

West Bengal Inland Fisheries Rules, 1985

WEST BENGAL

India

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019.

In exercise of the power conferred by section 19 of the West Bengal Inland Fisheries Act, 1984 (West Bengal Act No. 25 of 1984), the Governor is pleased to make the following rules, namely :

Chapter I Preliminary

1. Short title.

These rules may be called the West Bengal Inland Fisheries Rules, 1985.

2. Definitions.

(1) In these rules unless there is anything repugnant in the subject or context (a) "the Act" means the West Bengal Inland Fisheries Act, 1984 (West Bengal Act No. 25 of 1984); (b) "section" means a section of the Act; (2) Any expression used but not defined in these rules shall have the same meaning as defined in the Act.

Chapter II Proper utilization of multi-ownership or other tanks

3. Prevailing norms of proper utilization of multi-ownership or other tanks.

The prevailing norms of pisciculture shall mean and include all the following : (a) The embankment of the tank shall be such as to prevent unregulated ingress or egress of water; (b) The tank shall be deweeded regularly so that at least three-fourth of the water-body remain free from weeds; (c) The stocking of fish seed in the tank shall be at least four thousand cultivable carps or at least eight thousand other cultivable species per ha. Explanation : For the purpose of this rule cultivable carps shall mean and include rohu, mrigal, calbasu, silver carp, grass carp and common carp and other cultivable species shall mean and include magur, singhi, kai, javanias, bata, sarpunti, gaida, bagda, parse, bhangan and bhekti; (d) There shall be supplementary feeding, manuring and liming as may be required in a given condition and as the competent authority may consider reasonable.

4. Notice and manner of serving notice.

(1) The notice as per sub-section (1) of section 8 shall be served on every owner and occupier of the tank inviting their objection as to the intention of such taking over the management and control of such tank. The notice shall also be served by hanging a copy thereof in a prominent place near the tank in the presence of at least two witnesses of the locality. (2) If after due diligence, any owner or occupier is found not available, the notice may be served on an adult member of his family.

5. Disposal of objections.

If any objection is received within the date specified in the notice, the competent authority shall consider the same by giving a personal hearing to the objector or objectors. If he finds the objection reasonable, he shall accept the same by giving the reasons in writing therefor and shall issue an order cancelling the notice under rule 4. If, however, he finds the objection unreasonable or otherwise not tenable he shall reject the same after giving the reasons in writing therefor and shall proceed to take further action.

6. Take-over.

Where no objection has been received or where any objection has been rejected, the competent authority shall issue an order stating that the Government has taken over the management and control of the tank and the copies of such order shall be published by affixing on the official notice board and in a prominent place near the tank and shall also be served on the owners and occupiers of the tank in the manner prescribed in rule 4.

7. Taking possession.

Immediately after service of the order as per rule 6 of the competent authority or an officer authorized by him in this behalf shall take over physical possession of the tank.

8. Rent.

The rent payable per annum to the co-sharers or co-owners of a multi-ownership tank for taking over the management and control of a tank shall be assessed at the rate of four percentum per annum of the market value of the tank. In addition the co-sharers or co-owners shall also be paid a reasonable non-recurring lump sum amount on account of any fish not removed by them.

9. Apportionment amongst co-sharers or co-owners.

The rent payable under rule 8 shall be apportioned by the competent authority to each co-sharer or co owner in accordance with the nature and extent of share or interest held by each suer co-sharer or co-owner as the case may be after making necessary local enquiry.

10. Claims.

After determination of the rent as per the foregoing rule and apportionment thereof, the competent authority shall intimate the quantum of such rent receivable by each person holding an interest in the tank and asking them to submit their respective claims.

11. Payment of rent.

Such claims shall be paid off annually by the competent authority after due verification within a period of six months from the date of receipt of claims.

12. Utilization of tank after taking over.

-After a tank is taken over for management and control, the competent authority shall either arrange to start pisciculture therein by the officer and staff under him or arrange to transfer it to some other person for starting pisciculture in accordance with the prevailing norms.

13. Notice of transfer.

Where the competent authority decides to transfer the management and control of a tank to any person for proper utilization, he shall issue a notice stating such intention and the copies of such notice inviting applications shall be published in his own office and in the office of the Gram Panchayat having jurisdiction over the tank.

14. Manner of sanction of lease.

(1) All eligible persons making applications for taking the tank on lease shall be examined by the competent authority by giving an opportunity of being heard to all of them and thereafter the competent authority shall select a person who in his opinion is the best suited for the purpose having regard to his experience and financial capability and any other factor incidental to the proper

control, management and utilization of the tank.(2)While selecting a person for the purpose, the competent authority may give preference to a fish production group of a fishermen's co-operative society or a co-owner or co-sharer of the tank if they are found otherwise fit.

