

Fishery Rules

ASSAM

India

Fishery Rules

Rule FISHERY-RULES of 1954

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Fishery Rules Last Updated 12th February, 2020 [Rules under Sections 155 and 156 of the Assam Land and Revenue Regulations and Section 6 of the Indian Fisheries Act] Section I - General and settlement of fisheries.

1. Definitions.

- In these rules, unless there is something repugnant in the subject or context-(a) the term "fishery" means the waters declared to be a fishery by proclamation issued under Section 16 of the Assam Land and Revenue Regulation, 1886 (1 of 1886) and includes Khoes or fish ways, doabas and beels; and "fish" includes shell-fish and turtles; (b) the term "year" means twelve months from the 1st April to the 31st March.

2. Register of Fisheries.

- A register of Government fisheries (including navigable rivers which are public property) must be kept up by each District and Sub-divisional Officer in Form No. 97 of the Assam Land Revenue Manual, Volume II and no alteration in the registers, whether by the addition or removal of the fisheries, or revision of fishery boundaries, may be made without the previous sanction of Government.

3. Procedure for sale of fisheries.

(a) The Deputy Commissioner or the Additional Deputy Commissioner in case of Sadar Sub-divisions and the Sub-divisional Officers in case of other sub-divisions shall annually fix a date ordinarily not later than the 16th February, for the sale of all registered fisheries held under leases expiring on the last day of the current year or which at the last previous auctions were reserved from sale under Rule 9. The date fixed shall be proclaimed by the Deputy Commissioner or the Additional Deputy Commissioner or Sub-divisional Officer at least a month in advance by a written notice in

Form No. 101 of the Assam Land Revenue Manual, Volume II, posted at the Sadar or Sub-divisional Cutcherry, as the case may be, and at the Munsiff's Court and Police Station within the local limits of which the fishery or any part of it is Pargana within which it is situated, and any other particulars that may be necessary for its identification; the term and price for which it was sold at the last auction; and the term for which it will not be sold, and the date, place and conditions of sale. The contents of this notice shall also (if possible) be made known by beat of drum at the Bazar nearest to the fishery.(b)The fisheries of the Sadar Sub-division shall be sold by the Deputy Commissioner or the Additional Deputy Commissioner or if so authorised by them in writing by the Sadar Sub-divisional officer and those of other sub-divisions shall be sold by the respective Sub-divisional Officers :Provided that the procedure prescribed for fixation of date for the sale of all registered fisheries and proclamation of such date at least a month in advance by a written notice in Form No. 101 of the Assam Land Revenue Manual, Volume II as amended hereinafter shall not apply in respect of the sale of such fisheries for the year 1971-72.

4. Place of sale.

- The place of sale shall be the Sadar Cutcherry of the district for fisheries in the Sadar Sub-division and Sub- divisional Cutcherry for fisheries in other sub-divisions.

5. Conditions of sale.

- The following conditions of sale shall be specified in the notice and shall be proclaimed before the sale begins :(1)The officer conducting the sale does not bind himself to accept the highest tender or any tender.(2)(a)Conditions of sale of fisheries. - Any tender including co-operative societies formed by communities other than members of actual fishermen belonging to Scheduled Castes or members of Maimal Community of the District of Cachar shall, immediately after the acceptance of their tenders furnish in cash, as security a sum equal to twenty five per cent of the revenue of the fishery for the first year of the full term of settlement.(b)Provided that Fishing Co-operative Societies with 100 per cent shareholders from members of actual fishermen belonging to Scheduled Castes of the State or Maimal Community of the District of Cachar and registered under the Assam Co-operative Societies Act, 1949, shall immediately on acceptance of their tenders, be entitled to deposit a sum as cash on security at ten per cent of the revenue of the fisheries settled with them for the first year of the full term of settlement.If any tenderer or tenderers referred to in sub-rules (a) and (b) above fails/fail to furnish the security as laid down above, the fisheries shall be re-sold at his or their risk forthwith and he or they shall be bound to make good the difference between his or their tenders and the amount realised at the subsequent sale; calculated on the whole period of settlement.(3)If the purchaser fails to execute a counterpart within one month from the date of sale, the fishery shall be re-sold at his risk and he shall be bound to make good the difference between his tender and the amount realised by the subsequent sale, calculated on the whole period of settlement:Provided that the Deputy Commissioner or the Sub-divisional Officer may, for special reasons require him to make good only the difference between his tender for one year of settlement and the amount realised for that period by the subsequent sale.(4)If the purchaser fails to execute a counterpart within one month of the date of the sale, or if he fails to do anything which he is required or bound to do under sub-paragraphs (2) and (3) above, the Deputy Commissioner or the Sub-divisional

Officer may further direct that he shall also forfeit the security furnished, if any, or any portion of it.

6.

When for default of furnishing the additional security mentioned in Rule 5(2) or of executing a counterpart under Rule 5(3) the fishery has to be put up to sale a second time, at the risk of the first purchaser, notice of sale shall be given as in the case of an original sale, with the additional security; provided that the re-sale shall be at the risk of and on account of the first purchaser.

7. Lease.

- When the sale has been concluded, a lease and counterpart shall be interchanged in Forms Nos. 98 and 99 of the Assam Land Revenue Manual, Volume II.

8.

