

Manipur Fishery Rules, 1979

MANIPUR

India

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Rule MANIPUR-FISHERY-RULES-1979 of 1979

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Part I – General Conditions of Tenure, ETC.

1. Short title and commencement.

- (i) These rules may be called the Manipur Fishery Rules, 1979. (ii) They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires, - (a) "Government" means the Government of Manipur; (b) "Governor" means the Governor of Manipur; (c) "Director" means the Director of Fisheries, Manipur; (d) "fish" includes a shell fish and fish in all stages in its life; (e) "Fixed engine" means any net, cage, trap or other contrivance for taking fish fixed in the soil or made stationary in any other way; (f) "Form" means a Form appended to these rules; (g) "Schedule" means a Schedule attached to these rules; (h) "Rules" means the Manipur Fishery Rules, 1979; (i) "Fishery" means Government Registered Fishery as per records; (j) "Major Fisheries" means area of 50 hectares and above; (k) "Minor Fisheries" means area below 50 hectares. For the purpose of these rules collection of waters will be grouped as - (i) tanks and ponds having no specific natural stocking, (ii) drinking water tanks and ponds, (iii) temple tanks and ponds, (iv) low lying areas meant for reclamation; (v) naturally stocked waters other than major reservoirs and rivers; (vi) channels, hill streams, drains, rivers, major reservoirs, bheels lakes; etc.; (vii) inter-State and project waters.

3.

[* * *]

4. The Director of Fisheries to declare collection of waters to be fisheries.

- The Director of Fisheries, with the previous sanction of the Governor, may, by proclamation published in the Manipur Gazette, declare any collection of water, running or still to be Government fisheries; and no right in any fishery so declared shall be deemed to have been acquired by the public or any person either before or after except as provided in these rules :Provided that nothing in this rule shall affect any express grant of right to fish made by or on behalf of the Government or any fisheries rights acquired by a proprietor of such rights in any fishery farming after the commencement of these rules in this land.

5. Fish in Government Fisheries to belong to Government.

- Fish in the Government Fisheries in Manipur belong to the Fisheries Department of the Government of Manipur.

6. Lessees will have sole right in the Fishery.

- Fisheries lessees will have the sole fishing right only within the recorded boundaries of the fishery concerned.

7. Prohibition of catching fish in channels, etc. connected with Government Fisheries.

- In cases where channels (including loukhong, khongs etc.) flow into or out of any Government fishery during the period when they are connected by water and fish come and go between them, water may be taken by the cultivators from the channels and the lessee may fix some device at the mouth of the channel to prevent escape of fish from the fishery without preventing the flow of water with the prior permission from the Director of Fisheries. During the period when the channels and fisheries are not connected owing to the drying up of the water any fish left behind in the channel becomes the property of the owner of the channel to be declared by the Director of Fisheries. Neither the fishery lessee nor the land holder shall do anything to expedite, bring about, retard or prevent the connection of a fishery with the channel except with the prior permission of the Director of Fisheries.

8. Prohibition of catching fish in paddy fields connected with Government Fishery.

- No one shall catch fish in paddy fields when they are connected with the water of a fishery.

9. Lessee to report encroachment.

- It shall be the duty of the lessee to report to the Director of Fisheries all cases of encroachment in the fishing failing which the lease may be terminated under Rule 35. Encroachers in Government fisheries shall be evicted by District Fishery Officer or any other officer authorised by the Director as if they are encroachers on Government land and shall also be liable to fine as prescribed in Schedule "A" of these rules. Appeals against such order shall lie to such authority and in such manner as laid down in Rule. 45.

10. Prohibition of major improvement, etc. in Government Fishery.

- Any major improvement or change of natural feature or boundaries of Government fisheries shall not be carried out without the permission of the Director. Land within the boundaries of the fishery shall not be used for cultivation or homestead or any other purpose except as fishery without specific approval of the Government.

11. Shifting of aquatic vegetation prohibited.

- Shifting of aquatic vegetation after the 15th of June every year from one Fishery to another is prohibited.

12. Government servant not to bid Government fishery.

- No Government servant may bid for purchase, finance or held shares in any Government fishery.

13. Lessee to remove fishing instruments, etc.

- The lessee of the fishery for the preceding year shall remove all his fishing instruments and fishing huts within the first week of April of the following year but shall not catch fish during this period. In case of sales other than the annual sale, the lessee of the preceding year shall not remove the "Soil" but removal of the fishing hut and other fishing instruments is allowed within a week from the date of sale.

14. Transfer of fishery lease prohibited.

- No transfer or mortgage of a fishery lease for a share therein shall be made except with the sanction in writing of the Director but the lessee shall the right to issue licences to his fishermen.

15. Lessee not entitled to remission or extension of lease.

- Fishery lessee shall have not been entitled to remission or extension of the lease because of flood, drought, want of fish or any accident.

Part II – Lease of Fisheries

16. Leasing system described.

- For the purpose of these rules the leasing systems may be considered under the following categories : (i) outright leasing system under which leases will be granted either through open auction, tender or preferential nomination, (ii) royalty system under which rights of catching fish are leased out subject to payment of royalties by the lessees at stipulated rates per kg. of fish caught, (iii) bifurcated leasing system under which rights of fishing on one hand and rights to purchase of fish on the other are granted separately, (iv) licensing system under which fishing is permitted to licence holders.

17. Fishing without lease prohibited.

- All fishing without lease previously obtained from the Director or such other officer as he may appoint for the purpose, is prohibited. Any person fishing in any Government fishery must carry his lease or permit/licence and produce it when called upon to do so by any officer duly authorised.

18. Use of Mahajai, etc. in Government fisheries prohibited.

- The use of Mahajal or any similar large nets with meshes smaller than 7 cm. square in the Government fisheries is prohibited : Provided that the Director may prescribe conditions on which the restriction may be relaxed.

