

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN BENCH, CHENNAI

ORIGINAL APPLICATION No. 129 /2020 (SZ)

K.Sambath Applicant

-Vs-

1. The Member Secretary,
Puducherry Pollution Control Committee,
Puducherry.

2. The Secretary,
Local Administration Department,
Govt. of Puducherry,
Puducherry.

3. The Commissioner,
Puducherry Municipality,
Puducherry.

4. Kandhan Respondents

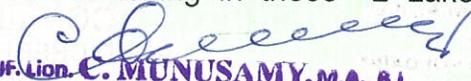
REPLY STATEMENT FILED BY THE 3rd RESPONDENT

1. The address for service on the 3rd Respondent is that of its Counsel M/s. K.P.JOTHEESWARAN & T.VIJAY at the 1751, 13th Main Road, Anna Nagar West, Chennai-600 040. Ph: 9841676229 and email – jotheeadv@gmail.com.

2. The 3rd Respondent Municipality respectfully states that he has read the Application filed by the Applicant in the O.A. All the averments, allegations and claims made from Paras-1 to 8 and Grounds-(a) to (j) of the Application filed by the Applicant in the O.A. are untrue, incorrect, misconceived, illegal and untenable and the reliefs prayed by him are vexatious, illegal, un-maintainable and liable to be dismissed..

3. The 3rd Respondent Municipality respectfully states that out of the 16 lakes situated in the Puducherry Region of the U.T. of Puducherry, two lakes viz. Olandai and Murungapakkam (Velrampet) Lakes are situated in the Mudaliarpet Assembly Constituency and within its Municipal Limits. All Lakes belong to the Public Works Department, Govt. of Puducherry. The two lakes viz. the Olandai and Murungapakkam (Velrampet) Lakes are situated adjacent to each other and separated only by a bund-cum-thar Road and hence, popularly called as “the Twin Lakes”. The right to issue Fishing Licences for fishing in these 2 Lakes is vested with the 3rd Respondent

Before me


M.V. Lion. C. MUNUSAMY, M.A., B.L.,
ADVOCATE · NOTARY PUBLIC
ACCREDITED MEDIATOR, COMMISSIONER OF OATHS
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COMMISSIONER
PONDICHERRY MUNICIPALITY
PUDUCHERRY.

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Municipality. After getting concurrence from the Public Work Department, the 3rd Respondent Municipality is exercising the said right and issuing Fishing Licenses, collecting Licence Fees from the Licencee and utilising the same for paying salaries to its employees and providing essential services, including garbage cleaning, street lights etc. to the General Public living within its Municipal limits.

4. The 3rd Respondent Municipality respectfully states that it has issued Fishing Licenses for fishing in the Olandai and Murungapakkam Lakes to the 4th Respondent in the year 2002-2003 by fixing and collecting the requisite Licence Fee from him. It has been renewing the said Licences from time to time by increasing the licence fee by 10% every year as follows:

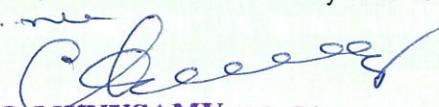
Period	License Fee	
	Murungapakkam Lake	Olandai Lake
01.07.2003 to 30.06.2004	Rs.75,400	Rs.14,700
01.07.2004 to 30.06.2005	Rs.86,710	Rs.16,905
01.07.2005 to 30.06.2008	Rs.3,15,711	Rs.61,554
01.07.2008 to 31.06.2010	Rs.2,66,601	Rs.51,982
01.07.2010 to 30.06.2015	Rs.9,37,819	Rs.1,82,851
01.07.2015 to 30.06.2020	Rs.15,10,358	Rs.2,94,483
01.07.2020 to 30.06.2025	Rs.24,32,449	Rs.4,74,269

The 4th Respondent is carrying on fishing activities in the said 2 Lakes in accordance with the terms and conditions prescribed in the Licences..

5. The 3rd Respondent Municipality respectfully states that on expiry of the Fishing Licence period from 01.07.2010 to 30.06.2015, it has renewed the Fishing Licence from 01.07.2015 to 30.06.2020 by enhancing the licence fee at Rs.15,10,358/- & 2,94,483/- for the two Lakes respectively to the 4th Respondent subject to the conditions imposed therefor. Based on the said Fishing Licence, the Licencee – the 4th Respondent was carrying out the fishing activities in the two Lakes by observing the prescribed conditions.

