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Uttarakhand Fisheries Act, 2003

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In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttaranchal Fisheries Act, 2003 (Uttaranchal Adhiniyam Sankhya 02 of 2003) for general information:

No. 183/Vidhayee and Sansadiya Karya/2003

Dated Dehradun, May 27, 2003

NOTIFICATION

Miscellaneous

As passed by the Uttaranchal Legislative Assembly and assented to by the Governor on April 16, 2003.

THE UTTARANCHAL FISHERIES ACT, 2003

(UTTARANCHAL ACT No. 02 OF 2003)

AN

ACT

to provide for management of Fisheries and related matters in the State of Uttaranchal in Fifty-fourth year of Republic of India as follows :--

1. (1) This Act may be called The Uttaranchal State Fisheries Act, 2003.
- (2) It extends to the whole of Uttaranchal State.
- (3) It shall come into force at once.

Short title,
Extent and
Commence-
ment

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

Definitions

- (1) 'Fish' includes shell fish and fin fish, turtles in all stages of its life history including aquatic plants used by fishes;
- (2) 'Fishing craft' means any boat, whether manually operated or powered, used for fishing or transport of fish;

(3) 'Fishing gear' means any net, line rod and line, fishing tackle and other appliances used for catching fish;

(4) 'Fishing offence' means an offence punishable under this Act or under any rule made thereunder;

(5) 'Fishery officer' means any person whom the Uttaranchal Govt. or any other officer empowered by the Uttaranchal Govt. in this behalf, may from time to time, appoint by name or as holding an office, to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder :

Provided that no police officer below the rank of sub-inspector shall be so empowered;

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

(7) 'Private waters' means waters which are the exclusive property of any person or in which any person has for the time being an exclusive right of fishery, whether as owner, lease or in any other capacity and includes tanks, ponds, artificial lakes etc. excavated at the expense of the owner which have no communication in the rainy season with natural waters such as rivers, streams, canals and jhils;

(8) 'State Government' means the Government of Uttaranchal;

(9) Fish Sanctuary/Protected water source means water source where due to any reason fishing is prohibited. All such water sources would be declared as prohibited areas for fishing for conservation of fish Bio Diversity after due publication in the State Gazette.

Power to
make rules
for prohibition
and licensing
of fishing in
selected
waters

3. (1) The State Government may make rules for the purposes mentioned hereinafter in this section and shall under such rules declare the waters, not being private waters, to which all or any of them shall apply.

(2) The State Govt. 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 of all persons having for the time being any exclusive right of fishery therein, or if the State Govt. is satisfied that the consent is unreasonably withheld without such consent. Provided that no rules under this section shall apply to any religious waters.

(3) Such rules may—

(a) Prohibit or regulate all or any of the following matters:—

(1) The erection and use of fixed engines,

(2) The ownership of check dams constructed on rivers/tributaries would continue with the existing deptt. but the total control over their fishery management activities and monitoring the harvesting of stocks will vest with the Deptt. of Fisheries. The Deptt. of Fisheries would be authorized to allot the check dams to Self Help Groups/Fishery Co-operative Societies on lease for fishing activities and stocking,

(3) The dimension and kinds of fishing gears to be used and the mode of using them;

(b) Prohibit fishing except under license and regulate the granting of such licenses, the fees payable therefor and the conditions to be inserted therein;

(c) Prohibit the destruction or attempt to destroy fish by gun, spear, bow and arrow or like instrument or pollution of waters by trade effluents;

(d) Prescribe seasons in which the killing or catching or sale of any fish of any prescribed species shall be prohibited;

(e) Prescribe a minimum size or weight below which no fish or any prescribed species shall be caught, killed or sold;

- (f) Prohibit fishing in any specified water for specified period;
- (g) Regulate the export of fish outside any area or areas and price at which fish may be brought or sold in any specified markets of all or any specified species;
- (h) Require the owner, mortgagee with possession or lease of any tank or jhil for the stocking of such tanks or jhils with any class or classes of fish;
- (i) Fishing shall be prohibited during breeding seasons in Rivers/tributaries and other breeding places;
- (j) Progressive fish farmers would be rewarded at the State level;
- (k) Encouragement and training would be provided to communities like Bengalis, Tribals, Machhua, Nishads, Kashyaps etc. who earn their livelihood from fisheries;
- (l) The Fisheries Deptt. would provide facilities to fish farmers for their economic and social upliftment by way of making societies/federations;
- (m) The deptt. would provide facilities to progressive fish farmers under various schemes by Central/State Govt. viz. bank loans, pond constructions, fish seeds, fish feed, training etc.;
- (n) Regulate the marketing of fish and also purchase and use of fish for preservation or for the manufacture of any fish products;
- (o) Regulate the possession of fishing craft and gear within such specified limits as may appear to be necessary; and
- (p) Regulate the transport of all fish or of certain species or fish products within specified limits as may appear to be necessary.

