

MANIPUR GAZETTE



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GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION
Imphal, the 29th February, 1992

No. 2/5/88-Leg/L.—The following Act of the Legislature, Manipur which received assent of the President on 21-2-1992 is hereby published in the Manipur Gazette.

I. BIJOY SINGH,
Secretary (Law) to the Govt. of Manipur.

THE MANIPUR FISHERIES ACT, 1988
(Manipur Act No. 1 of 1992)

AN
ACT

to provide for the protection, conservation and development of fisheries in the State of Manipur.

BE it enacted by the Legislature of Manipur in the Thirtyninth Year of the Republic of India as follows :

1. Short title, extent and commencement.—(1) This act may be called the Manipur Fisheries Act, 1988.

(2) It extends to the whole State of Manipur.

(3) It shall come into force on such date or dates as the State Government may, by notification in the official Gazette, appoint and different dates may be appointed for different provisions in the Act.

2. Definitions.—In this Act, unless the context otherwise requires:—

- (1) 'fish' includes shell fish and fish in all stages of its life ;
- (2) 'fishery' means a declared fishery and includes the peripheral area where the fishes declared to be the fish of that fishery can breed and rear ;
- (3) 'Fishery Officer' means the Director of Fisheries and includes any Officer or class of Officers empowered by the State Government to act as Fishery Officer ;
- (4) 'private water' means which are the exclusive property of any person or persons including a religious institution where the owner or owners or his agent have the exclusive right of fishing, and includes tank, pond, artificial lake, etc. excavated at the expense of the owner which have no communication in the rainy season with natural water, such as river, canal, stream and lake.

EXPLANATION :—Waters shall not cease to be 'private water' within the meaning of this definition if any other person has by usage or custom a right of fishery therein.

- (5) 'Schedule' means schedule appended to this Act ;
- (6) 'State' means the State of Manipur ;
- (7) 'State Government' means the Government of Manipur ;
- (8) 'religious institution' means a temple, a mosque or a Church, any other shrine dedicated to any god or goddess or religious belief ;
- (9) 'religious water' means water belonging to a religious institution where fishing is prohibited on ground of religion.
- (10) 'Revenue Department' means the Revenue Department of the Government of Manipur.

3. Vesting of declared fishery:—From the date of the commencement of this Act, all declared fishery along with the land within the defined area of the fishery shall vest in the Fishery Department and the particulars of such declared fisheries shall be published in the official Gazette.

4. Right to Fisheries:—The Fishery Officer, with prior approval of the State Government and in consultation with the Revenue Department may, by notification in the official Gazette, declare any fishery to be a declared fishery under this Act and no right in any such fishery shall be deemed to have been acquired by any person or group of persons after or before the commencement of this Act, except as provided in the rules framed under this Act.

5. Penalties:—If any person contravenes any of the provisions of this Act or rules made thereunder, he shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees, or with both.

6. Cognizance of the offence.—Every offence under this Act shall be cognizable.

7. Arrest without warrant :—(1) Any Fishery Officer or any other person specially empowered by the State Government in this behalf may arrest any person committing or attempting to commit a breach of any provision of this Act or rules made thereunder if the person declines to give his name and address or if there is reason belief that false name and address is 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 for bringing him before a Magistrate, except under an order of a Magistrate for this detention according to the provisions of the Code of Criminal Procedure, 1973 (No. 2 of 1974).

(3) Every Fishery Officer shall have the same powers of search, seizure and investigations 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, 1973 (No. 2 of 1974).

8. Jurisdiction of Criminal Courts:—Any offence under this Act shall be tried by a Magistrate of the First Class. No court shall take cognizance of any offence under this Act except on a report in writing of the facts constituting such offences by a Fishery Officer or any other person or class of persons authorised by the State Government in this behalf.