19. Prohibition of poison, etc. in fisheries water.

- The use of poison, lime, dynamites or other noxious or explosive substances with intent thereby to catch or kill fishes in any water is strictly prohibited.

20. Lessees of bheel to clear water hyacinth.

- The lessees of bheel fisheries shall keep the bheel cleared of water hyacinth.

21. The Director to prescribe fishing nets and lay down conditions of fishing.

- Subject to Rules 15 to 20 the Director shall have the power to prescribe the mesh of fishing nets, the fixed engines or other instruments which can be used, the manner in which the fishing operations shall be carried on and to lay down any other conditions which may be considered necessary from time to time. Such conditions shall be proclaimed before the sale of the fishery begins.

22. Declaration of Government water area as fish sanctuary and prohibition of fishing in fish sanctuary.

- The Director with the prior approval of the Government may declare any specified Government water area as fish sanctuary for protection of fish or declare any period as closed season for fishing in any fishery. Fishing or attempt to fish with any gear or method in the sanctuary or any other specified area notified by the Director is prohibited.

23. Catching and killing of brood fishes, under-sized fishes, fish fry, fish spawn prohibited.

- Catching and killing of brood fishes under-sized fishes, fish fry, fish spawn of any variety of fish are strictly prohibited :Provided that nothing shall prohibit catching of any kind of fish authorised on that behalf by the Director for research or any other purpose.

24. Creation and opening of bunds.

(1)No bunds of any kind are allowed in Government fisheries between the First April and the 14th August. They are allowed between August, 15 and October, 15. In no case should the level of the water above a bound be more than 45 cm. higher than the water below it. If there is, at October, 15 a flood to damage crops of adjacent fisheries, lessees may erect bunds (Sois) for purpose of fishing if it does not interfere with normal passage of boats. In case of emergency, the Director or Deputy Director is authorised to order the opening of any bund after the 15th August and this shall not entitle the lessee concerned to claim any compensation. The Director may at any time in any case order that the difference of the levels of the water above the bund and below it be less than 45 cms. as the circumstances may demand and this shall not also entitle the lessee concerned to claim compensation.(2)In case of default by the lessee to observe the above, the authority so directing may execute the orders and realise the cost from the defaulting persons as arrears of land revenue.

25. Creation of longkhum in river prohibited.

- No "longkhum" (under water bund) or any other type of bund shall be constructed anywhere in river commonly used by the public for navigation.

26. Creation of bund for fisheries and sub-fisheries.

- Erection of only one bund is allowed for a fishery but in the case of registered sub-fishery erection of one 'Soi' for each sub-fishery is allowed.

Part III – Auction Sale of Fishery Lease and Collection of Fishery Revenue Centre

27. Year of settlement.

- In settlement of fisheries the year should be reckoned from the first July to the 30th June following.

28. Director to decide type of leasing system.

- The Director shall decide the suitable type of leasing system under Rule 16 of a particular fishery.

29. Preferential leases for outright leasing system.

- Settlement of fisheries under outright leasing system will be made by the Director with the approval of the Government in the following manner in order of preference : (i) the first preference in leases should be given to co-operative society consisting of fish farmers certified as such by a competent officer of the Fisheries Department; (ii) the second preference in leases should be given to a fisherman society or piscicultural society at least 2 members of which have been trained in fish culture at State / Central Fisheries Training Centre ; (iii) the third preference in leases should be given to a person or group of persons trained at a State/ Central Fisheries Training Centre; (iv) the fourth preference in leases should be given through an open auction or tender; (v) the last preference is to exploit the fishery departmentally in a suitable manner decided by the Director until the fishery can be settled otherwise.

30. Date and place of sale to be notified in the Gazette.

- In the case of settlement of fishery by outright leasing system, the Director shall annually fix a date not later than the 15th May on which and on as many days succeeding which as may be necessary he or any officer duly authorised by him shall auction all Government fisheries leases of which are due to expire at the end of the year. The date or dates so fixed shall be proclaimed by the Director at least a month in advance by a written notice in Form No. I to the public to be published in the Manipur Gazette and a copy of the notification shall be affixed on the Notice Board of the Director. The notice shall state the name of the fishery, its Register No, the average price for the last 3 years, the hour, the date and the place of sale.

31. Lease to be for 3 to 5 years.

- The right of fishing in registered fisheries shall ordinarily be leased for not less than 3 years and not more than 5 years. If any of the lessee society before the expiry of lease, come forward to implement a developmental plan drawn up by the Fishery Department or drawn up by the lessee and approved by the Fisheries Department (involving fish culture on a substantial scale) and if the department is satisfied about the ability of the lessee to execute the same, an extension of the lease may be considered up to a further period of 9 to 15 years, and if felt justified, extend the lease further with reference to the performance of the lessee.

32. Rent to be at the rate of Rs. 60 per hectare of fishery area per annum.

- The rental of fishery in the case of preferential lease other than by auction sale or departmental exploitation will be at the rate of Rs. 60 per hectare per annum for the fishery area : Provided that the capital investment at 3 % will be added in the case of fisheries improved with State expense.

33. Place of sale.

- The place of sale shall be normally the office of the Director of Fisheries, Manipur or as may be notified by the Director.

34. Bidders to furnish solvency certificate.

- Intending bidders for a fishery shall furnish proof of financial solvency to the satisfaction of the Director or the officer conducting the auction on his behalf.

35. Bidders to deposit earnest money.

- Intending bidders shall deposit as earnest money $\frac{1}{4}$ th of the average of the accepted bids in respect of the fishery concerned for the preceding 3 years before they are allowed to bid.

36. Highest bid to be accepted.

- The Director or the auctioning officer working on his behalf or under his order, shall normally accept the highest bid unless there are special reasons for not doing so which shall be recorded in writing.

