

Tamil Nadu Fishermen and Labourers Engaged in Fishing and other Allied Activities (Social Security and Welfare) Act, 2007

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 7th June 2007 and is hereby published for general information:-TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 59 No.157 FRIDAY, JUNE 8, 2007.

Act No.19 OF 2007.

A Bill to provide for comprehensive social security and for ensuring well being of fishermen and labourers engaged in fishing and other allied activities.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-eighth Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Tamil Nadu Fishermen and Labourers engaged in Fishing and other Allied Activities (Social Security and Welfare) Act, 2007.

(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.

Definitions

2. In this Act, unless the context otherwise requires,—

(1) "allied activity" means an activity of a person who is working as beach worker, peeling worker, processing labourer, boat building yard worker, net mending worker, or small scale fish distributor for his livelihood.

(2) "beach worker" means a person who is employed in fishing harbours or fish landing centres or fish landing sites to carry out activities such as,-

- (a) unloading of fish from fishing crafts to fish baskets;
- (b) transportation of fish baskets to auction site or icing site;
- (c) transportation of trash fish or, small fish, to curing site;
- (d) sorting of fish at the landing site, unloading and crushing of ice, packing of fish with ice in boxes and loading of packed boxes into vehicles used for transportation;
- (e) loading of fish directly from boats to lorries, sale of ice in the fishing harbours or fish landing centres;
- (f) cleaning of auction hall, fishing crafts and supplying water for fishing boats;

(3) "Board" means a Board established under Section 5;

(4) "boat building yard worker" means a worker who is engaged in construction and repairing of fibre reinforced plastic and wooden boats;

(5) "dealer" means any person who carries on, within the State of Tamil Nadu, the business of buying or selling or processing, fish or exporting fish in raw or in processed form or fish products and includes.

(a) a commission agent, a broker or any other mercantile agent, by whatever name called; and

(b) a non-resident dealer or an agent of a non-resident dealer or a local branch of a firm or company or association situated outside the State of Tamil Nadu;

(6) "dependent" in relation to a registered member means any of the relatives

of such member as specified below;—

- (i) wife or husband, as the case may be;
- (ii) children;
- (iii) widow and children of the pre-deceased son; and
 - (iv) parents;

(7) "employer" means a person who engages labourers;

(8) "fish" means fish of all varieties including prawn, lobster, shell fish, clam, squids and any other aquatic organism exploited commercially for edible purpose or for manure.

(9) "fish farm" means the land of water spread area of fresh water or brackish water or saline water in which cultivating of fish is carried on;

(10) "fish products" means fish in raw or in processed form;

(11) "fisheries" means marine fisheries, inland fisheries, brackish water fisheries, mariculture which includes lobsters, crabs, fin fish, seaweed, oyster, mussel culture, pearl and chank fishery, breeding, raising of fish seeds and farming, ornamental fish culture, sewage fed fish culture and also any other fisheries as may be notified by the Government;

(12) "fisherman" means any person in the age group of 18-65 years,—

- (i) engaged in fishing, drying of fish, sale of fish or other allied activities for his livelihood;
- (ii) who owns fish farm not exceeding 2.5 acres of land;
- (iii) who owns,-
 - a) one country craft; or
 - b) one country craft fitted with outboard motor or inboard engine with capacity of less than 15 HP; or
 - c) one coracle in fresh water;

(13) "fund" means the Tamil Nadu Fishermen and Labourers engaged in Fishing and other allied activities (Social Security and Welfare) Fund established under a scheme;

(14) "Government" means the State Government;

(15) "labourer" means any person in the age group of 18 to 65 years, engaged to work in fishing or other allied activities or in fisheries or in fish farms for wages but who does not own any crafts;

(16) "Member—Secretary" means the Member-Secretary of the Board constituted under Section 5; _

(17) "net mending worker" means a worker engaged in mending and repair of fishing nets;

(18) "peeling worker" means a worker who is engaged in peeling prawn, lobster, clam, cleaning squids and cuttle fishes in huts, peeling sheds and fish processing plants;

