

**THE UNITED KHASI – JAINTIA
DISTRICT FISHERY ACT, 1954**

(As Amended)

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THE 26th MARCH, 1954

No. DC/L/X/31/54. – In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the District Council of the United Khasi-Jaintia Hills District is published for general information.

THE UNITED KHASI-JAINTIA HILLS ACT No. I OF 1954

The United Khasi-Jaintia Hills District Fishery Act, 1954

[Published in the Assam Gazette on 31st March 1954]

AN
ACT

to provide for matters relating to fisheries in the United Khasi-Jaintia Hills District.

Whereas it is expedient to provide for matters relating to fisheries in the United Khasi-Jaintia Hills District:-

Be it enacted as follows:-

1. Title, extent and commencement-

(1) This Act may be called the United Khasi-Jaintia Hills District Fishery Act, 1954.

(2) It extends to the whole of the 1[Khasi Hills Autonomous District.]

(3) It shall come into force at once.

2. Defination- In this Act, unless the context otherwise requires the following expression have the meaning hereby respectively assigned to them, that is to say –

(i) “District” means the Autonomous District of the ²[Khasi Hills;]

(ii) “District Council” means the District Council of the ³[Khasi Hills Autonomous District.]

(iii) “Executive Committee” means the Executive Committee of the District Council of the ⁴[Khasi Hills Autonomous District] and the terms Chief Executive Members” and “Member of the Executive Committee” shall be construed accordingly:

(iv) “Fish” includes shell fish:

(v) “Fixed engine” means any net, cage, trap or their contrivance for taking fish, fixed in the soil or made stationary in any other way; and

⁵[(vi) “Headman” means a headman of the Village appointed as such under the provisions of the United Khasi- Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959 as amended from time to time.]

(1, 2, 3 & 4 substituted vide Act No. 1 of 1986)

6[(vii) “Private water” means water which is the exclusive property of any person, or in which any person has for the time being an exclusive right of fishery whether as owner, lessee or in any other capacity.]

EXPLANATION

7[(viii) Water shall not cease to be “private water” within the meaning of the definition by reason only that other persons may have by custom a right of fishery therein (viii)“Village Court” means a Village Court constituted for a village under the United Khasi Hills Autonomous District (Administration of Justice) Rules, 1953 as amended from time to time.]

8[**3. Destruction of fish by explosive-** If any person uses any dynamite or other explosive substances in any water with intent thereby to catch or destroy any of the fish that may be therein, he shall be deemed to have committed an offence under this Act, and such person shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to three months or with both.]

9[**4. Destruction of fish by poisoning waters.** – If any person puts any poison, lime or noxious materials like tutia (copper sulphate), Khariew, Jaipur, etc into any water with intent thereby to catch or destroy any fish, he shall be deemed to have committed an offence under this Act, and such person shall be punishable with fine which may extend to one thousand rupees or with imprisonment for a term which may extend to three months or with both.]

10[**4A. Power of Village Court or Village Headman and his Durbar to try offence under this Act.-**

(1) Whoever commits an offence under Section 3 or Section 4 above shall be tried before the Village Court in whose territorial jurisdiction the offence is committed, in accordance with the customary laws of the Village:

Provided that the Village Court shall have no power under this Act to impose a fine exceeding rupees one hundred and shall not be competent to pass a sentence of imprisonment;

Provided further that if the offender is arrested and produced before the Magistrate under Section 6, such an offender shall be tried by the Magistrate before whom he is so produced.

(2) Where there is no Village Court in the Village by reason of it having not been constituted or otherwise, the Headman of the Village and his Durbar in whose territorial jurisdiction the offence is committed shall be competent to try the offences under this Act in accordance with the customary laws of the Village.

Provided that the Village Headman and his Durbar shall have no power under this Act to impose fine exceeding rupees one hundred and shall not be competent to pass a sentence of imprisonment:

Provided further that where the offender is arrested and produced before the Magistrate under Section 6, such an offender shall be tried by the Magistrate before whom he is so produced.

(5 Inserted vide Act No. of 1986)

(6 Renumbered ibid)

(7 & 10 Inserted ibid)

(8 & 9 Substituted ibid)

(3) If open such trial, the Village Court or Village Headman and his Durbar, as the case may be, is of the opinion that the sentences to be imposed upon the offender in the circumstances of the case, is beyond their competency, they shall without delay refer the case to the competent Court having jurisdiction to try the offender who shall dispose of the case in accordance with the procedure adopted by it for the trial of cases.

(4) An appeal from any order passed by the Village Court or Village Headman and his Durbar as the case may be, shall lie to the Court to which order made by such a Village Court is ordinarily appealable, provided the appeal is preferred within 30 days from the date of passing of the order excluding the time for getting copies thereof.

(5) Notwithstanding anything herein before contained, the subordinate District Council Court or the Additional Subordinate District Council Court, as the case may be, upon complaint received or on its own initiative may call for and examine the records of any proceeding of a Village Court or of a Village Headman and his Durbar within its jurisdiction and may enhance, reduce cancel or modify any finding or order passed by such Village Court or Village Headman and his Durbar or remand the case for retrial.]

5. Protection of fish in selected waters by rules of ¹¹[Khasi Hills Autonomous District] - Subject to the approval of the District Council:-

(1) The Executive Committee may make rules for the purposes hereinafter in this Section mentioned and may by notification in the ¹²[Meghalaya] Gazette or any such rules to such water, not being private waters, as may be specified in notification.

(11 & 12 Substituted by Act No. of 1986)

(2) Such rules may prohibit or regulate all or any of the following matters, that is to say-

(a) the erection and use of fixed engine;

(b) the construction of weirs; and

(c) the dimension of the meshes and kind of the nets to be used and the modes of using them

(3) Such rules may also prohibit all fishing in any specified water for a period not exceeding two years.

(4) In making any rules under this Section the Executive Committee, may-

(a) directed that a breach of it shall be punishable with fine which may extend to one hundred rupees, and, when the breach is a continuing breach, a further fine which may extend to ten rupees for every day after the date of the first conviction during which the breach is proved to have been persisted in; and

(b) provided for-

(i) the seizure for feature and removal of fixed engines, erected or used in contravention of the rule, and

(ii) the forfeiture of any fish taken by means of any such fixed engine or net.

(5) Rules made under this section shall be published for eliciting public opinion.

6. Arrest with out warrant for offences under this Act.-

(1) Any Officer or person empowered by the Executive Committee, in this behalf, either by name or as holding any office, for the time being may, without an order from a Magistrate and without warrant, arrest any person committing in his view any offence punishable under section 3 or 4 under any rule under any rule under section 5-

(a) If the name and address of the person are unknown to him, and

(b) If the person decline to give his name and address or if there is reason to doubt the accuracy 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 every person so arrested and detained shall be produced before the nearest Magistrate within a period of twenty four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

In authentication whereof I give my signature this day the 2nd March, 1954.

F. War,
Chairman,
District Council, United Khasi-Jaintia Hills
Autonomous District, Shillong.