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PART-IIA

GOVERNMENT OF MEGHALAYA
DISTRICT COUNCIL AFFAIRS DEPARTMENT

NOTIFICATION

The 16th September, 2024.

No.DC/L/X/31/54-2024/62/311- In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Amendment ACT of the Khasi Hills Autonomous District Council is hereby published for general information:-

THE KHASI HILLS DISTRICT FISHERY (AMENDMENT) ACT, 2023

(Passed by the Khasi Hills Autonomous District Council on the 22nd December, 2023)

(Received the assent of the Governor on the 22nd October, 2024)

(Published in the Meghalaya Gazette on the 28th October, 2024)

AN

ACT

to further amend the United Khasi-Jaintia Hills District Fishery Act, 1954

PREAMBLE:- Whereas it is necessary to provide for the preservation, conservation and protection of fishes and other aquatic life forms and to further regulate and control the killing of fishes and other aquatic life forms in rivers and streams of the Khasi Hills District.

Now, therefore, be it enacted by the Khasi Hills Autonomous District Council in the Seventy-Fourth Year of the Republic of India as follows: -

1. Short title, extent and commencement -

- (i) This Act may be called the Khasi Hills District Fishery (Amendment) Act, 2023.
- (ii) It shall extend to the whole of the Khasi Hills Autonomous District,
- (iii) It shall come into force at once.

2. Insertion of new section -

After section 1 in the Principal Act, a new section 1A shall be added as follows:

1A: Scope and Application - This Act shall apply to: -

- (a) Water bodies such as rivers, streams and associated waters ponds, reservoirs, wetlands, lakes and dams; and
- (b) other water bodies as may be notified by the District Council from time to time.

3. Amendment of section 2: The entire Section 2 of the Principal Act shall be deleted and substituted by the following-

"2: Definition - In this Act, unless the context otherwise requires, the following expressions have the meaning here by respectively assigned to them, that is to say-

- (a) **"Brood Stock or Fish"** means matured fish or aquatic organisms used in the propagation and reproduction of fish or aquatic organisms.
- (b) **"Chief"** means a Syiem, a Lyngdoh, a Sirdar, or a Wahadar as the case may be of any Elaka.
- (c) **"Closed season"** means the duration of a period that is declared by the Executive Committee to prevent the killing of fish during their spawning, migration and breeding season.
- (d) **"District Council"** means the Khasi Hills Autonomous District Council.
- (e) **"District"** means the Khasi Hills Autonomous District.
- (f) **"Dorbar Shnong"** means the traditional village institution of the village of the Khasis and composed of all Khasi inhabitants of not less than 18 years of age, where the prevailing age-old customary and traditional governance and adjudication are carried out.
- (g) **"Elaka"** means an administrative unit in the district as specified in Appendix I and Appendix II.
- (h) **"Executive Committee"** means the Executive Committee of the Khasi Hills Autonomous District Council.
- (i) **"Fish"** includes shellfish and other aquatic lifeforms in all stages of life.
- (j) **"Fishery"** means an area of water body prepared for taking or catching fish.
- (k) **"Fishing"** means the activity of taking or catching fish for recreational or occupational purposes.
- (l) **"Fishing or Angling Competition"** means a sport of organized fishing activity by using a fishing line, fishing rod and fishing hook on any water body where competition is the primary purpose and where incentives, such as money, prizes or points, are awarded.
- (m) **"Fishery Officer"** means an officer whom the Executive Committee or any person empowered by the Executive Committee 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 there-under.
- (n) **"Fish sanctuaries"** means and includes certain sections of rivers and reservoirs where fishing is prohibited for a certain period or all year round on account of cultural significance or on account of conservation and propagation of indigenous and endemic species of fish and aquatic fauna or for any other reasons as may be notified by the Executive Committee.

