



GOVERNMENT OF ASSAM
FISHERY DEPARTMENT :: DISPUR: GUWAHATI-6

eCF No.E-268956/262

Dated Dispur, the 12th April, 2024

ORDER

Perused : The order of the Hon'ble High Court dated 9.4.2024 in WP(C) No.1911/2024 (M/s Geramari GP MSS Ltd Vs State of Assam & Others).

Also perused : The letter dated 11.4.2024 from Shri Pranjal Sharmah, Senior Standing Counsel of the Department.

It appears from above that the system of running 60% Govt Fisheries on daily basis in the interim till next regular settlement has been reviewed by the Hon'ble High Court in the instant writ petition and was of the view that such arrangement are not commensurate with Rule 12 of Assam Fishery Rules, 1953(As amended).

Such arrangements often leads to litigation as rival parties also stake claim on such arrangement and as a result the matter of regular settlement get delayed till such matters are decided by the Hon'ble Court.

The Hon'ble Court is of the view said temporary arrangement not even backed by existing Rule results in loss of revenue to Govt Exchequer as well as precious time of the Hon'ble Court.

Under the circumstances , Govt after careful consideration of all materials in hand including observation/direction of the Hon'ble Court in instant writ petition has decided that all such daily basis /temporary running of 60% Govt Fisheries based on lump sum revenue will be operational up to 10.5.2024 only. Consequently, concerned District Commissioner will take over possession of such fisheries on 11.5.2024 and keep it as Khas till regular settlement through Tender system.

In the meantime, all concerned DCs will take steps for regular settlement of such 60% Govt Fisheries with issue of NIT with Annual lease value assessed U/R 48 and process the proposal accordingly as per procedure. However, formal settlement order of such fisheries with due approval of Govt of Assam , Fishery Department as empowered U/R 12 of Assam Fishery Rules, 1953 will be issued with prior permission/approval of competent authority.

It is further clarified that there will be no daily basis running of any 60% category of Government fisheries after 11.05.2024 and consequently, no Govt fishery of 60% category can be settled without tender except as per Rule 12 of Assam Fishery Rules, 1953.

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It is further ordered that in case of existing 60% category of Government fisheries which were already settled through tender process and is on the verge of completing 7 years tenure, fresh tender to be initiated 6 (Six) six months prior to completion of lease period of such fisheries and to complete the settlement process well ahead of expiry of existing lease period.

Necessary executive instruction to this effect will be issued in this regard to all the District Commissioners separately for strict compliance so that there is no loss of Government Revenue for delay in settling the 60% category Government fisheries.

This order is issued as per direction/order of the Hon'ble High Court in the instant Writ Petition vide para-16 and is in supersession of all other orders passed in connection with running of 60% Govt. fisheries on daily basis fishery in respect of all concerned districts and concerned District Commissioners will ensure that possession of such fisheries are taken over on 11/05/2024 and report compliance to Govt. immediately thereafter so that a compliance report can be submitted before the Hon'ble High Court on the next listed date i.e., 13/05/2024.

Commissioner and Secretary to the Govt. of Assam
Fishery Department
Dispur, Guwahati-6

Memo eCF No.E-268956/262

Dated Dispur, the 12th April, 2024

Copy to:

1. The Secretary (Coordination) to the Chief Secretary, Assam for favour of kind appraisal of the Chief Secretary, Assam.
2. All District Commissioners of the State (except DC, Dhubri) for information and necessary action for any such other 60% fisheries under daily basis settlement in respect of their district in compliance of order above and submit compliance report.
3. The District Commissioner, Dhubri for compliance of the above in respect of Gr.2/88 Dharnad Brahmaputra Part-II and III Fishery in Dhubri District as Respondent No.3 in WP(C) No.1911/2024 and any such other 60% fisheries under daily basis settlement.
4. All District Fishery Development Officers of the State for information and necessary action.
5. The Additional Secretary to the Govt. of Assam, Fishery Department for information and necessary action as Respondent No.2 in WP(C) No.1911/2024.
6. Sri Pranjal Sharmah, Senior Standing Counsel, Fishery Department for information.

By order etc.,

Additional Secretary to the Govt of Assam
Fishery Department
Dispur, Guwahati-6