(a)Settling authority. - The Deputy Commissioners or the Additional Deputy Commissioners in case of Sadar Sub-Divisions and Sub-divisional Officers in case of other sub-divisions be the authorities for settlement of all registered fisheries under tender system of sale in their respective jurisdiction.(b)Extension of the term of lease. - (i) Where the period of lease of registered fisheries being ordinarily not less than three years is interfered with, due to any natural cause or for any unavoidable reasons beyond the control of the lessees, Government may extend the period of such lease supported by official reports as to the nature of cause in exceptionally special case for a reasonable period so as to enable such losses to make good the loss.(ii)The State Government may also, on the recommendation of the Director of Fisheries, extend the period of lease of a fishery with an intending pisciculturist who shall invariably be the sitting lessee and who agrees to accept such an extension at the revenue and for such additional terms and conditions as may be specified by Government:Provided that one of the conditions of extension of lease against piscicultural plan shall invariably be the implementation of approved scheme or schemes of development and improvement of such a fishery at the lessee's own cost within a target period to be fixed by Government.The orders of extension of lease on the aforesaid grounds, passed by the State Government shall be final and no appeal shall lie against such orders of extension.(c)(i)Development of Fisheries and their consequential settlement. - The State Government on expiry of the term of settlement, may at any time, by a notification in the official Gazette, stop any fishery from further settlement under tender system and vest management of such a fishery with the Director of Fisheries for development. On publication of such notification, the Deputy Commissioner or Sub-divisional Officer, as the case may be, shall hand over the fishery to the Director of Fisheries :Provided that the Director of Fisheries may call for tenders consistent with the relevant provisions of these rules for settlement of such a fishery and submit the same with his views thereon fifteen days of date of opening the tenders to Government for approval. The decision of the State Government in this behalf shall be final:Provided further that such settlement shall not interfere on conflict with the work of development of such a fishery and that the provisions of Rule 50 of the Fishery Rules will not apply in case of such settlement.(ii)The State Government may, at any time after constitution of the Assam Fisheries Development Corporation by Notification in the official Gazette, vest management of any

of any registered fishery with the Assam Fisheries Development Corporation as considered necessary for the purpose of its development and management. On publication of such Notification, the Deputy Commissioners, Sub-Divisional Officers and the Director of Fisheries, Assam, as the case may be, shall handover such fisheries to the Corporation.(d)[* * * *](e)Re-sale of fisheries. - When for default of kist money or for violation of any of the conditions of the fishery lease including any of the provisions of these rules by a lessee, the fishery shall be put to re-sale under tender system at the risk of original lessee, notice of re-sale shall be given as in the case of the original sale with the additional proviso that the re-sale shall be at the risk of and on account of the original lessee :Provided that the question of such re-sale shall not be applicable where State Government permits extension of time for payment of kist money.

9. Fisheries not sold.

- If the highest tender for any registered fishery is less than ten rupees, such fishery shall be reserved from sale until the ensuing year, unless in the mean time a tender of not less than ten rupees is made for it. Fisheries thus reserved may be declared open to the public by the Deputy Commissioner or Sub-divisional Officer at the conclusion of the sale with the proviso that they will be sold whenever a sufficient tender is made for them.

10.

In the Assam valley, the Deputy Commissioners and the Sub-divisional Officers are authorised to abstain from leasing any fishery or group of fisheries for which the tender is below Rs. 50 unless there are special reasons for leasing them, but this but this Rs. 50 limit would not apply in the case of fisheries which are framed in the interest of sport, to prevent the indiscriminate destruction of fish.

11. Appeal against the order of the settling authority.

- All appeals against the orders of the settling authority passed under these rules shall lie to the Assam Board of Revenue. Appeals must be preferred within thirty days of the date of such order.

12.

Except those referred to in sub-rule 8 (b) above, all registered fisheries shall be settled under tender system of sale in place of sale by auction :Provided that the State Government may settle any registered fishery otherwise than under tender system with fishery co-operative society formed with 100 per cent actual fishermen of the fishing population in the neighbourhood of the fishery concerned and belonging to the Scheduled Castes of the State or Maimal Community of the Cachar District at a revenue calculated and for a period decided by the State Government from time to time.

13.

(a) With prior approval of the State Government not more than 60 per cent of the fisheries in a sub-division available for settlement in a year be selected for sale under tender system only with the Co-operative Fishery Societies formed with 100 per cent shareholders from members of actual fishermen belonging to the Scheduled Castes of the State and/or Maimal Community of the District of Cachar and Registered under the Assam Cooperative Societies Act, 1949. Settlement of all such fisheries tenders of which have been accepted under Rule 5 shall be with the highest tender. (b) The remaining fisheries in the sub-division available in that year under tender system of sale, shall remain open for settlement to all communities including Co-operative Societies as referred to in sub-rule (a) above. (c) A Co-operative Fishery Society by members of actual fishermen belonging to the Scheduled Castes/Maimal Community/Schedule Tribes/other Backward Classes and registered under the Assam Co-operative Societies Act, 1949, shall be given option to accept settlement of fisheries of the category as mentioned in sub-rule (b) above at the highest tender; provided that their tender is within 7½ per cent of the highest tender. (d) When the tenders for fisheries falling within the category referred to in sub-rule (b) above or below 7½ per cent of the highest tender (i) Co-operative Societies as stated in Sub-rule (c) above, (ii) individual members of actual fishermen belonging to the Scheduled Castes and the backward classes who may offer tenders not less than 60 per cent of the highest tender, may be given option to take settlement of the fishery at the highest bid, in the order of preference stated above subject of suitability of the tenderer. (e) When a fishery referred to in sub-rule (b) above fetching a tender not exceeding Rs. 50,000 per annum is settled with any individual member from actual fishermen belonging to Scheduled Castes, Scheduled Tribes/Maimal Community or other Backward Classes the tenderer shall be entitled to a rebate of 7½ per cent as concession. But when a fishery fetching a tender not exceeding Rs. one lakh (Rupees one lakh) per annum is settled with any Fishery Co-operative Societies formed by members from communities as stated above, the tenderer society shall get a rebate of ten per cent as concession : Provided that 100 per cent rebate as aforesaid shall not be available to Fishery Co-operative Societies formed with 100 per cent shareholders from actual fishermen belonging to the Scheduled Castes of the State and the Maimal Community of the District of Cachar if they accept settlement of fisheries as stated in sub-rule (a) above : Provided further that such rebate shall not be admissible in case any individual or Fishery Co-operative Society of any protected community offers the highest tender. (f) Any tenderer claiming the concession provided in this rule shall indicate the same in his tender.

