

FISHERIES

(Item No. 5)

Inland and marine fishery occupies an important role in the fisheries sector by augmenting fish production and providing rural employment opportunity. The State has a coastline of 1000 Kms. over which 442 fishing villages are located with 5.3 lakhs of population and 2.52 lakhs of active fishermen. They operate 25000 catamarans, 13724 vallams, 8230 mechanised boats and 6800 motorised Crafts. Inland fishery plays equally important role. There are 52 reservoirs, and large number of tanks with scope for limited period of water for fishery. There are 50530 inland fishermen.

2. In 1994-95, the inland fish production was 1.08 lakh tonnes and marine fish production was 3.31 lakhs tonnes. Brackish water aquaculture and mariculture have been developed over the last few years. At present, 860 ha. have been covered under brackish water aquaculture and mariculture. The production in 1994-95 was around 270 tonnes of prawns.

3. The following activities are being implemented by the Government for the promotion of inland fisheries. (1) Scheme for production and distribution of fish seeds. (2) Establishment and maintenance of fish seed farms. (3) Fishing Licensing and conservation of fish in large reservoirs. (4) Fish Farmers Development Agency. (5) Fisheries development in Panchayats. (6) Major Reservoir fisheries. (7) Rural fisheries demonstration tanks. and (8) Departmental Fishing in inland water.

4. In case of marine fish production, major thrust is to exploit the resources in the sea. Marine fish production has gone up from 46000 tonnes in 1951-52 to 331000 tonnes in 1994-95. Various schemes supported by Government promote the marine fisheries. Those are : (1) subsidised mechanisation of traditional crafts; (2) subsidised FRP catamaran distribution to fishermen; and (3) schemes on chemical treatment of catamarans.

5. The State Government have been implementing various welfare schemes for the benefit of the fishermen. The following are some of the important schemes. (1) Free housing scheme for fishermen. (2) Group Insurance Scheme. (3) Savings and Relief Scheme. and (4) Reimbursement of excise duty on HSD oil.

6. The fishery activities in inland and coastal waters were regulated as early as during British rule in India. The Indian Fisheries Act of 1897 and Madras Fisheries Amendment Act of 1929 made provision for fishery rights in public and private waters. The Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) and amendments to the Tamil Nadu Lease and Licensing of fishery rights in Panchayat and Panchayat Union Tank Rules, 1983 defined "Lease of Fishery Rights" and authority competent to conduct auction of fishing rights.

7. After the implementation of various Fisheries developmental schemes such as Fish Farmers Development Agencies, Rural Fishery Demonstration, Intensive Fish Culture in Panchayat tanks etc., the need for long term lease of water bodies was necessitated. Accordingly Government of Tamil Nadu in G.O.Ms.No.332 dated 17.11.1993 had enhanced the lease of fishing from one year to five years. The Fish Farmers Development Agencies and Fishermen Co-operative Societies should also participate in the open auction and all water bodies owned by Public Works Department, Revenue Department, Panchayat Department will be covered by this Government Order.

8. Section 132 of Tamil Nadu Panchayats Act 1994 gives the power of fishery rights to village panchayats and reads as "Any property or income including any fishery right which by custom belongs to, or has been administered for the common benefit of the inhabitants of the village or of the holders in common of village land generally or of the holders of lands of a particular description or of the holders of lands under particular source of irrigation shall, if so declared by the Government, vest in the village panchayat and be administered by it for the benefit of the inhabitants or holders aforesaid". Further Section 133 (3) of the said Act vests the fishery rights power in village panchayats where the irrigation maintenance work is transferred by Government to Village Panchayats. The section reads "Where the maintenance of any irrigation work, is transferred under this section, the fishery rights of Government in such work shall be transferred to and be vested in the village panchayat or the panchayat union council, as the case may be, subject to such terms and conditions including terms and conditions regarding the utilisation of the income, as may be specified by the Government".