37. Requisition for preferential lease.

- Societies/Individuals/Groups of persons entitled to preferential lease should also bid in the sale with necessary certificate and documents such as-(i)Solvency certificate from the registered cooperative societies,(ii)Certificate showing that the fishery falls within the area of operation of the society,(iii)Copies of resolutions of the society-(a)authorising a representative to bid in the auction on behalf of the co-operative society ;(b)intimating names of not more than 2 members of the society who will execute the agreement on behalf of the co-operative society in case the society is a successful bidder ;(iv)Certificate showing that the member/members/person/persons are fish farmers and/or got training in fish culture from a State/Central Fisheries Training Centre.Explanation. - The area of operation under Clause (ii) of Rule 37 above shall be determined by the Co-operative Department and conveyed to the Director by the first week of May for the next ensuing auction. No amendment shall be made thereafter before the auction. In case no such communication is received by the said date no society shall be allowed the preferential lease.

38. Accepted bidder to make up $\frac{1}{4}$ th of the revenue for the full term at the spot.

- On acceptance of a bid, the accepted bidder shall pay the difference between the earnest money deposited by him and $\frac{1}{4}$ th of the revenue for the full term of the settlement on the acceptance of the bid. Failure to do so by the accepted bidder, shall entail forfeiture of the earnest money and settlement of fishery with the next higher bidder subject to the usual terms and conditions of sales of fisheries and payment of revenue.

39. Security deposit.

- The earnest money together with such further amount as is necessary to make up $\frac{1}{4}$ th of the accepted bid for the full term of the settlement shall be treated as the security deposit to be adjusted only towards the payment of the last instalment or instalments prescribed under Rule 40. In case the amount of the Earnest Money is more than $\frac{1}{4}$ th of the fishery revenue due, excess amount shall be adjusted towards the payment of the first instalment.

40. Payment, of annual amount of fishery revenue in instalments.

- The annual amount of fishery revenue as per terms of the bid or tenders shall be payable in equated instalments as follows : (i) $\frac{1}{2}$ of the one year's revenue by the 15th December, (ii) $\frac{1}{2}$ of the one year's revenue by the 15th April.

41. Fishery to be sold in case of relinquishment, default in payment.

- Should the lessee relinquish his lease during its tenure or default in any payment or infringe the term of the lease set out in Form No. 11 the lease may be terminated by the Director after giving an opportunity to the lessee concerned to explain as to why such action should not be taken and the fishery may be put to re-sale, which shall be at the risk and on account of the lessee concerned. In case of such re-sale not less than 10 day's notice of sale shall be given.

42. Forfeiture of security deposit and imposition of fine on termination of lease.

- In case of termination of the lease under Rule 41 above, the security deposit under Rule 39, shall be forfeited and in addition the arrears of due shall be realised as arrears of land revenue under the Manipur Land Revenue and Land Reforms Act, 1960 (33 of 1960) as amended from time to time. In addition the Director may impose as fine not exceeding Rs. 500 on the lessee which may be realised as arrear of land revenue.

43. Entire accepted bid to be paid immediately if Rs. 500 or less.

- Notwithstanding the provision in Rule 38 above, if the accepted bid is Rs. 500 or less, the entire bid amount shall be paid by the auction purchaser immediately after acceptance of bid.

44. Fishery to be reserved if the highest bid be less than Rs. 100.

- If the highest bid of any registered fishery is less than Rs. 100 such fishery may be reserved from sale until the ensuing year, unless in the meantime a bid of not less than Rs. 100 is made for it.

45. Execution of lease and counterpart as confirmation of sale.

- When the sale of a fishery has been confirmed by the authority as per Annexure "A" of Rule 47 below, a lease and a counterpart shall be executed and interchanged in Forms Nos. II and III.

46. Fishery to be resold and security deposit forfeited for failure to execute counterpart.

- If the purchaser of a Government fishery fails to execute a counterpart (acceptance of leased in Form No. III) within 2 weeks after receipt of information of confirmation of the sale issued to him by the Director as per Rule 47 below, the same fishery shall be re-sold and security deposit under Rules 38 and 39 shall be forfeited.

47. Confirmation of sale by the Director and sale not to become final unless confirm.

- If on the expiry of 30 days from the date of sale of any fishery or of such further period as may be allowed by the Director, no application has been made for setting aside the sale, or if any such application has been made for setting aside the sale and rejected by the Director or the officer to whom powers have been delegated vide Annexure "A" below shall issue confirmation order. Annexure "A" of Rule 47

| Sl.No. (1) | Item (2) | Power delegated to (3) |
|---------------|--|---|
| 1. | Issue of auction notice. | Regional/District Fishery Officer or any other officer authorised by the Director of Fisheries. |
| 2. | Issue of tender notice. | (i) Waters up to 50 hectares-Fishery Officers. |
| | (ii) Waters over 50 hectares but not exceeding | |

100 hectares-Regional Fishery Officer or any other Officer authorised by the Director of Fisheries.

(iii) Waters over 100 hectares-Director of Fisheries.

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|---|--|--|
| 3. | Conducting auction. | Fishery Officers in all cases. |
| 4. | Opening of tenders. | Director of Fisheries or any officer authorised by the Director. |
| 5. | Fixation of royalty rates in respect of preferential cases. | State Government on the recommendation of the Director of Fisheries. |
| 6. | Confirmation of bids in auction or tenders subject to limitation of area referred to under item 4 above, so far as tenders are concerned. | (i) Fishery Officer-up to Rs. 1000. |
| <p>(ii) Regional Fisheries Officers/District Fishery Officer or any other officer of the rank-up to Rs. 5,000.</p> <p>(iii) Director of Fisheries-over Rs. 5,000.</p> | | |
| 7. | Signing of agreements irrespective of amount involved. | Regional Fishery Officer/District Fishery Officer or any other officer authorised by the Director: |
| <p>(i) Regional Fisheries Officers or any officer of the same rank-up to Rs. 100.</p> <p>(ii) Director of Fisheries-up to Rs. 500.</p> <p>(iii) State Government-above Rs. 500.</p> | | |
| 9. | Granting of time for payment of lease amount that became due (only once during each lease-payment period for each water area irrespective of lease amount). This power shall be exercised only once by the officer | (i) Director of Fisheries-up to 6 (six) months; |

concerned with reference to any
onelease.