14. Settlement of fisheries as land.

- Fisheries cannot be settled as land. In Cachar, however small, i.e. second class fisheries which adjoin settled land shall be entered in a separate register in the Deputy commissioner's office and not included in the ordinary jamabandis. The lease for such fisheries is in a special form sanctioned at the time of settlement. Fisheries which have silted up shall be settled as waste land under the ordinary rules. As by the terms of lease the rights of the lessees extend to fishing only, they cannot acquire the status of a landholder.

15. Fishing right in Cachar.

- The fishing rights in Cachar dealt with in Rule 14 shall be valued by the Settlement Officer and the mahal shall be settled to the best advantage with any candidate who will undertake to collect the rates per net and basket hitherto in force. These rates shall be recorded, and it shall be a condition of the settlement that the holder of the mahal shall not exceed more. Another condition should be that he shall allow the continuance of the right of fishing to all who have hitherto enjoyed it, but shall not permit its extension to outsiders. Leases of such fisheries are exempt from the payment of stamp duty. Fisheries of the river Barak or any other area which exceeds the limits of a single mauza must be entered on the fishery lease and lease by auction, the income being credited in this case to "Miscellaneous Revenue": Provided that the Settlement Officer shall submit the settlement proposal of second class fisheries to the Commissioner of Division for approval.

15A.

The fisheries to the upper reaches of the river Barak and its tributaries in the district of Cachar which are determined to be breeding ground shall be declared by the Deputy Commissioner to be reserved fisheries by a notification in the official Gazette specifying their boundaries therein with the previous sanction of the State Government. Such reserved fisheries shall be settled by the Deputy Commissioner in public auction subject to the following special conditions which shall be specified in the notice and shall be proclaimed before the sale begins and inserted in the lease: (i) that construction of dams and weirs shall be prohibited; (ii) that the minimum size of the mesh of the fishing net shall not be less than 4 inches square; (iii) that the use of Mahajal or Berjal, for the purposes of catching fish shall be not be permitted; (iv) that the lease for these fisheries shall be for a period of six months only from the 1st October to the 31st March, and they shall remain reserved for the rest of the year: Provided that in all other respects those fisheries shall be governed by the general Fishery Rules and that their sales shall be reported to the Commissioner of Division, Assam for approval.

16. Remission of fishery revenue.

- Notwithstanding any provision in the condition of the fishery lease, remissions of fishery revenue may be granted in exceptional cases by the Deputy Commissioner up to the extent of Rs. 50 in any one case, and by the Commissioners of Plains Division up to the extent of Rs. 500 in any one case, provided the Officer authorised to grant the remission is satisfied that the refusal of remission will cause serious hardship to the lessee. A remission of revenue to the extent of more than Rs. 500 in any one case will require the sanction of the State Government.

17. Fishing without authority.

- All fishing, without a lease previously obtained from the Deputy Commissioner of the district concerned or such other officer as he may appoint for the purpose, in the fisheries of the Province proclaimed under Section 16 of the Assam Land and Revenue Regulation, 1886, is prohibited. Any

person fishing in the proclaimed water must carry his lease or an authority from the lessee and produce it when called upon to do so by any officer duly authorised.

18. Protection of fisheries.

- No fishery shall be drained dry by the lessee, who shall be required to leave sufficient water for the protection of fishery and for drinking purposes for cattle. The Deputy Commissioner or the Sub-divisional Officer will, in the event of the dispute, fix the volume of water to be maintained in respect of any particular beel and his decision shall be final.

19.

The lessee of beel and tank fisheries must keep their fisheries clear of water hyacinth and other water weeds.

20.

Fishing in Government fisheries by more than 25 persons at a time for their own consumption, even on payment of the lessee's dues (i.e., 4 annas per instrument per annum) is prohibited inasmuch as it is highly detrimental to the interest of both the lessee and the Government. On infringement of this rule the person at fault shall be liable to the penalties provided in Rule 22.

21. Retting of jute prohibited.

- If any person pollutes by the retting of jute the water of a Government beel fishery proclaimed under Section 16 of the Assam Land and Revenue Regulation and included in the District Register of Fishery he shall be punishable with fine as prescribed in Rule 22 :Provided that the lessee of a fishery shall be held responsible for any deterioration of the fishery under his lease due to the retting of jute in it-(i)if he himself rets it or permits others to do so, or(ii)if he fails to inform the Deputy Commissioner or Sub-divisional Officer, as the case may be, when other persons do retting in his fishery.

22. Penalties on breach of rules.

(1)Any person contravening the provisions of these rules or who fishes, attempts to fish or abets fishing contrary to the above provisions, shall be liable to a penalty which may extend to rupees five thousand but not less than rupees one thousand and when the breach is a continuing one, to a further fine which may extend to rupees one hundred for every day, after the date of the first conviction, during which the breach is proved to have been persisted in.(2)If the contravention or breach of any provisions of these rules is committed by a lessee, the lease of such fishery shall be liable to cancellation in addition to any other penalty such as forfeiture of security deposit and daily recurring fine as provided above if the offence be continued for some time.

23. Restrictions on the use of nets.

(1)The use of Berjal/Mahajal or Fasijal or any type of net with meshes less than 7 c.m. bar/14 c.m. mesh is prohibited during breeding season beginning from the first day of the month of May and ending on the fifteenth day of the month of July, both days inclusive, in any proclaimed fishery :Provided that this restriction may be relaxed by the State Government for Hilsa Fishing only.(2)The use of net with less than 1 c.m. bar/2 c.m. mesh (Mosarijal) in size is prohibited in any fishery throughout the year :Provided that this restriction may be relaxed by the Deputy Commissioner/Sub-divisional Office for catching of smaller species like, Mowa, Puthi, Sella, Karati, etc., between the first day of the month of May and the fifteenth day of the month of July, both days inclusive.

23A. Restrictions on fishing during breeding season on catching and selling of under-sized fish.

