

CHHATTISGARH FISHERIES ACT, 1948 NO. 8 OF 1948 DATE 02.04.1948

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5. Short title extent and commencement Definitions. Protection of fisheries by making rules. Power to prohibit sale of fish. Penalties. [5A. Cognizance of offence. 6. 7. 8. 9. IO

11. Arrest without warrant for offence under the Act. Jurisdiction inferior to that of Magistrate of the second class excluded. Power to compound offences. Officers to be deemed public servants. Indemnity. Repeal. THE SCHEDULE 197 197 198 199 200 200 200 200 200 201 201 201 201 THE MADHYA PRADESH FISHERIES ACT, 1948 (No. 8 of (Received the assent of the Governor on the 26th March assent first published in the Central Provinces and Berar 1948 Gazette on the 2nd April, An Act to provide for the protection, and development of fisheries in [Madhya Pradesh.] Preamble. Whereas it is expedient provide for the conservation and development of fisheries in [Madhya Pradesh.] It is hereby enacted as follows . 197 Short title, extent and commencement, (1) This Act may be cited as the Madhya Pradesh Fisheries Act, 1948. (2) It extends to and shall be in force in the whole of Madhya Pradesh.] 4 Definitions. 2. subject In this Act, unless there is anything repugnant in the context,— or 'fish' includes shell fish and fish in all stages in its life history "Fishery Officer" means such officer as the State Government may appoint for the purpose of this Act and includes any officer or class of officers empowered by the State Government to act as Fishery Officer : Provided that no Police Officer below the rank of Sub-Inspector shall be so empowered , 2. 3. 4. 5. "fixed engine," cage, trap or any other contrivance for taking fish, fixed in the soil or made stationary in any other "Private water" means water— For statement of Objects and Reasons, see Central Provinces and Berar Gazette, dated the 26th September, 1947 Part 11, page 277. For Report of Select Committee, see Central Provinces and Berar Legislative Proceedings . 1947, vol. 1 V pages 14.27 of No. 1-4, dated the 30th October, 1947 and Vol. V, pages 62564 of No. 4., dated the 4th March, 1943. Subs. by A. O. 19.50. for the Central Subs. by M.P. Act 23 of 1958, S. 3 for "Central Provinces and Berar". Subs. ibidi S. 3 (3) Sch, Part A, item 52. Omitted ibidi. 198 THE MADHYA PRADESH FISHERIES ACT, 1948 (d) Which is the exclusive property of any person, or in which any person has for the time being an exclusive right of fishery whether as owner, lessee or in any other capacity. but does not include any river, canal, stream, khil, or any piece of water which ordinarily has direct communication with any river, canal, stream or khil. Explanation.—Water shall not cease to be "Private water" within the meaning of this definition by reason only of the fact that persons other than the owners may have by custom a right of fishery therein 'prescribed' means prescribed by rules made under this Act. 3. (1) The State Government after previous publication may make rules for the purpose hereinafter in this section mentioned and shall in such rules declare the waters, not being private water to which all or any of them shall apply. (2) The State Government may, by notification, apply such rules or any of them to any private waters with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein. (3) (b) Such rules may, Prohibit or regulate all or any of the following matters, that is to say— (11) the erection and use of fixed engines the construction, temporary or permanent, of weirs, dams and bunds the dimension, size of mesh and kind of nets to be used and the mode of using them the use of more than one method of catching fish at one time prohibit the destruction of, or any attempt to destroy, fishes by explosives, gun, bow, arrow or the like in inland waters the destruction of, or any attempt to destroy, fishes by using a chemical or any other substance likely to cause pollution of water the throwing into any water of any solid or liquid which may be harmful to fishes in (e) (g) THE MADHYA PRADESH FISHERIES ACT, 1948 prohibit fishing except under a licence and regulate the grant of such licences, the fees payable therefor and the conditions to be inserted therein • prohibit sale or purchase of fish or transport or movement of fish within or outside the State in excess of the prescribed quantity except under a licence; prescribe the seasons during which— (i) the killing or catching of fish of any prescribed species shall be prohibited; sale, movement or transport of any prescribed species shall be prohibited except under a licence; regulate the grant of licences under clause (f) and sub-clause (ii) of clause (ff), and/or prescribe the fees payable therefor and the conditions to be attached thereto; and] prescribe a