15. Execution of lease deed and transfer of possession.

-After selecting a person as per the foregoing rule the competent authority shall transfer the possession of the tank to such person on his execution of a lease deed.

16. Method of assessment of rent.

The rent payable per annum by a person to the competent authority for taking the tank on lease shall be assessed at the rate of four and a quarter percentum per annum of the market value of the tank. In addition, the lease shall also pay to the competent authority a reasonable non-recurring lump sum amount on account of any fish not removed by the competent authority.

Chapter III

Fish Production Group

17. Fish Production Group.

Not less than eight and not more than twenty persons may apply to the District Fishery Officer of forming themselves into a fish production group with the object of efficient production and sale of fish in a collective way.

18. Application.

The application for formation of a fish production group shall be made in the prescribed form appended at Schedule I to these rules.

19. Qualifications.

All the members of a group shall be adult individuals preferably residing in the same or adjoining areas and shall together possess not less than four hectares of water area in the aggregate.

20. Associate member.

In addition to the members referred to in rule 17 a fish production group may also include not more than two persons as associate members who shall have a right to attend a meeting of the group but shall not have right to vote in any such meeting.

21. Registration.

After receipt of an application for registration of a group, the District Fishery Officer shall, after making such enquiry as he may deem fit and proper and on being satisfied about the object for which the group is to be formed and about the fitness of the members for achievement of that object, issue a certificate of registration and shall enter the relevant particulars in receipt of the group in a register to be maintained for this purpose.

22. Validity.

The registration of a group shall remain valid until the same is cancelled by the District Fishery Officer.

23. Meeting.

A group shall hold at least one meeting in every three months and one annual general meeting and all annual general meetings shall be presided over

24. Rights and duties.

The rights and duties of the members of a group inter-se and those between the group and the associate members shall be such as the members may decide from time to time in a meeting.

25. Removal and inclusion of members.

-A group may remove an existing member or may include a new member at any time if such removal or inclusion is approved by all other members in a meeting.

26. Books and Accounts.

The group shall maintain such books and account as the District Fishery Officer may from time to time direct.

27. Reports and returns.

The group shall submit such reports and returns to the District Fishery Officer with a copy to the concerned Fishery Extension Officer as may be required by the Director of Fisheries, West Bengal, by a notification.

28. Cancellation of registration.

The District Fishery Officer may after giving to the group an opportunity of being heard, cancel the registration of a group on any of the following grounds :-(a) that the majority members of the group

have decided in a meeting to dissolve the group;(b)that the group is not functioning for more than a year;(c)that the group has become unable to function towards achieving the object for which it was formed;(d)that the number of members has fallen below eight;(e)that the registration of a group was obtained on the basis of any wrong information on any material point;(f)that the group has persistently violated the provisions of the Act and the rules, or neglected to abide by any direction lawfully issued by the District Fishery Officer.

29. Formation of Central Fish Production Group.

On an application made by not less than 20 Fish Production Groups within the jurisdiction of a District Fishery Officer the Director of Fisheries may register a Central Fish Production Group. On the registration of such a Central Group, all the Fish Productions Groups within the aforesaid jurisdiction shall be affiliated to that Central Group.

30. Managing Committee.

- The affair of a Central Group shall be managed by a Managing Committee of not less than six and not more than twelve members to be elected every year by the affiliated Groups provided that not more than two such members may be nominated by the Government for each Central Group.

31. Bye-laws.

The powers and functions of a Central Group and its internal management shall be such as may be provided in the bye-laws prepared by each such Central Group with the approval of the Director of Fisheries.

32. Apex Group.

All the Central Fish Production Groups in the State may form themselves into an Appex Group and on receipt of an application from the Group, the Director of Fisheries may register the Apex Group. The affair of the Apex Group shall be managed by a Managing Committee of not less than six and not more than twelve members to be elected every year by the affiliated Central Groups, provided teat not more than two such members may be nominated by the Government. The powers and functions of the Appex Group and its internal management shall be such may be provided in the bye-laws prepared by the Appex Group with the approval o. the Director of Fishers.

Chapter IV

Levy of fish

33. Levy Roll.

The competent authority on the basis of his own information or otherwise shall prepare a levy roll showing therein the name and address of the dealers, the quantum and species of fish to be delivered by them, the procurement agent to whom such delivery shall be made and other relevant particulars :Provided that for the purpose of rules under this Chapter a dealer shall mean and include a catcher, a whole seller, an importer, an auctioneer and a commission agent of fish.

34. Publication of levy rolls.

-The levy roll prepared under rule 33 shall be published in the office of the competent authority and copies thereof shall also be served on the dealers affected by the levy roll.