(1)Catching of brood fish (fish carrying eggs and sperm) of the following species, namely : Rahu, Catla (Bahu), Mrigal, Mali (Calbasu), Chitai, Kharia, Pithia, (Mahasul), Gharia and Kuri (Gonius) is prohibited during the breeding season beginning from the first day of the month of May and ending on the fifteenth day of the month of July, both days inclusive, in any proclaimed fishery.(2)Catching and killing, by any method, of fish for any purpose whatsoever including consumption and selling of under sized fish of the following species, namely : Rahu, Catla (Bahu), Mrigal, Chitai, Kharia, Pithia (Mahasul), Gharia below 23 c.m. in length and Mali (Clabasu), Gonius, Kurhil, Bhagum below 10 c.m. in length is prohibited between the first day of August and thirty-first day of October :Provided that the above restrictions may be relaxed by the order of the Director of Fisheries in writing for pisciculture purposes only.(3)All under-sized fish specified in sub-rule (2) above caught in the nets shall either be let off in the fishery or supplied to the Fisheries Department by the lessee in live condition at the rates to be fixed by the Government from time to time.

24.

No movable Bana with gap less than 7 c.m. sq shall be used for fishing between the first day of the month of May and the fifteenth day of the month of July, both days inclusive, in any rivers, doabas or beels or fisheries.

25.

Bana with less than 7 c.m.sq. gaps fixed at the month of beels or doabas or at the boundaries of river fisheries by which water is drained out is permissible to be used only during fishing season excepting the period between the first day of the month of May and the fifteenth day of the month of July of the year, both days inclusive.

26.

Subject to the above rules and with the previous sanction of the State Government, Deputy Commissioner, may prescribe the mesh of fishing nets, the fixed engines or other contrivances which can be used and the manner in which the fishing operations shall be carried on and may lay down any other conditions which may be considered necessary from time to time. Such conditions shall be specified in the sale notices and shall be proclaimed before the sale begins.

27.

Any Magistrate, any police officer or any person specially empowered by the State Government under Section 7(1) of the Indian Fisheries Act, 1897, to arrest any person committing any offence punishable under the aforesaid rules, may seize and removed any net or fixed engine which is used in his presence for fishing in the Government fisheries in contravention of these rules. Any person other than a Magistrate or an officer in charge of a police station who, under the authority of this rule, seizes or removes any net or fixed engine, shall forthwith report the fact to the nearest Magistrate or to the officer in charge of the nearest police station and shall make over to the said Magistrate or officer any net or fixed engine which he has seized and removed.

28.

The Magistrate may order the forfeiture of any net or fixed engine proved to have been used for fishing in the Government fisheries in contravention of these rules.

29.

(a)Any Magistrate, any police officer or any person empowered under Section 7(1) of the Indian Fisheries Act, 1897, to make arrests, may seize and remove any fish caught in his presence in the Government fisheries in contravention of these rules.(b)Any fish so seized by a person, other than a Magistrate or an officer-in-charge of police station, shall be made over with as little delay as possible to the nearest Magistrate or the nearest officer-in-charge of a police station.(c)A Magistrate or office-in-charge of a police station who has seized fish, or has received fish seized by an authorised person may, if the fish are likely to go bad before they can be brought to court, cause them to be sold by auction.(d)On proof that any fish were unlawfully caught in the Government fisheries the Magistrate may order them to be forfeited to the State Government, and if they have already sold under Clause (c) of this rule the price received shall thereupon be forfeited to the State Government.(e)If the Deputy Commissioner or the Sub-divisional Officer is satisfied that fish from any particular fishery is required for local consumption, he may insert a clause, in the lease of such fishery to the effect that such percentage of the catch shall be sold in the local market as may be determined by him.

Section II - Sanctuaries

30. Declaration of sanctuaries.

- The State Government may, by notification in the official Gazette, declare any specified water to be a sanctuary for the protection of fish prohibiting all fishing therein for a period not exceeding two years, or declare any period to be a closed season for fishing in any fishery. The period of reservation as a sanctuary may be extended further by notification in the official Gazette.

31.

All fishing in a sanctuary shall be prohibited except for the purpose of pisciculture and on a licence containing the terms and conditions issued by the officers of the Fishery Department not below the rank of Superintendent of Fisheries. On infringement of fishing conditions in a sanctuary the licensee shall be liable to a fine of Rs. 100 for the first offence and for the second offence the security money shall be forfeited and the licence cancelled in addition.

32.

Unless otherwise specified as a condition in a licence issued under Rule 31 a licence holder shall be permitted to fish with nets of all kinds varying from spawn collecting nets of very fine mesh to nets no portion of which has meshes of more than 1½ inches from knot or 2 inches all round. The length of such nets shall not exceed fifty feet in length :Provided that the licensee shall not use at any time more than two of either or any of the gears permitted to him to be used under the rules.

33.

All licensee under Rule 31 shall not employ or engage any person below the age of 16 to help with his nets.

34.

(i)A licence to the authorised person shall be given under Rule 31 primarily with the object of catching spawn, fry and finger lings of major carps and any species other than carps caught in the operation of the nets allowed under Rule 32.(ii)Any species other than caught in the net may be sold by the licensee in live or dead condition, but carps above fingerling size shall be put back into water alive immediately after they are caught.(iii)Carp shall include Row (Rohu) Bahu or Bhakua (Catla), Mirika (Mrigal), Nadani (Nadni), Malyi (Kalbose), Kurhi (Kurcha).

35.

When a closed season is declared by the State Government in any water no person other than the residents of neighbouring villagers may fish in such water during the period so declared unless he is in possession of a valid licence issued by and on such conditions as may be fixed by the Director of Fisheries, Assam :Provided that the neighbouring villagers may fish only with rod and line, hand

line or jokai for their own consumption only.

36.

The licensee under these rules shall be not make any use of poison, lime, dynamite or other noxious or explosive substances with intent thereby to catch or kill fish. On infringement of this rule the licensee shall be punishable under Sections 4 (1) and 5 (1) of the Indian Fisheries Act (Act 4 of 1897).

37.