(ii) State Government-to any
extent on the recommendation
ofDirector of Fisheries.

10.

Issue of licences.

Inspectors of Fisheries or
equivalent or any
officerauthorised by the
Director.

48. Lease on the basis of royalty system and bifurcated leasing system and licensing system.

- The rules for outright leasing system will be applicable for other leasing system such as royalty system, bifurcated leasing system and licensing system in so far as the Director thinks applicable :Provided that the State Government may fix the floor rates of royalty for the major and minor fishery in each District annually or otherwise and the lessee shall take the lease on the terms and conditions as laid down at Schedule C in respect of royalty system :Provided that in the case of bifurcated leasing system the lessee should lease the fishery on the terms and conditions at Schedule D :Provided further that under the leasing system the licensee should observe the terms and conditions at Schedule "E".

49. Paddy cum fish culture admissible.

- Paddy-cum-fish culture may be allowed in a fishery under terms and conditions issued by the Director :Provided that the fishery is found to be suitable for the purpose as decided by the Director.

50. Arrest of persons committing offence under these rules or Indian Fisheries Act.

- Subject to the provisions of Section 7 of the Indian Fisheries Act, 1897 (4 of 1897) any officer of the Fishery Department not below the rank of the Fishery Inspector or any person authorised in this behalf by the Director, any revenue officer not below the rank of S.D.C. and any police officer not below the rank of Sub-Inspector or any other officer or class of persons duly authorised by the Governor in this behalf may, without a warrant, arrest any person committing in his view any offence punishable under Section 4 or 5 of the Indian Fisheries Act, 1897 or under any of these rules.

51. Penalty for breach of rules.

- Penalty for breach of rules mentioned in the 2nd Column of Schedule A shall be imposed to 5th extent mentioned in Column 3 thereof and for continuing such breach to the extent mentioned in Column 4 of the Schedule for each day during which such breach continues.

52. Penalty to be imposed by the officers of the Fisheries Department.

- Any officer of the Fisheries Department not below the rank of Fishery Officer may impose a penalty under Rule 51 above.

53. Appeals.

- Appeals may lie to the authority and in the manner prescribed below : (i) Officers to whom appeals lie - Appeals may lie under this rule as follows : (a) To the high Court over the decision of the State Government; (b) To the State Government from any order passed by the Director of Fisheries; (c) To the Director from any order passed by the Regional/District Fishery Officers or by any other officer of the rank of Regional/District Fishery Officer; (d) To the Regional/District Fishery Officers or any other officer of the same rank from any order passed by Fishery Officers; (e) To the Fishery Officer or any other officer of the same rank from any order passed by Fishery Inspectors ; (ii) Limitation of appeal. - (a) Unless otherwise specially provided in these rules - (i) no appeal under sub-rule (i) (c) shall lie after the expiry of 6 weeks from the date of the order appealed against; (ii) no appeal, under sub-rule (i) (b) shall lie after the expiry of one month from the date of the order appealed against; (iii) no appeal under sub-rule (i) (a) shall lie after the expiry of two months from the date of the order appealed against; (iv) no appeal under sub-rule (i) (a) shall lie after the expiry of two months from the date of the order appealed against; (b) In calculating the period prescribed for an appeal under this rule, the day on which the order appealed against was passed, and the time requisite for obtaining a copy of such order, shall be excluded. (c) An appeal may not be admitted after the period of limitation prescribed therefor under this rule except when the appellant satisfies the officer to whom he appeals that he had sufficient cause for not presenting the appeal within that period. (iii) Procedure of Appellate Court on appeal. - The officer to whom the appeal lies may reject the appeal without hearing respondent (if any) for reason to be recorded in writing. If he admits the appeal he may reverse, modify or confirm the order appealed against, or he may direct such further investigation to be made or such additional evidence to be taken as he may think necessary, or he may himself take such additional evidence. (iv) Suspension of order appealed against. - In any case in which an appeal is admitted the appellate court may, if it thinks fit, pending the result of the appeal, direct the order appealed against to be suspended. (v) Power to call for proceeding of subordinate officers. - The Governor, the Director or any officer authorised by the Director call for the proceedings held by any officer subordinate to him and pass such orders thereon as it may think fit.

54. Fines and dues to be realised as arrears of land revenue.

- Fines and dues imposed under the above rules may be recovered in manner prescribed for the realisation of arrears of land revenue.

55. Fishing of brood fishes, etc. by the Fishery Department on payment.

- Fishing of brood fishes of Carps (i.e. Catla, Rou, Mrigal, Calbasu, Common Carp, Mirror Carp, or catching of the their spawn fry or fingerlings , for the purpose of pisciculture by authorised officers

of the Fishery Department, Manipur from any Government fishery on payment of the value to the lessee, is allowed and such payment shall be made at such rates as approved by the Government.

56. Supersession of previous rules and savings.

- These rules supersede the fishery Rules of Manipur published under Manipur Government Notification No. 144/7/65-R, dated 17-1-1972 and any other existing Rules issued in this behalf :Provided that this supersession shall not affect any existing lease or anything done or omitted to have been done under the said rules.

Part IV – General Guidelines for Leasing of Different Types of Water

57.

