

शासन एवं विभाग द्वारा समय समय पर जारी निर्देशों के परिपत्र निम्नानुसार है :

**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).*



**REWA:  
GOVERNMENT REGIONAL PRESS, M. P.  
1959**

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

THE [ MADHYA PRADESH ] FISHERIES ACT, 1948

TABLE OF CONTENTS

	Page
Preamble.	
Sections.	
1. Short title, extent and commencement	1
2. Definitions	
3. Protection of fisheries by making rules	2
4. Power to prohibit sale of fish	3
5. Penalties	3
6. Arrest without warrant for offence under the Act ...	3
7. Jurisdiction inferior to that of Magistrate of the second class excluded.	4
8. Power to compound offences	4
9. Officers to be deemed public servants	4
10. Indemnity	4
11. Repeal	4
The Schedule	5

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

**<sup>2</sup>[MADHYA PRADESH] ACT**

[ No. VIII of 1948 ]<sup>1</sup>

**THE <sup>2</sup>[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 <sup>3</sup>[Madhya Pradesh].**

WHEREAS it is expedient to provide for the protection, conservation and development of fisheries in <sup>3</sup>[Madhya Pradesh]; Preamble

It is hereby enacted as follows

1. (1) This Act may be cited as the <sup>4</sup>[Madhya Pradesh] Fisheries Act, 1948. Short title, extent and commencement.  
<sup>5</sup>(2) It extends to and shall be in force in the whole of Madhya Pradesh.]

<sup>6</sup>(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;

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<sup>1</sup>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. V 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.

<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, 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.

<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 1958 (23 of 1958) for the words "Central Provinces and Berar".

<sup>5</sup>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".

<sup>6</sup>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.

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 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 licence and regulate the grant of such licences, 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 <sup>1</sup>[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.

<sup>1</sup>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.

7. (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.

XLV of 1860.

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-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.

डाक-ब्याग की पूर्व-बदायगी के बिना डाक द्वारा भेजे जाने के लिये अनुमति-पत्र क्र. भोपाल-505/इव्ल्यू. पी.



पंजी क्रमांक भोपाल विधीयत 122 (एम. पी.)

# मध्यप्रदेश राजपत्र

(असाधारण)  
प्राधिकार से प्रकाशित

क्रमांक 313 ]

भोपाल, बुधवार, दिनांक 7 अक्टूबर 1981—आशुक्र 15, शके 1903

## विधि और विधायी कार्य विभाग

भोपाल, दिनांक 7 अक्टूबर 1981

क्र. 23905-इवकील-प्र(प्रा).—मध्यप्रदेश विधान सभा का निम्नलिखित अधिनियम जिस पर दिनांक 5 अक्टूबर 1981 को राष्ट्रपति की अनुमति प्राप्त हो चुकी है, एतद्वारा संसदाधारण की जानकारी के लिये प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,  
शिवनारायण जोहरी, सचिव.

मध्यप्रदेश अधिनियम

क्रमांक ३४ सन् १९८१.

मध्यप्रदेश मत्स्य क्षेत्र (संशोधन) अधिनियम, १९८१

[दिनांक ५ अक्टूबर १९८१ को राष्ट्रपति की अनुमति प्राप्त हुई अनुमति "मध्यप्रदेश राजपत्र" (असाधारण) में दिनांक ७ अक्टूबर, १९८१ को प्रथमवार प्रकाशित की गई].

मध्यप्रदेश फिसरीज एक्ट, १९४८ को और संशोधित करने हेतु अधिनियम.

भारत गणराज्य के बत्तीसवें वर्ष में मध्यप्रदेश विधान मण्डल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :-

१. इस अधिनियम का संक्षिप्त नाम मध्यप्रदेश मत्स्य क्षेत्र (संशोधन) अधिनियम, १९८१ है.

संक्षिप्त नाम.

२. मध्यप्रदेश फिसरीज एक्ट, १९४८ (क्रमांक ८ सन् १९४८) (जो इसमें इसके पश्चात् मूल अधिनियम के नाम से निर्दिष्ट है) की धारा ३ में,—

धारा ३ का संशोधन.

