

Rajasthan Fisheries Act, 1953

16 of 1953

[12 August 1953]

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SCHEDULE 1 :- Schedule I

Rajasthan Fisheries Act, 1953

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An Act to provide for the protection, conservation and development of Fisheries in 2[the State of Rajasthan]and other ancillary matters. Whereas it is expedient to provide for the protection, conservation and development of fisheries in 2[the State of Rajasthan] and for other ancillary matters; Be it enacted by the Rajasthan State Legislature as follows: - 1. Published in the Rajasthan Gazette Part IV-A, dated September 12, 1953. 2. Substituted by Sec. 4 of the Rajasthan Act No. 27 of 1957, Published in the Rajasthan Gazette, Part IV-A Extraordinary, dated 13.8.1957.

1. Short Title Extent And Commencement :-

(1) This Act may be called the Rajasthan Fisheries Act, 1953.

(2) 1[It extends to the whole of the State of Rajasthan].

(3) It shall come into force at once.

1. Substituted by item No. 25 of the Schedule - ibid.

2. Interpretation :-

(1) In this Act, unless there is anything repugnant in the subject or context, -

(i) "Fish" includes shell fish:

(ii) "Fishery Officer" means such officer as the State Government may from time to time appoint for all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Fishery Officer;

(iii) "Fishing offence" means an offence punishable under this Act;

(iv) "Fixed Engine" means any net cage, trap or other contrivance for taking fish, fixed in the soil or made stationary in any other way;

(v) "Prescribed" means prescribed by rules made under this Act;

(vi) "Private Water" means water-

(a) which is the exclusive property of any person; or

(b) in which any person has for the time being as exclusive right of fishery whether as owner, lessee or in any other capacity.

Explanation:-Water shall not cease to be "private water" within the meaning of this definition by reason only that other persons may have by custom a right of fishery therein.

(vii) 1[X X X].

(2) 1[XXX].

1. Omitted by Item No. 25 of the Schedule of Rajasthan Act No. 27 of 1957, Published in the Rajasthan Gazette, Part IV-A, Extra-ordinary, dated 13.8.1957.

3. Destruction Of Fish By Explosives :-

No person shall use any dynamite or other explosive substances in any water with intent thereby to catch or destroy any of the fish that may be therein.

4. Destruction Of Fish By Poisoning :-

(1) No person shall put any poison, lime or noxious material into any water with intent thereby to catch or destroy and fish.

(2) The State Government may, by notification in the 1[Official

Gazette], suspend the operation of this section in any specified area, and may in like manner modify or cancel any such notification.

1. Substituted by Sec. 4 of the Rajasthan Act No. 27 of 1957, Published in the Rajasthan Gazette, Part IV-A Extraordinary, dated 13.8.1957.

5. Power To Make Rules :-

(1) The State Government may, after previous publication, make rules for the purposes hereinafter in this section mentioned and may in such rules declare the waters, not being private waters, to which all or any of them shall apply.

(2) The State Government may also, by notification in the 1[Official Gazette], 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-

(i) the erection and use of fixed engines;

(ii) the construction, temporary or permanent, of weirs, dams and bunds;

(iii) the dimensions and kinds of the nets to be used and the modes of using them;

(iv) the methods of catching fish;

(b) prohibit, the destruction of, or any attempt to destroy, fish by guns, bows, arrows and the like;

(c) prohibit the destruction of, or any attempt to destroy fish by using any substance likely to cause pollution of water;

(d) prohibit the throwing into any water of any solid or liquid substances harmful to fish;

(e) regulate the grant of 2[fishing licences] the fees payable there for and the conditions to be inserted therein;

(f) prescribe the seasons in which the killing, catching or sale of fish of any prescribed species shall be prohibited; and

(g) prescribe the minimum size or weight below which no fish of any prescribed species shall be killed or sold.

