

THE ARUNACHAL PRADESH
FISHERIES ACT, 2006
(ACT NO. 5 OF 2006)

(Received the assent of the Governor on

12-04-2006)

AN

ACT

to provide for proper management, conservation and development of natural fisheries resources in the State of Arunachal Pradesh.

BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Fifty-seventh Year of the Republic of India as follows :-

Short title, extent and commencement.

1. (1) This Act may be called the Arunachal Pradesh Fisheries Act, 2006.

(2) It extends to the whole of Arunachal Pradesh except the Reserved Forests, Wildlife Sanctuaries, National Parks and Protected Forests as notified by the Government of Arunachal Pradesh from time to time.

(3) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,

(1) "**The Government**" means the Government of Arunachal Pradesh ;

(2) "**Deputy Commissioner**" means Deputy Commissioner of a District which includes **Additional Deputy Commissioner**;

(3) "**Fishery Officer**" means any Officer appointed by the Government as **District Fisheries Development Officer** or, **Fishery Officer** for the purpose of this Act to exercise the powers and perform the duties as **District Fisheries Development Officer** and **Fishery Officer** respectively;

8. Every rule made under this Act shall be laid, as soon as may be after it is made, before the House of States Legislature, while it is in session and if the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Rules to be laid before Legislature.

9. No suit, prosecution or other legal proceedings shall lie against the State Government or any officer of the State Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of action taken in good faith.

10. The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

Application of other laws not barred.

11. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty :

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature.

Note : Published in the Arunachal Pradesh Gazette Extraordinary No. 26 Vol. XIV dated 30th March, 2006.

- (4) **"Fish"** includes fin fish, shell fish, tortoise and any other aquatic animals of economic importance;
- (5) **"Fishery"** means the water bodies declared to be a fishery by proclamation issued under section 3 of this Act and will not include any such water bodies on which indigenous communities have acquired customary rights of fishing;
- (6) **"Prescribed"** means prescribed in the rules framed under the Act;
- (7) **"Private Water"** means water bodies which are the exclusive property of any person or in which any person has, for the time being, exclusive right for Fisheries enhancements whether as owner, lessee or in any other capacity ; and
- (8) **"Fixed Engine"** means any net, cage, trap or other contrivance for taking fish, fixed in the soil or, made stationary in any other way.

3. Right to fisheries shall be determined as follows:

Right to
Fisheries

(1) The Fishery Department shall manage all the natural water logged and swampy areas, lakes, beels, Fish Mahals, Rivers and Streams.

(2) The revenue earned from the natural resources developed and where pisciculture practices have been taken up by the Department of Fisheries will be deposited in the Departmental Head of Account.

(3) The revenue earned from other natural fishing areas where no pisciculture practices are involved, the revenue would be shared as under:

- (i) 50 per cent of the revenue would be deposited in the public exchequer.
- (ii) 50 per cent of the revenue would be shared by the bodies (e.g. Gram Panchayat, Anchal Samity, Zilla Parishad as the case may be) or, in such proportions as may be prescribed in the rules.

(4) The Deputy Commissioner with the permission/sanction of the Government and in consultation with the concerned District Fisheries Development Officer may, by notification in the prescribed manner, declare any group of water bodies, running or stagnant, except private waters to be a fishery and shall be declared/deemed to be acquired by the public or any persons (if interested for the Fisheries development), immediately after the enactment of this Bill and the rules made thereunder.

Destruction of fish by explosives or by similar/allied substances.

4. If any person uses dynamite or any other explosive substances like crackers, hand grenade or similar explosives in any water intentionally, thereby to catch or destroy fishes therein, he/she shall be punishable with imprisonment, for a term which may extend to two months, or with fine which may extend to two thousand rupees or with both.

Destruction of fish by poisoning waters.

5. (1) If any person puts any poison, lime or any noxious materials into any water, with the intention, to catch or destroy any fishes, he/she will be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two thousand rupees or with both.

(2) The provisions of sub-section (1) of this section will not debar the Fisheries Department to use such poisons and other materials, as stated therein for the specific purpose of destruction of any fish/allied species or predators in any water, either directly or indirectly, under the control of Fisheries Department or, elsewhere.

Power to make rules.