(19) "processing" means any means of preservation of fish products effected with or without physical or chemical changes by mechanical means or otherwise, intended to facilitate increase in the shelf life of fish or fish products or to avoid loss during transit or value addition;

(20) "processing labourer" means a worker who is engaged in cleaning, grading, processing and packing of fish or fish products; _

(21) "registered members" means fishermen and labourers engaged in fishing and other allied activities registered as a member under a Scheme;

(22) "Schedule" means a Schedule to this Act;

(23) "Scheme" means a scheme made by the Government under this Act;

(24) "small scale fish distributor" means any person engaged for a period of not less than one hundred and twenty days in a year in the distribution of fish from fish landing centres or fish harbours or fish curing yards or markets through retail outlets or by house delivery and includes,—

(a) auto—carrier distributors;

(b) cycle load vendors;

(c) drivers and cleaners engaged in fish transporting on a permanent basis;

(d) head load vendors, including vendors, who sell fish in temporary camps;

(e) mini lorry distributors; and

(f) moped load distributors.

Scheme

3. (1) The Government may, by notification, by means of a Scheme provide for the registration of members subject to such conditions as may be provided therein and make provisions for the purpose of ensuring social security and welfare of the fishermen and labourers engaged in fishing and other allied activities.

(2) The relief or assistance as the case may be, to its registered members in respect of all or any of the following matters, that is to say-

- (a) Accident relief for death and injury;
- (b) Missing fisherman while fishing;
- (c) Death while fishing or immediately thereafter not due to accident;
- (d) Natural Death;
- (e) Funeral expenses;
- (f) Education of children;
- (g) Marriage;
- (h) Delivery or miscarriage or termination of pregnancy;
- (i) Old age Pension;

shall be as specified in the Schedule.

(3) The Government may, in consultation with the Board, by notification, add to, amend or vary all or any of the provisions of the aforesaid scheme or substitute another scheme for any scheme made by it.

Disputes regarding application of the scheme

4. If any question arises whether any scheme applies to any class of fishermen or labourers engaged in fishing and other allied activities, the matter shall be referred to such authority as may be prescribed in this behalf and the decision of such authority shall be final.

Establishment of Board

5. (1) The Government may, by notification, establish a Board to be known by such name as may be specified in the notification for implementing and administering a scheme.

(2) The Board shall be a body corporate with the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, and to contract, and may, by that name sue or be sued.

(3) 'The Board shall consist of members nominated from time to time by the Government representing the fishermen and labourers engaged in fishing and other allied activities, employers and the Government of whom the Director of Fisheries shall be the Member-Secretary of the Board.

(4) The Chairman of the Board shall be appointed from amongst the members nominated to represent the Government.

(5) After nomination of all the members of the Board including the Chairman, the Government shall, by notification, publish the names of all the members of the Board.

(6) The term of office of members of the Board shall be such as may be prescribed.

7) The meetings of the Board and procedures to be followed for the purpose and all matters supplementary or ancillary thereto shall, subject to the approval of the Government be regulated by the Board itself.

Power of Government to appoint one man Board

6. (1) For any reasons whatsoever, if it appears to the Government that it is unable to establish a Board in accordance with the provisions of section 5, the Government, may by notification appoint a person who shall hold office until a Board is duly established under Section 5.

(2) The person so appointed shall be deemed to constitute the Board for the time being, and shall exercise all the powers and perform and discharge all the duties and functions conferred and imposed upon the Board by or under this Act. He shall continue in office until the day immediately preceding the date of the first meeting of such Board.

(3) The person constituting the Board shall receive such remuneration from the fund of the Board, and the terms and other conditions of service shall be such as may be prescribed.

Powers and duties of the Board

7. (1) The Board shall be responsible for administering a scheme, and shall the exercise such powers and perform such functions as may be conferred on it by the scheme.

2) The Board may take such measures as it may deem fit for administering the scheme.