Tanks and ponds having no specific natural stocking under this category includes cattle tanks/ponds, dhobi tanks/ponds, small irrigation tanks, other tanks/ponds, other temple and drinking water tanks which normally do not have natural stocking. Long term leases may be given in order of preference under Rule 29 failing which by public auction on annual basis shall be held.

58.

Drinking water tanks and ponds may be given on long/medium/short term leases in order of preference under Rule 29 failing which by public auction

59.

Temple tanks and ponds may be lease out by the concerned temple authority to the Fishery Department on mutually agreeable conditions including those concerning duration of lease and annual lease amounts. The Fishery Department in its turn may develop the fishery and issue long term lease in order of preference under Rule 29 failing which by public auction.

60.

Low lying areas meant for reclamation which include marginal areas bheels/oxbow-lakes and such other water including swamps suitable for conversion into ponds may be given on long term lease in order of preference with or without the construction of ponds undertaken by the Government and the cost of land, construction and any other investment may be recovered in about 9 annual instalments.

61.

Naturally stocked waters other than major reservoirs and rivers consisting of small reservoirs, irrigation tanks, bheels, lakes, etc. may be leased out in order of preference under Rule 29 failing which may public auction on the basis of royalty system or bifurcated leasing system or outright leasing system.

62.

Channels, hill streams, drains, reservoirs, rivers, major reservoir, bheels, lakes etc. may be leased out on the basis of licensing system not exceeding one year in order of preference under Rule 29 failing which royalty system and bifurcated leasing system system may be adopted.

63.

Inter-State and Project water may be exploited on the same lines as major reservoirs and rivers.

A

[See Rule 51]

| Sl. No. | Rules. | Penalties for first breach. | Penalties for continuing the breach for each day during which breach continues. |
|---------|----------------------------------|--|---|
| 1 | 2 | 3 | 4 |
| 1. | Breach of Rule Nos. 7, 8 and 11. | Fine not exceeding Rs. 200. | Rs. 20. |
| 2. | Breach of Rule 9 by the lease. | Fine not exceeding Rs. 100 at the rate of per part of land encroached upon. | Rs. 20. |
| 3. | Breach of Rule No. 10. | Fine not exceeding Rs. 300. | Rs. 20. |
| 4. | Breach of Rule No. 13. | Confiscation of fishing instruments and huts for unauthorised removal of the 'Soil' by the defaulter, imposition of a fine upto Rs. 300. | Rs. 20. |
| 5. | Breach of Rule Nos. 17 and 18. | Forfeiture on confiscation of fishing instruments and nets for imposition of a fine not exceeding Rs. 300. | Rs. 20. |
| 6. | Breach of Rule No. 29. | Imposition of fine not exceeding Rs. 200. | Rs. 20 |

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|---|--|---------|
| 7. Breach of Rule No. 19. | Any person who contravenes the provisions of these rules shall be punishable with imprisonment for a term which may extend to 2 months or with fine which may extend to Rs. 500. | Rs. 20 |
| 8. Breach of Rule Nos. 22 and 23. | Imposition of a fine not exceeding Rs. 300. | Rs. 20 |
| Breach of Rule No. 24 by the lessee by keeping water above more than 45 cm. higher than the water below it or refusal to open the bund after the 15th August or erection of fishing bund (soil) before 15th August. | Fine not exceeding Rs. 300. | Rs. 20 |
| 10. Breach of Rule Nos. 25 and 26. | Removal of the longkhum or any additional bund by force, and imposition of a fine not exceeding Rs. 250. | Rs. 20. |

B

Terms and Conditions of Fishing on Royalty Basis

1. All Government or other tanks pisciculture operations are undertaken by the Fishery Department, Manipur may be leased out for fishing in order of preference on royalty basis as follows :

(i) A Fish Farmer Cooperative Society certified by an officer of the Fishery Department; (ii) Fishery Co-operative Society or a Piscicultural Co-operative Society having at least 8 members who are trained in fish culture from a State/Central Fisheries Training Centre ; (iii) A person or group of persons who are trained in fish culture from a State/Central Fisheries Training Centre ;

2. The Director of Fisheries with the approval of the Government shall fix the floor rates of royalty for the major and minor fisheries for each District annually :

Provided that the State Government may revise the rates at an earlier date if the circumstances so warrant.

- 3. Subject to such floor rates as may be fixed by the State Government, the royalty to be paid for each tank for major and minor fishes shall be decided by the Director of Fisheries or an officer authorised by him in this behalf.**
- 4. Major fishers will include Catla, rohu, mrigal, Kalbasu, wallgu (sareng) as well as exotic carps like minor carp and common carp and minor fishes will include all the other fishes excluding major carps by including live fishes like "Porom" "Ukabi", Ngakra, etc.**
- 5. The lessee of the fishery on the royalty basis shall deposit a security amount at the following rates in favour of the Director of Fisheries, Manipur as D-at-Call of a Scheduled Bank at Imphal.**
- 6. Before starting the fishing operation the lessee shall deposit in advance the amount of royalty worked out by the Director of Fisheries or his representative in this behalf on the basis of the estimated catch in the day or week as D-at-Call of a Scheduled Bank at Imphal in favour of the Director of Fisheries, Manipur.**
- 7. Fishing will be allowed only to the extent of the value of the advance deposited. The fishing will be permitted in case of failure to deposit the advance.**
- 8. The lessee may use all types of nets having mesh not less than 5 cm. from knot to knot or as may be decided by the Director.**
- 9. Carps (Rohu, Catla, mrigal, mahseer, mirror carp) of less than 30 cm. shall not be caught and if netted shall be released back to the tank.**
- 10. The lessee shall not use dynamite or other explosive substance or put any poisonous or noxious material in the tank for catching or destroying the fish.**
- 11. The catch shall be weighted each day on the tank itself at the spot to be specified by the officer in-charge of the sale during the hours of 6 a.m. to 5 p.m. In exceptional circumstances the catch may be weighed during night time under the order of the Director of Fisheries. The responsibility of the Department, with regard to the care and disposal of fish shall cease as soon**

as the catch is weighed on the spot.