Such rules may, among other matters —

- (a) Prescribe the routes by which fish alone or fish products may be imported into and exported from the State of Uttaranchal;
 - (b) Prohibit the import, export or transport within specified limits of fish without a pass from a fisheries officer or a person duly authorized to issue the same or otherwise than in accordance with the conditions of each pass;
 - (c) Prescribe the form of such passes and provide for their issue, production and return; and
 - (d) Provide for the examination of fish in transit within specified limits.
- (4) In making any rule under this section the State Govt. may provide for—
- (a) Seizure, removal and forfeiture of any apparatus erected or used for fishing in contravention of the rules;
 - (b) Forfeiture of any fish taken by means of any such apparatus; and
 - (c) Confiscation of any consignments of fish held or transported in contravention of the rules.

(5) Every rule made under this Act shall be laid, as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprise in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, The assembly makes any modification in 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 prejudice to the validity of anything previously done under that rule.

Power to prohibit sale of fish	4. The State Govt. may, by notification in the official Gazette, prohibit in such area or areas as may be specified in that behalf the offering or exposing for sale or barter of any fish killed in contravention of any rule made under sub-section (3) of this Act.
Penalties	5. The breach of any rule made under section 3 or of any prohibition notified under section 4 shall be punishable— (1) On first conviction with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and (2) On every subsequent conviction with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.
Punishment for destruction of fish by explosives	6. (1) If any person uses any dynamite or other explosive substances in any water with intent thereby to catch or destroy any fish, that may be therein, 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. (2) Whoever, having already been convicted of an offence under sub-section (1) is again convicted thereunder, shall, on every subsequent conviction, be punishable with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees. (3) If a person is found to be in possession of a dynamite or any other explosive substance for the purpose of killing the fish near or in the vicinity or on the bank of a river, rivulet, khad, pond, lake, reservoir which are inhabited by the fishes, shall unless he explains satisfactorily that his possession or control over such a dynamite or the explosive substance was for a lawful object, be punishable with imprisonment for a term which may extend to two years or with fine which may extend to three thousand rupees or with both.
Punishment for destruction of fish by poisoning	7. (1) If any person puts any poison, bleaching powder, lime or noxious material and electric current into any water with intent thereby to catch or destroy any fish, he shall be punishable with imprisonment for a term which may extend to three years or with fine of five thousand rupees or with both. (2) Punishment for killing or catching fish during prohibited season. If any person kills or catches fish with a net during the season, in which killing or catching of fish is prohibited under any rule framed under clause (d) of sub-section (3) of section 3, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to three thousand rupees or with both. (3) Offences to be cognizable and non-bailable. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under section 6 and 7 of this Act shall be cognizable and non-bailable offences.
Arrest without warrant for offence under this Act	8. (1) Any fisheries officer not below the rank of Fisheries Department Officer, police officer not below the rank of the sub-inspector, or any other person specially empowered by the State Government in this behalf, may arrest without any warrant any person committing or attempting to commit, in his view a fishing offence— (a) If the name and address of the person are not known to him; and (b) 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. (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 it may be necessary for bringing him before a Magistrate, except under the order of a Magistrate for his detention.

(3) Every fishery officer shall have the same powers of search and investigation relating to a fishing offence as a police officer of the rank of the Sub-Inspector has under the code of Criminal Procedure, 1973.

9. No court shall take cognizance of any offence under this Act, except the complaint of a fishery officer or of a police officer not below the rank of the Sub-Inspector or any other person or class of persons authorized by the State Govt. in this behalf.

Cognizance
of offences

10. (1) The State Govt. may, by notification in the official Gazette, empower a fishery officer by name or by virtue of office—

Power to
compound
certain
offences

(a) to accept from any person concerning whom evidence exists, which if un rebutted, would prove that he has committed any fishing offence as described in the second 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 proceedings 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 hereof as estimated by such officer and on the payment of such value such property shall be released and no further proceedings shall be taken in respect thereof.

(2) A sum of money accepted as compensation under clause(a) of subsection (1) shall in no case exceed the amount acceptable as compensation in the third column of the Schedule for the particular offence described in the second column thereof.

11. All persons empowered to exercise powers and perform duties under this Act or rules made thereunder shall be deemed to be public servants within the meaning of section 21 of Indian Penal Code.

Public
servants
indemnified
for acts done
under this Act

THE SCHEDULE

(See Section 10)

Maximum amount acceptable as compensation for certain fishing offences under section 10.

