

# **Aquatics (Contract) Rules, 2019 (1962)**

## **Date of Publication in the Nepal Gazette**

2019/8/18 (3 Dec.1962)

The Government of Nepal, having exercised the power conferred by the Aquatics Protection Act, 2017 (1961) has enacted the following Rules:-

**1. Short Title and Commencement:** (1) The name of these Rules shall be " Aquatics (Contract) Rules, 2019 (1962).

(2) These Rules shall come into force from the date and in the area as prescribed by the Government of Nepal by publishing Notification in the Nepal Gazette.\*

**2. Definition:** Unless the subject or context means otherwise provides in these Rules:-

(a) "Act" means the Aquatics Protection Act, 2017 (1960).

(b) "Contract" means the contract given by the concerned Department of the Nepal Government by prescribing a particular period for the function of catching and hunting the aquatics under these Rules.

(c) "Prescribed" means prescribed by the Government of Nepal by publishing a Notice in the Nepal Gazette.

(d) The meaning of the other terms used in these Rules shall be as given in the Act.

**3. Authentication to Give on Contract Basis:** The Government of Nepal has sole authentication to give or not to give a particular type of water or aquatics on contract basis; and the Government may make any

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\* Prescribed the Rules to be commenced throughout Nepal from 2019/9/26 (Jan. 10, 1963) as per the notice published in the Nepal Gazette dated 2019/10/29 (Feb. 11, 1963).

other arrangement also by not giving particular water or aquatics on contract basis.

4. **To be Given on Contract Basis:** The concerned Department of Government of Nepal may give on contract basis by allowing to catch or hunt the aquatics of the prescribed species and to use such water resource for that purpose during the prescribed period in any specified water resource within the area in which these Rules are come into force.
5. **To Be Auctioned:** A person interested to accept the contract to be given under Rule 4 shall have to auction by being present in person or his/her proxy on the specified day. Claim of a person failing to auction by being present in the time of auction shall not be entertained afterwards in spite of his/her submission of application by promising to pay as much.
6. **Period of Contract:** (1) The contract under Rule 5 may be granted on auction basis by specifying any period from Three years to Five years at a time as per the place of contract.  
(2) Period of such contract cannot be extended without auctioning again.  
(3) The concerned Department, while giving the contract, shall entertain through its Fish Section.
7. **Revenue to be Deposited:** The revenue obtained from such contract should be deposited at the Rastra Bank (Central Bank) or District Land Revenue Office in the name of Fish Section and the voucher thereof should be forwarded every year.
8. **Conditions and Restriction:** The following terms and conditions and restriction also may be imposed in the contract while awarding such contract:-

- (a) The aquatics cannot be caught or killed by using the materials or method restricted by the Act or by making a fence in the stream.
- (b) Even among the aquatics of the specified species, the *Shahar* fish, *Rahu* fish, *nainimrigal* and *Katla* fish cannot be killed without their maturity to 12 inches. Such types of fishes should be released in spite of falling in to the net.
- (c) Only the hook or net should be used to catch or kill the fish.
- (d) The contractor, while catching fish in the water resource of the contract, shall make arrangement of catching the fish by giving priority to the local fishermen.
- (e) In the case of obstruction in fishery by the aquatics restricted to kill in the water resource of contract, such aquatics may be killed by obtaining permission of the concerned Department.
- (f) The Local Officer or the concerned Department or Fish Section or other authorized person may control or examine the whole place of contract in any time.

**9. Restriction may be Imposed:** The Government of Nepal may impose restriction to catch fish in the water resource of contract for a particular period for the purpose of reproduction of fish.

**10. Non-Compliance with the Condition by the Contractors:** Compensation of loss caused to the Government of Nepal by the contractor's non-compliance with the terms and conditions as so calculated and penalty to be imposed under the prevailing law shall also be recovered from the contractor. The concerned Department, in the case of breach of such terms and conditions by the contractor, may make

another arrangement of contract by canceling such contract in any situation.

Provided that, the local officer shall hold the function of considering the matter of the contractor's compliance with the terms and conditions, making decision and recognizing the figure of amount of loss.

**11. In a Situation to Cancel the Contract by the Government of**

**Nepal**: (1) In a situation of realization of necessity to cancel a contract for public welfare, the contract may be cancelled by giving information to the contractor prior to One month in an ordinary situation and by publishing a notice in the Nepal Gazette in a special situation.

(2) In the situation of cancellation of contract under Sub-rule (1), the amount declared by the Government of Nepal to refund shall be refunded; and in the case of being deemed appropriate, a contractor may also obtain the compensation specified by the Government of Nepal.