minimum size or weight below which no fish of any prescribed species shall be sold. (4) Such rules may also prohibit all fishing in any specified waters for a specified period. (5) In making any rule under this section the State Government may provide for— [(a) the seizure, removal and forfeiture of any fixed engine, apparatus or equipment erected or used for fishing in contravention of the rules; (b) the forfeiture of any fish procured by means of any such fixed engine, apparatus or equipment or transported in contravention of the rules; and (c) the seizure, removal and forfeiture of any animals, carts, vessels, rafts, boats or vehicles used for transporting or catching fish in contravention of the rules. 12 4. The State Government may by notification prohibit specified areas the offering or exposing for In any sale or barter of fish capture of which has been made unlawful by any rule made under section 3 of this Act, although caught outside Madhya Pradesh and although their capture might be legal at the place where caught. Subs. by M. F. Act of 1981 S. 2 (a)

2. Subs. by M.P. Act 34 of 1981 S. 3, Subs. by M.P. Act 23 of 1981, S. 5, Part A, 52, for 'Mahakshal re'it'. 199 Power to prohibit sale of fish. 200 Penalties. Cognizance of offence. Arrest without warrant for offence under the Act. Jurisdiction inferior to that of Magistrate of the second class excluded. THE MADHYA PRADESH FISHERIES ACT, 1948 Power to offences. compound [5. If any person contravenes any provisions of this Act or rules made thereunder, he shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees, or with both. 5—A. Every Offence under this Act shall be compoundable.] (1) Any Sub-Inspector of Police, or other person specially empowered by the State Government in this behalf may, without warrant, arrest any person committing or attempting to commit a breach of any provisions of this Act or rules made thereunder if the person declines to give his name and address or if there is reason to doubt the accuracy of the name and address, if given. (2) A person arrested under this section shall be detained until his name and address have been correctly ascertained: [Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Judicial Magistrate except under an order of the Magistrate for his detention according to the provision of the Code of Criminal Procedure, 1973 (No. 2 of 1974)] (3) All Fishery Officers shall have the same powers of search, seizure and investigations in respect of an offence under this Act as a Police Officer of the rank of a Sub-Inspector has under the provisions of the Code of Criminal Procedure, (No. 2 of 1974). No Court inferior to that of a Magistrate of the second class shall try any offence under this Act. (2) No court shall take cognizance of any offence under this Act, except on a report in writing of the facts constituting such offence made by a Fishery Officer or a Police Officer not below the rank of Sub-inspector or any other person or class of person authorised by the State Government in this behalf. Schedule may 8. [(1) Any offence specified in the Schedule may be compounded by the Collector by acceptance of a sum not exceeding one thousand rupees. (2) On composition of an offence, the accused shall be discharged and property seized from him shall be returned.]

3. Subs. Subs. by M. P. Act 24 of 1981, S. 3. by M. P. ACT. 34 of 1981, S. 4. (a). by S. 4 (b), *ibid*. THE MADHYA PRADESH FISHERIES ACT, 1948 9. All persons empowered to exercise powers and perform duties under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal code, 1860 (XLV of 1860)

10. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act

11. The Indian Fisheries Act, 1897 (IV of 1897), in its application to the Central Provinces and Berar is hereby repealed. THE SCHEDULE Offences compoundable under section 8 . DESCRIPTION 1. Fishing with a net having a smaller mesh than that prescribed under the rules made under this Act

2. Fishing without a licence

3. Selling or attempting to sell fish of a size or weight less than the standard prescribed under this Act

4. Killing or catching or selling or attempting to kill, to catch or sell any fish of a prohibited species during a close season. [4-A. Transporting or attempting to transport any fish of a prohibited species during a closed season except under and in accordance with the condition of the licence granted under the rules; 4-B. Selling or transporting or attempting to sell or transport fish in excess of the prescribed quantity except under and in accordance with the conditions of the licence granted under the rules;]

5. Fishing or attempting to fish with any gear or method other than the prescribed gear or method

6. Using at any one time more than one method of catching fish when prohibited under the rules made under this Act

7. Licence holder employing or engaging nonlicensees to help him with their nets while fishing

8. Fishing or attempting to fish in prohibited waters

9. Offering or exposing for sale or barter any fish, the sale of is prohibited in any specified area by a notification issued under section 4. Ins. by M. P. Act 34 of S