6. The 3rd Respondent respectfully states that

(1) during the above Licence period, the 2nd Respondent – the Local Administration Department, Govt. of Puducherry has issued an Order dt.29.01.2016 as follows:

Before me

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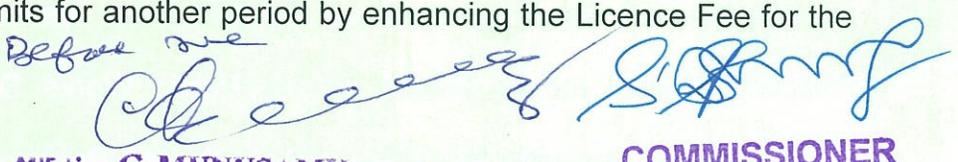

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*“Fishing rights in some of the Lakes, Ponds and other water bodies have been auctioned by the concerned local bodies. In view of the incessant rains during the month of November & December 2015, in many of the places, the water bodies has breached and in some cases bunds have been dug open to drain out water as an emergency measure. Due to this, the fishing activity is affected. Consequent to the larger public interest & emergency situation, the Government in exercise of the powers conferred under second provisions of Sub Rule (b) of Rule 3 of the Pondicherry Municipalities (Grant of Remissions to Contractors and Leases of Municipal Councils) Rules 1974, the Pondicherry Commune Panchayat Councils (grant of Remissions to Contractors & Lessees) Rule 1977, hereby orders remission and directs the refund of money proportionately to all the successful contractors, **where the water bodies are affected due to breach/digging of the bunds of water bodies where fishing rights are auctioned by the concerned local bodies.** Due to the auctioning of fishing rights in the water bodies by local bodies, the water management is getting affected and it is defeating the purpose of storage of water. Hence, it is hereby directed that the local bodies are henceforth prohibited from auctioning fishing rights. The water bodies shall be used for storage of rain water/canal water alone and maintained properly.”*

(2) However, due to such incessant rains, the fishing activity by the Licencee in the two lakes viz. the Olandai and Murungapakkam (Velrampet) Lakes had not been affected. Hence, as per the above Order dt.29.01.2016, the question of refund of proportionate licence fee to the Licencee viz. the 4th Respondent had not arisen i.e. to compensate him as per the above Order dt.29.01.2016 and the 3rd Respondent Municipality had also not refunded any licence fee to him. The Licencee viz. the 4th Respondent was carrying on the fishing activities in those two lakes during the entire Licence Period till 30.06.2020.

(3) The Fishing Licence issued to the 4th Respondent for the period from 01.07.2010 was expiring on 30.06.2015. At that stage, as per the prohibition imposed in the above Order dt.29.01.2016 issued by the 2nd Respondent– the Local Administration Department, the 3rd Respondent Municipality cannot renew the Fishing Licence to the 4th Respondent for any further period. But, The 3rd Respondent Municipality is in very severe financial crisis and it is struggling even to pay the salaries and pension to its employees on time and provide essential services, including garbage cleaning, street lights etc. to the General Public. Apart from the said reason, there is need and necessity for the 3rd Respondent Municipality to grant relaxation from the prohibition imposed in the Order dt.29.01.2016 and permit it to renew and issue Fishing Licence for the two Lakes situated within its Limits for another period by enhancing the Licence Fee for the following reasons :

Before me

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BCM no: 225/1976

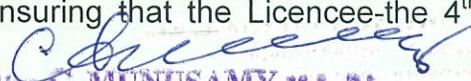
- (i) The surface of the water body is maintained by the licensee without any massive spreading of water plants such as Hyacinth and encroachment by the antisocial elements.
- (ii) The licensee has to maintain the Lakes clean and conserve the water for getting a good harvest of fishes.
- (iii) For the growth of fish, water is very much essential. Therefore, the licensee will keep the water level of the Lakes intact and consequently, the water level of the surrounding area will also be maintained and benefitted.
- (iv) The 3rd Respondent is in financial crisis and it is struggling even to pay salaries and pension to its employees and such critical situation, collection of Licence Fees would be very much beneficial to it..
- (v) In the last 5 years i.e. from 2015-2020, a Licence fee of Rs.18,04,481/- was paid by the licensee + GST. and the expected enhanced licence fee for the period from 01.07.2020 to 30.06.2025 would be Rs.29,06,719/- + GST.
- (vi) It is also beneficial to the fish consuming general public.

