

The M.P. Riverine Fisheries Rules, 1972

MADHYA PRADESH

India

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Rule THE-M-P-RIVERINE-FISHERIES-RULES-1972 of 1972

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The M.P. Riverine Fisheries Rules, 1972 Published vide Notification No. 5042-3862-14-Vety., dated 10-11-1972, M.P. Rajpatra Part 4 (Ga), dated 2-2-1973 at pages 30-40 In exercise of the powers conferred by Section 3 of the Madhya Pradesh Fisheries Act, 1948 (VIII of 1948) and in supersession of all rules made or orders issued previously on the subject, the State Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section, namely :-

1. Short title.

- These rules may be called the Madhya Pradesh Riverine Fisheries Rules, 1972.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Fisheries Act, 1948 (VIII of 1948);(b)"Director" means the Director of Fisheries, Madhya Pradesh;(bb)[] [Inserted by Notification No. 1146-3385-XIV-Vcty-75, dated 14-4-1977.] "Fisherman family" means fisherman's wife, legitimate children, step children, residing with and wholly dependent upon him. It also includes his parents, sisters and minor brothers if residing with and wholly dependent upon him. Not more than one wife is included in the family for the purpose of these rules;](c)"Form" means a form appended to these rules;(d)"Licence" means a licence granted under these rules;(e)"Licensing Authority" means the Assistant Director of Fisheries of the District or any other officer specially empowered by the Director in this behalf in respect of rivers and streams falling within his respective jurisdiction;(f)"month" means the period commencing from the date of the month on which the licence is issued and ending on the day immediately before such date of the next month;(g)"nalla" means a depression any where in the land area whether private or Government from where water flows during rainy season and connects with any perennial water source like river, tank or reservoirs;(h)"Schedule" means a schedule appended to these rules;(i)"Specified waters" means water specified in Schedule I;(j)"Society" means Registered

Fishermen's Co-operative Society.

3. Prohibition of fishing in specified waters.

(1) Subject to these rules Fishing in specified waters except under a licence granted under these rules shall be prohibited. (2) Notwithstanding anything contained in sub-rule (1) fishing in specified waters shall be closed—(i) In areas shown in column (4) of Schedule II throughout the year, and (ii) In other areas during the period from 16th June to 15th August, each year : Provided that the Director may, for special reasons, by order, permit fishing in any area to which clause (i) applies on such terms and conditions as may be specified therein : Provided further that the Government may exempt any area from the operation of clause (ii) or reduce the period specified therein any year : [Provided also that the Director may, after satisfying that fish breeding has occurred and that it shall not interfere in the collection of fish seed, by order, permit fishing in any areas to which clause (ii) applies on such terms and conditions as may be specified therein] [Inserted by Notification No. 1146-3385-XIV-Vety-75, dated 14-4-1977.]

4. Erection and use of fixed engines.

- No fixed engines (including nets) as defined in .Section 2 (iii) of the Act shall be erected or used in specified waters except with the permission of the [Assistant Director Fisheries] [Substituted by Notification No. 1146-3385-XIV-Vety-75, dated 14-4-1977.] of the area. (2) No weir, temporary or permanent dams and bundhs intended for the purpose of facilitating the taking of fish shall be constructed in the specified waters.

5. Seizure, removal or forfeiture of fixed engine and other appliances.

- Any fixed engine, net or other implement erected or used in contravention of Rule 4 or any such engine, net or implement used for fishing and any fishes taken by mean of such engine, net or implement in contravention of Rule 3 may be seized and removed by the Licensing Authority or any other person specially empowered (by name or by virtue of this office) by the Director in this behalf and it shall be liable to forfeiture by the order of the Licensing Authority.

