

Rajasthan Fisheries Act, 1953

RAJASTHAN

India

Rajasthan Fisheries Act, 1953

Act 16 of 1953

- Published on 12 September 1953
- Commenced on 12 September 1953
- [This is the version of this document from 12 September 1953.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan Fisheries Act, 1953(Act No. 16 of 1953)RJ86Received the assent of his Highness the Rajpramukh on the 12-8-1953 (Published in Rajasthan Gazette (Rajpatra) Part-4A dated 12-9-1953)An Act to provide for the protection, conservation and development of Fisheries in [the State of Rajasthan] [Received the assent of his Highness the Rajpramukh on the 12-8-1953 (Published in Rajasthan Gazette (Rajpatra) Part -IVA dated 12-9-1953] and other ancillary matters.Whereas it is expedient to provide for the protection, conservation and development of fisheries in l[the State of Rajasthan] and for other ancillary matters;Be it enacted by the Rajasthan State Legislature as follows-

1. Short title extent and commencement

(1)This Act may be called the Rajasthan Fisheries Act, 1953.(2)[It extends to the whole of the State of Rajasthan] [Substituted by Act 27 of 1957 (Published in Rajasthan Gazette Part 4A Extraordinary dated 13-8-1957).](3)It shall come into force at once.

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 an 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)[---]. [Omitted by Act 27 of 1957 (Published in Rajasthan Gazette Part 4A, Extraordinary dated

13-8-1957).](2)[---] [Omitted by Act 27 of 1957 (Published in Rajasthan Gazette Part 4A, Extraordinary 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 any fish.(2)The State Government may, by notification in the [Official Gazette] [Substituted by ibid.], suspend the operation of this section in any specified area, and may in like manner modify or cancel any such notification.

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 [Official Gazette] [Substituted by ibid.], 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 [fishing licenses] [Substituted by Act 15 of 1964.] the fees payable therefor 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.

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 [official Gazette] [Substituted by Act 27 of 1957 (Published in Rajasthan Gazette Part 4A, Extraordinary dated 13-8-1957.)] prohibit in any specified areas the offering or exposing for sale or barter of any fish.

8. Penalties

(1)If any person contravenes any provision of this Act or of the rules or orders or notification 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.

- 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 for 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 offences

(1)Any offence specified in the Schedule may be compounded by [such officer or authority as may be empowered by the State Government in this behalf] [Substituted by Act 27 of 1957 (Published in Rajasthan Gazette Part 4A, Extraordinary dated 13-8-1957.)] 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.

12. Officers to be deemed public servant

- 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.

13. Indemnity

- 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.

14. Repeal

- [-----] [Omitted by Act 15 of 1964 (Published in Rajasthan Gazette Part 4A, Extraordinary dated 13-5-1964.)]

Schedule

Offences Compoundable Under Section 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 of catching fish when prohibited under the rules made under this Act.

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-licensees 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 ally specified area by a notification issued under section 7.

NOTIFICATIONS Notification No. F. 5(20) AH/94 June 3, 1998 - In exercise of the powers conferred by Section 7 of the Rajasthan Fisheries Act, 1953 (Rajasthan Act XVI of 1953) and Rule 11 of the Rajasthan Fisheries Rules, 1958, the Government of Rajasthan Prohibit of offering or exposing for sale or barter fresh water fish/fishes throughout the State with effect from 16th June, 1998 to 31st August, 1998. [Published in Rajasthan Gazette Extraordinary 1(Kh), dated 11-6-1998, Page 185.]