(4) The two Lakes belong to the Public Works Department, Govt. of Puducherry. On the request made by the 3rd Respondent Municipality, by Order dt.08.05.2020, the Executive Engineer of the Public Works Department has issued NOC to it for leasing out the fishing rights in the two Lakes subject to the conditions prescribed therein..

(5) In the above circumstances, by I.D.No.PM/Com/355, dt.22.05.2020 made in its Note File, the Director of the 2nd Respondent – the Local Administration Department, Govt. of Puducherry – cum – Special Officer for all the Local Bodies, including the 3rd Respondent Municipality has granted relaxation to the 3rd Respondent Municipality from the prohibition imposed in the Order dt.29.01.2016 and permit it to renew and issue Fishing Licence for the two Lakes to the 4th Respondent on condition that the permission shall be withdrawn for any violation of the terms and conditions.

(6) Thereafter, the 3rd Respondent has renewed and issued licence to the 4th Respondent for the two Lakes on and from 01.07.2020 to 30.06.2025 by enhancing the Licence Fee at Rs.24,32,449/- and Rs.4,74,269/- (excluding Security Deposit of Rs.2,43,245/- & Rs.47,427/- and GST amount of Rs.4,37,841/- & Rs.85,368/-) respectively i.e. Rs.37,20,599/- and collected the said amount from him. On and from 01.07.2020, the 4th Respondent is carrying out fishing activities in the two Lakes in accordance with the terms and conditions of the licence. The Officers of the 3rd Respondent and the Engineers of the Public Works Department are inspecting, monitoring and ensuring that the Licensee-the 4th Respondent is carrying on fishing

Before me


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activities in accordance with the terms and conditions of the licence and also the conditions prescribed by the Public Works Department for granting NOC.

7. The 3rd Respondent respectfully states by Order dt.30.07.2020, this Hon'ble Tribunal was pleased to appoint a Joint Committee, consisting of the District Collector, Puducherry, the Secretary, Local Administration Department or a senior official deputed by him, the Superintending Engineer, PWD, a senior officer from the Puducherry Pollution Control Committee to inspect the area in question and to submit a report. In compliance with the said direction, the Joint Committee, headed by the District Collector, made a surprise visit in the two Lakes at 10.30 AM on 17.09.2020 and filed an Inspection Report in the above O.A. along with Annexures-1 to 6. The said Report would clearly prove that all the allegations made by the Applicant in his Complaints and the above Application, including the damage stated to have been caused to the Lakes etc., are fallacious, incorrect untenable and far from truth.

8. The 3rd Respondent respectfully states that thereafter, the 2nd Respondent – the Local Administration Department has considered the representations received from the local Public and the fishermen community and in order to encourage the fishing activity and to provide livelihood to the rural poor and for promoting fishy culture etc. and by Order dt.24.12.2020, the Local Administration Department has completely withdrew the prohibition of auctioning of the fishing rights by the local bodies imposed vide its earlier Order dt.29.01.2016 by issuing/prescribing instructions/guidelines for auctioning of the Lakes and water bodies for fishing rights. The 3rd Respondent is producing a photocopy of the said Order dt.24.12.2020 along with this Reply Statement. Therefore, on and from 24.12.2020, there is no prohibition on any of the local bodies for granting/renewing the fishing licence in the Lakes and water bodies.

9. The 3rd Respondent respectfully states that in view of the facts and reasons stated above, all the statements and allegations made by the Applicant in the above Application are untrue, incorrect, misconceived, illegal and untenable and the reliefs prayed by him are vexatious, illegal, un-maintainable and liable to be dismissed. Otherwise, it will be huge revenue loss to the 3rd Respondent Municipality and disable it to effectively provide essential services to the general public.

Before me

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MJF. Lion. C. MUNUSAMY, M.A., B.L.,
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S. S. S.
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Bcm no. 225/76

The 3rd Respondent, therefore, pray that this Hon'ble Tribunal may be pleased to dismiss the above O.A. and render justice.