Sl. No.	Description	Maximum Amount acceptable (in Rs.)
1	2	3
1.	Fishing with a new net having a smaller mesh than that prescribed under the rules made under the Act	One thousand
2.	Fishing without a license	One thousand
3.	Killing or catching or selling or attempt to kill, catch or sell fish of a size or weight less than the standard prescribed under this Act	Five hundred
4.	Killing or catching or selling or attempt to kill, catch or sell any fish of a prohibited species during a close season	Five hundred
5.	Fishing or attempting to fish with any gear or method other than permitted under the rules	Five hundred
6.	Using at any one time more than two of either or any of the gears permitted under the rules	Five hundred
7.	License holders employing or engaging Non-licensees to help them with their Nets, while fishing	Five hundred
8.	Fishing or attempting to fish in prohibited water	Five hundred

1	2	3
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 of the Act	Five hundred
10.	Exporting or attempting to export fish in contravention of any rule made under clause (1) sub-section (3) of section 3 of the Act	One thousand
11.	Selling or attempting to sell fish for price above the specified marked value	Five hundred
12.	Possessing fishing craft and tackles unauthorisingly in contravention of clause (o) of sub-section(3) of section 3 of the Act	Four hundred

**IMPORTANT RIVERS AND THEIR TRIBUTARIES IN UTTARANCHAL SHOWING
MAHSEER AND TROUT ZONES**

Distt.	River/stream in Uttaranchal	Stretch (length in Uttaranchal) (k.m.)	Mahseer zone (k.m.)	Trout zone (k.m.)
1	2	3	4	5
Dehradun	Yamuna	50	30	—
	Tons	45	—	15*
	Song	25	25	—
Uttarkashi	Asaiganga	34	—	34*
	Yamuna	50	15 (Downstream Barkot)	35 (Upstream Barkot)
	Bhagirathi	140	45 (Downstream Gangori)	95 (Upstream Gangori)
	Tons	20	—	20
Chamoli	Ramganga (w)	20	—	—
	Pinder	93	—	93*
	Alaknanda	150	—	150
	Vishnuganga	150	—	150
	Virshiganga	50	—	50*
	Garuganga	15	—	15
	Prakhila	15	—	15*
	Amritaganga	5	—	5
	Nandakini	40	—	40
	Nigole	15	—	15
	Upla	15	—	15
	Anathgad	20	—	20
Rudraprayag	Mandakini	100	(Downstream Banswara)	40 (Downstream Augustmuni)
	Kali nadi	10	—	10
	Madmaheshwar	25	10	15
	Kalpganga	15	—	15
	Kakra nadi	15	—	15
Tehri	Bhagirathi	80	80	—
	Bhilangana	50	20 (Upstream from confluence with Bhagirathi)	—
Pauri	Ramganga (E)	37	37	—
	Alaknanda	50	50	—
	Nayyar (E)	60	60	—
	Nayyar (W)	50	50	—
	Ganga	48	48	—

1	2	3	4	5
Pauri	R. Nayyar	18	18	-
	Kothari nadi	21	-	-
	Plan nadi	21	-	-
	Khoh nadi	12	-	-
	Malin nadi	12	12	-
	Rewason nadi	15	-	-
	Minayata nadi	12	-	-
	Nal nadi	18	-	-
	Hiyal nadi	27	-	-
	Son nadi	12	-	-
Hardwar	Ganga	20	20	-
	Song	5	5	-
	Suwa	12	12	-
Kumaon Nainital	Kosi	60	60	-
	Gaula	50	15 (Upstream Kathgodam)	-
	Nandour	30	30	-
	Bhowalinala	20	10 (Downstream from Kainchi temple)	-
Almora	Kosi	58	58	-
	Ramganga (W)	77	77	-
	Suyal	41	15 (Upstream confluence with R. Kosi)	-
	Gaggas	38	38	-
	Vinod	20	-	-
	Pannar	26	26	-
Bageshwar	Saryu	57	40 (Downstream Kapkot)	17 (Upstream Kapkot)
	Lahur	10	10	-
	Gomti	40	40	-
	Phangar	20	20	-
	Garurganga	10	10	-
Pithoragarh	Ramganga	92	70 (Upstream from confluence with Saryu at Ramganga)	22 (Upstream Tejam)
	Saryu	60	60	-
	Kali	190	150	40 (Upstream Dharchula)
	Gori	90	30 (Upstream confluence with Saryu of Ramganga)	(Upstream Madkot)
	Dhaouli	80	-	-
	Chamagad	14 (Upstream from confluence with R. Kali)	5	-

1	2	3	4	5
Pithoragarh	Thuligad	18	18	—
Champawat	Kali	20	20	—
	Lohawati	40	40	—
	Ladhiya	50	50	—
Udhamsingh nagar	Sharada	10	10	—
	Kailash	10	—	—

Almost majority of the riverine systems in Uttaranchal region harbour Snow trout fishery especially in the upper reaches.

* Existing trout waters.

By Order,

BHAROSI LAL,
Sachiv.