(i)Unless expressly allowed by the conditions of his licence, a licensee or any person acting on his behalf, shall not erect fixed engines, dams, weirs or divert water for catching any fish.(ii)All apparatus erected or used in contravention of sub-rule (i) may be seized, removed and forfeited and the licence cancelled.

38.

(i)The Fishery Officer or any other person authorised under the provisions of Rule 31 shall make full arrangements for the keeping alive of fish caught, except where scientific research necessitates the killing of any fish.(ii)The authorised person shall arrange under the supervision of the Fishery Officer for hatchery pits or nursery tanks near the catching centres.

39.

A licensee under these rules shall be bound to report to an officer of the Fishery branch of the Agriculture Department or the Deputy Commissioner or Sub-divisional Officer any breach of the rules in a declared sanctuary that comes to his knowledge or notice.

40.

When a licence granted under these rules is lost or destroyed, another licence which shall be a duplicate copy of the original may be issued free of cost.

41. Penalties on breach of rules.

(a)Any person contravening any of the provisions or who fishes, attempts to fish or abets fishing, contrary to the above provisions shall be liable to a fine which may extend to Rupees five thousand but not less than Rupees one thousand and if the breach is a continuing one, to a further fine which may extend to rupees one hundred for every day during which the offence is continued after the date of the first conviction.(b)In addition to the penalty as provided above, the nets and all other fishing equipments used in the commission of the offence shall be liable to confiscation.For a second offence the lease shall be liable to cancellation in addition to any other penalty such as forfeiture of security deposit and daily recurring fine as provided above if the offence be continued for some

time.

42.

The Government may, from time to time, select any fishery or fisheries to be settled by tender system and instruct Deputy Commissioner or the Sub-divisional Officer to lease them out for any specified periods.

43.

On receipt of Government's instruction in any particular year the Deputy Commissioner or the Sub-divisional Officer shall fix a date not later than the 5th February, on which the settlement of the registered fisheries selected by Government will be made by him after calling for tenders from the public. The date fixed shall be proclaimed by the Deputy Commissioner or Sub-divisional Officer at least a month in advance by a written notice in the form in Appendix A posted at the Sadar and Sub-divisional Cutcherry and at the Munsiff's Court and Police Station within the local limits of which the fishery, or any part of it is situated. The notice shall state the name of the fishery, the mauza or pargana within which it is situated and any other particulars that may be necessary for its identification, the term and price for which it was last settled, the term for which it will now be settled and the date, place and conditions of settlement. The contents of the notice should (if possible) be made known by beat of drum at the bazar nearest to the fishery.

44.

The place of settlement shall be Sub-division Cutcherry for fisheries lying within an outlying sub-division of a district and the Sadar Cutcherry of the district for those in the headquarters sub-division.

45.

The Deputy Commissioner or the Sub-divisional Officer, as the case may be, shall open the tenders in the presence of an Advisory Board consisting of not less than five persons out of which one member should preferably be from actual fishermen of the Scheduled Castes called at the moment and in consultation with that Board submit the proposal to the Commissioner of Divisions for sanctions. The selection of members of the Board shall be strictly confidential.

46.

Fisheries shall be settled to the best advantage and subject to this condition, the agency of the middleman as lessee shall be done away as far as possible-(a) a Co-operative Fishery Society formed by the actual fisherman belonging to the Scheduled Castes/Maimal Community of Cachar/Scheduled Tribes/other Backward Classes and registered under the Assam Co-operative Societies Act, 1949 shall be given option to accept settlement of Fisheries at the highest tender out of

not less than 40 per cent quota : Provided that the tender of such a Co-operative Society is within 7½ per cent of the highest tender;(b)when the tenders of such Co-operative Societies are below 7½ per cent of the highest tender, (i) Co-operative Societies as stated above, (ii) individual members of actual fishermen belonging to the Scheduled Castes and the Maimal Community of the district of Cachar, (iii) individual members of the Scheduled Tribes and the other Backward Classes who may submit tenders at not less than 60 per cent of the highest tender, may be given option to accept settlement of fisheries out of the quota as stated in sub-rule (a) above, at the highest tender in order of preference stated above subject to the suitability of the tenderer;(c)when the fishery of the category as referred to in sub-rule (a) above fetching a tender not exceeding Rs. 50,000 (Rupees fifty thousand) per annum is settled with any individual member from actual fishermen belonging to Scheduled Castes/Scheduled Tribes/Maimal Community of the District of Cachar or other Backward Classes, the tenderer shall get a rebate of 7½ per cent as concession. But when such a fishery, the tender for which does not exceed rupees one lakh per annum is settled with a Fishery Co-operative Society formed by members of the aforesaid community, the tenderer society shall be entitled to a rebate of ten per cent as concession :Provided that 10 per cent rebate as aforesaid shall not, in any case be extended to Fishery Co-operative Societies formed with 100 per cent shareholders from community as stated in proviso to sub-rule 13(e), if they accept settlement of fisheries out of the quota not to more than 60 per cent of fisheries reserved for them :Provided further that in no case the highest individual tenderer or tenderer society from any protected community shall be entitled to any rebate as provided above;(d)any tenderer who may claim the concession as provided in this rule shall indicate the same in his tender.

47.

When the settlement has been concluded, a lease and counterpart shall be interchanged in Forms Nos. 98 and 99 of the Assam Land Revenue Manual, Volume II.

48.

The Deputy Commissioner or the Sub-divisional Officer with the approval of the Deputy Commissioner shall fix the value of each fishery at the time of registration. The value once fixed shall not be changed except with the sanction of Government.

49.

In settlements of fisheries under the tender system, the year shall be reckoned as beginning from the 1st April and ending on the 31st March following.

50.

The right of fishing in registered fisheries shall not ordinarily be leased for less than three years.

51.

Government may, at any time after the expiry of the term of the current settlement, stop any fishery previously selected by it from further settlement under tender system and order it to be settled under the auction system.

52.