- (o) **"Fixed engine"** means any net, cage, trap or other contrivance for catching fish, fixed in the soil or made stationary in any way.
- (p) **"Government"** means the Government of India and the Government of Meghalaya.
- (q) **"Headman"** means the traditional head of a Village which shall also include a Sordar Shnong, a Rangbah Shnong, a Myntri Shnong and Lyngdoh falling within the jurisdiction of each of the existing Elaka as specified in Appendix I and Appendix II and elected or selected as per prevailing custom in the village or Elaka.
- (r) **"Industry"** means any business, trade, undertaking, manufacture, or calling of employers and includes any calling, service, employment, handicraft or industrial occupation or a vocation of workmen.
- (s) **"Local Authority"** means a traditional institution which includes a Chief, Dorbar Shnong, Rangbah Shnong, Sordar Shnong and Myntri Shnong.
- (t) **"Local River Conservation Organization"** means and includes any association or organization or society constituted at the village level or cluster of villages or areas for the protection, preservation and conservation of fishes and aquatic lifeforms in any river or stream.
- (u) **"Notification"** means a notification published in the official Gazette of the State of Meghalaya.
- (v) **"Prescribed"** means prescribed by the rules made under this Act.
- (w) **"Protected water"** means a water body where fishing shall not be permitted except under a permit issued on this behalf and in the manner indicated hereafter.
- (x) **"Rules"** means rules made by the District Council under this Act.
- (y) **"Village Court"** means a Village Court constituted for a village under the United Khasi Hills Autonomous District (Administration of Justice) Rules, 1953 as amended.
- (z) **"Water body"** means and includes all rivers, streams and associated waters pond, reservoirs, wetlands, lakes and dams.

4. Amendment of section 3 - The entire Section 3 of the Principal Act shall be deleted and substituted by the following:-

"3: Prohibition and ban on destructive fishing - The Executive Committee shall by notification specify such waters, stretch or region and issue ban on destructive fishing methods, equipment, crafts and gears etc. as follows:

- (a) The use of crafts and gears and any such equipment that will critically affect the population of fish stock, species or aquatic fauna.
- (b) No fixed engine shall be erected or used in any water body except with a permit granted by the Executive Committee.
- (c) No weir, temporary dams or diversion of natural water for the purpose of facilitating the harvesting of fish shall be constructed in any water body except with a permit granted thereof.
- (d) No fishing gears, except fishing rod and fishing line shall be used for sport fishing and for catching fish from the river so as to protect and conserve fishes and aquatic lifeforms.
- (e) Prohibit the destruction or attempt to destroy fish by gun spear, bow and arrow or like instruments:

Provided that, to protect the interest of traditional fishermen, permit may be granted by the Council or its delegated authority for the use of traditional crafts and gear issued only for a specific duration of period and for specific water bodies.

5. Amendment of section 4 - The entire Section 4 of the Principal Act shall be deleted and substituted by the following:-

"4: Control on unsustainable fishing practices in rivers - The Executive Committee shall by notification ban untenable fishing practices as follows:-

- (1) Wanton killing of fishes and aquatic lifeforms which otherwise have economic, aesthetic or biodiversity significance.
- (2) Catching and killing of fishes by using poison of plants or of synthetic origin, lime, toxic material, chemical, dynamite or other explosive substances or passage of electric current and any other destructive method.
- (3) Collection and selling of undersized fish of the prescribed species from time to time as prescribed by rules.
- (4) Catching and killing of indigenous ornamental fishes by any method for any purposes including collection and selling:

Provided that catching of indigenous fish solely for the purpose of study, research, and breeding in minimum quantity by recognised researchers or academic institutions and approved ornamental fish breeders shall be allowed with prior approval of the Executive Committee.

- (5) The capture, attempt to capture or kill brood fish or catching or sale of any spawn or young fishes during the breeding season.

6. Amendment of section 5 - The entire Section 5 of the Principal Act shall be deleted and substituted by the following:-

"5: Pollution of water bodies. (1) If any industry or person disposes or dumps any type of:

- (i) mud, sand, soil, stones, boulders, solid and liquid waste, or
- (ii) releases any untreated effluent or noxious materials or residue or other lethal chemicals
- (iii) sewage
- (iv) decomposable and indecomposable waste

thereby causing water pollution leading to the destruction and declining population of any of the fish and fish habitat, it shall be deemed to have committed an offence under this Act, and such industry or person shall be punishable with a fine as prescribed by the Executive Committee from time to time or with imprisonment for a term which may extend to six months or with both.

(2) The Executive Committee shall by notification prohibit any activity within either the vicinity or adjacent to any water body which may result in the killing of fish or destroy fishery habitats present or bring a decline in the population or endanger the existence of fish species and any other aquatic lifeforms.

7. Amendment of section 6 - The entire Section 6 of the Principal Act shall be deleted.

8. Insertion of new sections -

After section 6 in the Principal Act, the following new Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20 shall be inserted as follows:-

"7: Declaration of fish sanctuaries - (1) The Executive Committee may, by a notification: -

- (a) specify any water body to be a fish sanctuary for the protection of aquatic fauna by prohibiting all types of fishing therein; and
- (b) declare any stretch of water body within a fish sanctuary, specified in clause (a), as protected water and to ensure its protection and maintenance with active participation of local authorities for conservation of fish and other aquatic fauna and flora in such protected water:

Provided that, signboards containing details of activities prohibited in protected water shall be installed at conspicuous places in and around each stretch of a water body declares as protected water.