6. Grant of Fishing licence.

- (i) Priority to issue licence shall be given to Societies or their Federation. Licensing Authority shall be able to issue licence in Form Nos. 1 and 2 after obtaining fee as specified in Schedule III. The water in River or Nalla shall be specified in the licence from which shall limit in tahsil area of the district or any specific area in River or stretch. (ii) Fee shall be charged for the month and under no circumstances the licence fee, full or part thereof shall be refunded to the licensee whether or not the use of the licence was actually made by him. (iii) (a) If the licence granted under these rules is lost or accidentally destroyed, the Licensing Authority may grant duplicate copy of the original licence on payment of fee of Re. 1. The original licence which is lost shall be considered as cancelled. (b) If any person on checking by the Licensing Authority or by any person authorised, reports the loss of

licence, the fish shall not be confiscated till the verification of his statement of loss of licence and issue of duplicate copy of the licence, the net etc. shall be seized, while doing so a "PUNCHNAMA" shall be prepared indicating quantity of fish released.(c)If licensee fails to prove the loss of licence, the Licensing Authority shall be empowered to realise the cost of fish released at the rate prevailing in the fish market on that day and in case the value of fish is not realised the seized net etc. shall be forfeited or the entire case be transferred to the Police.(iv)[No fee shall be charged from person belonging to the Scheduled Castes and Scheduled Tribes as deemed in relation to the State under Articles 341 and 342 of the Constitution provided they catch fish for their own consumption and not for marketing or business and it shall also not be necessary for such persons to obtain licence under these rules.] [Inserted by Notification No. 1146-3385-XIV-Vety-75, dated 14-4-1977.]

7. Conditions of licence.

- (i) A licensee may use the following kind of gear only by the purposes of fishing, namely-(a)Nets of all kinds not having any portion of mesh less than 4 c.m. in size from knot or lb c.m. all round in the case of cast nets.(b)Long line with hooks, Rod and Line Spears.(ii)A licensee shall not fish in such areas where fishing has been prohibited by age long custom or due to religious statements.(iii)No gear except rod and line shall be used in rivers or streams within a distance of 200 meters from any bridge, public bathing ghats and a place of public worship.(iv)No net meant for prawn (Jhingas) catching shall be used without the permission of the Licensing Authority.(v)No licence shall use more than one kind of gear at a time permitted him and only one cast net can be used on the licence issued for dragnet for a group of three persons.(vi)No licensee is entitled to erect a fixed engine except in the case of stake nets when they are temporarily fixed in water for use in conjunction with other nets.Note :- No stake nets in any case may be used without the permission of the Fishery Officer or the Licensing Authority.(vii)On demand, the licensee shall show his licence to any person empowered to arrest without warrant under Section 6 (1) of the Act.(viii)Every licensee shall be bound to report to the Licensing Authority any breach of these rules that may come to his notice.(ix)The fish catch against the licence shall be subject to inspection by the Licensing Authority or the person empowered to do so on his behalf at the bank of rivers, in the way or even in the fish market.(x)The licence shall be surrendered to the Licensing Authority after expiry of the period with details of fish caught illiterate licensee shall be able to report the details of fish caught verbally.

8. Employing other persons by Licensee.

(1)No holder of a licence under Rule 6 shall employ or engage any person other than his own child under the age of 16 years to help him with his nets unless the person so employed is also a licence holder.(2)In the case of dragnet licence, licensee can employ only such persons for fishing whose name shall be mentioned by the Licensing Authority in the licence form.

9. Restriction on catching certain sizes and species of fish.

- A licensee shall not catch any fish below 30 c.m. in length of the following species namely :- (1)Labeo rohita (Rohu).(2)Catla catla (Bawas, Kalla)(3)Cirrhinus mrigala (Narain, Mrigala)(4)Tor tor (Mahaseer)(5)Labeo Calbasu (Kiryant)(6)Cyprinus carpio (Common carp)In case any fish below

30 c.m. is caught it shall be immediately [liberated in living conditions] [Inserted by Notification No. 1146-3385-XIV-Vety-75, dated 14-4-1977.] in the water.

10. Forfeiture of apparatus used in contravention of the rule and penalties.

(1)All apparatus used in contravention of these rules may be seized and taken to the nearest police station by any person empowered to act under Section 6 of the Act and all such apparatus shall be forfeited on conviction of offender.(2)Fish, being a perishable commodity, shall be auctioned immediately after its seizure and money so received shall be deposited in suspense account pending decision of the case.(3)On acquittal of the offender the money so received shall be refunded and the person acquitted shall have no right for any further claim thereof.

