

WEST BENGAL INLAND FISHERIES RULES, 1985

Registered No. WB/SC-247 No. 15S(I) VAISAKHA (16) The Calcutta Gazette Extraordinary Published by Authority N/fondav, N4av 6, 1985 PART I: Orders and notification by the Governor of VVest-Bengal, the High Court, Governüent Treasurv etc. GOVERNMENT OF WEST BENGAL FISHERIES DEPARTMENT NOTIFICATION NO. 1979-Fish/C-1/29th April 1985 In exercise of the S0\ver conferred by section 19 of the VVest Belural Inland Fisheries Act, 1984 (1•Vest Ben. Act XX V of 198d). the Governor is pleased to nnake the follQ\ving rules, narnel\,' 1. THE WEST BEANGAL INLAND FISHERIES RULES/ 1985 CHAPTER - 1 General Short Titles : These ru les nÄcnv be called the \ Vest Bencyal Inland Fisheries Rules, 1985 Definitions : (1) In these rules unless there is anvthing repugnant in subject or context (a) nneans the H"est Bengal Inland Fisheries Act I CJS4 (1 Vest Ben. Act XXV of 1984) 'Section' lneans a secti(..ÄlÄ of the Act Any expression used lnut not defined in as defined in the Act sanate nntean in 234 CHAPTER - 11 Proper Utilization of multi-ownership or other tanks (3) Prevailing norrnns of proper utilization of or other tanks. The prevailing norrnns of pisciculture shall rnean and include. (a) T I-te ernbankrment of the tank shall be such as to prevent unreculated ingress or egress of ix•ater (b) The tank shall be deweeded regularly so that at least three fourth of the waterbody remain free from weeds (c) The stocking of fish seed in the tank shall be at least four thousand cultivable carps or at least eight thousand other cultivuble species per ha. Explanation : For the purpose of this rule cultivable carps shall mean and 4. 5, include rohu, catla, mrigal, calbasu, silver carp, grass carp and comrnnon carp and other, cultivable species shall mean and include n-tagur, singhi, kai, puntias javanias, bata, sarpunti, galda, bagda, parse, bhangan and (d) These shall be supplenlentary feeding, nnanurincy and limino as nnav ----- be required in a (Yiven condition and as the cornpetent authority nnav consider reasonable. Notice and manner of serving notice : (1) The notice as per subsection (1) of section 8 shall be served every ovner and occupier of the tank invitinc their objection as to the intention of such taking over the lnanagement and control of such tank. The notice shall also be served by the hanging a copy thereof in a prominent place near the tank in the presence of at least tyco iA'itnesses of the localitv. (2) If after due deligence, anv osvner or occupier is found not available, the notice n-tav be served on an adult rnale menÄber of his familv. Disposal of objections If any objection is received writhin the date specified in the notice, the competent authority shall consider the sanne by giving a personal hearing to the objector or objectors. If he finds the objection reasonable, he shall accept the sanÄe by giving the reasons in iS'l'ting therefore and shall issue an order cancelling the notice under rule 4. If, hoecever, he finds the objection un reasennable or otheris'lse net 235 6. 7. 8, 9. IO. 11. tenable he shall reject the sanne after Oivina the reasons in Nv tin therefore and shall proceed to take fu rther action. Take over : IN here no objection has been received or here an v objection has been rejected, the conÄpetent authority shall issue an order statincy that the Governrment has taken over the mana gernent and control of the tank and the copies ot such order shall be published by affixino on the official notice board and in a pronlinent place near the tank and shall also be served on the and occupiers of the tank in the manner prescribed in rule 4. Taking possession : lillinediately after service of the order as per rule 6 the coinpetent authority or an officer authorised by llinÄ in this behalf shall take over physical possession of the tank. Rent : The rent pavable per annum to the co-shares or co-owners of a mufti-ownership tank for taking over the rmanacrement and control of a tank shall be assessed at the rate of four percenturn per annurn QF Inarket value of the tank. In addition, the co-shares QI' co-ovvners shall also be paid a reasonable non-recurring lump sunÄ amount on account of anv fish not rennovved by thenl. Appointment amonost co-shares or co-owners : The rent pavable under rule S shall be apportioned by the col-npetent authority to each co-sharer or co-0\sner in accordance iVith the nature and extent of share or interest held by each such co-sharer or as the case nnav be after lÄÄak'ino necessarv local enqtlkv. Claims : After deterrninatiQn of the rent as per the rule and apporprtionnnent therefore, the cornpetent authorit\ shall intinnate the quantum of such rent receivable by each person holding an interest the tank and asking thenÄ to subrnit their respective clainns. Payment of rent : Such clainns shall be paid off annual lv cornpetent authority after due verification Ivithin a period of six ths froliÄ the date of receipt of clailns. 12. 13. 14. 15. 16. 4 Utilisation of tank after taking over : After a tank is taken over for lnanagennent and control, the connpetent authority shall either arran(ye to start pisciculture therein by the officer and staff under hillÄ or arrange to transfer it to some other person for