9. The District Panchayat will be entrusted with the task of preparation of the plans for the overall fishery development including fishermen welfare. The District Panchayat will constitute the Fish Farmers Development Agency (FFDA). The Standing Committee on Agriculture of the District Panchayat will also review all schemes on fisheries. The Panchayat Union Council will execute all the schemes, programmes, and projects regarding fish culture, training, identification of persons (beneficiaries) for various schemes of both inland and maine fisheries within its jurisdiction. The Village Panchayat will be empowered to develop and lease of village ponds and tanks, for fish culture; to identify persons for getting Government assistance under various schemes including free housing scheme. The Village Panchayat will also encourage setting up of fish stalls in a hygienic condition. The Village Panchayat will assist the assessment of loss/damages and relief measures to the fishermen families affected by natural calamities. The time honoured conventions and traditions in fishing, leases and marketing may be documented and respected. In the above background, the following entrustment of powers are recommended for the three tier of Panchayat Raj Institution.

I. VILLAGE PANCHAYAT

<i>ACTIVITY</i> (1)	<i>ENTRUSTMENT OF POWERS</i> (2)
1. Development of Inland Fisheries.	1. Development of village pond/tanks for fisheries. 2. Leasing of village pond/tanks to Fishermen including the Co-operatives/Fish Farmers' Development Agencies, Brackish water Fish Farmer's Development Agencies. 3. Identification of persons for assistance under various programmes such as Co-operative Fish Farmers' Development Agencies/ Brackish water Fish Farmers' Development Agencies 4. Identification of persons for getting licences for fishing in Government Owned reservoirs. 5. Identification of persons for enabling the Panchayat Union Council in the distribution of boats, nets and other fishing equipment materials.
2. Development of Marine Fisheries.	1. Identification of persons and extending assistance in organising fisherman's Co-operatives in the distribution of boats/nets and equipments to the persons and co-operatives. 2. Organise awareness campaign for and adopting safety measures during rough weather. 3. Monitoring the impact of marine aquaculture on village environment and initiating control measures in coordination with PUC/DP.
3. Development of marketing processing infrastructure.	1. Encourage Setting up of fish stalls in a hygienic conditions and arrange the quality checking of fish being sold in the market. 2. Encourage units for fish processing and develop tie up between fishermen and the processing units.
4. Welfare measures for fishermen.	1. Encouraging fishermen to take up group insurance schemes. 2. Assist in assessment of loss/damages and relief requirement to the families affected by the natural calamity viz. cyclone and floods.

<i>(1)</i>	<i>(2)</i>
	<ol style="list-style-type: none"> 3. Promote fishermen Housing Scheme and identify the eligible fishermen. 4. Promote Savings cum relief scheme. 5. Facilitate the task of reimbursement of excise duty on HSD oil and other inputs.

II. PANCHAYAT UNION

<i>ACTIVITY</i> <i>(1)</i>	<i>ENTRUSTMENT OF POWERS</i> <i>(2)</i>
1. Development of Inland Fisheries.	<ol style="list-style-type: none"> 1. Execution of the schemes, programmes and projects on fish pond/tanks improvement. 2. Selection and sanction of beneficiary oriented fishery schemes. 3. Assist Fisheries Department to organise fishermen training for those of the Panchayat Union area. 4. Facilitate in the organisation of fishermen Co-operatives. 5. Procurement and distribution of boats, nets, tools and other assistance to the co-operatives and others. 6. Panchayat Union to levy necessary fees for fishery leases in the Panchayat Union tanks and irrigation sources.
2. Development of Marine Fisheries.	<ol style="list-style-type: none"> 1. Selecting sites for marine aquaculture/brackish water fishing in consultation with the concerned V.P. 2. Selection of persons for assistance under various schemes. 3. Facilitating in the organisation of marine fishermen's co-operatives. 4. Assisting sanction of boats and equipments to the selected persons and co-operatives. 5. Maintenance and control of fish landing platform, drying yard, cyclone shelters, guide lights.
3. Development of marketing processing infrastructure.	<ol style="list-style-type: none"> 1. Facilitating training of fishermen in fish cold storage, processing, packaging, and preservation
4. Welfare measures	<ol style="list-style-type: none"> 1. Assisting promotion of family insurance/group insurance schemes for fishermen. 2. Distribution of relief to the families affected by the natural calamity.
5. Review of Inland marine and brackish water fishery schemes.	<ol style="list-style-type: none"> 1. Review all schemes implemented in its jurisdiction by Government Department. The Assistant Director of Fisheries, Officer of FFDA/BFDA/TNFDC having jurisdiction will attend the Panchayat Union Council Review Meeting.