11. Cancellation of licence on breach of Rules.

- Without prejudice to any other section under the Act, the Licensing Authority may cancel any licence for breach of any provisions of these rules.

12. Restrictions on the use of Government's Property.

- No Licensee shall use any property of the Government fixed or lying on the banks of any water or erect there any hut or shed or any other structure on the banks except with the special permission of the Licensing Authority.

13. Catching of fish by the employees of the Fisheries Department for scientific purposes.

- Nothing in these rules shall prevent the officers and staff of the Fisheries Department from catching fish and fish seed of any species and size and in any water at any time and by any means for development and scientific purposes.

14. Prohibition of sale of fish.

(1)No person shall offer or expose for sale or barter any fish caught in contravention of these rules.(2)The Licensing Authority or [the Fishery Officer not below the rank of Fishery Inspector] [Inserted by Notification No. 1146-3385-XIV-Vety-75, dated 14-4-1977.] shall have right to check the fish in fish market if brought for sale in contravention of these rules.

15. Compounding of offence to be recorded.

- The Collector of the district when compounding any case under Section 8 of the Act shall record the particulars of the offence in Form No. 3.

16. Appeals.

- Appeals against orders passed by officer under Rules 5 and 11 shall lie to the Director whose decision thereon shall be final.

I

[See Rule 2 (11)](i)River Chambal and its tributaries such as Badi-Kali-Sindh, Sipra Newaj, Urun, Kunwari, Assan, Sank, Sunwanasa, Son, Parvathi, Gambhir and others excluding the portion of the Chambal river and its tributaries forming the boundary of Madhya Pradesh with other States such as Rajasthan, Uttar Pradesh.(ii)River Sindh and its tributaries.(iii)River Narmada and its tributaries such as Chandrehkher, Debuni Choral, Non, Wagh, Tawa, Hiran and Ranjer and others.(iv)River Betwa and its tributaries such as Kewatan and others excluding the portion of Betwa river and its tributaries forming the boundary of Madhya Pradesh with other States such as U.P.(v)River Mahi and its tributaries such as Undwa, Bagri and others.(vi)River Dhasan and its tributaries.(vii)River Ken and its tributaries such as Bearma, Sanoar and others.(viii)River Son and its tributaries.(ix)River Tons and its tributaries.(x)River Mahandi and its tributaries such as Sheonath, Kharang, Maniari, Mand and others.(xi)River Indravati and its tributaries.(xii)River Tapti and its tributaries excluding the portion of Tapti river and its tributaries forming the boundary of Madhya Pradesh with other States such as Maharashtra.(xiii)River Wainganga and its tributaries.(xiv)All up and down-stream portions of Rivers, Nallas and rivulets and their tributaries over which irrigation tanks and reservoirs (big or small) have been constructed and flow through Madhya Pradesh.(xv)All flood channels of the above rivers and their tributaries flowing through Madhya Pradesh and forming its boundary.(xvi)Any piece of water which has ordinarily direct or indirect communication with the above.

II

List of riverine fish sanctuaries in Madhya Pradesh

S. No.	District	Rivers Streams & Nalla	Area of the sanctuaries
(1)	(2)	(3)	(4)
1.	Gwalior	Swarn-Rekha River	From the wall of Susera pickup weir to upper limit of Mahtoli Dam.
2.	Gwalior	-do-	From the wall of Surekha pickup weir to 2 Km. upper limit stream.
3.	Gwalior	Murena River	From Guthina to its meeting place with Vaisli River.
4.	Morena	Orua Nalla	Entire Orua Nalla from Agra Bombay road to its meeting place with Pilua Dam.
5.	Morena	Swarna-Rekha River	From Mahtoli Dam to Khirauli Dam.
6.	Morena	Jharoni Nalla	From Jharoni to Assan river.