starting pisciculture in accordance with the prevailing norms. Notice of transfer : Where the competent authority decides to transfer the management and control of a tank to any person for proper utilisation, he shall issue a notice stating such intention and the copies of such notice inviting applications shall be published in his own office and in the office of the Gram Panchayat having jurisdiction over the tank. Manner of selection of lessee : (1) All eligible persons making the tank on lease shall be examined by the competent authority by giving an opportunity of being heard to all of them and thereafter the competent authority shall select a person who in his opinion is the best suited for the purpose having regard to his experience and financial capability and any other factor incidental to the proper control, management and utilisation of the tank. selecting a person for the purpose, the competent authority may give preference to a fish production group of a fishermen's co-operative society or a co-owner or co-sharer of the tank if they are found fit. Execution of lease deed and transfer of possession : After selecting a person as per the foregoing rule the competent authority shall transfer the possession of the tank to such person on his execution of a lease deed. Method of assessment of rent : The rent payable per annum by a person to the competent authority for taking the tank on lease shall be assessed value of the tank. In addition, the lessee shall also pay to the competent authority a reasonable non-recurring lump amount on account of any fish not removed by the competent authority 170 18. 19. 20. 21

24. CHAPTER - 111 Fish production Group Fish Production Group : Not less than eight and not more than twenty themselves persons now apply to the District Fisheries Officer for formation into a fish production with the object of efficient production and sale of fish in a collective

Application : The application for formation of a fish production group shall be made in the prescribed form appended at Schedule I to these Rules. **Qualifications :** All the members of a group shall be adult individuals preferably residing in the same or adjoining areas and shall together not less than four hectares of water area in the In addition to the members referred to in rule 17 a Associate member fish production ("group" may also include not more than two persons as associate members who shall have a right to attend a meeting of the but shall not have any right to vote in any such meeting. **Registration :** After receipt of an application for registration of a group, the District Fisheries Officer shall, after making such enquiry as he may deem fit and proper and on being satisfied about the object for the group is to be formed and about the fitness of the members for achievement of that object, issue a certificate of registration and shall enter the relevant particulars in respect of the group in a register to be maintained for this purpose. **Validity :** The registration of a group shall remain valid until the same is cancelled by the District Fisheries Officer. A Group shall hold at least one meeting in every three months Meeting and one annual general meeting and all annual general meetings shall be presided over the Fisheries Extension Officer having jurisdiction over the water areas possessed by the members of the group. **Rights and duties :** the rights and duties of the members of a Group inter-se and those between the group and the associate members shall be such as the members may decide from time to time in a meeting. 238 25. 26. 28, 29. **Removal and inclusion of members :** The group may remove an existing member or include a new member at any time if such removal or inclusion is approved by all other members in a meeting. **Books and Accounts :** The group shall maintain such books and accounts as the District Fisheries Officer may from time to time direct. **Reports and Returns :** The group shall submit such reports and returns to the District Fisheries Officer with a copy to the concerned Fisheries Extension Officer as may be required by the Director of Fisheries, West Bengal, by a notification. **Cancellation of registration :** The District Fisheries Officer may after giving to the group an opportunity of being heard, cancel the registration of a group any of the following grounds:— (a) (b) (C) (d) (f) That the majority members of the group have decided in a meeting to dissolve the group that the group is not functioning for than a year that the group has become unable to function towards achieving the object for which it was formed that the number of members has fallen below eight that the registration of a group is obtained on the basis of any information on any material point that the group has persistently violated the provisions of the Act issued and the rules, or neglected to abide by any direction lawfully by the District Fisheries Officer. **Formation of Central Fish Production Group :** An application made by not less than 20 Fish Production Groups within the jurisdiction of a District Fisheries Officer the Director of Fisheries may register a Central Fish Production Group. On the registration of such a Central Group, all the Fish Productions Groups within the aforesaid jurisdiction shall be affiliated to that Central Group. 30, 31. 32. 33. 34. **Managing Committee :** The affairs of a Central Group shall be managed by a Managing