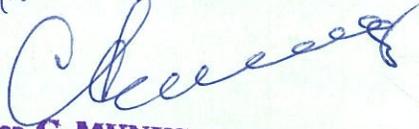
VERIFICATION

I, S.Sivakumar, Commissioner of the 3rd Respondent – Puducherry Municipality, do hereby verify the contents of Paras-1 to 9 as true to the best of my knowledge and belief and that I have not suppressed any material facts.

Date : 14.09.2021

Place: Puducherry

Before me



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Bcm no: 225/1976



The 3rd Respondent
COMMISSIONER
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ANNEXURE - 1

**PONDICHERRY MUNICIPALITY
PUDUCHERRY**

F.No:2681/PM/COM/A5/2021 - 2022

Puducherry, dated 09.09.2021

**REPORT OF THE COMMISSIONER PONDICHERRY MUNICIPALITY
(3rd Respondent) AND ADOPTED BY THE DIRECTOR, LOCAL
ADMINISTRATION DEPARTMENT (2nd Respondent) TO THE
HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE,
CHENNAI**

The grievance of the applicant is that Pondicherry Municipality have leased out the lakes at Murungapakkam and Olandai in violation of the prohibitory Order G.O.Ms.7945/LAS/A3/15-16 dated:29.01.2016, of Local Administration Department, Puducherry, whereby the Local Bodies were prohibited from leasing out / auctioning of the fishing rights in the water bodies.

2. The order dated:23.08.2021 of the Tribunal, noted that the Local Administration Department (2nd respondent) and the Pondicherry Municipality (3rd respondent) have not filed any statement either denying the allegations made in the application or modification (if any) made in the prohibitory order issued by the 2nd respondent against the granting of fishing rights in the water bodies and so that the matter is pending since 28.07.2020.

3. However, It is submitted that the Pondicherry Municipality have got relaxation from the Competent Authority for renewal of leasing out of fishing rights to the lessee Thiru. S. Kandan (4th Respondent) on the following grounds:

- a). The surface of the water body is maintained by the lessee without any massive encroachments of water plants such as Hyacinth, etc., Encroachments by antisocial elements are also prevented by the lessee and the lake is protected from illegal sand mining.
- b). The lessee has to maintain the water bodies clean and conserve the water for getting a good harvest of fish.


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- c). For the growth of fish, water is very much essential. Therefore the lessee has to keep the water level of the lake intact, so that the ground water level of the surrounding area will also be benefitted.
- d). It is highly beneficial to the local body in this critical situation as local bodies are suffering from shortage of funds even to pay salary and pension.
- e). It is also beneficial to general public being the consumers of the fish.

Therefore, based on the No objection received from the Executive Engineer, Public Works Department, Pondicherry Municipality and with the approval of the Special Officer, the Pondicherry Municipality renewed the license for fishing rights.

4. Therein it is submitted that due to the existence of the above mentioned prohibitory order in force, the approval of the Special Officer, Local Administration Department, Puducherry, was obtained (vide I.D.No.PM/Com/355/, dated:22.05.2020) relaxing the prohibitory order towards renewal of lease of the fishing rights in the above mentioned lakes of Thiru S. Kandan, for a further period of 5 years from 01.07.2020 to 30.06.2025. It is also stated that the Special Officer is exercising the powers of the Municipal Council in the absence of Elected Municipal Council. Director of Local Administration Department is exercising the Powers of the Special Officer for all Local Bodies of Pondicherry Region including Pondicherry Municipality. It is emphasized that, the same officer is exercising the Powers of the Special Officer of Pondicherry Municipal Council as well as discharging the duties of the Director of Local Administration Department. Therefore, it may be construed as that


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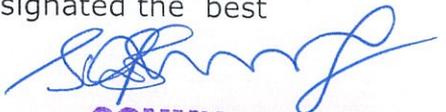
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necessary relaxation of the Director, Local Administration Department has been obtained in the matter.