In all matters not covered by the above rules, the settlement shall be subject to the General Fishery Rules framed from time to time. Appendix A Sale Notice

1. Tenders are invited for the settlement of the undermentioned fishery/fisheries within thesub-division of the.....District for a period of.....years fromto The tenderer should mention in the tender the amount of annual revenue he is prepared to pay for the fishery/fisheries. No subsequent offer of any amount other than the amount mentioned in the tender already submitted by the tenderer will be considered under any circumstances.

2. The tenders which must be sent in sealed covers and superscribed as "Tender for Fishery" should be addressed to the undersigned by name and will be received up to on the.....

3. Each tender should be for one fishery or a group of fisheries proposed to be sold in a lot and must accompany a Treasury Challan showing deposit of Rs. 10 as tender fee without which no tender will be considered. In no case the aforesaid fee will be refunded.

4. (a) The successful tenderer in respect of any fisheries as are settled with him out of less than 40 per cent quota shall have to deposit as cash security on the day of settlement a sum equal to one quarter of revenue of a fishery settled with him for the first year of the full term of settlement.

(b) Fishery Co-operative Societies formed with 100 per cent share-holders from members of actual fishermen belonging to the Scheduled Castes of the State and/or Maimal Community of the District of Cachar with whom the settlement of any fishery is made shall have to furnish as cash security, on the day of settlement, a sum equal to one-tenth of the revenue of the fishery for the first year of the full term of settlement.

5. A lease will be issued to the successful tenderer and a Kabuliyat will have to be executed by him within one month of the date of settlement.

6. If the successful tenderer to fulfil conditions Nos. 4 and 5 of this notice, the fishery will be re-settled at his risk after calling for fresh tenders and if the subsequent highest tender be less than his tender/he shall be bound to make good the difference calculated on the whole period of settlement.

7. There is no obligation on the part of undersigned to accept the highest or any tender or to assign any reason for rejecting any tender.

8. Fishing by nets including Barjal, Mahajal or Fasijal (gill net), Mesharijal with meshes less than 7 c.m. bar/14 c.m. mesh is prohibited during the first day of the month of May and the fifteenth day of the month of July, both days inclusive :

Provided that this restriction may be relaxed by the State Government for Hilsa fishing only.(8a)Catching of the following breed fish (fish carrying eggs and sperm) namely: Rahu, Catla, Mrigal, Mali, Chitai, Kharia, Pithia, Gharia and Kurhi is prohibited during the breeding season, that is between the first day of May and the fifteenth day of July both days inclusive.(8b)Catching and killing, for consumption or for sale of under-sized fish of the following species and sizes, namely : (i)Rahu, Catla, Mrigal, Chitai, Kharia, Pithia (Mahasol), Gharia of below 23 cm. in length; and(ii)Mali, Kurhi and Bhagan of below 10 cm. in length;is prohibited between the first day of August and the thirty-first day of October.(8c)All under-sized fish specified under Clause 8(b) above caught in the nets in course of fishing, in any fishery, doabas or beels shall either be let off into the fishery in live condition or supplied to the Fishery Department by the lessee and he will be paid for at the rates as may be fixed by the Government from time to time.

9. No movable Bana with gaps less than 7 cm. square should be used as a contrivance for fishing between the first day of May and the fifteenth day of July.

10. Bana with less than 7 square gaps may be used at the mouth of fisheries for draining out water during fishing season, excepting during the period between the first day of May and the fifteenth day of July.

11. The successful tenderer shall have to apply adequate quantity of fish to be fixed by Deputy Commissioner/Sub- divisional Officer to the headquarter towns of the District/Sub- division or any other locality/localities where fish is particularly scarce and specified by the Deputy Commissioner/Sub-divisional

Officer. No fish shall be sent outside the State except under a permit to be issued by the State Government.

12. The lessee shall not drain the fishery/fisheries dry. In case of beel/doaba and tank fisheries, the lessee shall at all times keep the fishery/fisheries clear of water hyacinth and other aquatic weeds and shall not ret jute therein.

13. The successful tenderers shall not, without previous sanction of the Deputy Commissioner/Sub-divisional Officer, employ outsiders in preference of local fishermen of the Scheduled Castes of the State/Maimal Community of the district of Cachar.

14. [Deleted vide Notification No. RGF 99/62/47, dated 27- 12-1963].

15. The settlement shall be subject to confirmation by the Commissioner of Divisions subject to rules for the time being in force.

16. (a) A Co-operative Fishery Society formed by actual fishermen belonging to the Scheduled Castes/Maimal Community of the district of Cachar/Scheduled Tribes/other Backward Classes and registered under the Assam Co-operative Societies Act, 1949, shall be given option to the settlement of fisheries out of not less than 40 per cent quota reserved at the highest tender provided its tender is not less than 7½ per cent of the highest tender.

(b) For Fishery Co-operative Societies with 100 per cent shareholders from actual fishermen belonging to Scheduled Castes/Maimal Community, one-tenth of revenue for 1st year of the full term of settlement to be deposited towards cash security.

17. Contravention of any of the foregoing conditions will make the lease liable to cancellation with forfeiture of the security deposit in addition to other penalty.

Tender for Settlement of Fisheries*[One tender Form should be used for one fishery or a group of fisheries]

1. Name, father's name and permanent address of the tenderer.....

- 2. In case the tender is on behalf of a Co-operative Society, state its name and address and the office held by the tenderer. Attach a certified copy of the registration certificate....**
- 3. Do you belong to any to the Scheduled Castes/Tribes or Backward Classes ? If so please state it.....**
- 4. Are you an actual fisherman by-profession ?.....**
- 5. In case the tender is on behalf of a Society, state clearly whether it is a duly registered Co-operative Fishery Society and is formed exclusively by actual fishermen of Scheduled Castes.....**
- 6. Name and No. of the fishery or group of fisheries tendered for.....**
- 7. Year or years for which the settlement is sought for.....**
- 8. Amount offered for the fishery or the group of fisheries per year.....**
- 9. Are you prepared to furnish the initial and additional security within the time as prescribed by the Fishery Rules ?.....**
- 10. State the unencumbered movable and immovable properties you possess and the approximate value of each kind of properties.....**
- 11. Kind of additional security proposed to be furnished.....**
- 12. Furnish certified copy of Income-tax Clearance Certificate and Sales-tax Clearance Certificate along with the tender.....**
- 13. State whether you are in arrears for any previous fisheries dues and if so, indicate the amount of such arrear dues.....**
- 14. No. and date of Treasury Challan showing the deposit of tender fee of Rs. 10 (copy in original should be enclosed).....**

Declaration I do hereby solemnly declare that the particulars furnished above are true to the best of my knowledge and that I shall hold myself bound by the Fishery Rules for the time being in force. Government will be at liberty to cancel the lease, if granted, with forfeiture of security deposit, if any, of the statement, made above is proved to be untrue. Witness.....Signature of

tenderer with date.....