12. Fishing shall be permissible from the date of the order for exploitation till the 30th June or till such time as the quantity specified by the Department extracted whichever be earlier.

13. If so required by the Director of Fisheries the lessee shall be bound to sell 10% of the daily catch for local consumption at rates not exceeding the rate approved by the Government from time to time.

14. All arrears of Government dues against the lessee shall be recoverable as arrears of land revenue with penal interest as may be decided by the Director of Fisheries.

15. If it is found that the fishing operation in any tank/fishery is not done to the satisfaction of the Department or if the lessee does not abide by all or any of the terms and conditions, the Director of Fisheries shall after giving 10 days' notice, have the right to cancel the contract and forfeit the deposit to the Government. In such cases the Director of Fisheries shall have the right to dispose of the fishery to the best advantage of the Government.

16. In case of any dispute arising in respect of the contract the decision of the Director of Fisheries, Manipur shall be final and binding on the lessee.

C

Bifurcated Leasing System(a)Terms and conditions of lease of rights of fishing

1. The lessee shall deposit a sum of Rs. 100 per hectare of water area as security in the form of D-at-Call of a recognised Bank and pledge the same to the Director of Fisheries.

2. The lessee shall arrange for his own labour, nets, boats and other fishing equipments and the Department will not be responsible for providing them.

3. The contract shall be valid for a period of one year in the first instance subject to modification by the Director.

- 4. The lessee shall be paid labour charges weekly/fortnightly for the quantity of fish taken out at the rate specified in the agreement.**
- 5. The lessee shall not take out Rohu, Catla Mrigal, Kalbasu, Mirror carp below 1-½ kg. in weight and if the lessee thus shows the fish shall be returned alive again into the water failing which a fine of Rs. 5 per fish will be imposed.**
- 6. Permits to individual fishermen engaged by the lessee for the purposes of fishing shall be issued by the Director without which nobody will be allowed to fish. Such permits may be checked by the officials authorised to do so and the Director reserves the right to cancel any permit without assigning any reason.**
- 7. The lessee shall not introduce into the fishery any poisonous substance or any other material which will render the water of the fishery harmful to the fish or cause mortality of the fishes.**
- 8. The lessee shall not claim any expenditure involved in his/their travelling, lodging or boarding.**
- 9. The lessee shall not object to fishing in the same fishery by any party fully recognised by the Fishery Department, Manipur.**
- 10. The lessee will have no right to transfer the contract to any one and he will get the water fished through his own man and will deliver the fish to representative of the Fishery Department, Manipur at a fixed place.**
- 11. The lessee will have to execute an agreement bond and deposit the required security money within a week on receipt of approval: Further, he is to start the work within a week after executing the agreement bond and will have to deliver a minimum quantity of.....quintals of fish per month.**
- 12. If the lessee fails to abide by the terms and conditions framed by the Department and to deliver the required quantity of fish the Director of Fishery will have the right to terminate the contract and forfeit the security money deposited by the lessee and if any loss is caused to the Department the same may also be recovered from the society.**

13. In case the lessee fails to deliver the required quantity of fish, they will have to give a notice to the Director of Fishery a fortnight ahead with specific reasons and if the grounds put forth by them are found genuine their contract can be terminated, otherwise the security will be forfeited.

14. The Director of Fisheries, Manipur reserves the right to cancel the contract on giving a 15 days' notice and the society will have no objection over it.

15. The lessee will have no objection on fishing in the water by the interest anglers on the permits issued by the Fishery Department.

16. The lessee will keep the place neat and clean and after expiry of the contract they will have to shift their fishing paraphernalia and all material within 7 days.

17. The lessee will not damage or destroy anything constructed on the bund and if they do so they will have to make good the loss to the extent fixed by the Fishery Department within 7 days failing which they can be checked from fishing and the lessee will be responsible for the same.

18. While fishing with gill, nets, the mesh should not be below 5 cm. bar. In case when drag nets are to be used the mesh should be such that fishes weighing 12 kg. and above are caught.

19. Every dispute, difference or question which may at any time arise will be referred to the Director of Fisheries and his decision thereon shall be final and binding on the parties to the dispute.

20. Terms and conditions of lease of rights of purchase of fish.-Intending societies/individuals to purchase to purchase the fish under bifurcated leasing system shall have to apply to the Director of Fisheries for getting themselves registered as purchasers.

21. The Fishery Department will sell the fish to the registered purchasers by auction or otherwise as found suitable from time to time under the terms and conditions prescribed by the Director.

D

Terms and Conditions for Issue of Licence to Fishermen

- 1. The licence is not transferable and shall be subject to inspection by any officer of the Fishery Department on demand or by any person authorised by the Director of Fishery, Manipur.**
- 2. The licensee shall carry with him his licence while fishing or landing fish and shall produce the same on demand for inspection as stated in item 1 above.**
- 3. The licensee shall not catch fish within 30 meters of any masonry structure and shall not display their catches near those places after fishing.**
- 4. The licensee shall on demand show his catches to any of the officers referred to in condition 1 above for inspection.**
- 5. The licensee shall get a number painted white on both sides of his boat. No boat other than a boat bearing such number shall be used for fishing in the licensed area.**
- 6. The licensee shall not carry any implement other than the implement for which licence is issued within the list at Annexure "A".**
- 7. The licensee shall have to sell on demand his entire catch or a part thereof to the Fishery Department or to persons authorised by the Department at the rate fixed by the Government of Manipur.**
- 8. Fishes of the varieties specified below and smaller than the sizes mentioned against each if caught shall be returned alive to water :**

| | | |
|-------|---|----------------|
| (i) | Catla-Catla (Catla) | -30.5 cms. |
| (ii) | Robeo Rohita (Rohu) | -30.00 cms. |
| (iii) | Cirrhina Mrigata (Mrigel) | -30.00 cms. |
| (iv) | Cyprinus Carpio (Mirror carp Common carp) | |

| | |
|---|----------------|
| | -20.3 cms. |
| (v) Channa straight (Porom) | -20.00 cms. |
| (vi) Wallagonia attu (Sareng) | -30.5 cms. |
| (vii) Notopterus notopterus (Ngapai macha). | -15.00 cms. |

