village Panchayats.

APPENDIX – II

FORM OF LICENCE

(See Rule 9)

DISTRICT:	DISTRICT:
Village Panchayat/ Panchayat Union Council Fishing Permit Licence issued for fishing in …….. tank Location details with S.No. and Revenue Village Name of the Licensee Address of the Licensee Mode of fishing Amount paid Period Signature and date Designation (Counterfoil – Office copy)	Village Panchayat/ Panchayat Union Council Fishing Permit Licence issued for fishing in …….. tank Location details with S.No. and Revenue Village Name of the Licensee Address of the Licensee Mode of fishing Amount paid Period Signature and date Designation (Original to the Licensee)

CONDITIONS

(i) _____ kind _____ size _____ quantity of species alone shall be caught.

(ii) No fishing is allowed between _____ period.

(iii) _____ tank _____ hours _____ days is allowed for fishing.

(iv) The Licensee shall maintain and surrender the licence when called for.

(v) The Licensee shall produce the fish _____ at _____ for inspection and weighment and for calculation of dryage.

(vi) The Licensee shall abide by any other condition that may be stipulated by the Competent Authority, from time to time.

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