3) The Board shall submit to the Government as soon as may be, after the first day of April every year, the annual report of the working of the scheme during the preceeding year ending on Thirty—first March of that year. Every report so received shall be laid as soon as may be after it is received before the Legislative Assembly if it is in session, or in the session immediately following the date of receipt of the report.

4) The Board shall receive all contributions and use such contributions in the manner as it may deem fit in order to achieve the objects of the scheme.

5) In exercise of the powers and discharge of its functions, the Board shall be bound by such directions as the Government, may, for reasons to be stated in writing, give to it from time to time.

Committees

8. (1) The Government may, by order, constitute district level, taluk level or village level committees with members nominated by the Board and such committees shall be presided by an official nominated by the Government.

(2)The Committee shall have such powers and perform such duties as may be specified in the scheme or entrusted by the Board from time to time.

Contribution to the Fund

9. (1) There shall be a Fund constituted in the name and style as Tamil Nadu Fishermen and Labourers engaged in Fishing and other Allied Activities (Social Security and Welfare) Fund under a scheme and all monies received from the sources as specified in sub-section (3) shall be credited to such fund.

(2) The Board shall hold the fund in any of the Nationalised Banks or any of the Co-operative Banks under the control and supervision of the Tamil Nadu State Co-operative Bank or any other Bank as may be decided by the Board, with the approval of the Government from time to time. Such an account shall be jointly operated by any two of the authorized signatories of the Board, one of them being the Member-Secretary.

(3) The contributions to the Fund shall be made by the sources specified in sub-section (4), the Government and such other sources as may be specified in the scheme.

(4) The contribution towards the Fund shall be,—

(i) at such rate, as may be fixed by the Government from time to time on the recommendation of the Board for every year from,-

(a) every fisherman;

(b) every allied worker;

(c) the owner of a mechanized fishing vessel of any category;

(d) the owner of net making plant and fish feed manufacturing unit;

(e) the owner of a prawn culture farm or a fish farm;

(ii) one per cent of the sale proceeds of the dealer for every year;

(iii) at the rate of 5 paise per litre of diesel sold by the Tamil Nadu Fisheries Development Corporation Limited, Tamil Nadu Apex Fisheries Co-operative Federation Limited and private diesel bunks approved by the Government;

(iv) at the rate of 10 paise per litre of Tax Free Diesel purchased by the mechanized Boat owners from the Tamil Nadu Fisheries Development Corporation or Tamil Nadu Apex Fisheries Co-operative Federation Limited and private diesel bunks approved by the Government;

(v) at the rate of 5 per cent of the lease amount for the lease of reservoirs under the control of the Tamil Nadu Fisheries Development Corporation Limited;

(vi) at the rate of 5 per cent of the lease amount for fishing collected by the respective authorities in Revenue, Hindu Religious and Charitable Endowments, Public Works, Fisheries and Forest Departments and Local authorities; (Fisheries Department included as per Tamil Nadu Government Gazette Extraordinary Notification issued vide No.205 dated:10.10. 2014)

(vii) at the rate of Rs.10 per member for every year by the Primary Fishermen Co-operative Societies or Primary Fisherwomen Co-operative Societies;

(viii) at the rate of one rupee for every Kilogram of fish sold by the Mettur Dam Co-operative Fish Marketing Society;

- 5) The Government may, in consultation with the Board, revise the proportion in which the contribution is to be collected;
- 6) The contribution to the fund referred to in sub-section (4) shall be remitted to the Fund within such period and in such manner as may be prescribed.
- 7) All the expenditures relating to the implementation of the scheme shall be met from the Fund including the contingent expenditure in the administration of the scheme.

Recovery of dues to the Board

10. (1) On an application made by the Board for the recovery of arrears of any sum payable to it under this Act or under the scheme and on its furnishing of a statement of accounts in respect of such arrears the Collector may after making such inquiries as he deems fit, grant a certificate for the recovery of the amount stated therein to be due as arrears.

- (2) A certificate by the Collector shall be final and conclusive as to the arrears due. The arrears stated to be due therein shall be recovered as arrears of land revenue by the Collector and remitted to the Board.