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

CHAPTER - IV Levy of Fish Levy Roll : The competent authority on the basis of his information or other source shall prepare a levy roll showing therein the name and address of the dealers, the quantum and species of fish to be delivered by them, the procurement agent to such delivery shall be named and other relevant particulars. Provided that for the purpose of rules under this Chapter a dealer shall mean and include a catcher, a transporter, an auctioneer and a commission agent of fish. Publication of levy rolls : The levy roll prepared under rule 33 shall be published in the office of the competent authority and copies thereof shall also be served on the dealers affected by the levy roll. 35. 36. 37. 38. 39. 40. 42. 43. 8 If any objection is received by the competent authority against any levy roll within thirty days of its service to a dealer affected, the competent authority shall consider such objections by giving to the objecting dealer an opportunity of being heard. Final levy roll : After considering the objections under the foregoing rule, the competent authority shall forward to the Government the levy roll, the objections, if any received against the levy roll and his views on those objections. On considering the objections if any, and the views of the competent authority on those objections, the Government shall prepare the final levy roll and send the same to the competent authority for publishing the same in his office and for serving relevant parts thereof to all dealers affected by that levy roll. Procurement Agent : A 'procurement agent' for the purpose of the rules under this Chapter means a person who has been appointed by the Government for procurement of levy fish at specified rates from the dealers of fish and for sale of such fish to the consumers at the rates specified by the Government. Quantum of Fish : The quantum of fish to be delivered by a dealer shall be ten per cent by weight of the fish dealt in by the respective dealers in a year and shall be delivered to the procurement agent throughout the year in instalments on two fixed dates of every week. Delivery : The dealer shall deliver at his usual place of business, the specified quantum of levy fish to the procurement agent specified in the Rebate : A rebate or discount on the weight of levy fish shall be at the rate of five per cent by the dealer to the procurement agent. Procurement Price : The procurement price payable by the procurement agent to the dealer for different species of levy fish shall be such as may be fixed by the Government from time to time by notification. Quality : The dealer shall deliver to the procurement agent standard quality of fish fit for human consumption and any dispute regarding quality and fitness for human consumption shall be decided by the competent authority whose decision shall, subject to the provisions of the Act and these rules, be final. 43. 44. 45. 9 Payment : The procurement agent shall make payment to the dealer for the levy fish taken delivery of by him within forty-eight hours of such delivery failing which he shall be liable to pay interest at the rate of fifteen per cent per annum on any outstanding amount. Entry, search and seizure : The requiring authority or a police officer not below the rank of Assistant Sub-Inspector is empowered to secure the delivery of levy fish may— (a) (d) inspect or cause to be inspected and document or books of account as well as any stock of fish belonging to a dealer require any dealer to give any information of his possession with respect to any purchase or sale or shortage of fish stop and search the person and vehicle or vessel or animal used or suspected of being used for delivery of fish from premises where he has reason to believe that fish are stored enter and inspect or break upon and search at any time sunrise and sunset and premises where he has reason to believe that fish are stored Provided that in exercising the powers under this rule regard shall be paid to the social and religious customs of the occupants of the places and premises, vehicles or vessels Further provided that the requiring authority or police officer shall have to take such aid or assistance as may be necessary for taking any action under this rule, Exemption The Government having regard to the conditions prevailing in any locality and if it finds it necessary to do so in the public interest may be