6. Officers [to be deemed public servants.] Indemnity. Repeal. 013 The United State of Gwalior, Indore and Malwa (Madhya Bharat) FISHERIES ACT Samvat 2006 Act No. 21 of 1950 (Samvat 2006) Section. CONTENTS Subject. t. q. z. g. Frq, fqrqx frT*Tfcr grrfcrqt fFü 2. 3. 4. 5. 6. 7. 8. 9. 10

11. Title, extent and commencement. Definitions Protection of fisheries by making Power to prohibit sale of fish Penalties Arrest without warrant for offence under this Act. Jurisdiction inferior to that Of Magistrate of the second class Offences to be compounded Officers to be deemed public servants Protection for anything done in good faith. Repeal . Schedule 1 2 3 5 5. 5 6 6 7 7 QPT, 7M, Roe q' OTT. (Q) Orr tqäfq The United State of Gwalior, Indore and Malwa (Madhya Bharat) FISHERIES ACT Samvat 2006 Act No. 21 of 1950 (Samvat 2006) (Received the assent of His Highness the Rai Pramukh on 20th January, 1950) An Act to provide for the protection, conservation, auctioning and development of fisheries in the United State of Gwalior, Indore and Malwa (Madhya Bharat) WHEREAS it is expedient to provide for the protection, conservation, auctioning and development of fisheries in the United State of Gwalior, Indore and Malwa (Madhya Bharat), it is hereby enacted as (1) This Act may be called "The Title. extent United State of Gwalior, and Indore and Malwa (Madhya Bharat) Fisheries Act, Samvat (2) It extends to the whole of the United State (3) It shall come into force on such date as the Union Government may, by Notification in the Government Gazette, declare in this behalf. 01 2. In this Act unless there is anything repugnant in the subject or Definitions. (0 MT fææ fr;æt fiü, ('r -Q-ar f.-rkz O), irre:zi context— "Fish" includes shell fish, and any fish in all stages in its life history; "Fishes: Offi- cer" means. such as the Government may appoint for the purposes of this Act and includes any officer empowered by the Government to act as Fisheries Development Officer; . :cnUine" means any net, bag, ' ' tiap' ' or contrivance for taking fish, fixed in the soil or made stationary in any which it. exchkiye any person or in which any person. has for the time being an exclusive right of fishery whether as owner, lessee or in any other capacity, but does not include any river, canal/ ' dain (unless otherwise Jhil. or any piece of water which ordinarily. has communication with any river, canal, stream or Jhil.; Explanation—Water shall not cease to be . "Private water" within the meaning of this definition by reason only of the fact that persons other than the owners may have by customs a right of fishery therein. 'trq;d' f*qfq fgQ till, frf\$z qzfrq>i (0 G) (v) itfi, eqpi'r Tr qirsrrvr, stTr-r zrvür 01(éd "Prescribed" means prescribed by (v) rules made under this Act; (vi) •c "United State" means the United State of Gwalior, Indore and Malwa (Madhya Bharat) ; (vit) "Government" means the Government of the United State. 3. (I) The Government after previous publication may make rules for the purpose hereinafter fisheries by in this section mentioned making rules. and shall in such rules declare the waters, not being private waters, which all or any of them shall apply. (2) -The Government may, by Notification, apply such rules or any of them to any private waters with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein. (3) Such rules may— (a) Prohibit or regulate all or any of the following matters, that is to say— (J) the erection and use of fixed engines; (it) the construction, temporary or permanent of weirs, dams and bunds (iii) the dimension, size of mesh and kind of net to be used and the mode of using them; (iv) the use Of more than one method of catching fish one time; (b) prohibit the destruction of, attempt to destroy fishes plosives, gun, bow, arrow like in land waters; (c) prohibit the Of, 017 or any by ex- or the or any fä*ft 4T «rzi G) arfafrM CT) arrsfä fQit Trif attempt to destroy fishes by using a chemical or any other substance likely to cause pollution of water; (d) prohibit the throwing into any water Of any solid or liquid which may be harmful to fishes in Such water; (e) Prohibit fishing except under a licence and regulate the grant of such licences, the fees payable and the conditions to be inserted (f) prescribe the seasons during which the killing, catching or sale Of fishes of any prescribed species shall be prohibited ; (g) prescribe minimum size or weight below which no fish of any prescribed species shall be sold; and (b) prescribe any procedure regarding sale or auctioning of fishes. (4) Such rules may also prohibit all fishing in any specified water for a specified 064)