5. Further it is submitted that on the Directions of the Hon'ble National Green Tribunal, Southern Zone, Chennai, in their order dated:30.07.2020, a joint committee was appointed comprising of the following members for inspection and report in respect of the area in question and to submit a factual as well as action taken report to the Tribunal, if there is any violation found"

- 1). Mr. T. Sudhakar, Deputy Collector (Revenue), North, Puducherry
- 2). Mr. Thamari Pugazhendi, Superintending Engineer, Local Administration Department
- 3). Mr. N. Srinivasa Rao, Scientific Officer, Department of Science, Technology & Environment / Puducherry Pollution Control Committee
- 4). Mr. Xavier Kennedy, Junior Scientific Officer, Department of Science, Technology & Environment / Puducherry Pollution Control Committee
- 5). Mr. S. Sivakumar, Commissioner, Pondicherry Municipality, Puducherry
- 6). Mr. N. Balasubramanian, Executive Engineer, Irrigation Division, Public Works Department

6. The Joint Committee observed that the Pondicherry Municipality had leased out the said lakes after obtaining necessary relaxation for renewal of leasing out of fishing rights. The Public Works Department, Puducherry have also issued necessary NOC., for the leasing of lake for fishing activities with the Terms and conditions towards ensuring the safety of the lakes. The Puducherry Pollution Control Committee has taken water samples from the lakes and as per the analysis report the water samples are not meeting the designated the best

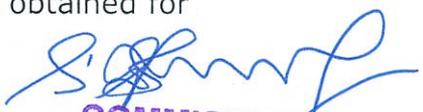

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use water quality criteria prescribed by the CPCB for surface water class 'A', 'B', & "C". The Scientists from Puducherry Pollution Control Committee have observed that the aquatic nature of the lakes is fit for fishing activities and there were no suspended particles visible on the water surface of the lake. Finally, the Joint Committee had concluded that,

1. The Municipal Administration has licensed the fishing rights in the said lakes on nomination basis since 01.07.2003, subject to the conditions stipulated by the Public Works Department, Puducherry.
2. The Municipality has not fixed any upper limit for doing fishing activity and therefore the question of exceeding the upper limit does not arise
3. No damage has been caused to the lakes as well as the aquatic life due to fishing activities as per the observations of the Public Works Department and Puducherry Pollution Control Committee
4. The Municipality has been advised to go for auctioning to ensure transparency and to maximize the revenue.

7. In view of the above, the compliance report is submitted to the Hon'ble National Green Tribunal, Southern Zone, Chennai, with humble submission that the Pondicherry Pollution Control Committee and the Joint Committee has reported that the Lake is fit for fishing activities and also no damage has been caused to the lakes as well as the aquatic life due to fishing activities. Further the approval of the Special Officer, Pondicherry Municipal Council, who is also the Director of the Local Administration Department was also obtained for


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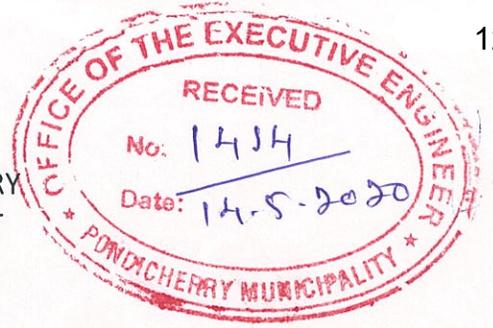
leasing of the lakes for fishing activities. Therefore, the Hon'ble National Green Tribunal may kindly be requested to dismiss the original application filed by the Applicant.



(S. SIVAKUMAR)
COMMISSIONER

Encl: Copy of I.D. Note No:PM/Com/355/, dated:22.05.2020.

GOVERNMENT OF PUDUCHERRY
PUBLIC WORKS DEPARTMENT
IRRIGATION DIVISION



No. 37 /PW/EEI/JE(P)-20/20-21

dt. 8-5-2020

To
The Commissioner,
Puducherry Municipality,
Puducherry.



Sir,

Sub : PW – ID – Leasing out of fishing rights in Murungapakkam
and Olandai Lakes – Issue of NOC – Reg.

Ref : No.1015/PM/RO-II/A2/2020, dt.30.04.202.

Reference is invited to the letter cited above, wherein it has been requested to issue NOC for leasing out of Fishing Rights in Murungapakkam and Olandai lakes.

In this regard, it is to be stated that this Division has No Objection for leasing out for fishing rights in Murungapakkam and Olandai lakes subject to the following conditions:

1. The tank bunds and appurtances should not be damaged, if damaged it should be restored immediately.
2. Water should not be let out for the purpose of fishing, when there is storage in the tank.
3. Outside fencing the pipelines, sluices, channels of the tank should not be damaged while fishing.
4. There should not be any hindrance for the works to be carried out by the department.
5. The shutters should not be closed and opened.
6. Equipments such as Oil Engine / Diesel Engine / Electric Motor should not be engaged inside of lake for pumping of water.
7. Internal bunds should not be formed inside of the lake.
8. Night time fish harvesting should not be entertained.
9. Fish harvesting should be carried out in the presence of the Municipal staff.