9. If a licence is lost and cannot be recovered, a duplicate licence will be issued on payment of penalty fee of Rs. 5 (Rupees five) only.

10. The licensee shall also confirm to the regulation relating to all or any of the following matters which will be notified in the Notice Board of the Government Fishery Station and by wide publicity as and when necessary by the Director of Fisheries, Manipur-

(i)The kind, number, dimension and mesh of nets to be used for fishing and the mode of operation ;(ii)The kind, size and quality of the species that may be caught;(iii)Closed season for any species of fishes ;(iv)The centres and timing of fishing including no fishing days ;(v)The maintenance and surrender of the licence ;(vi)The landing of fish at specified centres for inspection and weighing ;(vii)The collection of statistics ;(viii)In any case there will be only 250 (two hundred fifty) fishing days in a year.

11. The Fishery Officer, or any other officer authorised by the Director of Fisheries on this behalf may refuse grant of licence or cancel any licence already granted, if a person fails to confirm any of the conditions prescribed in this licence. In the event of the cancellation of a licence, the amount paid towards licence fee shall not be refunded. The Director of Fishery may at any time revoke the cancellation order and validate the licence under special circumstances.

12. The conditions of the licence are liable to alteration even during their period of currency.

13. Notwithstanding anything contained in the above conditions, the officer of the Fishery Department, Government of Manipur shall be free to conduct experimental fishing, stocking and other Departmental activities in the licensed area.

Annexure B

| Sl. No. | Types of gears. | Not to be allowed per licence. | Licence fee | | | | |
|---------|--|--------------------------------|-------------|-------------|------------------------------|------|------|
| | | | Quarterly | Half yearly | Annually (250 fishing days). | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | Rs. | Rs. | Rs. | Rs. | Rs. |
| 1. | Long line (Khoisang) | 100 hooks | 2 | 50 | 140 | 260 | 400 |
| 2. | Pole & line (Khoitek) | 100 hooks | 4 | 100 | 280 | 520 | 800 |
| 3. | Gill nets (Ukabi lang) size 1 m. x 8m. x 5 to 6 cm. mesh | 10 nets | 4 | 100 | 280 | 520 | 800 |
| 4. | Gill nets (Phabou lang) size 1m. x 3m. x 1.25 to 2 cm. mesh | 10 nets | 3 | 75 | 210 | 400 | 600 |
| 5. | Pursenet/ Langjao/ Moirang long, size 1.5 m.x3 m.x1.5 to 2 cm.mesh | 4 nets | 20 | 500 | 1350 | 2500 | 4000 |
| 6. | Injao (Dip nets) | 9 nets together and 2 persons | 15 | 375 | 1000 | 1800 | 3000 |
| 7. | Mupi-eel (Dip nets) size 3 mx3 to 6 cm. | 1 net | 3 | 75 | 210 | 400 | 600 |
| 8. | Rod and line | 1 hook and 1 rod | 0.50 p. | 12 | 30 | 50 | 90 |
| 9. | Traps | 100 traps | 5 | 100 | 250 | 400 | 750 |
| 10. | Longthrai | 1 | 2 | 50 | 140 | 260 | 400 |
| 11. | Phum namba (50 metre distance) | one | - | - | - | - | 1000 |

Form No. I[See Rule 30]Notice of Sale of Government Fisheries in Manipur by Public Auction for the Year 20.....It is hereby notified for general information that the Government fishery/fisheries details of which are shown in Annexure I, will be sold by public auction at the office of the Director of Fisheries, Manipur on.....20 at a.m./p.m. and the subsequent days for a period of years, the term of the last settlement having expired on the 31st March, 20 on 20 intending purchasers are invited to be present at the aforesaid place on the date fixed for sale of fishery/fisheries.The sale will be made subject to the following conditions :

1. The Officer conducting the sale does not bind himself to accept the highest bid, or any bid and reserve discretion to auction the settlement for either a longer or a shorter term than that specified above.

2. Defaulters of Government revenue will not be allowed to bid in the auction sale. Intending bidders should furnish proof of financial solvency to the officer conducting the sale before they are allowed to bid. They should

deposit an earnest money $\frac{1}{4}$ th of the accepted bids in respect of the fishery concerned for the preceding 3 years as shown in Col. No. 4 of Annexure I before they are allowed to bid.

3. The Director of Fisheries or the auctioning officer working on behalf of or under his order will normally accept the highest bid unless there are special reason for not doing so.