(q) f;rqRt Y, qrær;r Orr fFèt fFtt qrtfFT rre, iFr qr Orr. q«FT Orr fäü «rfFT (5) In making any rules under this section the Government may provide for— (a) the seizure, removal and forfeiture Of any fixed engine or apparatus erected or used for fishing in contra- vention of the rules, and (b) the forfeiture of any fishes taken by means of any such fixed engine or apparatus

4. The Government may by Notification prohibit in any specified Power to areas the offering or expos- prohibit •sale ing for sale or barter of any of fish.fish, the capture of which has been made unlawful by any rule made under section 3 of this Act. althoUgh caught outside the united State and although their capture might.be legal at the place Ybere caught

5. If any person contravenes atiy Of •the provisions of Act or Penalties.rules made thereunder, shall on conviction be puhi- shable with imprisonment for a term which may extend to three months or with fine which may extend to •five hundred rupees or with both. 6. (1) Any Sub-IÆpector of Police or other person specially em- Arrest with- out warrant tx-wered by the Government for offence in this behalf may.. without under this Act. warrant, arrest any person committing or attempting to commit a breach of any provisions Of this Act or rules made thereunder if the person declines to give his name and address or if there is iGson to doubt the accuracy of the name and ad- dress, if given. filf\$rr fit 'ttGT orrwr, fT fairw - frTGT FT fkrq 019 (2) A 'person arrested under this sec- tion may be detained until his name and address have been correctly ascertained: Provided -that no person so arrested shall be detained longer than may be neces- sary for bringing him before a Magistrate except 'under an order Of the Magistrate for his detention according to the provisions of the Code of Criminal Procedure (Adap- tation) Act, Samvat 2006 (Act No. 22 of 1949). (3) All offcets empowered by the Fiéheries Development Officer in this b&alf shall have the same powers to search arid in- vetigation in xespect of an offence .this Act a. a Police Officer of the rank of a Sub—inspector has under the provisions of the Code of Criminal Procedure (Adaptation) • Act, Samvat 7. (1) NO court inferior to that Of -a Jurisdiction gistrate Of the second clasy inferior to shall try any offence under that of Ma- this Act. Aistrate of the second class exclu— ded. (2) No Coutt shall Of any offence under this Act, except on a port in writing of the facts constituting su. offence made by the Fisheries Development Officer or a Police Officer not below the rank of Sub-Inspector or any other Officer spe- cially authorised by the Fisheries Develop- ment Officer in this behalf. 8. (I) Any offence specified in the schedule may be compoun— Offences to be ded by the Fisheries Deve— compounded, lopment Officer by accept. ance of a sum not exceed- ing one hundred rupees. f*fr frqq, (2) On composition of an offence, the accused shall be discharged and property seized from his possession shall be released

9. All persons empowered to exercise Officers to powers and perform duties be deemed under this Act shall be deem- public ser- ed to be public servants.within the meaning• of sec- tion 21 of the Indian Penal Code, 1860 as adapted in the United State. NO suit, prosecution or other legal Protection proceeding shall liegainse for anything any person for anything done In gooW which' is in good-faith done faith. or intended to be done eer this Act

11. As soon as this '*Act comß into force all laws, rules and Repeal orders, if any, relating tm the fisheries in force in any part' of the United State ' shall stand repealed: provided that all orders given and actions taken under them, in so far ag they are not repugnant or contrary to the provisions of this Act, shall be deemed to have been given or taken under this Act.frTTtT ;rrvrr qr qr fur trr fTTtr FFrr. k. fTÈr fqqFT frftz @ Ttrqr•. *GTT. frràq;r v SCHEDULE Offences compoundable under Section 8 1. Fishing with a net having a smaller mesh than that prescribed under the rules made under this Act

2. Fishing without a 3.Selling or Attempting to sell' fish Of size or weight less than the standard pres- cribed under this Act

4. Killing or catching or selling or at—tempting to kill, to catch or sell any fish of prohibiteclspecies during a close-season. Fishing or attempting to fish with any g?" or method o!ber than the prescribed gear or method

6. Using at any one time more than one method ot catching fish when prohibited under the rules made under this Act

7. Licence-holder employing or engaging non-licences to help him with their net; while fishing.8. 'Fishing or ipro- hibited vater- 9. Offering or exposing for sale or barter any fish, the sale • of which is