7.	Morena	Assan River	From Pagara Dam to Kota Village.
8.	Bhind	Sunarpura Nalla	From Sunarpura Village to Kunwari River.
9.	Bhind	Meghpura Nalla	From Meghpura to its meeting place with Vaisli river.
10.	Bhind	Vaisli River	From Gohad Dam to 1 Km. downstream.
11.	Bhind	Bankhera Nalla	From Baghera Village to its meeting place with Vaisli river.
12.	Bhind	Khared nalla	From Khared Village to its meeting place with Vaisli river.
13.	Dhar	Narmada River	2 Km. upstream & 2 Km downstream from Maheshwar Ghat.
14.	Khargone	Narmada River	2 Km. upstream and 2 Km. downstream from Maheshwar Ghat.
15.	Khargone	Kunda Nadi	2 Km. upstream and 2 Km. downstream from Khargone road bridge.
16.	Khargone	Ghoral River	3 Km. upstream from its confluence with Narmada River.
17.	Khargone	Narmada River	2 Km. upstream and 2 Km. downstream from Mandleshwar Ghat.
18.	Khandwa	Narmada River	2 Km. upstream and 1 Km. downstream from Mortakka Railway Bridge.
19.	Dewas	Narmada River	2 Km. upstream and 2 Km. downstream from Nemawar Ferry Ghat.
20.	Sehore	Narmada River	2 Km. upstream and 2 Km. downstream from Nemawar Ferry Ghat.
21.	Sehore	Narmada River	¼ Km. on either side of Joshipur Ghat.
22.	Sehore	Narmada River	½ Km. on either side of Bandrabhan Ghat.
23.	Sehore	Kulaos River	From Resulia Parhar Village up to Bara talab.
24.	Hoshang abad	Narmada River	¼ Km. on either side of Railway bridge Hoshangabad.
25.	Raisen	Garua Nalla	From Dhamdhoosar village up to Gohankheri village in Teh.Goharganj.
26.	Raisen	Goda Nalla	From village Bilkhera up to its meeting with Betwa River.
27.	Raisen	Betwa River	From Sarakhiya Village up to Bhojpur.
28.	Tikamgarh	Gore Nalla	From Kalpur to Talmau.
29.	Tikamgarh	Jugalsagar Dharamsagar	Downstream up to Gwalsagar (2 Km.)
30.	Tikamgarh	Ganeshpura Nalla	2 Km. upstream to Madansagar Waste-weir.
31.	Tikamgarh	Simara Nalla	Upstream of Dharam Sagar Thar.
32.	Tikamgarh	Barna Nalla	Up to Bagitpura from Madansagar Jatara upstream and 2 Km. downstream from wastewcir.
33.	Tikamgarh	Chatera and Father Nalla	Entire Nalla upstream oi Nandanwara.

34.	Tikamgarh	Kelpura Nalla (Gwalsagar)	4 Km. upstream of Gwalsagar lank.
35.	Tikamgarh	Bargi Nalla	Entire portion upstream of Nandanwara tank.
36.	Tikamgarh	Betwa River	2 Km. upstream and 2 Km. downstream from Bhitari Ghat.
37.	Raigarh	River Mahanadi	Surajgarh Village to Kakaimohan Nalla (approx) 10 Km. downstream to 4 Km. from Surajgarh upstream.
38.	Raigarh	River Mahanadi	Chandarapura to Mahadeo Falighal about 8 Km.
39.	Bilaspur	Shiorinarayan	10 Km. Singhul Dahara 8 Km. area in length nearby Singhul Village.
40.	Bilaspur	Jonk River	Shrinarayan to Kharidhi village 10 Km. (approx), area of Mahanadi and Jonk river.
41.	Bilaspur	Kanji Nalla	4 Km. from Mahandi river towards upstream and downstream of the Nalla.
42.	Bilaspur	Chharanalla	4 Km. from Mahanadi river towards upstream and downstream of the Nalla.
43.	Bilaspur	Maniari	River 10 Km. from wasteweer of Maniari reservoir towards stream.
44.	Bilaspur	Kharung river	10 Km. from Kharung wasteweer towards downstream.
45.	Durg	Sheonath	From Anukut to 4 Km. downstream of village Kotni.
46.	Raipur	Sheonath	Nandghat to village Bcmta, including the confluence of Khawanand Sheonath river, and the following ghats Seahagaon ghat, Somnath ghat (Somnath Dhara) Arjuni Man and Nandghat total distance of about 16 Km.
47.	Ratlam	Sipra River	10 Km. upstream and downstream up to confluence with Gandhi Sagar Dam from village Alot.