(2) All actions taken under this section shall be reported to the District Council in the next Session.

9. **Declaration of Fish Reserves** - (1) The Executive Committee may, by notification, specify any water body to be a fish reserve for facilitating the growth of fish population and thereby prohibiting all fishing activities therein for a certain period of time. Such prohibition issued must be in line with the principles of responsible fishery along with the active participation of local authorities for the protection of fish in such fish reserves:

Provided that, the Executive Committee may declare any water body as protected water, if there is an imminent threat to the destruction of fish. Any contravention or violation of prohibition prescribed under sub-section (1) shall be punishable with a fine as prescribed by the Executive Committee from time to time, or with imprisonment for a term not exceeding six months or with both.

All Action under this provision shall be reported to the District Council in the next session.

10. **Role and responsibilities of the Local Authority** - The local authority shall assist the State Government and the District Council as follows: -

- (a) Not to allow any activity from water bodies which used as breeding grounds by fishes and which activity is detrimental to or threatens the existence and survival of fish species and other aquatic life forms.
- (b) Not to allow unauthorized construction of any form, permanent or temporary, of weirs, dams and bunds and killing of fishes by diversion of natural waters.
- (c) Not to allow encroachment of water bodies which may lead to loss of aquatic resources and associated utility functions.
- (d) Restrict the washing of vehicles in water bodies and use of chemicals that contribute to the cause of water pollution leading to the death of fishes and destroy the aquatic ecological system of the water body.
- (e) Shall ensure that the aquatic fauna under their respective jurisdiction or areas are preserved, conserved and protected.
- (f) Assist the officials of the Government and District Council in the preservation, conservation and protection of water bodies.
- (g) Shall prevent and report any illegal activity in contravention to the preservation, conservation and protection of water bodies to the Government or the Executive Committee.

11. **Role and responsibilities of the Local River Conservation Organization** - (1) The Local River Conservation Organization shall assist the Government or the District Council as follows: -

- (a) To assist and provide local information as may be required by the Government and the District Council.
- (b) To co-operate and assist the Government and the District Council in all protection and conservation efforts.
- (c) To co-ordinate with neighbouring villages in the protection of water bodies from pollution and any destructive practices.
- (d) shall endeavor to promote, protect and conserve local fish species.
- (e) Prevent destructive fishing practices or the use of dynamite or poison for the purpose of fishing.
- (f) Report pollution of water bodies caused by effluents discharged by any industry or person.

- (g) Restrict the fishing or killing or sale of Mahseer species during the closed season.
 - (h) Co-operate and assist Government and District Council officials delegated with conservation and protection work or duties.
 - (i) The Executive Committee shall endeavor to provide the local river conservation organization with incentives for their role in the protection, preservation and conservation of aquatic fauna.
 - (j) Shall immediately report any illegal activities to the nearest police station.
 - (k) Any other function as may be delegated by the Government and the District Council.
- (2) The Local River Conservation Organization may, under the provisions of this Act, register their association, organization or society with the District Council.

12. Permission for fishing and angling competition - Any form of fishing or angling competition shall be prohibited except under licenses or permission obtained as prescribed by rules under this Act:

Provided for organizing such fishing and angling competition, prior permission shall be obtained from the Fishery Officer with prior approval of the Executive Committee and District Administration subject to a payment of fees as prescribed by the Executive Committee from time to time under this Act.

13. Protection of bio-diversity and management of fish sanctuaries - The Executive Committee may, by notification for the purpose of preservation, conservation and protection of indigenous or endemic species shall:-

- (1) Declare any exotic fish as an invasive species or non-endemic species or destructive in nature which may threaten the existence and population of indigenous or endemic fish species.
- (2) Shall not permit the culture and prevalence of prohibited exotic species contrary to this provision.
- (3) Ensure that no exotic species or non-endemic species are allowed to be introduced in the open waters, such as reservoirs, rivers and their continuum so as to protect the endemic fish germplasm.
- (4) Strictly enforce quarantine norms to contain spread of diseases from one region to another within the state and outside the state.

