

F O O T N O T E S

1. See 1:3 Fish Coops 9 (1988) reporting inaugural speech of Minister of Agriculture, Government of India on the occasion of ICA Fisheries Sub-Committee meeting held on 25 November 1988.
2. Centre for Science and Environment, The State of India's Environment 1984-85: The Second Citizens Report 43 (1985).
3. As regards public and private waters see, Chattarpati Singh's paper.
4. Halsbury's Laws of England, 4th ed., Vol.18, paras 602, 617-618 at 255, 262.
5. Parbutty Nath Roy v. Mudho Parooe, (1878) 3 Cal. 276; Henry Hill & Co. v. Sheoraj Rai, 67 I.C. 954 (pat.1922).
6. Baban Mayucha v. Nagu Shravacha, (1878) 2 Bom. 19 at 52.
7. Ibid. See, also, Viresa v. Tatayya, (1885) 8 Mad. 467; Narasayya v. Sami, (1888) 12 Mad. 43.
8. Sethukaruppan Ambalan v. Peer Muhammad Sannatti, A.I.R. 1935 Mad. 350.
9. Periasami v. Kandappan, A.I.R. 1975 Mad. 239.
10. Haridas v. Mohammad Jaki, 11 Cal. 434; Sarat Chandra v. Kolaram, 33 Cal. 1349; Baban Mayucha, 2 Bom. 19; Viresa, 8 Mad. 467; Sri Nath Roy. v. Dinbandhu, 42 Cal. 439.
11. The Constitution of India 1950, Entry 57 of List I and Entry 21 of List II of the VII Schedule.
12. Planning Commission, The First Five Year Plan 306-314 (1952).
13. Ibid.
14. Planning Commission, The Second Five Year Plan 292-297 (1956).
15. Planning Commission, The Third Five Year Plan 357-61 (1961).

16. Planning Commission, The Fourth Five Year Plan 200-205 (1969).
17. Planning Commission, The Fifth Five Year Plan. 57-58 (1974).
18. Planning Commission, The Sixth Five Year Plan, 133-135 (1980).
19. Planning Commission, The Seventh Five Year Plan, 34-36(1985).
20. Planning Commission, Annual Plan 1987-1988, 67-68.
21. 1:3 FISH COOPS (1988).
22. See below.
23. "Tax Relief to Fishery Sector", Background Paper presented at the Second National Fisheries Cooperative Congress on 9th May 1986 organised by FISHCOPPED at New Delhi, pp.27-30.
24. Ibid. As a part of its promotional activities, it has brought out the following publications (besides its prestigious Quarterly journal FISHCOOPS):
 - (1) Fishery Cooperatives in India - Statistics
 - (2) Leasing System of Inland Waters - A Study
 - (3) Impact of Centrally Sponsored Group Accident Insurance Scheme for Active Fishermen - A Study
 - (4) Export of Marine Products by Cooperatives - A Manual.
- 24(a). "Fish Farmers: Development Agencies and Cooperatives", supra note 23 at 35-36.
25. Fresh-Water Fish and Fisheries of India and Burma and Sea Fish and Fisheries of India.
26. Act IV of 1897. See for Statement of Objects and Reasons of the Indian Fisheries Act 1897, Gazette of India, 1893, Pt.V, p.101. See also Iqbal Ahmed Siddiqui, "Positivity of Water Laws in India."

27. Fisheries Act 1897, ss. 4,5,6.
28. Fisheries Act 1897, as Adapted and Applied to the State of Saurashtra; Fisheries (Andhra Pradesh) Andhra Area Amendment Act II 1929; Fisheries (Andhra Pradesh Extension and Amendment) Act V of 1960; Fisheries (Pondicherry Amendment) Act 1965; Fisheries (Goa, Daman & Diu Amendment) Act XI of 1970; Fisheries (Tamil Nadu Amendment) Act XII of 1980.
29. Assam Land and Revenue Regulation I of 1886; Punjab Fisheries Act II of 1914; Andaman and Nicobar Islands Fisheries Regulation I of 1938; Madhya Pradesh Fisheries Act VIII of 1948 as amended by Madhya Pradesh Fisheries (Amendment) Act, 1981; United Provinces Fisheries Act XLV of 1948; United State of Gwalior, Indore and Malwa (Madhya Bharat) Fisheries Act XXI of 1950; Travancore-Cochin Fisheries Act XXXIV of 1950; State of Bhopal Fisheries Act V of 1953; Rajasthan Fisheries Act XVI of 1953; Maharashtra Fisheries Act I of 1961; Jammu & Kashmir State Fisheries Act 1960; West Bengal Inland Fisheries Act XXV of 1984; West Bengal Agricultural Lands and Fisheries (Acquisition and Resettlement) Act XIII of 1958.
30. Some of these Rules are: U.P. Fisheries (Development and Control Rules 1954; Punjab Fisheries Rules 1956; Rajasthan Fisheries Rules 1958; Fishing in water of Tungabhadra Reservoir Rules 1962; Mysore Fisheries (Prohibition of Fishing) Rules 1963; Goa, Daman and Diu Fisheries Rules 1963; Prohibition of Fishing in conserved Area Rules 1955 (T.N.); Pondicherry Fisheries Rules 1966; Assam Fisheries Settlement Rules 1972; Tamil Nadu Inland Fisheries (Lease and Licence) Rules 1972; Tripura Fisheries Rules 1978; Tamil Nadu Chank Fisheries Rules 1981. Manipur Fisheries Rules 1972.
31. Leasing System of Inland Water - Study Report (1988).
32. Govt. of Bihar, Revenue Deptt., circular letter No.41 dated 18.1.84.
33. Circular letter No. 262 dated 12.2.85.
34. Cooperative Deptt. circular No. 3621 dated 16.3.81.
35. Circular No. 64 dated 24.5.50; Govt. of Maharashtra (Agriculture Food and Forest Department), resolution No. FDB 1164/29565-III-G, dated 25.10.83.

