



ABSTRACT

Kodaikanal Municipality - Kodaikanal Lake - Transfer of overall control of the Kodaikanal lake in Survey Ward B, Block 30, T.S.No.3, R.S.No.234 to the Kodaikanal Municipality from Fisheries Department, as per section 125 (1) of the Tamil Nadu District Municipalities Act 1920 - Orders issued.

Municipal Administration & Water Supply (MA5) Department

G.O.(Ms) No. 105

Dated : 26.06.2009

Read :

1. G.O.(Ms) No.2063 Development Department dated 8.5.1951.
2. G.O.(Ms) No.2034 Food and Agriculture Department dated 7.6.1962
3. Government Letter No.27603/MA5/2001-1 dated 22.11.2001.
4. From the Commissioner of Municipal Administration letter No.28583/2007/TP3 dated 25.6.2007.
5. From the Director of Municipal Administration Letter No No.Roc.28583/2009/TP3 dated 9.4.2009.
6. From the Animal Husbandry Dairying and Fisheries (FS6(2)) Department letter No.23611/FS6/2008-1 dated 7.5.2009.

ORDER:

In the Government Order first read above, orders were issued transferring the control of the Kodaikanal lake to the Fisheries Department for a period of ten years. Subsequently in the Government Order second read above orders were issued for the retention of the control of the Fisheries in the Kodaikanal lake by the Fisheries Department for a further period of ten years. Though no specific orders have been issued regarding extension of control of the Kodaikanal lake after 7.6.1962, till now the control of the lake is retained by the Fisheries Department.

2. According to Section 125 (1) of the Tamil Nadu District Municipalities Act, 1920. (Tamil Nadu Act V of 1920) all public water courses and springs and all public reservoirs, tanks, cisterns, fountains, wells, stand-pipes and other water works existing at the time of coming into force of the Act and

afterwards made, laid or erected and whether made, laid or erected at the cost of the municipal council or otherwise, and also any adjacent land (not being private property) appertaining thereto shall vest in the council and be subject to its control. According to section 125 (2) of the said Act the (State Government) may by notification limit or define such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the municipal council and giving due regard to its objection, if any.

3. In W.P.No.5985 of 1987, while pronouncing its Judgement dated 13.1.95 on a challenge of the imposition of the license fee, the High Court Chennai observed that the Executive Officer of the Kodaikanal Township had failed to satisfy the Court that he had authority to demand and collect license fee or any other fee or tax from the Club. In view of the above a clarification was issued in Government Letter No.27603/MA5/2001-1, Municipal Administration and Water Supply Department dated 22.11.2001 stating that the Kodaikanal lake is vested with the Kodaikanal Municipality with reference to the statutory provisions contained in Section 125 (1) of Tamil Nadu District Municipalities Act 1920 and that no other Department/Agency can make any claim whatsoever for the control of the lake.

4. Now, the Commissioner of Municipal Administration has stated that though the Kodaikanal Municipality is spending huge amount from its General Funds towards maintenance of the Kodaikanal lake, the lake has not yet been brought under the full control of Municipality. Hence he has requested the Government to issue orders so as to bring the control of Kodaikanal lake to Kodaikanal Municipality from Fisheries Department, except the Fishing rights. He has also stated that the Kodaikanal Municipal Council, in its resolution No. 142 dated 30.4.2007, has resolved to request the Government to transfer the overall control of the Kodaikanal lake to the Kodaikanal Municipality except the fishing rights.

5. In this connection, to sort out the issues between Fisheries Department and Kodaikanal Municipality, a meeting was convened by the Principal Secretary, Animal Husbandry, Dairying and Fisheries Department, with the Secretary, Municipal Administration and Water Supply, Commissioner of Fisheries and Director of Municipal Administration and decided to form a Committee and to discuss the issues and come out with the suggestions and modalities. On 25.2.2009 another meeting was conducted by the Commissioner of Fisheries along with the Director of Municipal Administration and discussed various issues relating to Kodaikanal lake between the Kodaikanal municipality and Fisheries Department. As decided in the meeting, a Sub-Committee was formed comprising of Joint Commissioner (Admn.) office of the Director of

Municipal Administration, Joint Director, Fisheries Department, Municipal Commissioner, Kodaikanal Municipality and Executive Engineer, Public Works Department (WRO) and the Committee inspected the lake on 11.3.2009 and submitted its recommendations.

6. Based on the recommendations of the Sub-Committee, a follow-up meeting was held on 24.4.2009 under the Chairmanship of the Secretary to Government, Animal Husbandry, Dairying and Fisheries Department with the Commissioner of Fisheries, Director of Municipal Administration and other officials concerned and the following decisions were taken at the meeting:-

- (i) to issue suitable Government orders and notification for transfer of overall control of Kodaikanal lake to the Kodaikanal Municipality from the Fisheries Department as per Section 125 (1) of the Tamil Nadu District Municipalities Act, 1920.
- (ii) the fishing rights will continue to be with the Fisheries Department in line with the provisions of the G.O.(Ms) No.1123, Agriculture Department, dated 10.4.1970 (Kodaikanal Fishing Rules 1969). As fishing related activities will be affected by the movement of boats, it was decided not to allow any kind of motorized boats. The boating activities will be regulated by the Fisheries Department through registration and licenses issued by the Assistant Director, Fisheries, Dindigul and renewed annually on the payment as decided by the Government.
- (iii) the registration and licensing will be made mandatory for the boats operated by private boat operators as well as the Government Agencies as per the rules to be framed especially for fishing and boating in Kodaikanal lake.
- (iv) The income derived from registration and licensing of boats will be shared between the Kodaikanal Municipality and the Fisheries on 90:10 ratio (as the Municipality will have to maintain the lake and its surrounding areas, which can be met from the income of this activity)
- (v) the income derived from registration and licensing of boats will be utilized for developmental activities such as development and maintenance of roads, drains, lights, waste management, parks, beautification, water supply, sanitation and related activities in and around the lake by the Kodaikanal Municipality.
- (vi) A Committee under the Chairmanship of the District Collector will be formed for the monitoring and supervision of registration and licensing of boats, regularization of boating and safety measures

and also utilization of funds for various developmental activities and maintenance works in and around the lake. The proposed Committee may comprise of the following members:

- a) Chairman - Kodaikanal Municipality
- b) Commissioner - Kodaikanal Municipality
- c) Assistant Director- Fisheries Department
Dindigul.
- d) Any other technical members co-opted by
the Collector to address specific issues.

- (vii) it has also been decided that the boat strength shall not exceed 258 at any cost and the existing boat strength of 284 will be reduced to 258.
- (viii) the Municipal Administration and Water Supply Department will initiate action for issuing orders for the transfer of control of Kodaikanal lake from the Fisheries Department to the Kodaikanal Municipality in consultation with Animal Husbandry, Dairying and Fisheries Department. After the issue of Government orders as mentioned above, action will be taken to notify the same in the Government Gazette.
- (ix) Animal Husbandry, Dairying, and Fisheries Department will initiate action to frame draft rules for fishing and boating in consultation with Municipal Administration and Water Supply Department.

7. In the circumstances, the Government after careful considerations have decided to accept the decisions arrived at in para 6 above, based on the recommendations of the Sub-committee and direct that:-

- (i) in supersession of the orders issued in G.O.(Ms) No.2063, Development department dated 9.5.1951 and G.O.(Ms) No.2034 Food and Agriculture Department dated 7.6.1962, the overall control of the Kodaikanal lake in Survey Ward B, Block 30, T.S.No.3, R.S.No.234 is transferred to the Kodaikanal Municipality from the Fisheries Department as per section 125 (1) of the Tamil Nadu District Municipalities Act, 1920. (Tamil Nadu Act V of 1920)
- (ii) the fishing rights will continue to be with the Fisheries Department in line with the provisions of the G.O.(Ms) No.1123, Agriculture Department, dated 10.4.1970 (Kodaikanal Fishing Rules 1969). As fishing related activities will be affected by the

movement of boats, any kind of motorized boats shall not be allowed. The boating activities will be regulated by the Fisheries Department through registration and licenses issued by the Assistant Director, Fisheries, Dindigul and renewed annually on the payment as decided by the Government.

- (iii) the registration and licensing is made mandatory for the boats operated by private boat operators as well as the Government Agencies as per the rules to be framed by Animal Husbandry Dairying and Fisheries Department in consultation with Municipal Administration and Water Supply Department for fishing and boating in Kodaikanal lake.
- (iv) The income derived from registration and licensing of boats shall be shared between the Kodaikanal Municipality and the Fisheries Department on 90:10 ratio and that will be utilized for developmental activities such as development and maintenance of roads, drains, lights, waste management, parks, beautification, water supply, sanitation and related activities in and around the lake by the Kodaikanal Municipality.
- (v) A Committee under the Chairmanship of the District Collector is formed with the following members for the monitoring and supervision of registration and licensing of boats, regularization of boating and safety measures and also utilization of funds for various developmental activities and maintenance works in and around the lake.
 - (1) Chairman - Kodaikanal Municipality
 - (2) Commissioner - Kodaikanal Municipality
 - (3) Assistant Director - Fisheries Department
Dindigul.
 - (4) Any other technical members co-opted by
the Collector to address specific issues.
- (vi) the boat strength shall not exceed 258 at any cost and the existing boat strength of 284 is reduced to 258.

8. A notification to the effect of transfer of overall control of Kodaikanal lake from the Fisheries Department to the Kodaikanal Municipality will be issued separately.

9. The Animal Husbandry, Dairying and Fisheries Department will initiate action to frame the draft rules for fishing and boating in Kodaikanal Lake in consultation with Municipal Administration and Water Supply Department.

10. This order issues with the concurrence of Animal Husbandry Dairying and Fisheries Department, vide its U.O. No.8427/F56(1)/09-1 dated 18.5.2009.

(BY ORDER OF THE GOVERNOR)

NIRANJAN MARDI,
SECRETARY TO GOVERNMENT.

To

- ✓ The Director of Municipal Administration, Chepauk, Chennai-5.
- The Commissioner of Fisheries Department, Chennai-600 006.
- The Collector, Dindigul District, Dindigul.
- The Regional Director of Municipal Administration, Madurai.
- The Commissioner, Kodaikanal Municipality, Kodaikanal.
- The Assistant Director, Fisheries Department, Dindigul.

Copy to:

- The Animal Husbandry Dairying and Fisheries Department, Chennai-600 009.
(for necessary followup action)
- The Special Personal Assistant to Hon'ble Deputy Chief Minister, Chennai-9.
- The Private Secretary to Secretary to Government,
Municipal Administration and Water Supply Department, Chennai-9.
- The Municipal Administration and Water Supply (OP II) Department,
Chennai-600 009.
- SF/Scs.

//FORWARDED BY ORDER//

A. D. S. Ali
SECTION OFFICER. 26/6/09
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26/6/09