



निदेशिका

THE  
MADHYA PRADESH  
FISHERIES ACT, 1948  
(VIII OF 1948)

*As amended by the Madhya Pradesh Extension of Laws  
Act, 1958 (23 of 1958).*

REWA:

GOVERNMENT REGIONAL PRESS, M. P.  
1959

# [MADHYA PRADESH] ACT

[NO. VII OF 1948]

THE [MADHYA PRADESH] FISHERIES ACT, 1948

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Substituted by S. 3 (4) of the M. P. Extension of Laws Act, 1958 (23 of 1958) for the words "Central Provinces and Berar".

# [MADHYA PRADESH] ACT

[No. VIII of 1943]

## THE [MADHYA PRADESH] FISHERIES ACT, 1943

(Received the assent of the Governor on the 25th March 1943, assent first published in the *Central Provinces and Berar Gazette* 1st 2nd April 1943)

An Act to provide for the protection, conservation and development of fisheries in [Madhya Pradesh].

WHEREAS it is expedient to provide for the protection, conservation and development of fisheries in [Madhya Pradesh]; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be cited as the 4[Madhya Pradesh] Fisheries Act, 1943. Short title, extent and commencement.  
(2) It extends to and shall be in force in the whole of [Madhya Pradesh].

6[(3).....]

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(i) "fish" includes shell fish, and fish in all stages in its life history;

(ii) "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;

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

<sup>1</sup>For Statement of Objects and Reasons, see *Central Provinces and Berar Gazette*, dated the 26th September 1941, Part II, page 277. For Report of Select Committee, see *Central Provinces and Berar Gazette*, dated the 16th January 1943, Part II, page 13. For proceedings in Assembly, see *Central Provinces and Berar Legislative Assembly Proceedings*, 1947, Vol. IV, Pages 14—27 of No. 14, dated the 30th October 1947 and Vol. V pages 62—64 of 4, dated the 4th March 1943.

The Act came into force in the former state of Madhya Pradesh on 2nd July 1943, see *Agriculture Department Notification No. 2976-1533-X*, dated the 29th June 1943, published in *Central Provinces and Berar Gazette* dated the 2nd July 1943, Part I, page 356.

<sup>2</sup>The Act was extended to the whole of Madhya Pradesh by S. 3 (1) of the M. P. Extension of Laws Act, 1953 (23 of 1953); vide item 52 of Part A of the Schedule to the said Act, with effect from 1st January, 1959, vide Govt. of M. P. Law Deptt. Notification No. 4177-XXI-A(Dr) date 31.12.58 published on p. 17 of the M. P. Gazette Extraordinary dated 1.1.1959.

<sup>3</sup>Substituted for "the Central Provinces and Berar" by Adaptation Order, 1950.

<sup>4</sup>Substituted by S. 3 (4) of the M. P. Extension of Laws Act 1953 (23 of 1953) for the words "Central Provinces and Berar".

<sup>5</sup>Substituted by S. 3 (3) of the M. P. Extension of Laws Act, 1953 (23 of 1953) for the words "It extends to the whole of Mahakoshal region".

<sup>6</sup>Omitted by S. 3 (3) of the M. P. Extension of Laws Act, 1953 (23 of 1953).

(iv) "private water" means water—

- (a) which is the sole property of any person;
- (b) in which any person has for the time being an exclusive right of fishery; or

but does not include any river, canal, stream, well or any piece of water which carries off its waters in communication with any river, canal, stream or well.

*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.

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

Protection of  
fisheries by  
making Rules.

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 waters, 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) 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 dimension, size of mesh and kind of nets to be used and the mode of using them;
  - (iv) the use of more than one method of catching fish at one time;
- (b) prohibit the destruction of, or any attempt to destroy, fishes by explosives, gun, bow, arrow or the like in inland waters;
- (c) prohibit the destruction of, or any attempt to destroy, fishes by using a chemical or any other substance likely to cause pollution of waters;
- (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 licence, the fees payable therefor and the conditions to be inserted therein;

(2) prior to the seasons during which the killing, catching or sale of fishes of any prescribed species shall be prohibited.

(3) prescribing 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 or apparatus erected or used for fishing in contravention of the rules, and

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

4. The State Government may by notification prohibit in any specified area the offering or exposing for sale or barter of any 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.

Power to prohibit sale of fish.

5. If any person contravenes any of the provisions of this Act or rules made thereunder, he shall on conviction be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Punition.

as per hand

6. (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 correctness of the name and address, if given.

Arrest without warrant for offence under the Act.

(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 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, 1898.

of 1898.

(3) All Fishery Officers shall have the same powers of search and investigation 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, 1898.

V of 1898

[Substituted by S. 13 of the M. P. Extension of Laws Act, 1953 (23 of 1953) for the words "Mahakoshal region".

inferior to that of Magistrate of the second class excluded.

(1) 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 persons or class of persons authorized by the State Government in this behalf.

Power to compound offences.

8. (1) Any offence specified in the Schedule may be compounded by the [Collector] 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 to be deemed public servants.

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.

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Indemnity.

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.

Repeal.

11. The Indian Fisheries Act, 1897, in its application to the Central Provinces and Berar, is hereby repealed.

IV of  
1897.

## 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.
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-licencees 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 section 4.

**GOVERNMENT OF MADHYA PRADESH  
LAW DEPARTMENT**



**THE  
MADHYA PRADESH  
FISHERIES ACT, 1948  
(VIII OF 1948)**

*As amended by the Madhya Pradesh Extension of Laws  
Act, 1958 (23 of 1958)*

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**1[MADHYA PRADESH] ACT  
[NO. VIII OF 1948]**

**THE 1[MADHYA PRADESH] FISHERIES ACT, 1948**

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1 Substituted by S.3(4) of the M.P Extension of Laws Act, 1958 (23 of 1958) for the words "Central Provinces and Berar".