Yours faithfully,

K. J. Sub 8/5/2020
EXECUTIVE ENGINEER

Copy Submitted to:

1. The Chief Engineer, PWD, Puducherry.
2. The Superintending Engineer, Circle-II, PWD, Puducherry.

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161 (130). This file relates to extend the period of licensing out of fishing rights in Murungapakkam and Olandai Lakes for further period of five years from 01.07.2020 to 30.06.2025.

162 (131). The representation dated 13.03.2020 addressed to Commissioner, Puducherry Municipality made by Thiru. S. Kandan of Ariankuppam the present licensee of Fishing Rights for Murungapakkam and Olandai lakes. The above representation was endorsed by Hon'ble Minister for (LA).

163 (132). Therein, he has stated that in last year 2019 the tank water gets got infiltrated with sullage and got dirty due to the intrusion of drainage water into the lakes and later it was arrested by the Irrigation Division, PWD based on the complaint given by him. Further he added in the representation that eventhough the drainage water was stopped, the water in the lakes remained dirty due to the drainage water already filled up in the lakes. In this incident many living fishes were dead and fish breeding got affected in the lakes. This lead to heavy loss to him. Therefore, he has requested that the licence period that will expire in the month of June 2020 may be extended for the fishing rights in Murungapakkam and Olandai lakes for further period of five years by this Municipality.

164 (133). In this regard, this Municipality has sent letter dated 30.04.2020 to the Executive Engineer, Irrigation Division, PWD to accord necessary clearance for leasing out the for fishing rights of the above two tanks for further period of 5 years from 01.07.2020 to 30.06.2025. In reply vide their letter dated 06.05.2020, the Executive Engineer(Irrigation Division), PWD has not consented to lease out the fishing rights of the above lakes. However, vide their letter dated 08.05.2020 received from Executive Engineer, Irrigation Division, PWD, Puducherry addressed to the Commissioner, Pondicherry Municipality NOC was granted by PWD subject to the following conditions:-

1. The tank bunds and appurtances should not be damaged, if damaged it should be restored immediately.
2. Water should not be let out for the purpose of fishing, when there is storage in the tank.
3. Outside fencing the pipelines, sluices, channels of the tank should not be damaged while fishing.
4. There should not be any hindrance for the works to be carried out by the department.

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5. The shutters should not be closed and opened.
6. Equipments such as Oil Engine / Diesel Engine / Electric Motor should not be engaged inside of lake for pumping of water.
7. Internal bunds should not be formed inside of the lake.
8. Night time fish harvesting should not be entertained.
9. Fish harvesting should be carried out in the presence of the Municipal Staff.

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134. Further, in this connection it is stated that, in so far as the Pondicherry Municipality is concerned, the leasing out / auctioning of Irrigation Tanks / Ponds for the purpose of fishing also serves the following constructive / useful purposes:-

1. The surface of the water body is maintained by lessees without any massive encroachments of water plants such as Hyacinth and the encroachments by the antisocial elements is also prevented by them (lessee).
2. The lessees have to maintain the water bodies clean and conserve the water for getting a good harvest of fishes.
3. For the growth of fish, water is very much essential. Therefore the lessee will keep the water level of the lake intact, so that the water level of the surrounding area will also be benefitted.
4. It is highly beneficial to the local body in this critical situation i.e the local bodies are suffering from short of funds even to pay salary and pension.
5. In the last five years (i.e) from 2015-2020, an amount of Rs.18,04,481/- was paid by the lessee to this Municipality apart from GST. The expected amount with 10% hike from the proposed years of 2020-2025 is expected to be Rs.29,06,719/-excluding GST.
6. It is also benefiting to general public being the consumers of the fish.

Hence it may be considered necessary to lease out / auction the water body for fishing rights.

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GOVT. OF PUDUCHERRY
Local Administration Dept., Puducherry.

- 1 JUN 2020

No: 5004

No. PM/AO.II/569/AS/2003
dt: 22.05.2020

OFFICE OF THE COMMISSIONER
Pondicherry Municipality
Number 355
Received on 22/5/20
Dispatched on 22/5/20

166.