36. U.P.State government, Circular No.12-1(3)
77-R-02 dated 30 May 1981.
37. Background Papers- Second National Fisheries
Cooperative Congress, 26th June, 1982, Nagpur.
38. Harinath Das v. State of Assam, AIR 1958
Ass. 70; N.K.Singh v. Sinam Nityai Singh ,
AIR 1961 Mani. 28.
39. Papanasam Fishermen Co-op. Society Ltd. v.
The Collector of Tanjavur, A.I.R 1975 Mad.81.
40. Gangaram Das v. v. Tezpur Kaibarta Co-operative
Fishery Society Ltd, A.I.R 1957 Mad.81.
41. Bhagabati Fishermen's Co-op. Society v.
State of Orissa, (1987) 64 Cut.L.T. 617.
42. (1987) 63 Cut. L.T. 617.
43. A.I.R. 1989 Ori.70.
44. In Bhopal too the State Fisheries Act 1952
empowered the government to make rules requiring
an owner of private water to undertake fish-
culture in his waters.
45. Private waters were defined by the Act as waters
which are the exclusive property of any person, or
in which any person has an exclusive right of
fishery, and in which fish are not confined but
have means of ingress or egress.

46. See, Chern Taong Shang v. Commander S.D. Baingal, A.I.R. 1988 S,C. 603.
47. Thomas Kocherry, "Troubled Waters-Mechanisation and Kerala's Fisherfolk," in Anil Agarwal, et.at (ed.), The Fight for Survival: People's Action for Environment 155 (1987).
48. Kerala Marine Fishing Regulation Act 1980;
Maharashtra Marine Fishing Regulation Act 1981;
Tamil nadu Marine Fishing Regulation Act 1983;
Orissa Marine Fishing Regulation Act 1982 and
Goa Marine Fishing Regulation Act 1980.
49. Babu Joseph v. State of Kerala, I.L.R.(1985) 1 Ker. 402.
50. Joseph Antony v. State of Kerala, A.I.R. 1986 Ker. 238.
51. The Hindustan Times, New Delhi, Dated 29 July 1989.
52. Justice Krishna Iyer speaking at the National Seminar on 'Protect Water Protect Life' organised by National Fishermen Forum as part of their Kanya Kumari March in New Delhi on 25th March 1989.
53. The Hindustan Times, New Delhi, dated 28 April 1989.
54. The Hindustan Times, New Delhi, dated 2 June 1989.

55. Centre for Science and Environment, The State of India's Environment 1982: A Citizens' Report, 16 (1982).
56. Shyam Lal v. District Board, Agra A.I.R. 1956 All.7.
57. Halsbury's Laws of England, Vol.21, 4th ed.at. .644, para 979; Ram Krishna Saran v. State of U.P., A.I.R. 1957 All.455.
58. Nityahari v. Dunne, 18 Cal.652; Ram Sakal Mallah v. Nagesher Mallah, 57 All.757.
59. Luchmessur v. Leelanand, (1878) 4 Cal.599.
60. Dhanpat Pandey v. Pasput Pratap Pandey, 53 All.757.
61. Hammerton v. Earl of Dysart, (1916) 1 A.C.57 at 85, as quoted in 57 All.757.
62. 18 Cal.652; Shama Burgoji v. Gangadhar, 24 Bom.L.R.445; Jwala Singh v. Abdul Razak, 13 All.L.T.775; 57 All.757.
63. 18 Cal.652 at 664.
64. (1891) 19 Cal.253.
65. Permashari Prasad v. Mahammad Syed (1881) 16 Cal.608; Pardip Singh v. Secretary of State, (1920) 57 I.C. 516 (Pat.).

