

*The West Bengal Inland Fisheries Act, 1984.**(Chapter I.—Preliminary.—Section 2.)*

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

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

(i) "company" means a domestic company or a foreign company.

Explanation I.—"Domestic company" means a company formed and registered under the Companies Act, 1956, and includes a company formed and registered under any law relating to companies formerly in force in any part of India: 1 of 1956.

Provided that the registered office of the company is in India.

Explanation II.—"Foreign company" means a foreign company within the meaning of section 591 of the Companies Act, 1956, and includes any foreign association, whether incorporated or not, which the Central Government may, by general or special order, declare to be a foreign company for the purposes of this Act;

(ii) "competent authority" means any person or authority authorised by the State Government by notification to perform the functions of the competent authority under this Act;

(iii) "firm" has the same meaning as in the Indian Partnership Act, 1932; 9 of 1932.

(iv) "fish" includes aquatic plants and animals in any stage of their life cycle;

(v) "fisherman" means a person who is by caste or by profession a fisherman and is mainly engaged in culture or capture of fish;

(vi) "fishery" means any activity or occupation connected with conservation, development, propagation, protection, exploitation or disposal of fish and fish products, or any place or water area where such activity or occupation is carried on, and includes a tank fishery.

Explanation.—"Tank fishery" shall have the same meaning as in the West Bengal Estates Acquisition Act, 1953; West Ben. Act I of 1954.

(vii) "fixed engine" includes a net, cage, fishing-fence, anchor, trap or contrivance for taking fish, fixed in the soil or made stationary in any other way;

(viii) "Hindu undivided family" has the same meaning as in the Bengal Agricultural Income-tax Act, 1944; Ben. Act IV of 1944.

*The West Bengal Inland Fisheries Act, 1984.**(Chapter II.—Conservation and propagation.—Sections 3—5.)*

- (ix) "multi-ownership tank" means a reservoir for water, held by two or more persons by way of ownership, lease, mortgage or otherwise;
- (x) "notification" means a notification published in the *Official Gazette*;
- (xi) "person" includes a Hindu undivided family, company, firm, institution (by whatever name called), fish production group, *Gram Panchayat*, *Panchayat Samiti*, *Zilla Parishad*, co-operative society or other association of persons;
- (xii) "prescribed" means prescribed by rules made under this Act;
- (xiii) "public purpose" means any purpose having, or being connected with, any of the following objects:—
- (a) the improvement or development of fishery,
 - (b) the supply of fish to consumers from fishery,
 - (c) any other object ancillary or incidental to the object referred to in sub-clause (a) or sub-clause (b).

CHAPTER II

Conservation and propagation

Conservation and propagation of fish.

3. (1) The State Government may, for the purpose of conservation and propagation of fish, by notification restrict, for any specified area and for a specified period, fishing of specified size, group or species of fish, and may by rules regulate the conservation and propagation of fish including the following:—

- (i) the erection or use of fixed engine;
- (ii) the construction, temporary or permanent, of any weir, dam or *bundh*;
- (iii) the dimension and kind of any net or size of any mesh or any other fishing contrivance, and the mode of using them.

(2) No person shall construct any dam, barrage, *bundh* or barrier of any kind whatsoever on a flowing river without making provision for fish-pass or fish-ladder of such description and in such manner as may be directed by the competent authority.

Angling in specified area.

4. No person shall, without obtaining permission from the competent authority, catch fish by angling in such area as the State Government may by notification specify.

Destruction of fish by explosive substance or poisoning.

5. If any person uses any dynamite or other explosive substance or puts any poison, lime or noxious material in any fishery or other water area with intent to catch or destroy any fish therein, he shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

The West Bengal Inland Fisheries Act, 1984.

(Chapter II.—Conservation and propagation.—Section 6.—
Chapter III.—Management.—Sections 7, 8.)

Protection
of fish.

6. (1) No person shall discharge into any flowing water or any confined water area any industrial waste, sewage or other polluting substance that may affect the health or life of fish or cause destruction of fish, or act in contravention of any rules regulating the protection of fish.

(2) Any person causing pollution of any flowing water or any confined water area in contravention of the provisions of sub-section (1) shall be directed by the State Government for the prevention of such pollution within a specified time, failing which the State Government shall take such measures as it may think fit for the prevention of such pollution, and the entire cost in this behalf or any part thereof shall be recovered from such person.