6. (1) The Government may, by notification in the Official Gazette, make rules, in respect of all "Fisheries", to prohibit or regulate all or any of the following matters, and may also by notification apply such rules or, any of them to any private water, with the consent in writing of the owner thereof, and of all persons having, for the time being exclusive right of fishery/aquaculture therein :-

- (a) the erection and use of fixed engines;
- (b) the construction of weirs, dams, barrages, bundhs and roads;

- (c) the dimension and kinds of nets to be used and the mode of using them;
- (d) methods of catching fishes and the use of more than one method for catching fishes at a time;
- (e) the use of guns, bows, arrows, spears and similar weapons, contrivance or implements, in any water with the intention to catch or harm any fishes therein;
- (f) the deposit or, discharge in any water containing fishes, or any specified liquid or solid matters, detrimental to fish or the food for fishes;
- (g) the prohibition of all the fishing as may be necessary and particularly during breeding season in any specified water for any specified period(s) which may also be extended for further period(s);
- (h) the authorization or delegation of power to the Deputy Commissioners as representative of the Fisheries Département to lease or license the rights of fishing in notified fisheries under the provisions of section 3 of this Act.
- (i) the terms and conditions for granting of licenses or leases to fish in water bodies including Trout fishing proclaimed under section 3 including the payments in consideration of which, and the conditions on which such licenses or leases are granted ;
- (j) grant of remissions, waving of dues, extension of lease or license periods and
- (k) the person by whom, and the time, place and manner on which, anything is to be done, to carry out/follow up the provisions are made in this Act.

- (l) the manner in which notices, proclamations, summons, warrants and other processes issued under this Act will be issued, published and served; the fees to be charged for the issue, publication and service of such processes;
- (m) the cost of all proceedings under this Act; and
- (n) generally to carry out the provisions of this Act.

(2) In making any rules under this section, the Government may,

- (a) direct that a breach of any rule aforesaid, shall be punishable with fine which may extend to two thousand rupees, and when the offence is the continuation of earlier breach/offence, with a further fine which may extend to rupees two hundred only, for every day after the date of the first conviction during which the breach is proved to be persisting; and
- (b) provide for-
 - (i) the seizure, forfeiture and removal of fixed engines, erected or used, or nets, weapons, contrivances of implements used in contravention of the rules;
 - (ii) the forfeiture and sale of any fish taken by the means of any such fixed engines or nets, weapons, contrivances or implements provided that the sale of fish is made only when decomposition is anticipated to take place, prior to production of the fishes before a Magistrate, and
 - (iii) prohibition, generally or in any specified area, of the offering or exposing for sale or barter of any fishes, taking of which has been made unlawful under sub-clause (ii) above.

(3) Every rule made by the Government under this Act shall be laid as soon as may be, after it is made before the Legislature of the Arunachal Pradesh while it is in session, for a total period of four days which may be comprised in one session or in the successive sessions and if before the expiry of the session in which it is so laid or the session immediately, following the Legislatures consent in making any modifications in the rule or the Legislature agrees that the rule should not be made, the rule shall thereafter have effect only, in such modified form or be of no effect as the case may be, so however that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule.

7. (1) The District Fishery Development Officer or any Fisheries Officer or any Police Officer not below the rank of Sub-Inspector or any other person specially empowered by the Government in this behalf, either by name or holding any office for the time being, may without any order from a Magistrate and without a warrant, arrest any person committing any offence punishable under section 4 or 5 or any rules made under section 6 of this Act.

Arrest without warrant for offences under this Act.

(2) If the name and address of the person(s) is/are unknown to the Officer effecting arrest as per provisions of sub-section (1) of this section, and if the person declines to give his name and address, or if there is reasons to doubt the accuracy of the name and address, or if a person arrested under this section may be detained until his name and address have been correctly furnished or ascertained.

Provided that, no person so arrested shall be detained for a longer period than that may be necessary, for bringing him before a Magistrate and in any case not exceeding twenty four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the Magistrate except under the order of a Magistrate for such detention.

Protection of
action taken in
good faith.

8. No suit prosecution or other legal proceeding shall lie against the Government of Arunachal Pradesh and any Officer of the Government or any person duly authorized to Act under the provisions of section 7 of this Act in respect of any action taken by him or anything which is in good faith done or intended to be done under this Act.

Savings.

9. (1) Nothing contained in this Act shall effect the provision of the Assam Forest Regulation, 1891 (7 of 1891), relating to fisheries within the Reserved Forest areas of Arunachal Pradesh;

(2) exempt, any person from any suit or other proceedings which could, apart from this Act, be brought against him;

(3) affect anything done or any action taken in relation to any matter not inconsistent with the provisions of this Act and shall be deemed to have been done or taken under this Act, as if this Act was in force on the date on which such thing was done or such action was taken.