(4) Such rules may also prohibit all fishing in any specified water 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 or apparatus erected or used for fishing in contravention of the rules; and

(b) the forfeiture of any fish taken by means of any such fixed engine or apparatus. *

1. Substituted by Sec. 4 of the Rajasthan Act No. 27 of 1957, Published in the Rajasthan Gazette, Part IV-A Extraordinary, dated 13.8.1957.

2. Substituted by Sec. 2 of the Rajasthan Act No. 15 of 1964, Published in the Rajasthan Gazette, Part IV-A Extraordinary, dated 13.3.1964.

6. Prohibition Of Fishing Except Under Licence :-

No fishing shall be allowed except under licence obtainable from such officer or person as may be authorised in that behalf by the State Government.

7. Power To Prohibit Sale Of Fish :-

The State Government may by notification in the 1[Official Gazette] prohibit in any specified areas the offering or exposing for sale or barter of any fish.

1. Substituted by Sec. 4 of the Rajasthan Act No. 27 of 1957, Published in the Rajasthan Gazette, Part IV-A Extraordinary, dated 13.8.1957.

8. Penalties :-

(1) If any person contravenes any provision of this Act or of the rules or orders made or notifications issued thereunder, he shall on conviction be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

(2) Whoever, having once been convicted of a fishing offence, is again convicted of the same or any other fishing offence shall for every subsequent offence be punishable on conviction with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

9. Arrest Without Warrant For Offence Under The Act :-

(1) Any Police Officer or other person specially empowered by the State Government in this behalf may without warrant, arrest any

person committing or attempting to commit a fishing offence 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 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 necessary which shall not exceed twenty-four hours in any case for bringing him before a magistrate except under an order of the magistrate of his detention.

10. Jurisdiction :-

(1) No Court inferior to that of a Magistrate of the First 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 a Sub-Inspector or any other person or class of persons authorised by the State Government in this behalf.

11. Power To Compound Offence :-

(1) Any offence specified in the Schedule may be compounded by 1[such officer or authority as may be empowered by the State Government in this behalf] by acceptance of a sum not exceeding one hundred rupees.

(2) On composition of an offence, the accused shall be discharged and property seized from his possession shall be released.

Officers-Appointment & jurisdiction of-

In exercise of the powers conferred by Sub-sec. (1) of Sec. 11 of the Rajasthan Fisheries Act, 1953 (Rajasthan Act 16 of 1953) and in supersession of this Department Order No. F. 5(16) Agri,/IV/69, dated 10th December, 1969, the State Government hereby empowers the officers mentioned in column 2 of the table given below to compound any offence specified in the Schedule to the Said Act, within the area mentioned in Column 3 against each.

TABLE

S.No.	Name of the Officer	Area of Jurisdiction
1.	2	3
1.	Joint Director (Fisheries) Rajasthan	Whole of the State,
2.	Deputy Director (Fisheries) Jaipur	Jaipur, Divison/Range
3.	Deputy Director (Fisheries) Kota	Kotah, Divisio/Range
4.	Deputy Director (Fisheries) Udaipur	Udaipur, Divisio/Range

4.	Deputy Director (Fisheries) Udaipur	Udaipur, Division/Range
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Order No. F. 5(19) Agri. VI/82, dated August 31, 1982. [Pub. in Raj. G.Part I-B d. 9.9.82 p. 91(147)]

1. Substituted by Sec. 3 of the Rajasthan Act No. 15 of 1964 published in the Rajasthan Gazette, Part IV-A Extraordinary, dated 13.3.1964.

12. Officers To Be Deemed Public Servants :-

All persons empowered to exercise powers and perform duties under this Act shall be deemed to be public servants within the meaning of Sec. 21 of the Indian Penal Code, 1860.

13. Indemnity :-

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

14. Repeal :-

1[X X X]

1. Notification No. 5(7) Aid/Plan/SW/70/90

SCHEDULE 1

Schedule I

Offences Compoundable Under Sec. 11

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, catch or sell any fish of a prohibited species during a close season.
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 non-licences 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 which is prohibited in any specified area by a notification issued under Sec. 7.