notification exempt, subject to any condition as it may think fit to impose, any class or classes of dealers from the operation of the provisions of the rules under this chapter. SCHEDULE - 1 (Rule - 18) Form of application for registration of fish production Group. To The District Fisheries Officer, (Fishery) District. We, the undersigned persons, of whose relevant particulars have been (given in list 1 appended, have resolved to form a fish production group in terms of section 10 of the West Bengal Inland Fisheries Act, 1984 (West Ben. Act of 1984) and rules made thereunder initially the particulars of which are given in list 2 appended. 3 It has been resolved by us that initially Shri/i function as the Leader and Shri/Sm.,..... function as the Deputy Leader of the Group. The office of the group shall be its office shall be located at (full address stating locality, village, post office, police-station, block and district). The object of the group shall be (a) We are to request you to please the group as per rules and communicate to us the fact of such registration in due course. Signature 3 -1 243 Registered (KARTIKA 21 | Calcutta) (6aZPitP Extraordinary Published by Authority THURSDAY* NOVEMBER 1998 [SAKA 1920 PART and Notifications by the Governor of West Bengal, the High Court* Government Treasury, etc* GOVERNMENT OF WEST BENGAL 21274isxh/C*1/7Rw7184 VI FISHERIES DEPARTMENT Calcutta the 12th November, 1998« NOTIFICATION In exercise of the power conferred by section 9 of the West Bengal Inland Fisheries Act* 1984 (West Ben. Act XXV of 1984), the Governor is pleased hereby to make the following amendment in the West Bengal Inland Fisheries Rules, 1985, published in part I of the Calcutta Gazette Extraordinary, dated the 6th May, 1985 under this department notification No, dated the 29th April, 1985 (hereinafter referred to as the said rules):— Amendment In the said rules» after rule insert the following chapter:— CHAPTER V Conservation, propagation and management» Regulation of mesh size.—(1) No person or group of persons shall, for the purpose of catching fish, use net, trawl or any other fishing contrivance in any open water system* such as river, khal* or the like, having mesh of jinnil (less in size or below 109/,, in any part of the year. (2) For the purpose of conservation of fish stock in the open water system, no person or group of persons shall catch fish from the 15th June to the 30th September each year in any river or its tributary by using nets having mesh or 25 millimetres in size or 47. Angling in specified person shall catch fish by angling from any open water system or vested water area without obtaining permission from the competent authority. 1596271/2021/CRU CELL(FI) THE NOVEMBER 12, 1998 for any purpose other than scientific & 48. Brood fish person or group of persons shall, research, undertake induced breeding of Indian Major Carps using not attaining the 01" one-and-a-half or weighing less than one kilogram or not having a minimum length of 35 centimetres. Standard measure in sale of fish person or group of persons shall be allowed to sell fish spawn in a container, other than a container having capacity of either 50 millilitres or millilitres* By order of the Governor, CHATURVEDI, Secy to the Govt* of West Bengal Published by the Controller of Printing and Stationery West Bengal and printed at Saraswati Press Ltd (Government of West Bengal Enterprise), Calcutta 700 (56 1596271/2021/CRU CELL FI Registered No W / C-247 3Aolkata CAITRA 19] Extraordinary Published by Authority TUESDAY, APRIL 2013 25 No Gaiette [SAKA 1935 PART I— Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc, GOVERNMENT OF WEST BENGAL Fisheries Department NOTIFICATION 719 FisWCwl/9Rw3/2012 (Part4).- dated the 4th April

2013. In exercise of the power conferred by section 19 of the West Bengal Inland Fisheries Act* 1984 (West Ben* Act XXV of 1984) and in supersession of all earlier notification on the subject the Governor is pleased hereby to make the following amendments in the West Bengal Inland Fisheries Rules, 1985, published in Part I of the Calcutta Gazette; Extraordinary, dated the 6th May, 1985, vide this Department notification no« 1979* Fish/C*I dated the 29th April 1985 (hereinafter referred to as the said rules):— Amendments In the said rules, (1) after sub-rule (2) of rule 463 insert the following sub-rules:— "(3) For the purpose of conservation of hilsa fish stock in the inland open water system, no persons or group of persons or fishers or fisherman or their assistants under no circumstances shall catch hilsa (species group / family: Hilsa shad-Genus / Species: Hilsa ilisha and species group / family: other shads- Genus / Species: other Hilsa species (tenulosq macrura and toti) using any kind of monofilament gill net / nets having mesh size below 90 (ninety) millimeter and other nets having mesh size below 40 (forty) millimeter for other fishes. (4) No person shall transport, market, sell and possess hilsa (species group / family: Hilsa shad. Genus / Species: Hilsa ilisha and species group / family: other shads,, Genus / Species' other Hilsa species (tenulosa, macrura and toti) having length below 23 (twenty three) centimeter

and the same is banned." R (2) after rule 49, insert the following rule:— "50. Declaration of Hilsa Sanctuary and protection of Hilsa.— (1) the riverine area in the river 1596271/2021/CRU CELL(FI) THE KOLIKATA GAZETTE. EXTRAORDINARY { APRIL 99 2013 Burdwan & Hooghly District) (c) Diamond Harbour to Nischintapur Godakhali and (d) five (5) square kilometer area around the "Sand Bar" located in the river Matla, Roymongal & Thakuran in Sundarbans area and Farakka Barrage are declared as Hilsa Sanctuaries (protected area for Hilsa), (2) In order to facilitate spawning, all types of fish catching are banned in the Hilsa Sanctuaries during June to August and October to December every year (3) Fishing of hilsa is prohibited within five (5) square kilometer of the Farakka Barrage round the year to protect the hilsa species and facilitate brooders spawning in the area* (4) For the purpose of conservation of juveniles hilsa (jatka / khoka ilish) migrating downstream towards sea. use of bag net, scoop net, lift net and small meshed gill nets {mesh size below one (1) inch} for catching hilsa below 23.0 centimeters in the inland open water system (including estuarine area) is totally prohibited during February to April every year: Published by the Controller of Printing and Stationery. By order of the Governor, S. DAS Addl. to the Govt. of West Bengal, West Bengal and printed at I .17!