9. Power to compound offences :—(1) The State Government may, by notification in the official Gazette, empowers a Fishery Officer by name or by virtue of office—

- (a) to accept from any person concerning whom evidence exists which if un rebutted would prove that he has committed any offence as described in the first column of the Schedule a sum of money by way of compensation for the offence with regard to which such evidence exists and on the payment of such sum to such officer such person, if in custody, shall be released and no further proceeding shall be taken against him;
- (b) to release any property that has been seized as liable to confiscation without further payment or on payment of the value thereof as estimated by such officer and on the payment of such value such property shall be released and no further proceeding shall be taken in respect thereof.

(2) The sum of money, accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the amount acceptable as compensation in the second column of the Schedule for the particular offence described in the first column thereof.

10. Officers to be deemed Public servants :—All persons empowered to exercise powers and duties under this Act shall be deemed to be public servants within the meaning of section 21 of Indian Penal Code 1960 (XLV of 1960).

11. 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.

12. Power to make rules :— (1) The State Government may make rules for the purpose of carrying out the provisions in this Act and also for the purposes given hereunder.

(2) The State Government may, by notification in the official Gazette, apply such rules or any of them to any private waters with the consent in writing of the owner thereof and or all persons having for the time being any exclusive right of fishery therein:

Provided that no such rules made under this section shall apply to any religious waters.

(3) Such rules may,—

- (a) prohibit or regulate;
 - (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 kinds 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 substances likely to cause pollution of water;
- (d) prohibit the throwing of 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 thereof;
- (f) prohibit sale or purchase of fish or transport or movement of fish within or outside the State in excess of the prescribed quantity under a licence;
- (g) prescribe the seasons during which—
 - (i) the killing or catching of fish or any prescribed species shall be prohibited;
 - (ii) sale, movement or transport of any prescribed species shall be prohibited except under a licence;
- (h) regulate the grant of licences under clause (g), or prescribe the fees payable thereof and the conditions to be attached thereto; and
- (i) prescribe 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, apparatus or equipment erected or used for fishing or 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 or forfeiture of any animal carts, vessels, crafts, boats or vehicles used for transport in catching fish in contravention of the rules.

(4) Every rule made under this Act shall be laid as soon as may be after it is made, before the Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides 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.

13. Repeal and Saving:—On the commencement of this Act, each of the following, that is to say,—

- (a) the Indian Fisheries Act, 1897 (IV of 1897), in its application to the State of Manipur; and
- (b) the Section 13—A of the Manipur Land Revenue and Land Reforms Act, 1960 (No. 30 of 1960); shall stand repealed:

Provided that anything done or any taken by or under the Act or section so repealed shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made or taken by or under this Act and shall continue in force until superseded by anything done or any action taken under the provisions of this Act.

THE SCHEDULE

(See Section 9)

MAXIMUM AMOUNTS ACCEPTABLE AS COMPENSATION FOR CERTAIN FISHING OFFENCES UNDER

SECTION—9

Description of Offence	Maximum amount acceptable as compensation
1. Fishing with a net having a smaller mesh than that prescribed under the rules made under the Act.	Rupees two hundred.
2. Fishing without a licence.	Ditto.
3. Killing or catching or selling or attempting to kill, catch or sell fish of a size or weight less than the standard prescribed under this Act.	Rupees one hundred.
4. Killing or catching or selling or attempting to kill, catch or sell any fish of a prohibited species during a close season.	Ditto.
5. Fishing or attempting to fish, with any gear or method other than that permitted under the rule.	Ditto.
6. Licence-holders employing or engaging non-licencees to help them with their nets while fishing.	Rupees three hundred.

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| 7. Fishing or attempting to fish in prohibited waters. | Rupees one hundred |
| 8. 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. | Ditto. |
| 9. Selling or attempting to sell fish for price above the specified market value. | Ditto. |
| 10. Exporting or attempting to export fish in contravention of any rule made under clause (h), sub-section (3) of Section 3. | Rupees five hundred. |
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