

**Whereas notification No. 1408/XVII-MA-2019-6-9(85)-2017, dated 24th October, 2019 was issued and published in the Gazette with a view to inviting objections and suggestions with respect to the Uttar Pradesh Fisheries (Development and Control) (Second Amendment) Rules, 2019 as required under sub-section (5) of Section 3 of the United Provinces Fisheries Act, 1948 (U.P. Act XLV of 1948);**

And, whereas, no objection or suggestion has been received within the stipulated time;

Now, therefore, in exercise of the powers conferred by sub-section (I) of Section 3 of the United Provinces Fisheries Act, 1948 (U.P. Act XLV of 1948) read with Section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act 1 of 1904), the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Fisheries (Development and Control) Rules, 1954.

**1. Short title and commencement.—(1) These rules may be called the Uttar Pradesh Fisheries (Development and Control) (Second Amendment) Rules, 2019.**

(2) They shall come into force with effect from the date of their publication in the Gazette.

**2. Insertion of Rule 1-A.—In the Uttar Pradesh Fisheries (Development and Control) Rules, 1954, hereinafter referred to as the said rules, after Rule 1 of the following rule shall be inserted, namely—**

**1-A. Definition.—In these rules unless the context otherwise requires,—**

- (a) "Fisherman/Machhuara/Machhua" means any person who earns livelihood actively from the production and sale of fishes as well as its connected activities;
- (b) "Matsya Jivi Sahkari Samiti" means the Society which is registered by Registrar Fisheries under Uttar Pradesh Cooperative Societies Act, 1965;
- (c) "Family of Fisherman" means his or her wife/husband son (up to the age of 21 years), unmarried daughter, adopted child, dependent parents (mother and father), minor child/ward of son, widow/divorcee daughter who is dependent on him;
- (d) "Machhuwa Avas" means the house having been constructed as per standard and area fixed by Central Government or Uttar Pradesh Government for homeless Fisherman (Machhuara);
- (e) "Fisherman (Machhuara) Accident" means death of fisherman/Machhuara in any accident, permanently or partially disabled falling under any rules prescribed by Central Government;

- (f) "Natural Calamities" means flood, drought, hailstorm, deluge/spate (Ativrasti), fire break and other natural calamities notified by Revenue Department of State of Uttar Pradesh;
- (g) "Family living below poverty lines" means family living below the minimum income fixed by the Central Government/State Government for treating below poverty line;
- (h) "High School and Intermediate Examination Pass" means the certificate issued by Board of High School and Intermediate Education, Uttar Pradesh, Central Board of Secondary Education, Council for the Indian School Certificate Examinations or any other Board recognised by the Central Government/State Government
- (i) "University" means a University recognised by University Grants Commission;
- (j) "Fund Operating Committee" means the Committee constituted under Rule 5 of these rules;
- (k) "Concerning amount of fund" means the amount which has been provided/ granted by the Central Government/State Government for the welfare of fishermen as well as earned money from interest and dividend;'

**3. Insertion of Rule 5.**—In the said rules after Rule 4, the following rule shall be *inserted*, namely—

*"5. The Uttar Pradesh Fishermen Welfare Fund.—(1) The object of making Uttar Pradesh Fishermen Welfare Fund is to make available financial assistance to fishermen and to the welfare and development programmes for welfare of fishermen.*

(2) The Uttar Pradesh Fishermen Welfare Fund would operate for fishermen and Machhuara of all districts of the State of Uttar Pradesh. For fulfilment of its objectives, works would be executed by employees of Fisheries Department, Uttar Pradesh and Uttar Pradesh Fishermen, Co-operative Federation Limited. The Headquarter of this Fund would be at Fisheries Directorate, 7-Faizabad Road, Babujanj, Lucknow.

(3) Assistance would be granted from this fund for the following items—

- (a) establishment of infrastructure facilities in Fishermen (Machhuaras) dominated villages that also includes construction of community hall;
- (b) to provide financial assistance to fishermen/Machhua family in the event of any damage occurred by natural calamities;
- (c) marriage assistance;
- (d) assistance for education (coaching, progression of skill, scholarship, etc.);
- (e) medical assistance;
- (f) old age assistance;

- (g) machhua avas construction assistance apart from Central Government on the standards fixed by them;
- (h) expenditure up to two per cent of total fund on the training/visit of fishermen/ Machhua for providing higher technical knowledge, arrangement of inter state visit, skill development, exhibition and seminars;
- (i) empowerment of women of fishermen/Machhua families;
- (j) to provide facility of net for catching fish/equipments and make available Moped ice box, etc. for selling of fish;
- (k) subvention of interest for fisheries short term and long term bank loans/ Fishermen credit card. Subvention rates will be as per decision of State Government of Uttar Pradesh;
- (l) electricity subsidy for aquaculture activities.

No additional amount would be provided beyond the standards prescribed by Central Government/State Government. The establishment of infrastructure facilities would be executed after obtaining the financial sanctions by the competent authority up to the estimated limit submitted by any authorised Government agency as per the Public Works Department schedule of rates.

(4) The following would be Financial Sources of this fund—

- (a) Departmental Budget received from the State Government and the Financial assistance from the Central Government or any other organisation or body;
- (b) Self-contributory fund received from Public Undertakings of Central/State Government and all nationalised banks;
- (c) Interest received on fund/dividend's/Bonus amount;
- (d) Amount received through charity/donation;
- (e) (e) Nidhi/amount received under different schemes, programs and policies of State Government/Central Government.