(क) उपधारा (३) में, खण्ड (एफ) के स्थान पर निम्नलिखित खण्ड स्थापित किये जायें, अर्थात् :—

"(ज) राज्य के भीतर या राज्य के बाहर मत्स्य के विहित परिमाण से अधिक के विक्रय या रूप को या मत्स्य के परिवहन या संचलन को, उस स्थिति में के सिवाय जब कि वह अनुज्ञापित के अधीन किया जाता है, प्रतिषिद्ध कर सकेंगे;

(ब) उन कालों को विहित कर सकेंगे जिनके दौरान—

(एक) किसी विहित जाति के मत्स्य का मारना या पकड़ना प्रतिषिद्ध होगा;

(दो) किसी विहित जाति के मत्स्य का विक्रय, संचलन या परिवहन, उस स्थिति में के सिवाय जब कि अनुज्ञापित के अधीन किया जाता है, प्रतिषिद्ध होगा;

(घघघ) खण्ड (ब) के भीतर खण्ड (बच) के उपखण्ड (बो) के अधीन अनुज्ञप्तियों की मंजूरी और/वा उनमें लिए शर्तों तथा उनसे संलग्न की जाने वाली शर्तों का विनियमन कर सकेंगे; और”;

(ख) उपधारा (५) में, खण्ड (ए) और (बी) के स्थान पर निम्नलिखित खण्ड स्थापित किये जाय, अर्थात्:—

“(क) किसी स्थिर इंजन, साधन या उपस्कर के, जो मत्स्य पकड़ने के लिए इन नियमों के उल्लंघन में लगाया गया हो या उपयोग में लाया गया हो, अभिग्रहण, उसके हटाये जाने और उसके समपहरण के लिये;

(ख) किसी ऐसे मत्स्य के समपहरण के लिए जो किसी ऐसे स्थिर इंजन, साधन या उपस्कर द्वारा उपाप्त किये गये हों अथवा जिनका परिवहन इन नियमों के उल्लंघन में किया गया हो; और

(ग) इन नियमों के उल्लंघन में मत्स्य का परिवहन करने या उन्हें पकड़ने के लिए उपयोग में लाये गये किन्हीं पशुओं, गाड़ियों (कार्ट), जलयानों, बोटों (रेकट्स), नौकाओं या यानों के अभिग्रहण, उनके हटाये जाने और उनके समपहरण के लिये”.

धारा ५ का संशोधन.

१. मूल अधिनियम की धारा ५ के स्थान पर निम्नलिखित धाराएं स्थापित की जाय, अर्थात्:—

शाक्तियां.

५. यदि कोई व्यक्ति इस अधिनियम या उसके अधीन बनाये गये नियमों के उपखण्डों में से किसी उपबंध का उल्लंघन करेगा तो वह, दोषसिद्धि पर कारावास से, जिसकी अवधि एक वर्ष तक की हो सकेगी, या जुर्माने से, जो पांच हजार रुपये तक का हो सकेगा, या दोनों से, दण्डनीय होगा

अपराध का संज्ञान.

५-क. इस अधिनियम के अधीन का प्रत्येक अपराध संज्ञेय होगा.”

धारा ६ का संशोधन.

४. मूल अधिनियम की धारा ६ में,—

(क) उपधारा (२) के परन्तुक के स्थान पर निम्नलिखित परन्तुक स्थापित किया जाय, अर्थात्:—

“परन्तु इस प्रकार गिरफ्तार किये गये किसी व्यक्ति को, दण्ड प्रक्रिया संहिता, १९७३ (१९७४ का सं. २) के उपबन्धों के अनुसार उसके निरोध के लिये मजिस्ट्रेट के किसी आदेश के अधीन के सिवाय, उतने समय से अधिक समय के लिये निरुद्ध नहीं रखा जायगा जितना कि किसी न्यायिक मजिस्ट्रेट के समझ उसे उपस्थित करने के लिए आवश्यक हो.”;

(ख) उपधारा (३) के स्थान पर निम्नलिखित उपधारा स्थापित की जाय, अर्थात्:—

“(३) समस्त मत्स्य अधिकारियों को इस अधिनियम के अधीन के किसी अपराध के संकेत में तलाशो, अभिग्रहण और दण्डप्रक्रिया की वही शक्तियां होंगी जो उपनिरोधक की वर श्रेणी के किसी पुलिस अधिकारी को दण्ड प्रक्रिया संहिता, १९७३ (१९७४ का सं. २) के उपबन्धों के अधीन होती हैं.”