The sale will be made in the following order of preference : (i) To co-operative societies consisting of fish farmers certified as such by a competent officer of the Fisheries Department. (ii) To Fishermen's Co-operative Society having at least 2 members who have been trained in fish culture at a State/Central Fisheries Training Centre. (iii) To persons or group of persons trained at a State/Central Fisheries Training Centre. (iv) To a suitable bidder in the auction sale. In the case of (i), (ii) and (iii) above certificates and documents shown below wherever applicable are to be produced and they should also join in the bid : (a) Solvency Certificate from the Registrar of Co-operative Societies. (b) Certificate showing that the fishery falls within the area of operation of the society. (c) Copies of resolutions of the society authorising a representative to bid in the auction on behalf of the cooperative society and intimating names of not more than 2 members of the society who will execute the agreement on behalf of the co-operative societies in case the society is a successful bidder. (d) Certificate showing that the members/member/person(s) are fish farmers and /or got training in fish culture from a State/Central Fisheries Training Centre. Preferential leases may be given to (i), (ii) and (iii) above at the rate of Rs. 60 per hectare per annum for the fishery area : Provided that the capital investment of 3% will be added in the case of fishery improved with State expenses. Note. - The area of operation under Clause (b) above will be determined by the Co-operative Department and conveyed to the Director of Fisheries, Manipur by the 1st week of January for the next ensuing auction. No amendment will be made thereafter before the auction. In case no such communication is received, no society will be allowed the preferential lease under the rules.

4. Catching of the following kinds of fish below length shown against them during the period from June to September is forbidden :

| | | | |
|--------|---------|--------------|---------|
| (i) | Sareng | (local name) | 33.5 cm |
| (ii) | Porom | do | 20.0 cm |
| (iii) | Pengba | do | 15.2 cm |
| (iv) | Nagchou | do | 30.5 cm |
| (v) | Ngatin | do | 30.5 cm |
| (vi) | Ngara | do | 30.5 cm |
| (vii) | Ngathi | do | 30.5 cm |
| (viii) | Katla | do | 30.5 cm |
| (ix) | Rohu | do | 30.0 cm |

- | | | | |
|--------|-------------|------------|----------|
| (x) | Mrigal | do | 30.0 cm |
| (xi) | Common carp | do | 20.3 cm |
| (xii) | Mirror carp | do | 20.3 cm |
| (xiii) | Notopterus | Notopterus | 15.3 cm. |

5. Every bid offered shall be for one year. At the time of bidding the increase in bid every time from the lower bid to higher one shall be the amount shown in Column 6 of Annexure I.

6. In the case of successful bidders the earnest money will be converted into security deposit which will be finally adjusted towards the payment of the last instalment of the terminal year of the lease. The successful bidder is required to pay the difference between the earnest money deposited by him/her and $\frac{1}{4}$ th of the revenue for the full term of the settlement on the spot at acceptance of the bid. Failure to do so will entail forfeiture of the earnest money and settlement of the fishery with the next higher bidder.

7. If the purchaser fails to execute a counterpart in Form No. III within 2 weeks from the date of receipt of information of confirmation of the sale of fishery, the fishery will be sold and the security under conditions will be forfeited.

8. Every lessee shall pay half of one year's revenue by 15th September and remaining half of one year's revenue by 15th December. If the accepted bid is not more than Rs. 500 per year the entire amount of revenue for the full term of settlement is to be paid by the auction purchaser immediately after acceptance of bid.

9. Should the lessee relinquish his lease during its term of settlement or infringe any of the conditions of his lease, the Director of Fisheries, on behalf of the President of India may cancel the lease, in which case all sums paid by the lessee on account of the fishery shall be forfeited.

10. The settlement will be subject to confirmation by the Governor of Manipur.

Director of Fisheries, Manipur. Form No. II[See Rule 45]Fishery LeaseGovernment of ManipurDated.....No.....The undersigned on behalf of the President of India authorises you.....s/o.....resident of.....to fish within the limits of the Fishery known

as.....Fishery No.....belonging to the Government for a period of.....from- to on payment of an annual sum of Rs.....to be paid in the following instalments, and upon the dates named below subject to the conditions following : (i) Your right acquired by this agreement is only to the right of fishing enjoying aquatic products except "Heikak" and you shall not be at liberty to appropriate or cause injury to any produce, trees, crops, 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 any right to levy duties on, or to hinder or prevent any boat or rafts passing over or anchoring within the limits of this fishery except at the soiphams, 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 embankment or cut any new channels or raise any bank, above the customary level without the permission of the the Director of Fisheries, Manipur; (ii) No allegation on your part of any loss 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 and no extension of lease shall be given on any consideration whatsoever and if you suffer loss from any cause you have to bear the loss ; (iii) You shall have no power to sell or transfer or mortgage your right of lease of this fishery or to sub-let it to any one or to admit any one as a partner without prior approval of the Director of Fisheries, Manipur; (iv) 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; (v) You shall not explosive or noxious material for the purpose of catching fish; (vi) Instalments : Half of one year's revenue on 15th December and the remaining half on 15th April ; (vii) This settlement is subject to the provisions of the Fishery Rules in force in Manipur. Should you or your partner, or any person holding a licence from you infringe any of the conditions of this lease or the Fishery Rules, the Director of Fisheries may cancel your lease on his own authority, in which case all sums paid by you will be forfeited and recovery effected under Rule 42 of the Fishery Rules ; (viii) Special conditions to be observed by the fishery lessee. Director of Fisheries, Manipur Dated : Place: Form No. III [See Rule 45] Acceptance of Fishery Lease (Counterpart) From : To: The Director of Fisheries, Government of Manipur, Imphal. Dated..... Whereas I/we have taken the lease of the Fishery known as Fishery No.....from the Director of Fisheries, Manipur for a term of.....years, namely from the to the I/we do hereby declare that I/we accept and hold myself/ourselves bound by all the conditions expressed in that lease.

Signed in my presence

Sd/-

1.2.3.4.5.

Director of Fisheries,
Manipur

Fishery lessees

Annexure I Fixed for sale on.....(day).....hrs.

| Fishery No. | Name of | Earnest money deposited by the bidders | Term and price for which it was last sold | Name of bid every time | Special conditions to be observed by the lessee. |
|-------------|---------|--|---|------------------------|--|
| Term | Price | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | 7 |

