

The Indian Fisheries (Tamil Nadu Amendment) Act, 1927

Act 2 of 1929

Keyword(s):

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Amendment appended: 12 of 1980

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‘[TAMIL NADU] ACT No. II OF 1929.’

[THE INDIAN FISHERIES (‘[TAMIL NADU] AMENDMENT) ACT, 1927.]

(Received the assent of the Governor on the 3rd November 1928, and that of the Governor-General on the 2nd December 1928 ; the assent of the Governor-General was first published in the Fort St. George Gazette of the 1st January 1929.)

An Act to amend the Indian Fisheries Act, 1897, in its application to the ³[State of Tamil Nadu].

Central
Act IV
of 1897.

WHEREAS it is expedient to amend the Indian Fisheries Act, 1897, in its application to the ³[State of Tamil Nadu] for the purposes hereinafter appearing ;

AND WHEREAS the previous sanction of the Governor-General has been obtained to the passing of this Act ; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Fisheries (‘[Tamil Nadu] Amendment) Act, 1927. Short title and extent.

(2) It extends to the whole of the ³[State of Tamil Nadu].

Central
Act IV
of 1897.

2. In sub-section (3) of section 6 of the Indian Fisheries Act, 1897 (hereinafter referred to as the said Act)— Amendment of section 6, Central Act IV of 1897.

(i) after the words “ prohibit or regulate ” the words “ either permanently or for a time or for specified seasons only ” shall be inserted, and

¹ These words were substituted for the word “ Madras ” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 9th August 1927—Part IV, pages 70–71.

³ This expression was substituted for the expression “ Presidency of Madras ” by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

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Amendment])**

(ii) for clause (c) the following clause shall be substituted, namely :—

“(c) the dimension and kind of the contrivances to be used for taking fish generally or any specified kind of fish and the modes of using such contrivances.”

**Amendment
of section 6,
Central Act
IV of 1897.**

3. For sub-section (4) of section 6 of the said Act, the following sub-section shall be substituted, namely :—

“(4) Such rules may also prohibit all fishing in any specified water except under a lease or licence granted by Government and in accordance with such conditions as may be specified in such lease or licence:

Provided that no rule shall be made under this sub-section to prohibit sea fishery other than pearl fishery or chank fishery unless, after previous publication under sub-section (6) of this section, it has been laid in draft before ¹[both the ²(Houses) of the ³(State) Legislature], and has been approved by a resolution ⁴[of both those ²(Houses)] either with or without modification or addition ; but upon such approval being given the rule may be issued in the form in which it has been so approved. ”

**Addition of
new section 8
to Central
Act IV of 1897.**

4. After section 7 of the said Act, the following section shall be added, namely :—

**Recovery of
rents, fees
and other
moneys
payable to
Government.**

“8. All rents, fees and other moneys payable to Government on account of fishery leases and licences granted by them may be recovered in like manner as if they were arrears of land revenue.”

¹ The words “ both the Chambers of the Provincial Legislature ” were substituted for the words “ the Legislative Council ” by the Adaptation Order of 1937.

² This word was substituted for the word “ Chambers ” by the Adaptation (Amendment) Order of 1950.

³ The word “ State ” was substituted for “ Provincial ” by the Adaptation Order of 1950.

⁴ The words “ of both those Chambers ” were substituted for the words “ of the Legislative Council ” by the Adaptation Order of 1937.

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TAMIL NADU ACT NO. 12 OF 1980.*

**THE INDIAN FISHERIES (TAMIL NADU
AMENDMENT) ACT, 1979.**

[Received the assent of the President on the 5th April 1980, first published in the Tamil Nadu Government Gazette Extraordinary on the 9th April 1980 (Panguni 27, Chitharthi-2011—Thiruvalluvar Aandu).]