III

Fee prescribed under Rule No. 6 of the Madhya Pradesh Riverine Fisheries Rules, 1972

Type of Gear	Fee to be charged		
(1)	(2)		
1. Gear used in angling licence (Form No. 1. Rod and Line/headline.	1. Rs. 0.50 paise per day per Rod or line.		
2. Rs. 2.00 per month per Rod or line.			
3. Rs. 5.00 per quarter per Rod or line.			
[S.No. [Substituted by Notification No. 1146-3385-XIV-Vety. -75, dated 14-7-1977.]	Area	Licence Fee	
Duration	Per Fisherman	Per Fisherman Family	
(1)	(2)	(3)	(4) (5)

(1)	(2)	(3) (4)	(5)
	Rs.	Rs.	
1.	All the districts of Gwalior Division, districts of Ratlam, Ujjain and Mandsaur of Indore Division	(a) One month (b) Ten months (16th August to 15th June each year)	15.00 125.00 25.00 200.00
2.	All other districts of Madhya Pradesh excluding areas mentioned in Serial No. 1.	-do-	3.00 5.00
	25.00 45.00		

Note :- Prescribed licence fee shall be applicable to any type of gear.]

Form No. 1

(See Rule 6)

Angling Licence

District.....No.....

Class, Rod/Line Hand Line and Long Line.

Period for which

issued.....

(i) Season.....

(ii) Month.....from.....to.....

Date of payment of fee.....

Fee paid (i) Rs.....

(ii) Rs.....

Name and address of

Licensee.....

.....

Permission is hereby granted to the Licensee to fish in the water specified below from the date of issue of this licence subject to the conditions laid down in the Madhya Pradesh Riverine Fisheries Rules.

Waters.....

Licensing Authority

Conditions Under which the Licence is Issued

Form No. 1

(See Rule 6)

Angling Licence

District.....No.....

Class, Rod/Line Hand Line and Long Line.

Period for which issued.....

(i) Season.....

(ii) Month.....from.....to.....

Date of payment of fee.....

Fee paid (i) Rs.....

(ii) Rs.....

Period for which paid -

Season from date of issue to month from.....to.....

Name and address

of Licensee.....

Permission is hereby granted to the Licensee to fish in the water specified below from the date of issue of this licence subject to the conditions laid down in the Madhya Pradesh Riverine Fisheries Rules.

Waters.....

Licensing Authority

1. The licensee may fish with (a) Rod and line hand and long line only and can use not more than two rods or two lines or one rod and one line at a time. The line should not contain more than 10 hooks.

2. The licensee shall not employ or engage any person other than his own children under the age of 16 to help him with rod unless the person so employed is also a licence-holder.

Licensing Authority

Form No. 2

(See Rule 6)

General Fishing Licence

Book No.....

Licence No.....

Class.....(A-2).....

Date of payment of fee.....

Fee paid.....

Date of issue of licence.....

Name and address.....

Father's name.....

Identification marks.....

Age.....Years.....

Water.....

Form No. 2

(See Rule 6)

General Fishing Licence

Book No.....

Licence No.....

Class.....(A-2).....

Date of payment of fee.....

Fee paid.....

Date of issue of licence.....

Period for which issued.....

Name.....son of.....

Resident.....

Identification marks.....

Age.....

Permission is hereby granted to the Licensee to fish in the water specified below from the date of issue upto.....19..... subject to the conditions laid down in Madhya Pradesh Riverine Fisheries Rules, 1972.

Waters.....

Rs.....

Licensing Authority

Form No. 3 (See Rule 15) Compensation Form Received from a sum of Rs.....

(Rupees.....) only on account of compensation charge, for fishing offence under Fisheries Act of 1948 under Section on account of the following reasons

:- (1).....(2).....(3).....Compounding Authority. Form No.

3 (See Rule 15) Compensation Form Received from a sum of Rs.....

(Rupees.....) only on account of compensation charge, for fishing offence under Fisheries Act of 1948 under Section on account of the following reasons

:- (1).....(2).....(3).....Compounding Authority.