Accounts of Audit

11. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including a balance-sheet in such form as may be prescribed.

(2) The accounts of the Board shall be audited annually by such qualified person as the Government may appoint in this behalf.

(3) The auditor shall at all reasonable time have access to the books of accounts and other documents of the Board, and may for the purposes of the audit, call for such explanation and information as he may require or examine any member or officer of the Board.

(4) The accounts of the Board certified by the auditor, together with the audited report thereon shall be forwarded annually to the Government before such date as the Government may specify in this behalf.

(5) The Board shall comply with such directions as the Government may after perusal of the report of the auditor, think fit to issue.

(6) The cost of audit shall be paid out of the funds of the Board.

Disqualifications and removal

12. (1) No person shall be chosen as, or continue to be a member of the Board Who-

- (a) is a salaried officer of the Board; or
- (b) is or at any time has been adjudged insolvent; or
- (c) is found to be lunatic or becomes of unsound mind; or
- (d) is or has been convicted of any offence involving moral turpitude.

2) The Government may remove from office any member who-

(a) is or has become subject to any of the disqualifications mentioned in sub-section (1); or .

b) is absent without leave of the Board for more than three consecutive meetings of the Board.

Resignation by member

13. Any member of the Board may at any time resign his office by writing under his hand addressed to the Government, and, his office shall, on acceptance of resignation by the Government, become vacant.

Filling up of vacancy

14. In the event of any vacancy occurring on account of death, resignation, disqualification or removal or otherwise, the Board shall forthwith communicate the occurrence to the Government and the vacancy shall be filled not later than ninety days from the date of the occurrence of the vacancy and the person nominated to fill in the vacancy shall hold office so long only as the member in whose place he is nominated would have held it if the vacancy had not occurred:

Provided that during any such vacancy, the continuing members may act as if no vacancy has occurred.

Vacancies not to invalidate proceedings

15. No act or proceedings of the Board shall be questioned or invalidated merely by reason of any vacancy in its membership or by reason of any defect in the constitution thereof.

Enquiry into working of the Board

16. (1) The Government may, at any time, appoint, any person to investigate or enquire into the working of the Board or scheme and submit a report to the Government in that behalf.

(2) The Board shall give to the person so appointed all facilities for the proper conduct of the investigation or enquiry, and furnish to him such documents, accounts or information in possession of the Board as he may require.

Supersession of the Board

17. (1) If the Government on consideration of the report referred to in sub section(1) of section 16 or otherwise is of the opinion.-

- (a) that the Board is unable to perform its functions; or
- (b) that the Board has persistently made default in the discharge of its functions or has exceeded or abused its powers, the Government may by notification, supersede the Board and reconstitute it in the prescribed manner, within a period of twelve months from the date of supersession. The period of supersession may be extended for sufficient reasons by a like notification by not more than six months:

Provided that before issuing a notification under this sub-section on any of the grounds mentioned in clause (b), the Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded, and shall consider the explanations and objections, if any, of the Board. –

- 2) After the supersession of the Board and until it is reconstituted, the powers, duties and functions of the Board under this Act shall be exercised and performed by the Government, or by such officer or officers as the Government may appoint for this purpose.
- 3) when the Board is superseded, the following consequences shall ensure, that is to say-
 - a) all the members of the Board shall, as from the date of publication of the notification under sub-section (1) vacate their office;
 - b) all the powers, duties and functions, which may be exercised or performed by the Board, shall during the period of supersession, be exercised or performed by the Government or by such officer or officers as may be specified in the notification.
 - c) all funds and other property vesting in the Board shall, during the period of supersession, vest in the Government and on the reconstitution of the Board, such funds and property shall revert in the Board.

Protection of action taken in good faith

18. No suit, prosecution or other legal proceedings shall lie against the Government or the Board or the Chairman, Member-Secretary, or any member of the Board or Committee or any other officers of the Board for anything which is in good faith done or intended to be done in pursuance of this Act, or any scheme or any rule or order made thereunder.