"(f) prohibited sale or purchase of fish or transport or movement of fish within or outside the State in excess of the prescribed quantity except under a licence; (ff) prescribe the seasons during which— (i) the killing or catching of fish of any prescribed species shall be prohibited; (ii) sale, movement or transport of any prescribed species shall be excepted under a licence; (fff) regulate the grant of licences under clause (f) and sub-clause (ii) of clause (ff), and/or prescribe the fees payable therefor and the conditions to be attached thereto; and" (b) in sub-section (5), for clauses (a) and (b), the following clauses shall be substituted, namely :— (a) the seizure, removal and forfeiture of any fixed engine, apparatus or equipment erected or used for fishing in contravention of the rules; (b) the forfeiture of any fish procured by means of any such fixed engine, apparatus or equipment or transported in contravention of the rules; and (c) the seizure, removal and forfeiture of any animals, carts, vessels, rafts, boats or vehicles used for transporting or catching fish in contravention of the rules." Short title Amendment section 3. 1728. 7 98 1 3. For section 5 Of the Principal Act, the following sections shall be substituted, namely :— 5. Penal provisions. Cognizance of offence. Amendment of section 8. Amendment of Schedule. Repeal. be substituted, namely 4. 5. "5. If any person contravenes any of the provisions of this Act or rules made thereunder, he shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees, or with both. 5-A. Every offence under this Act shall be cognizable.". In section 6 of the Principal Act,— (a) for the proviso to sub-section (2), the following proviso shall be substituted, namely :— "Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Judicial Magistrate except under an order of the Magistrate for his detention according to the provisions of the Code of Criminal Procedure, 1973 (No. 2 of 1974)."; (b) for sub-section (3), the following sub-section shall be substituted, namely :— "(3) All Fishery Officers shall have the same powers of search seizure and investigations in respect of an offence under this Act as a police officer of the rank of a Sub-Inspector has under the provisions of the Code of Criminal Procedure, 1973 (No. 2 of 1974)." For sub-section (1) of section 8 of the Principal Act, the following sub-section shall be substituted, namely "(1) Any offence specified in the Schedule may be compounded by the Collector by acceptance of a sum not exceeding one thousand rupees."

6. In the Schedule to the Principal Act, after entry 4, the following entries shall be inserted, namely

'A-A. Transporting or attempting to transport any fish of a prohi- except under and in accordance •with the conditions of the licence granted uncler the rules ; Selling or transporting or attempting to sell or transport fish in excess of the prescribed quantity except under and ir. accordance with the conditions of the licence granted the rules."	4-B. bited species during a closed season
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7. The Madhya Pradesh Fisheries (Amendment) Ordinance. 1 (No. 11 of 1981) is hereby repealed. 494 (1) (2) (3) 2. 3. 142 22 13 2015 8 1948) 201 S 190 (Git fit-FT2Ü.-, gfa-fua VTfaa.-, fern. ttTFTR , gvi it a-it

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clause the following shall be added, namely "prohibited fish" means such species of fishes. which, the State Government may declare by notification under Section A-A of the Act or is banned by the Central Government. as prohibited the purpose breeding, culture. import, export, sale. transport and trade thereof." A further Section 4 of the Principal Act. the following shall be inserted, namely "4. A. to declare certain species of fishes as Prohibited Fish, The State Government may by notification declare any species, Of fishes as 'prohibited for' the purpose of culture. import, export, sale, transport and trade thereof Insertion of Section 4-A and 4-1'. 494 (2) Amendment or Section 5. 4-1B. 144 22 2015 Prohibition on production. culture and breeding of fishes.. (i) No fisherman. individual, group or society shall produce fish seed, culture fish seed or breed fishes prohibited by the Central or State Government in any source of water, whether it belongs to the State Government or individual. and also he shall not transport. import and trade in prohibited fishes. (iii) The technical staff of the Department of Fisheries in each district (from Fisheries Inspector to District Officer, Department of Fisheries) shall have powers to monitor, whether there is a complete ban or not on the production of fish seed, culture fish seed and breeding of Prohibited fishes and they shall also have powers to destroy immediately fish seeds and storage of fishes so prohibited. No fisherman. individual. group or society shall import any of the species of Pisces from outside the country without obtaining permission from the State Government." 4. In Section S of the Principal Act. for the words "five thousand". the words "ten thousand" shall be substituted.