135. However, it is submitted to state that, there is an Order vide G.O.No.7945/LAS/A3/2015-16, dt.29.01.16 issued by the Local Administration Department (Secretariat Wing), prohibiting the local bodies from auctioning of fishing rights in the water bodies. However, taking into account of the above mentioned constructive grounds and the financial position of Municipality, relaxation may be considered. Further, the PWD, Irrigation Division, Puducherry have also issued their NOC with certain terms and conditions. In view of the above, it is submitted to state that, the existing licensee Thiru. S. Kandan, Ariankuppam may be extended necessary permission by nomination by entrusting the fishing rights in Olandai Lake and Murungapakkam Lake for the further period from 01.07.2020 to 30.06.2025 since the existing period will be ending on 30.06.2020.

167

136. With the above, the file may be submitted to the Commissioner, Pondicherry municipality for obtaining the approval of the Special Officer, Pondicherry Municipality, Puducherry.

168

137. Submitted Please.

REVENUE OFFICER

COMMISSIONER

Special officer. 169. 138. Appd was the condition yet the permission shall be withdrawn for any violation of the terms and conditions.

2/6/2020

2/6/2020

A2

Puducherry, dt. 24.12.2020

ORDER

Sub: LAS – Lifting of ban on auctioning the Fishing rights in lakes, ponds and other water bodies in the jurisdiction of Local Bodies –Order-Issued.

Ref: Order No.7945/LAS/A3/2015-16 dt.29.01.2016 of the Local Administration Secretariat,Puducherry.

To promote the water conservation in lakes,ponds and water bodies, the Local Bodies were directed to prohibit the auctioning of fishing rights vide Order No. 7945/LAS/A3/2015-16 dt 29.01.2016 of the Local Administration Secretariat,Puducherry and hence the water bodies are used for storage of rain water/canal water alone.

2. Further, Commissioners have received various representations from the local public for allowing the fishing activities in the water bodies. The fishermen community also requested for fishing activities, for their livelihood.

3. The conservation of water bodies is one of the major components of Jal Jeevan Mission. With a view to encourage the fishing activity and to provide livelihood to the rural poor and the promotion of fishing culture, it is proposed to lift the ban on auctioning the fishing rights by the Local Bodies.

4. However, auctioning of fishing rights should not lead to over exploitation and the rights of the common man to use the water body should also be ensured. Hence in order to formulate proper instructions to avoid draining of water from the water bodies to catch fishes, the prohibition of auctioning of fishing rights by the Local Bodies is withdrawn with the following instruction / guidelines for Auctioning of Lakes,Ponds and water bodies for fishing rights:-

- a) The tank bunds and appurtances should not be damaged, if damaged it should restored immediately.
- b) Water should not be let out for the purpose of fishing when there is storage in the tank.
- c) Outside fencing the pipelines,sluices,channels of the tank should not be damaged while fishing. .
- d) There should not be any hindrance for the works to be carried out by the department.
- e) The shutters should not be closed and opened unless specified by the Department / Local Bodies
- f) Equipments such as Oil Engine/Diesel Engine/Electric Motor should not be engaged inside of lake for pumping of water.

-:2:-

(Continuation of Order No.7945/LAS/A3/2020 dated 24.12.2020)

- g) Internal buds should not be formed inside of the lake.
- h) Night time fish harvesting should not be entertained.
- i) Fish harvesting should be carried out in the presence of the Municipal and Commune Panchayat staff.
- j) Permission shall be withdrawn for any violation of the terms and conditions.

//BY ORDER//


DEPUTY DIRECTOR (MA)
For U S TO GOVT (LA)

To
The Director,
Local Administration Department,
Puducherry,

Copy to:-

1. PS to Secretary (LA), Puducherry.
2. Dy. Director (RD)/(MA), LAD, Puducherry.
3. All Commissioners of Municipalities/Commune Panchayats.
4. Order file/Spare.

**HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

O.A.No. 129 /2020

**REPLY STATEMENT
OF THE 3rd RESPONDENT
WITH ANNEXURES**

**M/s. K.P.JOTHEESWARAN
&
T.VIJAY**

Counsel for 3rd Respondent

Mobile: 9841676229