Serial No. Name of fishery Mauza Term of last settlement Price of last settlement.

No. RF. 126/53/14, dated the 21st December, 1954. - In exercise of the powers conferred by Sections 155 and 156 of the Assam Land Revenue Regulation, 1886 and Section 6 of the Indian Fisheries Act, 1897 (4 of 1897), the Governor of Assam is pleased to revise the Fishery Lease Form (No. 98), Fishery Acceptance Form (No. 99) and Notice of Sale of Fishery Form (No. 101) of the Assam Land Revenue Manual, Volume II as shown below :Form No. 98Fishery Lease(For use in Assam District)No....of...I,.....Deputy Commissioner/Sub-divisional Officer on behalf of the Governor of Assam hereby authorise you son of residing at.....district.....to fish within the limit of the fishery known as Register No.... belonging to Government, situated in Mauza.....Pargana.....District.....for a period of.....from to on payment by you of annual sum of Rs.....to be paid in the following instalments and upon the dates named below subject to the following conditions :I. You shall permit the raiyats of the adjoining villages to catch fish for their own consumption only and not for sale, on payment to you of a fee of 4 annas per net or basket per annum and you shall not exact any other fee from them on any account whatever.II. You shall not, without the sanction of the Deputy Commissioner/Sub-divisional Officer, raise the rates at which you levy fees from persons who catch fish for sale above the rates paid in the preceding year.III. Should you fail to pay the revenue, upon the dates named below the same shall be recoverable from you as if it were an arrear of land revenue.IV. Your right acquired by this agreement extends only to the right of fishing and you shall not be at liberty to appropriate or cause injury to any produce trees, crops, grass, etc., within the limits of this fishery; you shall be responsible for any damage caused to the fishery through any act done by you or negligence on your part; you have not, and shall not exercise of any right to levy duties on, or to hinder or prevent any boats or rifts passing over or anchoring within the limits of this fishery and you shall not catch fish by means of poisoning or intoxicating drugs. You shall maintain the customary embankments and channels required for the proper conduct of the fishery but shall not construct any new embankments or cut any new channels, or raise any bank above the customary level without the permission of the Deputy Commissioner/Sub-divisional Officer.IVA. You shall not without previous sanction of the Deputy Commissioner/Sub-divisional Officer, employ any person in preference to local fishermen of the Scheduled Castes for working the fishery.V. No allegation on your part of any losses incurred by inundation, draught or scarcity of fish, or other accidental occurrence, shall be of any avail to excuse you from payment in full of the revenue you have engaged to pay.VI. You shall have no power to sell your right of lease of this fishery or to sublet it to any one, or to admit any one as partner, without informing the Deputy Commissioner/Sub-divisional Officer who may refuse his sanction thereto.VII. Should you, or your partner, or any person holding from you infringe of the condition of this lease, the Deputy Commissioner/Sub-divisional Officer may cancel your lease of his own authority, in which case all sums paid by you will be forfeited and you will further be held liable for any loss which may be incurred by Government in releasing the fishery by the Deputy Commissioner/Sub-divisional Officer.VIII. Instalments. - When security is taken, the following instalments are allowed subject to approval of the Deputy Commissioner/Sub-divisional Officer in the year of lease term :Security. - (1)(a) For successful tenderers including Co-operative Societies formed by Communities other than fishermen belonging to Scheduled Castes/Maimal Community,

one-fourth of revenue for first year of the full term of settlement to be deposited towards cash security.(b)For Fishery Co-operative Societies with 100 per cent shareholders from actual fishermen belonging to Schedule Castes/Maimal Community, one-tenth of revenue, for first year of the full term of settlement to be deposited towards cash security.(2)25 per cent of one year's revenue on or before 15th December, 50 per cent of one year's revenue on or before 15th January, and 25 per cent of one year's revenue on or before 15th February.IX. You shall not use dynamite or other explosives for the purposes of catching fish and if you do so, you shall be punished under the penalties provided by Section 4, Act 4 of 1897.X. This settlement is subject to the provisions of the Assam Land and Revenue Regulation, 1886, and the rules that may have been, or may hereafter be made thereunder, as well as the instruction relating to Government fisheries that may have been, or may hereafter be published in the Assam Land Revenue Manual.Dated.....Form No. 99Fishery Acceptance FormFromToThe Deputy Commissioner/Sub-divisional Officer of.....Dated.....Whereas I have taken the lease of the fishery known as Register No.....from the Deputy Commissioner/Sub-divisional Officer of for a term of.....year namely, from the.....to the.....I do hereby declare that I accept and hold myself bound by all the conditions expressed in that lease.Form No. 101Notice of Sale of FisheriesIt is hereby notified for general information that Government Fishery known as registered No situated in Zila within the boundaries specified below, which was settled last.....with.....of Mouza.....for a period of years at an annual rent of Rs will be sold by tender at the office of the on day of next, corresponding to B.S. for a period of.....years, the term of the last settlement having expired.Tenders will be received up to.....on and will be opened on.....at.....in the office of the undersigned. Intending tenderers are invited to submit their tenders accordingly.The sale will be made subject to the following conditions :(1)The Officer conducting the sale does not bind himself to accept the highest tender or any tender and reserves the discretion to settle the fishery or group of fisheries for either a longer or a shorter term than that specified.(2)Any tender including Co-operative Societies formed by communities other than members of actual fishermen belonging to Scheduled Castes or members of the Maimal Community of the District of Cachar shall, immediately after the acceptance of their tenders, furnish in cash as security a sum equal to twenty five per cent of the revenue of the fishery for the first year of the full term of settlement:Provided that Fishery Co-operative Societies with 100 per cent shareholders from members of actual fishermen belonging to the Scheduled Castes of the State or members of Maimal Community of the District of Cachar, shall immediately on acceptance of their tenders be entitled to deposit as cash security equal to ten per cent of the revenue of the fisheries settled with them for the first year of the full term of settlement. If any tenderer or tenderer society fails to furnish the required security as laid down of the above fishery shall be re-sold at his/its risk forthwith and he or it shall make good the difference between his and its tender and the amount realised by the subsequent sale, calculated on the whole period of settlement.(3)If the tenderer fails to execute a counterpart within one month from the date of the sale, the fishery shall be sold at his risk and he shall be bound to make good the difference between his tender and the amount realised by the subsequent sale, calculated on the whole period of settlement.(4)If the tenderer fails to execute a counterpart within one month of the date of the sale or if he fails to do anything which he is required or bound to do under sub-paragraphs (2) and (3) above, the Deputy Commissioner/ Sub-divisional Officer may further direct that he shall also forfeit the security furnished if any or any portion of it.(5)In the river fisheries the use of mahajal and fishing by means of Kattaha are prohibited unless specifically allowed.(6)The beel fisheries may not be drained completely dry