III. DISTRICT PANCHAYAT

<i>ACTIVITY</i> (1)	<i>ENTRUSTMENT OF POWERS</i> (2)
1. Fishery Development Planning for the District.	1. Prepare plans for overall fishery development including welfare of persons in fishing in the district.
2. Fish Farmers Development Agency and Brackish Water Fish Farmers Development Agency.	1. District Panchayat will constitute the Fish Farmers' Development Agency for the concerned district. Existing ones will come under the purview of the District Panchayats. The President of the District Panchayat shall be made ex-officio President of Fish Farmers' Development Agency.
3. Review of Fishery Schemes.	1. The Standing Committee on Food and Agriculture will review all schemes relating to fishery and fishermen and periodically advise Government.

Administrative and Financial Implications

10. At present the overall fisheries activities are looked after by the Regional Assistant Director of Fisheries at the District Level. The specific programmes of fish culture is looked after by Fish Farmers Development Agency under the chairmanship of the District Collector. The fisheries activities recommended for the village panchayat does not require any technical staff. At the Panchayat Union level, wherever, an Inspector of Fisheries for each panchayat union may be designated to assist the village panchayat and panchayat union for proper implementation of the fisheries activities by these two tiers. However, for the review of fisheries schemes by Panchayat Union Council, Assistant Director of Fisheries will be responsible to report the progress and problems.

11. As per the recommendations of the Administrative Reforms Commission (1973) the Village Panchayat may be allowed to resort to open auction for leasing fishing rentals as against the present practice of giving the lease to the fishermen co-operatives on preferential form. This issue has been analysed by Damodaran Committee (1990) and State Finance Commission (1996). Their views are furnished in the following paragraphs.

12. The Report of the Expert Committee on the Finances of Panchayats and Panchayat Unions, popularly known as Damodaran Committee (1990) has given 3 recommendations on fishery rentals. Those are as follows:-

(a) The Government have already ordered that the sanction should be done only by Panchayat. For proper implementation, a Committee consisting of representatives of Panchayat Union

(b) In cases where the Committee's decision is found not reasonable, the Collector should have power to give any preferential treatment to any lessee.

(c) In respect of bigger tanks, the auction can be done, by means of a Committee consisting of the Departmental Officers concerned, the representatives of the Panchayat Union Councils and the Block Development Officer. In the case of fishery income from the bigger tanks also, 50% of the total proceeds may be earmarked for distribution among the Panchayats concerned and the balance of 50% may be appropriated by the Department. If the tank covers more than one Panchayat Union the share may be apportioned on per capita basis between the Panchayat Unions concerned.

13. The State Finance Commission (1996) has gone into the aspects of Fishery Rentals in a greater detail and has improved upon the Damodaran Committee's suggestions: Those are as follows:-