Power to amend schedule

19. The Government may, by notification, add to or modify the Schedule.

Power to make rules

20. (1) The Government may make rules for carrying out all or any of the purposes of this Act.

(2) (a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications Issued under this Act shall be published in the Tamil Nadu Government Gazette and- unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) Every rule or order made or notification issued under this Act shall as soon as possible, after it is made or issued. Be placed on the Table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or in the next session. The Legislative Assembly makes any modification in any such rule, order or notification or the Legislative Assembly decides that the rule, order or notification should not be made or issued, the rule, order or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, order or notification.

Power to remove difficulties

21. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion requires, by order, not inconsistent with the provisions of this Act. Do anything which appears to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

The SHEDULE		
[See Section 3(2)]		
SI. No.	Relief or Assistance	Amount (in Rupees)
(1)	(2)	(3)
1.	Accident Relief	
	a) Death due to Accident (the relief assistance of Rs. 1,00,000/- enhanced to Rs.2,00,000/- modification issued vide G.O.(Ms)No.184 Animal Husbandry , Dairying and Fisheries (FS-3) Department, dated:27.9.2018)	2,00,000
	b) Loss of both hands	1,00,000
	c) Loss of both legs	1,00,000
	d) Loss of one hand and one leg (the relief assistance of Rs. 50,000/- enhanced to Rs.1,00,000/- modification	1,00,000

	issued vide G.O.(Ms)No.184 Animal Husbandry , Dairying and Fisheries (FS-3) Department, dated:27.9.2018)				
	e) Total and irrecoverable loss of sight in both eyes				1,00,000
	f) Loss of one hand or one leg				1,00,000
	g) Loss of limbs from grievous injuries other than those specified above. (the relief assistance of Rs. 20,000/- enhanced to Rs.50,000/- modification issued vide G.O.(Ms)No.184 Animal Husbandry , Dairying and Fisheries (FS-3) Department, dated:27.9.2018)				50,000
2	Death during fishing or after fishing other than Accidental death. (the relief assistance of Rs. 1,00,000/- enhanced to Rs.2,00,000/- modification issued vide G.O.(Ms)No.184 Animal Husbandry , Dairying and Fisheries (FS-3) Department, dated:27.9.2018)				2,00,000
3	Fishermen Missing during fishing.(the relief assistance of Rs. 1,00,000/- enhanced to Rs.2,00,000/- modification issued vide G.O.(Ms)No.184 Animal Husbandry , Dairying and Fisheries (FS-3) Department, dated:27.9.2018)				2,00,000
4	Natural Death (the relief assistance of Rs.10,000/- enhanced to Rs.15,000/- modification issued vide Tamil Nadu Government Gazette Notification No. 48. Dated:11.12.2013)				15,000
5	Funeral Expenses				2,500
6	Educational Assistance to son and daughter of the Members.	Day scholar		Hosteller	
		Boys	Girls	Boys	Girls
	a) 10 th Std. Pass	1,250	1,500	---	---
	b) 12 th Std. Pass	1,750	2,000	---	---
	c) I.T.I. or Polytechnic (per year)	1,250	1,750	1,450	1,950
	d) Bachelor Degree (per year)	1,750	2,250	2,000	2,500
	e) Post Graduate Degree (per year)	2,250	2,750	3,250	3,750
	f) Professional Courses (Law, Engineering, Medicine etc.)(per year)	2,250	2,750	4,250	4,750
	g) Post Graduate Professional Courses. (per year)	4,250	4,750	6,250	6,750
7	Marriage Assistance				
	a) Marriage of the Member –				
	i) Male				3,000
	ii) Female				5,000
	b) Marriage of son or daughter of the Member				
	i) Male				3,000
	ii) Female				5,000

8	Delivery or Miscarriage of Pregnancy or Termination of Pregnancy: i) Delivery (@ Rs.1,000 per month for six month)	6,000
	ii) Miscarriage	3,000
	iii) Termination	3,000
9	Old Age Pension (per month)	400

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government -in-
charge, Law Department.