unless specifically allowed.(7)Should the lessee or any of his agent infringes any of the conditions of his lease, the Deputy Commissioner/Sub-divisional Officer may cancel the lease in which case all sums paid by the lessee on account of the fishery will be forfeited and the lessee will be liable for any loss incurred by the Government in the re-settlement of fishery.(8)The settlement will be subject to the Commissioner's approval.(9)You shall not without previous sanction of the Deputy Commissioner/Sub-divisional Officer, employ any person in preference to local fishermen of the Scheduled Castes or Maimal Community for working the fishery.(10)Settlement of fishery or a group of fisheries. - (a) Co-operative Fishery Society formed by actual fishermen belonging to the Scheduled Castes/Maimal Community of the District of Cachar/Scheduled Tribes/other Backward Classes and registered under the Assam Cooperative Societies Act, 1949, including individual members of the said community shall be given option to accept settlement out of not less than 40 per cent quota of fisheries notified for settlement at the highest tender; provided that the tender of such co-operative or individual member is within $7\frac{1}{2}$ per cent of the highest tender.(b)When the tender of such a society is below $7\frac{1}{2}$ per cent of the highest tender : (i) Co-operative Society as stated above, (ii) Individual member of actual fishermen belonging to the Scheduled Castes or Maimal Community of the District of Cachar, (iii) Individual member of the Scheduled Castes and other Backward Classes who may offer a tender not less than 60 per cent of the highest tender may be given option to accept settlement of the fishery out of quota of not less than 40 per cent of the fisheries notified for settlement at the highest tender in order of preference stated above, subject to the suitability of tenderer.(11)The tenders which must be sent in sealed covers and superscribed as "Tender for Fishery" should be addressed to the undersigned by name and will be received up to p.m. on....the.and the settlement will be made on from.....a.m.(12)(a)Each tender should be for one fishery or a group of fisheries proposed to be sold in a to and must accompany a treasury challan showing deposit of Rs. 10 as tender fee without which no tender will be considered. In no case the aforesaid fee will be refunded.(b)Each tender should be accompanied with certified copies of Income-tax Clearance Certificate, Sales Tax Clearance Certificate and Caste Certificate.(c)Any settlement will be liable to be cancelled if it is proved to the satisfaction of the settling authority that in the tender any wrong statement specially as to caste has been made.(13)Fishing by nets including Barjal, Mahajal (Gill net) Mosharijal with meshes less than 7 c.m. bar/14 c.m. mesh is prohibited during the first day of the month of May and the fifteenth day of the month of July, both days inclusive :Provided that this restriction may be relaxed by the State Government for Hilsa Fishing only.(13A)Catching of the following breed fish (fish carrying eggs and sperm) namely :(a)Rahu, Catla, Mrigal, Chitai, Kharia, Pithia, Gharia and Kurhi, is prohibited during the breeding season, that is between the first day of May and the fifteenth day of July, both days inclusive;(b)Catching and killing for consumption or for sale of under-sized fish of the following species and sizes, namely :(i)Rahu, Catla, Mrigal, Chitai, Kharia, Pithia, (Mahasol), Gharia of below 23 c.m. in length;(ii)Mali Kurhi and Bhagan of below 10 c.m. in length is prohibited between the first day of August and the thirty first of October;(c)All under-sized fish specified under (13-A)(b) above, caught in the net in course of fishing in any fishery, doabas or beels shall either be let off in live condition into the fishery or supplied to the Fishery Department by the lessee and he will be paid for at the rates as may be fixed by the Government from time to time.(14)No moving Bana with gaps less than 7 cm. sq. should be used as a contrivance for fishing between the first day of May and the fifteenth day. of July.(15)Bana with less than 7 c.m. sq. may be used at the mouth of fisheries for draining out water during fishing season excepting the period between the first day of May and the fifteenth day of

July.(16)The successful tenderer shall have to supply adequate quantity of fish to be fixed by the Deputy Commissioner/Sub-divisional Officer to the headquarter towns of the District/Sub-division or any other locality/localities where fish is particularly scarce and specified by the Deputy Commissioner/Sub-divisional Officer. No fish shall be sent outside the State except by a permit to be issued by the State Government.(17)The successful tenderer shall have to produce valid patta or certified copy of Jamabandi in respect of land owned by him or any other acceptable proof of his financial stability. The tenderer must be required also to produce a certificate as proof of his not being a defaulter with regard to any Government dues.