(3) Without prejudice to the provisions of the foregoing sub-section, any person causing pollution of any flowing water or any confined water area may also be prosecuted and shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

CHAPTER III

Management

Breed fish
manage-
ment.

7. The State Government may prescribe by rules the minimum age, length and weight of fish that shall be used for induced breeding for any purpose other than scientific research.

Proper uti-
lization of
multi-ow-
nership or
other tanks
for pisci-
culture.

8. (1) If the competent authority, on receipt of an information or on his own motion or otherwise, is satisfied that a multi-ownership tank is not utilized in accordance with the prevailing norms of pisciculture and that it is necessary for any public purpose so to do, he may, after giving one month's notice to the owner and the possessor of such tank, by order in writing take over the management and control of such tank.

(2) The management and control of such tank may be transferred by the competent authority to any person for proper utilization of such tank in such manner as may be prescribed.

(3) Every co-sharer or co-owner of a multi-ownership tank shall be entitled to receive rent for taking over the management and control of such tank by the competent authority at such rate as may be determined by that authority in the manner prescribed.

(4) The management and control of a multi-ownership tank may be taken over under sub-section (1) for a period not exceeding 25 years or transferred to any person under sub-section (2) for a period not exceeding 10 years at a time.

(5) If the person referred to in sub-section (2) fails to utilize the multi-ownership tank in accordance with the prevailing norms of pisciculture, the competent authority may, after giving notice to such person, resume the management and control of such tank without payment of any rent or compensation to such person; and such tank may thereafter be managed by the competent authority or transferred to some other person for pisciculture.

The West Bengal Inland Fisheries Act, 1984.

(Chapter III.—Management.—Sections 9—16.)

(6) The provisions of this section shall apply, *mutatis mutandis*, to any tank owned or possessed by a single person, or a tank owned by the State Government jointly with other person or persons.

Distribu-
tion of
sewage
water.

9. (1) The State Government may, for the purpose of making an equitable distribution of sewage water for the sewage-fed fisheries, set up a committee with such members as may be prescribed.

(2) The committee shall exercise such powers as may be prescribed.

Fish pro-
duction
group.

10. A cluster of fishermen or other persons or both may, for the purpose of efficient production and sale of fish in a collective way, form and register a fish production group in such manner as may be prescribed:

Provided that no person who is a member of any fishermen's co-operative society, registered or deemed to be registered under the West Bengal Co-operative Societies Act, 1973, shall be a member of a fish production group.

West Ben.
Act
XXXVIII
of 1973.

Building
up of buff-
er stock
and levy of
fish.

11. (1) The State Government may, if it thinks fit so to do, build up a buffer stock of fish for the purpose of ensuring a steady supply to consumers.

(2) For the purpose mentioned in sub-section (1) the State Government may impose a levy on producers and wholesale dealers of fish at such scale and in such manner as may be prescribed:

Provided that such imposition of levy shall come into force in such areas and in respect of such species of fish as the State Government may by notification specify.

Explanation.—"producer" shall include a catcher.

Sale of re-
jected fish.

12. No fish or fish product rejected by any authority empowered to do so under any law for the time being in force as being unfit for export shall be put to sale for human consumption, unless the same has been certified by an authority, appointed by the State Government by notification, to be fit for such consumption and such authority shall also indicate in the certificate the period of validity thereof.

Standard
measure.

13. No person shall sell fish-spawn without using such standard measure as may be specified by the State Government by notification.

Regulated
fish-market.

14. Notwithstanding anything to the contrary contained in any other law for the time being in force, the State Government may by notification declare any area as a fish-market area within which purchase and sale of fish shall be regulated in accordance with such rules as may be prescribed.

Fish-
market.

15. The owner or lessee of a fish-market wholly or partly meant for sale of fish shall ensure such hygienic condition in such market as may be prescribed.

Observan-
ce of hygi-
enic rule
by a
dealer.

16. (1) Every person ordinarily dealing in fish of any quantity exceeding ten kilograms by way of sale, exposing for sale, transportation, storage, preservation or processing shall observe such hygienic and sanitary conditions as may be prescribed.

(2) If any person fails to observe any hygienic or sanitary condition as provided in the rules referred to in sub-section (1), he shall be punished with fine which may extend to ten thousand rupees.