66. 57 All.757 overruling (1881)6 Cal.608 and affirming 18 Cal.652.
67. Bengal Act I of 1885, new applicable in West Bengal, Bihar and parts of Orissa.
68. Northern India Act XVII of 1878, now applicable in Uttar Pradesh, Punjab, Madhya Pradesh, Assam, Meghalaya, Garo Hills, Delhi and Ajmer.
69. Bombay Act II of 1868, now applicable in Maharashtra and Gujarat.
70. Pradip Singh v. Secretary of State, (1920) 57 I.C. 516 (Pat).
71. Bheem Thakur v. District Board, Ballia, A.I.R. 1958 All.464; I.L.R(1959)Punj.1008.
72. Purna Kanta Saikia v. State of Assam, A.I.R. 1959 Ass. 209.
73. Ram Deo Singh v. Executive Engineer, P.W.D. A.I.R. 1977 All.527.
74. Biswanath Singh v. Additional Chief Engineer (R&B) Wing, P.W.D. Assam, A.I.R 1959 Ass.169.
75. Kailash Prasad Singh v. Deputy Commissioner, Darrang, A.I.R. 1959 Ass. 107; Biswanath Singh, A.I.R. 1959 Ass. 169; State of Assam v. Tulsi Singh (1964) 1 S.C.J. 42; Dharmeswar Kalita v. A.Ahmed, A.I.R.1961 Ass.158.

76. I.L.R. (1959) Punj 1008; A.I.R. 1958 All. 464.
77. 1980 All.L.J. 997.
78. State of U.P. v. Satya Narain Prasad,
A.I.R. 1970 S.C. 1199.
79. Cochin Ferries and Tolls Rules 1907;
Madhya Bharat Public Ferries Rules 1954;
Northern India Ferries Rules 1962 (Madhya
Pradesh); Northern India Ferries Rules 1978
(Assam); Control and Management of Ferries
Rules (Assam) 1968.; Ferries and Inland
Vessels (Bombay) Rules 1948; Public Ferries
Rules (Orissa).
80. Madhya Bharat Private Ferries Rules 1955;
Private Ferries Rules (Orissa).
81. Chandra Bali v. Rex, A.I.R. 1952 All. 795.
82. See, Planning Commission, Report of the National
Transport Policy Committee Ch.15, pp.283-285 (1980).
83. List 1, Entry 24.
84. List III, Entry 32.
85. Planning Commission, The Sixth Five Year Plan
304-305 (1980).
86. Planning Commission, The Seventh Five Year Plan
228-230 (1985).
87. S.2.

88. Ibid. ss.42 and 5.
89. Ibid., ss. 8 and 9.
90. Ibid., s.10.
91. S.2(1)(a) and (b).
92. Chapters 11, 11B, s. 19 (f) (2) .
93. Chapter III and chapter V.
94. Chapter IV, ss.32-44.
95. Chapter IVA .
96. Chapter VI, ss.49, 52-54.
97. Ss. 58 and 58A.
98. Chapter VI A, ~~S~~ 54C.
99. S. 54A.
100. The Estimate Committee of Parliament (1956-57); the Gokhale Committee on Inland Water Transport (1959); the Committee on Transport Policy and Co-ordination 1966; the Estimates Committee 1968-69; the Bhagavati Committee on Inland Water Transport 1970; the Committee on National Waterways 1974; and the Committee on National Transport Policy 1980.
101. Supra note 82 at 297.
102. S.14.

103. 'Coasting trade of India' means carriage by sea of passengers or goods from any port or place in India to any other port or place on the continent of India and 'coasting ship' means a ship exclusively employed in trading between any port or place in India and any other port or place on the continent of India or between ports or places in India and ports or places in Ceylon or Burma.
104. S.408.
105. List III, Entry. 31. ; List I, Entry-27 .
106. Supra note 86 at 223.
107. Bengal Ferries Act 1885, ss.30,31,32;
Northern India Ferries Act 1878, ss.28,29,
31; Andhra Pradesh (Telangana Area) Ferries
Act 1314F, ss.27, 28, 30; Madhya Bharat
Ferries Act 1950, ss.25,26,28; Rewa State Ferries
Act 1935, ss.26,27; Bombay Ferries and Inland
Vessels Act 1968, ss.11A, 11B, 11C.
108. T.E.Longford, Electricity Generation and the
Ecology of Natural Waters (1983); Charles M.Payne,
"Water & for Electricity in David H.Speidel, et.al.
(ed.), Perspectives on Water : Uses and Abuses ,
Chapter 15, pp.158-60(1988).

109. K.L.Rao, India's Water Wealth, Chapter III:
"Use of Water in Power Development", 130 (1975).
110. Planning Commission, The Second Five Year Plan
(1956).
111. Planning Commission, The Third Five Year Plan
(1961).
112. The Hindustan Times, New Delhi, dated
18 June 1989.
113. Supra note 86.
114. List IIL, Entry 38..
115. Madhya Pradesh Pariyojna ke Karan Visthapit
Vyakti (Punshthapan) Adhiniyam 1985.
116. The Hindu, 4 July 1939 at 7.
117. Indian Express, 4 July 1989 at 5.
118. The Hindustan Times, New Delhi, dated 24
July 1989.
119. The Hindustan Times, New Delhi, dated 15 July
1989.
120. Ibid.