**2[ MADHYA PRADESH ] ACT**  
**[ NO. VIII OF 1948]1**

**THE 2[ MADHYA PRADESH ] FISHERIES ACT, 1948**

[ Received the assent of the Governor on the 26th March 1948, assent first  
published in the Central Provinces and Berar Gazette on the  
2nd April 1948.]

**An Act to provide for the protection, conservation and development  
of fisheries in 3[ MADHYA PRADESH ] .**

WHEREAS it is expedient to provide for the protection  
conservation and development of fisheries in 3[ MADHYA PRADESH ] ;

Preamble.

It is hereby enacted as follows:-

1. (1) This Act may be cited as the 4[MADHYA PRADESH] Fisheries Act,  
1948  
5[(2) Extends to and shall be in force in the whole of Madhya Pradesh].

Short title  
extent and  
commencement

- 6[(3) .....]  
2. In this Act, unless there is anything repugnant in the subject or context, -

Definition

- (i) "**fish**" includes shell fish, and fish in all stages in its life history;  
(ii) "**Fishery Officer**" means such officer as the State Government may appoint  
for the purpose of this Act 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;

- (iii) "fixed engine" means any net, cage, trap or other contrivance for taking fish  
fixed in the soil of made stationary in any other way;

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1 For Statement of Objects and Reasons, see Central Provinces and Berar Gazette,  
dated the 26th September 1947, Part II, Page 277. For Report of Select Committee  
See Central Provinces and Berar Gazette, dated the 16th January 1948, part II page  
18. For proceedings in Assembly see Central Provinces and Berar Legislative  
Assembly Proceedings, 1947 Vol. IV, Pages 14-27 of No. 14 Dated the 30th October  
1947 and Vol. pages 62-64 of 4, dated the 4th March 1948.

The Act came into force in the former state of Madhya Pradesh on 2nd July  
1948, see Agriculture Department Notification No. 2976-1583-X dated the 29th June  
1948, published in Central Provinces and Berar Gazette dated the 2nd July 1948 Part  
I, page 356.

2 The Act was extended to the whole of Madhya Pradesh by S. 3(1) of the  
M.P. Extension of Laws Act, 1958 (23 of 1958); vide item 52 of Part A of the  
Schedule to the said Act, with effect from 1st January, 1959, vide Govt. of M.P. Law

Deptt. Notification No. 4177-XXI-A(Dr), date 31.12.58 published on p.17 of the M.P. Gazette Extraordinary dated 1.1.1959.

3 Substituted for "the Central Provinces and Berar" by Adaptation Order, 1950.

4 Substituted by S.3(4) of the M.P. Extension of Laws Act 1958(23 of 1958) for the words : "Central Provinces and Berar".

5 Substituted by S.3 (3) of the M.P. Extension of Laws Act, 1958 (23 of 1958) for the words "It extends to the whole of Mahakoshal region".

6 Omitted by S.3 (3) of the M.P. Extension of Laws Act, 1958 (23 of 1958).

(iv) " 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,

but does not include any river, canal, stream, jhil, or any piece of water which ordinarily has direct 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 custom a right of fishery therein;

(v) "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 waters, 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) Such rules may, -

(a) prohibit or regulate all or any of the following matters, that is to say--

(i) the erection an use of fixed engines;

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

(iii) the dimension, size of mesh and kind of nets to be used and the mode of using them;

(iv) the use of more than one method of catching fish at one time;

(b) prohibit the destruction of, or any attempt to destroy, fishes by explosives, gun, bow, arrow or the like in inland waters;

(c) prohibit the destruction of, or any 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 license and regulate the grant of such licenses, the fees payable therefor and the conditions to be inserted therein;
  - (f) prescribe the seasons during which the killing, catching or sale of fishes of any prescribed species shall be prohibited; and
  - (g) 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 or apparatus erected or used for fishing in contravention of the rules, and
  - (b) the forfeiture of any fishes taken by means of any such fixed engine or apparatus.

4. The State Government may by notification prohibit in any specified areas the offering or exposing for sale or barter of any fish capture of which has been made unlawful by any rule made under section 3 of this Act, although caught outside 1 {Madhya Pradesh} and although their capture might be legal at the place where caught.

Power to prohibit sale of fish

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 three months or with fine, which may extend to five hundred rupees or with both.

Penalties

6. (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.

Arrest without warrant for offence under the Act

(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 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 1898.

V of  
1898

(3) All Fishery Officers shall have the same powers of search and investigation 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, 1898.

V of  
1898

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1 Substituted by S.3(3) of the M.P. Extension of Laws Act, 1958 (23 of 1958) for the words, " Mahakoshal region".

Jurisdiction inferior to that of Magistrate of the second class excluded	<p><b>7.</b> (1) No Court inferior to that of a Magistrate of the second class shall try any offence under this Act.</p> <p>(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 persons or calls of persons authorized by the State Government in this behalf.</p>	
Power to compound offences	<p><b>8.</b> (i) Any offence specified in the Schedule may be compounded by the 1(Collector) by acceptance of a sum not exceeding one hundred rupees.</p> <p>(2) On composition of an offence, the accused shall be discharged and property seized from his possession shall be released.</p>	
Officers to be deemed public servant	<p><b>9.</b> 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, 1980.</p>	XLV of 1860
Indemnity	<p><b>10.</b> No suit, prosecution or other legal proceeding shall be against any person for anything which is in good faith done or intended to be done under this Act.</p>	
Repeal	<p><b>11.</b> The Indian Fisheries Act, 1897, in its application to the Central Provinces and Berar, is hereby repealed.</p>	IV of 1897

## 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.
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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.
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 section-4,