An Act further to amend the Indian Fisheries Act, 1897, in its application to the State of Tamil Nadu.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirtieth year of the Republic of India as follows :—

1. (1) This Act may be called the Indian Fisheries (Tamil Nadu Amendment) Act, 1979. Short title, extent and commencement.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. In section 3 of the Indian Fisheries Act, 1897 (Central Act IV of 1897) (hereinafter referred to as the principal Act), clause (1) shall be renumbered as clause (1-D) of that section and before the clause as so renumbered, the following clauses shall be inserted, namely:— Amendment of section 3, Central Act IV of 1897.

“(1-A) ‘authorised officer’ means any officer of the Fisheries Department of the State not below the rank of an Assistant Director of Fisheries, authorised by the State Government by notification to exercise the powers conferred on, and discharge the duties imposed upon, the authorised officer under this Act for such area as may be specified in the notification :

(1-B) ‘chank’ means conch or shank scientifically known as *Turbinella pyrum* or *Turbinella rapa*;

* For Statement of Objects and Reasons, See Tamil Nadu Government Gazette Extraordinary, dated the 6th November 1979, Part IV-Section 1, page 496.

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(1-C) 'chank fisheries' means that part of natural marine aquatic resources relating to chank, or shank or conch;".

3. After section 6-C of the principal Act, the following sections shall be inserted, namely:—

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

6-D. Government to have the exclusive privilege over chanks and chank fisheries.—(1) Notwithstanding anything contained in this Act, or in any other law for the time being in force relating to fisheries and subject to the provisions contained in sections 6-E and 6-F, on and from such date as may be specified by the State Government by notification in this behalf, the State Government shall have the exclusive privilege of fishing, possession, sale, movement, storage or transport of chanks in this State, or the carrying on of any business, industry or any other activity in respect of chanks and chank fisheries in this State.

(2) On and from the date specified under sub-section (1), no person shall carry on any business, industry or other activity in respect of chanks and chank fisheries except as otherwise expressly provided under this Act and the rules made thereunder.

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

Provided that the authorised officer may, by order, refuse to grant or renew a permit to any applicant in respect of whom he is satisfied that by reason of his conviction of an offence under this Act or the rules made thereunder, or the previous cancellation or suspension of any permit granted thereunder or the contravention of any of the requirements as to the possession of chanks or for any other reasons which may be prescribed, he is not a fit person to whom a permit should be granted or renewed under this section. Every such order shall be communicated to the applicant, as soon as possible.

(2) Nothing contained in this Act shall apply to the possession of chanks—

(a) by any individual or family up to ten pieces for bona fide religious purposes or for the collection of

such chanks as curious articles ; or

(b) by any religious institution or other institutions of public worship up to one thousand and five hundred pieces for *bona fide* religious or public purposes; or

(c) by any educational or research institution up to five hundred pieces for *bona fide* educational or research purposes.

Explanation.—For the purposes of this sub-section, the expression ‘family’ in relation to a person, means the person, the wife or husband, as the case may be, and his or her minor sons and unmarried daughters.

6-F. Any operation relating to chank fisheries to be under licence.—On and from the date specified under sub-section (1) of section 6-D, no person shall fish or dive for chank or collect chanks from any chank beds, or use any vessel for such purposes or carry on any business, industry or other activity in respect of chanks except under a licence granted by the authorised officer in such manner as may be prescribed ;

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

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

(i) the possession, sale, movement, storing or transport of chanks;

(ii) the fishing or diving for chanks;

(iii) the collection of any chanks from any chank beds;

(iv) the use of any vessel or vehicle for the purposes mentioned in clauses (i) to (iii);

(v) the carrying of any business, industry or other activity by any person in respect of chanks and chank fisheries;

(vi) the form and the manner in which applications for permits and licences under sections 6-E and 6-F, may be made;

(vii) the terms and conditions which may be included in any permit or licence under section 6-E or 6-F, as the case may be, and the fees for the grant of any such permit or licence;

(viii) the grant of duplicate permits and licences and the renewal of permits and licences under sections 6-E and 6-F and fees for the same;

(ix) the time within which appeals under section 6-I may be made;

(x) such other incidental matters connected with chanks and chank fisheries.

6-H. Power to cancel or suspend permit or licence.—

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

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

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