धारा ८ का संशोधन.

३. मूल अधिनियम का धारा ८ को उपधारा (१) के स्थान पर निम्नलिखित उपधारा स्थापित की जाय, अर्थात्:—

“(१) अनुसूची में विनिर्दिष्ट किसी अपराध का शमन कलक्टर द्वारा, एक हजार रुपये से अधिक कोई राशि प्रतिगृहीत करके किया जा सकेगा.”

अनुसूची का संशोधन.

६. मूल अधिनियम की अनुसूची में, प्रविष्टि ४ के पश्चात्, निम्नलिखित प्रविष्टियां अन्तःस्थापित की जाय, अर्थात्:—

“४-क. किसी प्रतिषिद्ध जाति के मत्स्य का निषेध काल (क्लोज सीजन) के दौरान परिवहन या परिवहन करने का प्रयास जो नियमों के अधीन मंजूर की गई अनुज्ञप्ति की शर्तों के अधीन और उनके अनुसार न किया जाकर अन्वया किया जाता है;

४-ख. मत्स्य का विहित परिमाण से अधिक परिमाण में विक्रय या परिवहन या विनय अथवा परिवहन करने का प्रयास जो नियमों के अधीन मंजूर की गई अनुज्ञप्ति की शर्तों के अधीन और उनके अनुसार न किया जाकर अन्वया किया जाता है.”

निरस्त.

७. मध्यप्रदेश मत्स्य क्षेत्र (संशोधन) अध्यादेश, १९८१ (क्रमांक ११ सन् १९८१) एतद्द्वारा निरस्त किया जाता है.

पोषण, दिनांक 7 अक्टूबर, 1981

क. 23906-इकोलॉजी-अ-आ.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अन्वय में मध्य प्रदेश मत्स्य क्षेत्र (संशोधन) अधिनियम, 1981 (क्रमांक 34 सन् 1981), का संशुद्धि मन्दाव राजपत्र के प्रकाशक के स्तम्भ द्वारा प्रकाशित किया जाता है।

मध्य प्रदेश के राज्यपाल के नाम से तथा आवेधानुसार,  
शिवनारायण जोहरी, सचिव

MADHYA PRADESH ACT

No. 34 of 1981

THE MADHYA PRADESH FISHERIES (AMENDMENT) ACT, 1981

[Received the assent of the President on the 5th October, 1981; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 7th October, 1981.]

An Act further to amend the Madhya Pradesh Fisheries Act, 1948.

Be it enacted by the Madhya Pradesh Legislature in the Thirty-second Year of the Republic of India as follows:—

1. This Act may be called the Madhya Pradesh Fisheries (Amendment) Act, 1981.

2. In section 3 of the Madhya Pradesh Fisheries Act, 1948 (No. 8 of 1948) (hereinafter referred to as the Principal Act)—

Amendment of section 3.

(a) in sub-section (3), for clause (f), the following clauses shall be substituted, namely:—

"(f) prohibited sale or purchase of fish or transport or movement of fish within or outside the State in excess of the prescribed quantity except under a licence;

(ff) prescribe the seasons during which—

(i) the killing or catching of fish of any prescribed species shall be prohibited;

(ii) sale, movement or transport of any prescribed species shall be prohibited except under a licence;

(fff) regulate the grant of licences under clause (f) and sub-clause (ii) of clause (ff), and/or prescribe the fees payable therefor and the conditions to be attached thereto; and"

(b) in sub-section (5), for clauses (a) and (b), the following clauses shall be substituted, namely:—

"(a) the seizure, removal and forfeiture of any fixed engine, apparatus or equipment erected or used for fishing in contravention of the rules;

(b) the forfeiture of any fish procured by means of any such fixed engine, apparatus or equipment or transported in contravention of the rules; and

(c) the seizure, removal and forfeiture of any animals, carts, vessels, rafts, boats or vehicles used for transporting on catching fish in contravention of the rules."