35. Objection.

-If any objection is received by the competent authority against any levy within thirty days of its service to a dealer affected, the competent authority shall consider such objections by giving to the objecting dealer an opportunity of being heard.

36. Final levy roll.

After considering the objections under the foregoing rule, the competent authority shall forward to the Government the levy roll, the objections, if any, received against the levy roll and his views on those objections. On considering the objections if any, and the views of the competent authority on those objections, the Government shall prepare the final levy roll and send the same to the competent authority for publishing the same in his office and for serving relevant parts thereof to all dealers affected by that levy roll.

37. Procurement Agent.

-A "procurement agent" for the purpose of the rules under this Chapter means a person who has been appointed by the Government for procurement of levy fish at specified rates from the dealers of fish and for sale of such fish to the consumers at the rate specified by the Government.

38. Quantum of Fish.

The quantum of fish to be delivered by a dealer shall be ten per cent by weight of the fish dealt in by the respective dealers in a year and shall be delivered to the procurement agent throughout the year in instalments on two fixed dates of every week.

39. Delivery.

- The dealer shall deliver at his usual place of business, the specified quantum of levy fish to the procurement agent specified in the levy roll.

40. Rebate.

A rebate or "dhalta" on the weight of levy fish shall be allowed at the rate of five per cent by the dealer to the procurement agent.

41. Procurement Price.

The procurement price payable by the procurement agent to the dealer for different species of levy fish shall be such as may be fixed by the Government from time to time by notification.

42. Quality.

-The dealer shall deliver to the procurement agent standard quality of fish fit for human consumption and any dispute regarding quality and fitness for human consumption shall be decided by the competent authority whose decision shall, subject to the provisions of the Act and these rules, be final.

43. Payment.

The procurement agent shall make payment to the dealer for the levy fish taken delivery of by him within forty eight hours of such delivery failing which he shall be liable to pay interest at the rate of eighteen per cent per annum on any outstanding amount.

44. Entry, search and seizure.

The requiring authority or a police officer not below of rank of Assistant Sub-Inspector with a view to securing the delivery of levy fish may (a) inspect or cause to be inspected any document or books of account as well as any stock of fish belonging to a dealer; (b) require any dealer to give any information of his possession with respect to any purchase or sale or storage of fish; (c) stop and search any person and vehicle or vessel of animal used or suspected of being used for delivery of fish from premises where he has reason to believe that fish are stored; (d) enter and inspect or break open and search at any time between sunrise and sunset any premises where he has reason to believe that fish are stored : Provided that in exercising the powers under this rule due regard shall be paid to the social and religious custom of the occupants of the places and premises, vehicles or vessels: Further provided that the requiring authority or police officer shall have power to take such aid or assistance as may be necessary for taking any action under this rule.

45. Exemption.

-The Government having regard to the conditions prevailing in any locality and if it finds it necessary to do so in the public interest may by notification exempt, subject to any condition as it may think fit to impose, any class or classes of dealers from the operation of the provisions of the rules under this Chapter.

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(Rule 18)Form of application fer registration of a fish production groupToThe District Fishery Officer,.....(Fishery) District.Sir,We, the undersigned persons, of whom relevant particulars have been given in list 1 appended, have the West Bengal Inland Fisheries Act, 1984 (West Bengal Act No. 25 of 1984) and rule made thereunder initially with the tanks the particulars of which are given in list 2 appended.

2. It has been resolved by us that initially Shri/Sm.....shall function as the Leader and Shri/Sm..... shall function as the Deputy Leader of the group.

3. The name of the group shall be.....and its office shall be located at.....(full address stating locality, village, post office, police station, block and district).

4. The object of the group shall be :

(a)(b)(c)5. We are to request you to please register the group as per rules and communicate to us the fact of such registration in due course.Yours faithfully,Place.....Dated.....Signature

1.

.....

2.

.....

3.

.....

4.

.....and so on. List 1 Names and particulars regarding the members and associated members of.....fish production group

Sl. No.	Name	Father's Name	Age	Address	Educational qualification	Main and subsidiary Occupation	Detail of experience in pisciculture	Area of tank Possession (in Ha.)	Nature of right in the tank	Remarks
1	2	3	4	5	6	7	8	9	10	11

List 2 Particulars of the tanks possessed by the members of.....fish production group

Sl. No.	Local name and location with DagNo./KhatianNo. and Mouza	Area in ha.	Name, address etc. of owners and possession	Present Production in Kg/ha	Depth, present state and history of distilling	Liming made in last 2 years	Application of cowdung in last 2 years	Remarks
1	2	3	4	5	6	7	8	9

By order of the Governor, Sd/- B.C. SHARMA Secy. to the Govt. of West Bengal.