

Indian Fisheries (Tamil Nadu Amendment) Act, 1979

TAMILNADU

India

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Act 12 of 1980

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Indian Fisheries (Tamil Nadu Amendment) Act, 1979(Tamil Nadu Act 12 of 1980)Statement of Objects and Reasons - Indian Fishers (Amendment) Act, 1979. - The Government of Tamil Nadu have decided to monopolise chanks and chank fisheries in the State and to prohibit any person from possessing, selling, moving, storing or transporting chanks or carrying on any business, industry or other activity in respect of chanks and chank fisheries in this State except under permits and licences to be granted by an officer authorised by them in this behalf. This is with a view to improving the socio-economic conditions of the fishermen divers, to prevent their exploitation by middlemen and for the better utilisation of the chank resources of the State.2. The Bill seeks to give effect to the above decisions.Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated 6th November 1979.Received the assent of the President on the 5th April 1980 and first published in the Tamil Nadu Government Gazette Extraordinary, dated 9th April 1980.An Act further to amend the Indian Fisheries Act, 1897, in its application to the State of Tamil Nadu.Be it enacted by the Legislature of the State of Tamil Nadu in the Thirtieth Year of the Republic of India as follows:

1. Short title, extent and commencement.

(1)This Act may be called the Indian Fisheries (Tamil Nadu Amendment) Act, 1979.(2)It extends to the whole of the State of Tamil Nadu.(3)It shall come into force on such date as the State Government may, by notification, appoint.

2. Amendment of sections, Central Act IV of 1897.

- In section 3 of the Indian Fisheries Act, 1897 (Central Act IV of 1897) (hereinafter referred to as the principal Act), clause (1) shall be renumbered as clause (1-D) of that section and before the clause as so renumbered, the following clauses shall be inserted, namely: -"(1-A) "authorised officer" means any officer of the Fisheries Department of the State not below the rank of an Assistant Director of Fisheries, authorised by the State Government by notification to exercise the powers conferred on,

and discharge the duties imposed upon, the authorised officer under this Act for such area as may be specified in the notification;(1-B) "chank" means conch or shank scientifically known as *Turbinella pyrum* or *Turbinella rapa*;(1-C) "chank fisheries" means that part of natural marine aquatic resources relating to chank, or shank or conch;".

3. Insertion of new sections 6-D, 6-E, 6-F, 6-G, 6-H, 6-I and 6-J in Central Act IV of 1897.

- After section 6-C of the principal Act, the following sections shall be inserted, namely:-"6-D. Government to have the exclusive privilege over chunks and chunk fisheries. - (1) Notwithstanding anything contained in this Act, or in any other law for the time being in force relating to fisheries and subject to the provisions contained in sections 6-E and 6-F, on and from such date as may be specified by the State Government by notification in this behalf, the State Government shall have the exclusive privilege of fishing, possession, sale, movement, storage or transport of chunks in this State, or the carrying on of any business, industry or any other activity in respect of chunks and chunk fisheries in this State.(2)On and from the date specified under sub-section (1), no person shall carry on any business, industry or other activity in respect of chunks and chunks fisheries except as otherwise expressly provided under this Act and the rules made thereunder.

6E. Possession, etc., of chunks to be under permit. - (1) No person shall possess, sell, move, store or transport any quantity of chunks unless under a permit granted by an authorised officer in such manner and for such period as may be prescribed:

Provided that the authorised officer may, by order, refuse to grant or renew a permit to any applicant in respect of whom he is satisfied that by reason of his conviction of an offence under this Act or the rules made thereunder, or the previous cancellation or suspension of any permit granted thereunder or the contravention of any of the requirements as to the possession of chunks or for any other reasons which may be prescribed, he is not a fit person to whom a permit should be granted or renewed under this section. Every such order shall be communicated to the applicant, as soon as possible.(2)Nothing contained in this Act shall apply to the possession of chunks-(a)by any individual or family up to ten pieces for bona fide religious purposes or for the collection of such shanks as curious articles; or(b)by any religious institution or other institutions of public worship up to one thousand and five hundred pieces for bona fide religious or public purposes; or(c)by any educational or research institution up to five hundred pieces for bona fide educational or research purposes.Explanation. - For the purposes of this sub-section, the expression "family" in relation to a person, means the person, the wife or husband, as the case may be, and his or her minor sons and unmarried daughters.

6F. Any operation relating to chank fisheries to be under licence. - On and from the date specified under sub-section (1) of section 6-D, no person shall fish or dive for chank or collect chunks from any chank beds, or use any

vessel for such purposes or carry on any business, industry or other activity in respect of chanks except under a licence granted by the authorised officer in such manner as may be prescribed:

Provided that nothing contained in this section shall be deemed to require the obtaining of any licence in respect of such chanks as are alleged to have been inadvertently caught along with other species of fish as incidental to fishing in the course of any fishing operation made by any person and such chanks so caught inadvertently shall be surrendered immediately to such authority within such time in consideration of payment of such rates, as may be prescribed.

6G. Powers of the State Government to provide for carrying on any business or activity in respect of chanks. - The State Government may, by rules, provide for the following matters, namely:-

(i)the possession, sale, movement, storing or transport of chanks;(ii)the fishing or diving for chanks;(iii)the collection of any chanks from any chank beds;(iv)the use of any vessel or vehicle for the purposes mentioned in clauses (i) to (iii);(v)the carrying of any business, industry or other activity by any person in respect of chanks and chank fisheries;(vi)the form and the manner in which applications for permits and licences under sections 6-E and 6-F may be made;(vii)the terms and conditions which may be included in any permit or licence under section 6-E or 6-F, as the case may be, and the fees for the grant of any such permit or licence;(viii)the grant of duplicate permits and licences and the renewal of permits and licences under sections 6-E and 6-F and fees for the same;(ix)the time within which appeals under section 6-1 may be made;(x)such other incidental matters connected with chanks and chank fisheries.

6H. Power to cancel or suspend permit or licence. - The authorised officer may cancel or suspend any permit or licence granted under section 6-E or section 6-H if it appears to him, after giving the holder thereof an opportunity of being heard, that the permit holder or licensee has contravened, or failed to comply with, any of the provisions of this Act or the rules made thereunder or any of the terms or conditions of the permit or licence.

6I. Appeal. - Any person aggrieved by the decision of the authorised officer refusing to grant or renew or cancelling or suspending a permit or licence under section 6-E, 6-F or 6-H may, within such time as may be prescribed, appeal to the State Government and the State Government may make such order in the case as they may think fit.

6J. Penalties. - Whoever contravenes the provisions of sections 6-D, 6-E and 6-F or any of the terms or conditions of the permit or licence granted under section 6-E or section 6-F or any rule made under this Act, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both."