

No. 132/XXXVI(3)/2023/76(1)/2022

Dated Dehradun, April 03, 2023

NOTIFICATION

Miscellaneous

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 Uttarakhand Fisheries (Amendment) Act, 2022' (Act No. 06 of 2023).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 31 March, 2023.

**THE UTTARAKHAND FISHERIES (AMENDMENT) ACT, 2022**

(Uttarakhand Act No. 06 of 2023)

**An**

**Act**

further to amend the Uttarakhand Fisheries Act, 2003

Be it enacted by the Uttarakhand State Legislative Assembly in the Seventy third Year of the Republic of India as follows:-

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| <b>Short title, extent and commencement</b> | 1. | (1) This Act may be called the Uttarakhand Fisheries (Amendment), Act, 2022.<br>(2) It extends to whole of State of Uttarakhand.<br>(3) It shall come into force at once.  |
| <b>Amendment in the Act</b>                 | 2. | In the Uttaranchal State Fisheries Act, 2003 (hereinafter referred to as the principal Act) for the word "Uttaranchal" wherever it occurs, the word "Uttarakhand" shall be substituted.  |
| <b>Amendment of Section 4</b>               | 3. | For Section 4 of the principal Act, the following section shall be substituted, namely:-   |
| <b>Power to prohibit sale of fish</b>       | 4. | The State Govt. may, by notification in the official Gazette, prohibit in such area or areas as may be specified in this behalf the offering or exposing for sale or barter of any fish caught or killed in contravention of any rule made under, sub-section (3) of section 3 this Act. |

- Amendment of Section 5**
- Penalties**
- Amendment of Section 6**
- Punishment for destruction of fish by explosive**
- Amendment of Section 7**
- Punishment for destruction of fish by poisoning**
4. For Section 5 of the principal Act, the following section shall be substituted, namely:-
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 fine which may extend to five hundred rupees.
- (2) On every subsequent conviction with fine which may extend to one thousand rupees.
5. For Section 6 of the principal Act, the following section shall be substituted, namely:-
6. (1) If any person uses any explosive substances in any water with intent thereby to kill, catch or destroy any fish, he shall be punishable with fine which may "Rupees Two Thousand minimum" and in addition to the above "the amount of maximum fine shall be prescribed in such a manner as may be determined by the State Government from time to time".
- (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 fine which may "Rupees Two Thousand minimum" and in addition to the above "the amount of maximum fine shall be prescribed in such a manner as may be determined by the State Government from time to time".
- (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, khadd, pond, lake, reservoir which are habitated 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 fine may "The amount of maximum fine shall be such as may be prescribed by the State Government from time to time."
6. For sub-section (2) of Section 7 of the principal Act, the following sub-section shall be substituted, namely:-
- (2) 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 fine which may "The amount of maximum fine shall be such as may be prescribed by the State Government from time to time."

By Order,

SHAMSHER ALI,  
Additional Secretary.

Statement of objects and reasons

The Uttaranchal Fisheries Act, 2003 has been promulgated by the State Government for the arrangement of fisheries in the state of Uttarakhand and related matters. In view of the initiative taken by the Government of India to improve the competitiveness of the economy and to simplify the regulatory framework, to reduce the regulatory compliance burden and for decriminalization, the provisions under the Acts/Rules promulgated in the State, the cases are registered against Firm/Business Criminal procedures and Citizens, to be decriminalized. Therefore, in compliance with the above instructions of the Government of India, the provision of punishment of imprisonment in certain sections of the Uttaranchal Fisheries Act, 2003, such as section-4, section-5, section-6 and sub-section-2 of section-7 is proposed to be omitted.

- 2- The proposed Bill fulfills the aforesaid objectives.

Saurabh Bahuguna  
Minister