(5) The arrangement and operation of Uttar Pradesh Fishermen Welfare Fund would be done by the Managing Committee. The Managing Committee would be as follows—

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| (a) Agriculture Production Commissioner  | Chairman         |
| (b) Additional Chief Secretary/Principal Secretary/ Secretary, Fisheries   | Vice Chairman    |
| (c) Director, Fisheries  | Member Secretary |
| (d) Additional Chief Secretary/Principal Secretary/ Secretary,<br>Finance Department or Officer nominated by him | Member           |
| (e) Chief Engineer or Executive Engineer of Public Works   |                  |

Department nominated by Additional Chief Secretary/Principal Secretary/Secretary of Public Works Department	Member
(f) Managing Director, Uttar Pradesh Matsya Vikas Nigam Limited, Lucknow	Member
(g) Managing Director, Uttar Pradesh Matsya Jivi Sahkari Sangh Limited, Lucknow	Member
(h) Finance and Accounts Officer, Fisheries Directorate	Member

(6) The Managing Committee will take the decision on the following functions—

- (a) the determination of amount of item-wise financial assistance from Welfare Fund;
- (b) the annual activities which will be operated;
- (c) approval of eligibility of beneficiaries and their names;
- (d) the sanction of relief/assistance from this fund on new programs for welfare of Fishermen/Machhua;
- (e) decision on the investment amount of fund;
- (f) standardisation of programmes which are operating from the assistance of fund;
- (g) decision on dovetailing for the assistance of this fund with any other scheme of Central/State Government;
- (h) decision on expenditure for advertising and extension of the fund from interest earned from the fund.

(7) The quorum of meeting would be fifty per cent members apart from the Chairman of Managing Committee. The meeting of Managing Committee would be convened at least twice in a year. In special circumstances the same shall be convened at any time. The period of notice of meeting would be seven days whereas in the event of emergent situation the period of notice would be three days.

(8) Chairman of Managing Committee would have power to release amount of relief by declaring financial assistance in emergent situation as per the provisions contained under the Fund and sanction of which would be approved in the next meeting of Managing Committee. The State Government would have power to double the amount of assistance received from this fund for any activity.

(9) Under special circumstances, the sub-committee under the Chairmanship of Principal Secretary, Fisheries Department would be as follows—

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| (1) Additional Chief Secretary/principal Secretary/<br>Secretary, Fisheries | Chairman         |
| (2) Director, Fisheries   | Member Secretary |

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| (3) Joint Director, Fisheries                              | Member |
| (4) Finance and Accounts Officer, Fisheries<br>Directorate | Member |

(5) The meeting of sub-committee may be called at any time in emergency, but it is necessary to take post facto approval of Managing Committee on the decision taken by the sub-committee.

(6) The power to give financial sanction up to the approved limit of amount granted by Managing Committee and sub-committee would be vested in Director, Fisheries under the Powers delegated to Head of Department according to the Financial Handbook, Volume I and up to the financial sanction limit as provided by the State Government orders issued from time to time and power to all financial sanction beyond that limit would be vested in Administrative Department of Uttar Pradesh Government.

(7) Any fishermen/Machhua would get relief only once from one scheme of State Government or Central Government.

(8) For getting assistance from aforesaid fund, application completed in all respect would be submitted to District Magistrate on the prescribed format. After verifying the application, all the formalities would be completed by the fisheries Department within one month from the date, the application is received in the department. Eligibility criteria of beneficiaries would be made applicable as per the prescribed eligibility conditions fixed by Revenue Department/Backward Welfare Department/Social Welfare Department of Uttar Pradesh Government, under Blue Revolution Integrated Development and Management of Fisheries Scheme of Central Government from time to time.

(9) In case the State Government finds that any person is getting assistance by concealing any fact or by fraud then the recovery shall be done as land revenue in accordance with the provision of the Civil Procedure Code.

(10)Accounts of Fund would be maintained regularly and audited by the Department and Auditor General.

(11)An annual report would be sent to the State Government within six months from the beginning of a calendar year in which the list of number of beneficiaries having obtained financial assistance under different schemes as well as scheme-wise and audited details of accounts would be made available.

(12)Account would be opened in Nationalized Bank/Post Office as per requirements with the permission of Financial Department, Uttar Pradesh Government. The account would be operated jointly by Director, Fisheries and Finance and Account Officer, Fisheries Directorate. Rupees One crore would remain deposited in the account opened for providing immediate relief in emergent

situation. The interest received on deposited money obtained from other sources would be utilized for activities of fund after sanction of Managing Committee.

(13) Twenty five per cent amount of received grant from State Government in every year would be deposited in the account of Bank/Post Office of "Rakshit Nidhi" so that in the event of non-receipt of Government grant in future, activities of the fund would be operated from its interest.

(14) Financial Power of Fund would be vested in Director, Fisheries.

(15) For proper maintenance of the fund a unit would be established in Fisheries Directorate and posting of employees/staff would be made by Director, Fisheries who would execute the works of the unit simultaneously with their works. The following personnel would be posted in the unit—

(a) Deputy Director, Fisheries	01
(b) Assistant Director, Fisheries, Directorate	01
(c) Assistant Accounts Officer, Directorate	01
(d) Additional Statistics Officer, Directorate	<b>01</b>
(e) Fisheries Inspector or Fisheries Development Office	<b>01</b>
(f) Senior Assistant	01
(g) Junior Assistant	01
(h) Computer Operator	01

(21) The payment of pay/honorarium to contractual employees engaged from Service Provider would be done from the interest received from deposit fund."