14. Offences - An offence shall be deemed to have been committed under this Act, as follows:-

- (1) Engaging in any destructive fishing practices such as the use of dynamite or poison or toxins or other lethal chemical or passage of electrical current for the purpose of fishing.
- (2) Unauthorized construction of any form, permanent or temporary of weirs, dams and bunds and killing of fish by diversion of natural waters.
- (3) Cause pollution of water bodies and contrary to sub-section (1) of section 5 of this Act.
- (4) Catching or sale of such notified protected or endangered fish or fishes and other aquatic lifeforms.
- (5) Fishing or killing or sale of mahseer species during the closed seasons contrary to this Act.
- (6) Encroachment of water bodies, whether for arable land or for human habitation, or for any other purposes, which lead to a loss of aquatic resources and associated utility function.
- (7) Washing of vehicles in water bodies or in the vicinity of water bodies and use of chemicals that causes pollution to the water bodies which may lead to death of fish.
- (8) Introduction of any exotic fish or non-endemic species which is declared as an invasive species.

15 Power of Village Court or Local Authority to try offences under this Act -

- (1) Whoever commits an offence under Section 4 or Section 5 above shall be tried before the Village Court in whose territorial jurisdiction the offence has been committed, in accordance with the customary laws of the Village:

Provided that the Village Court shall impose such fines as prescribed by the Executive Committee from time to time and shall not be competent to pass a sentence of imprisonment.

Provided further that, if the offender is arrested for commission of offences and produced before a Magistrate under Section 5 of this Act, such an offender shall be tried by the Magistrate having jurisdiction to try such offence.

- (2) Where there is no Village Court in the Village by reason of it having not been constituted or otherwise, the Local Authority 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 Local Authority shall impose such fines as prescribed by the Executive Committee from time to time.

16. Arrest without warrant for offences under this Act -

- (1) Any Officer or person empowered by the Executive Committee, in this behalf, either by name or by virtue of his office, for the time being may, without an order from a Magistrate and without warrant, arrest or cause to be arrested any person who in his view, commits any offence punishable under sections 4 or 5 of the Act.
- (2) Any officer or person empowered by the Executive Committee causing the arrest of any person accused of having committed any offence punishable under sections 4 or 5 of the Act shall immediately after arrest, hand over such accused to be tried by the Village Court or Local Authority as prescribed under section 13 of the Act.
- (3) The Executive Committee may, by Notification empower a Fishery Officer either by name or by virtue of his office to compound offences by payment of fines as prescribed by the Executive Committee.

Provided that, any person so arrested and detained, shall be produced before a Magistrate having jurisdiction, 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.

- 17. Penalty for subsequent offences** - In cases where the offender has been previously convicted of a like offence under this Act, the convicting court or the Local Authority may inflict double the penalty prescribed for each such subsequent offence.

- 18. Exemption** - (1) The provisions of this Act shall not apply to the fishing operations of the Government or District Council.

(2) The Executive Committee may specify, by notification, the exemption from the application of any provision of this Act, to such water body.

Provided that, the Executive Committee may, by notification, exempt such water bodies under the control of the other authority.

- 19. Power to make Rules** - (1) The District Council may by notification, make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:-

- (a) grant permission required under the various provisions of this Act.
- (b) manner and process of compounding offences and empowerment under Section 16 of this Act.
- (c) any other matter which has or may be prescribed.

20. **Power to remove difficulties** - (1) If any difficulty arises in giving effect to the provisions of this Act, the Executive Committee may, by order, published in the Official Gazette, make such provisions or give such directions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such power shall be exercised after the expiry of a period 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 District Council.

STATEMENT OF OBJECT AND REASONS

Whereas it has become expedient to amend the United Khasi-Jaintia Hills District (Fishery) Act, 1954 which is comprehensive, while taking into consideration the modern concept of conservation by involving the community and stakeholders in the protection, conservation of our rivers and streams from wanton destruction of aquatic fauna.

Hence, this Amendment ACT

Certified that the above Amendment ACT was passed by the Khasi Hills Autonomous District Council in Session on the 22nd December, 2023.



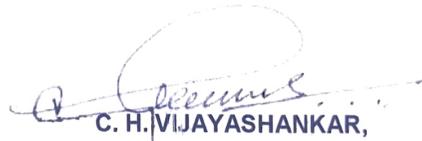
LAMPHRANG BLAH,
Chairman,
Khasi Hills Autonomous District Council, Shillong.

No. _____

I assent to this Amendment Bill.

Dated Shillong,

The 22nd October, 2024.



C. H. VIJAYASHANKAR,
GOVERNOR OF MEGHALAYA