The right for auctioning fisheries in respect of panchayat union vested tanks is exercised by the Revenue Department. Similarly in tanks owned by PWD and in system canals the auctions are done by Fisheries Department or by the Fishery Development Corporation. The auction amount relating to panchayat union vested tanks is due to the village panchayats concerned. The Government favoured the lease in favour of Fish Farmers' Cooperative Societies in the area. The local bodies actually do not have any role in realising the income by their own methods. It was pointed out even during the Damodaran Committee (1990) that fake societies are formed and in collusion, the auction amount is kept at low level while higher profits are realised by the lessee and out of that, a certain portion is paid to the local community for their public purposes and the balance is appropriated by the people connected with those fake societies. Even the paltry sum collected is not regularly passed on to the village

panchayats concerned. The power of auction is required by the local body so that there will be a possibility of augmenting the resources of the local body. SFC considers that the societies also can compete along with the other bidders and but there should be no monopoly condition to lease it to the society alone. The SFC would like to stress that the power of auctioning such local body assets should be only with the concerned local body and if necessary a committee consisting of representative of panchayats and officials can be formed for ensuring proper implementation and with powers to Collectors and interfere where the implementation is not properly done.

14. Regarding the Public Works Department tanks also the share of proceeds should be made available to the local panchayats and the local bodies should be permitted to supervise the lease, so that the exploitation over and above lease amount, could be watched and brought to notice, at least for future leases. In respect of bigger tanks covering more than one panchayat or panchayat union, auction may be done through a committee consisting of the representatives of the local bodies involved and the proceeds shared between those local bodies at the rates to be prescribed by the Inspector/Collector.

Recommendations

The State Finance Commission recommends the following: (1) The power of auctioning local body assets should be only with the concerned local body. If necessary a committee consisting of representative of panchayats and officials can be formed for ensuring proper implementation. Collectors may be given powers to interfere where the implementation is not properly done. Fish Farmers' Development Co-operative Agencies should also be a bidder along with others and no monopoly should be given to them.

(2) Regarding PWD tanks also, a share of proceeds should be made available to the local panchayats and the local bodies should be permitted to supervise the lease so that over exploitation could be watched and brought to notice to avoid future leases.

(3) In respect of bigger tanks covering more than one panchayat or panchayat union, auction may be done through a Committee consisting of the representatives of the local bodies involved and the proceeds shared between those local bodies at the rates to be prescribed by the Inspector/Collector.

15. Having taken note of the recommendations of the State Finance Commission, the State Planning Commission group agrees with their three recommendations with an improvement. The group outlines that the interfering power of the Collector as the Inspector of Panchayats having been enshrined in the Tamil Nadu Panchayat Act, the supervisory, arbitrator role for apportionment of Fishery rents among Panchayat Unions and Village Panchayats should be vested with District Panchayat.

Legal Implication.

16. The Tamil Nadu Panchayat Act 1994 has conferred the right that any property or income including any fishery right vest in the village panchayat/panchayat union and be administered by village panchayat/panchayat union. The Fish Farmers Development Agency schemes has made good strides in fisheries development in recent years and an awareness has been created among the fishermen to take up fish culture on scientific lines. There exists stiff competition for taking lease of fishery right in public waters Panchayat Tanks, and the lease amount has also been increased manifold to augment the revenue to panchayat/panchayat union. Therefore it is necessary to empower the panchayat or panchayat union to identify the beneficiaries for granting subsidies under various schemes for fish culture, fish seed production and fish marketing.

17. The Fish Farmers Development Agency (FFDA) is now headed by District Collector. It is recommended that the District Panchayat President should be made as Chairman of the FFDA in order to relieve the District Collector from the immediate burden of FFDA. It may also be necessary to restructure the society by broad basing the membership of the Management Committee. The membership should include fish farmers (minimum 2/3rd of total members) in the district, a few Presidents of Village Panchayat and Chairman of Panchayat Union. The inclusion of Village Panchayat President and Panchayat Union Chairman is considered necessary as the Village Panchayat and Panchayat Union own the inland water spread areas such as ponds and minor irrigation tanks which are used for fisheries development with the technical guidance of the FFDA. With broad basing of membership comprising elected representatives of Panchayat and Panchayat Union and inland fisherman, it may be possible to allow them to elect their own President. However, the society should be empowered to elect its own President for its effective functioning. In addition, it is also proposed to empower Village/Panchayat and Panchayat Union in the quality control of fish and fishery products being sold in villages. Necessary powers may be provided to Village Panchayat/Panchayat Union.