

I - THE INDIAN FISHERIES ACT.

ACT NO. IV OF 1897

PASSED BY THE GOVERNOR GENERAL OF
INDIA IN COUNCIL.

(Received the assent of the Governor-General on the
4th February, 1897)

AN ACT TO PROVIDE FOR CERTAIN MATTERS RELATING TO
FISHERIES IN BRITISH INDIA.

WHEREAS it is expedient to provide for certain
matters relating to fisheries in British India : it is
hereby enacted as follows :-

1. (1) This Act may be called the Indian Fisheries
Act 1897 .

Title, extent
and commencement

(2) It extends to the whole of British India ; and

(3) It shall come into force at once .

1 of 1887

2. Subject, to the provisions of section 8 and 10 Act to
of the General clauses Act, 1887, this Act shall be ^{be read} as suppl^{as suppl}
real as supplemental to any other enactment for the mental
time being in force relating to fisheries in any ^{to other}
part of British India. ^{Fisheries}
^{Laws.}

D efinitions.

3. In this Act, unless there is anything
repugnant in the subject or context -

(1) "Fish" includes shell-fish ;

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

(3) "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- Water shall not cease to be "private water"
within the meaning of this definition by reason only that

other persons may have by custom a right of fishery

therein

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struction
of fish by
explosives
in inland
waters and
on coasts.

4. (1) If any person uses any dynamite or other explosive substances in any water with intent there by to catch or destroy any of the fish that may be therein, he shall be punishable with imprisonment for a term which may extend to two months or with fine which may to two hundred rupees.

(2) In subsection (1) the word "water" includes the sea within a distance of one marine league of the sea - coast; and an offence committed under that sub-section in such sea may be tried, punished and in all respects dealt with as if it has been committed on the land abutting on such coast.

Destruction
of fish by
poisoning
of waters

5. (1) If any person puts any poison, lime or noxious material into any water with intent thereby with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees.

(2) The Provincial Government may by notification in the official gazette, suspend the operation of this section in any specified area, and may in like manner modify or cancel such notification.

Protection
of fish in
selected waters
by rules of
provincial
Government.

6. (1) The Provincial Government may make rules for the purpose herein after in this section mentioned, and may by a notification in the official Gazette apply all or any of such rules to such waters, not being private waters, as the Provincial Government may specify in the said notification.

(2) The Provincial Government may also, by a like notification, apply such rules or any of them to any private water with the consent in writing of owner thereof and of all persons having for the time being any exclusive right of fishery therein.

(3) Such rules may prohibit or regulate all or any or the following matters, that is to say:-
(a) the erection and use of fixed engines;
(b) the construction of weirs; and
(c) the dimension and kind of the nets to be used and the modes of using them.

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

(5) In making any rule under this section the provincial government may-

(a) direct 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, with 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) provide for -

(i) the seizure, forfeiture and removal of fixed engines afloat, or used or not used, in contravention of the rule, and

(ii) the forfeiture of any fish taken by means of any such fixed engine or not.

(6) The power to make rules under this section is subject to the condition that they shall be made after previous publication.

7. (1) Any police officer or other person specially empowered by the Provincial Government 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 4 or 5 under any rule under section 6 -

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

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(2) A person arrested under this section may be retained until his name and address have been correctly ascertained;

Provided that no person so arrested shall be retained longer than may be necessary for bringing him before a Magistrate, except under the order of a Magistrate for his retention.

II - THE PUNJAB FISHERIES ACT, 1914

PUNJAB ACT NO. II OF 1914

(As modified up to the 30th November 1923).

PASS~~ED~~ BY THE LIEUTENANT GOVERNMENT OF THE PUNJAB IN COUNCIL

(Received the assent of His Honour the Lieutenant-Governor on the 15th January 1914 and that of his Excellency the Viceroy and Governor-General on the 29th January 1914, and was first published in the Gazette of the 13th February 1914).

AN ACT TO EXTEND THE LAW RELATING TO FISHERIES IN THE PUNJAB.

Whereas it is expedient to extend the law relating to Fisheries in the Punjab :

It is hereby enacted as follows :-

Title :

1. (1) This Act may be called the Punjab Fisheries Act 1914.

Extent

- (2) It extends to the whole of the Punjab.
2. In this Act and the Rules thereunder unless there is something repugnant in the subject or context, the expressions "fish" and "private water" shall have the meanings assigned to them in Section 3 of the Indian Idifa Act IV of 1897.

Definitions.

(2-A 1. In this Act, unless there is anything repugnant in the subject or context.

- (1) "Fishery Officer" means any person when the provincial Government or any Officer empowered by the provincial Government in this behalf may from time to time appoint any 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 thereunder to be done by a Fishery Officer :

Provided that no police officer below the rank of Sub-Inspector shall be so empowered.

- (2) "Fishing Offence" means an offence punishable under this act or under any rule made thereunder.

3. (1) The Provincial Government may make rules for the purposes hereinafter in this section mentioned, and, shall in such rules declare the waters, not being private waters, to which all or any of them shall apply.

Prohibition
of fishing in
selected waters
by rules
of Provincial
Government.

(2) The provincial Government may by notification apply such rules or any of them to any private waters with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

(3) Such rules may :-

- (a) Prohibit fishing except under licence and regulate the granting of such licenses, the fees payable therefor, and the conditions to be inserted therein ;
- (b) Prescribe seasons in which the killing of any fish of any prescribed species shall be prohibited ; and
- (c) prescribe a minimum size or weight below which no fish or any prescribed species shall be killed.

(4) In making any rule under this section the provincial Govt. may provide for :-

- (a) The seizure, forfeiture and removal of any apparatus erected or used for fishing in contravention of the rules, and
- (b) the forfeiture of any fish taken by means of any such apparatus.

(5) The power to make rules under this section is subject to the condition that they shall be made after previous publication.

4. The provincial Government may by notification power to prohibit in any specified areas the offering or exposing for sale or barter of any fish killed in sale of contravention of any rule made under section 3(3)(b) fish and (c)(1) of this Act.

5. The breach of any rule made under section 3 penalty, or of any prohibition notified under section 4 shall be punishable with the fine which may extend to one hundred rupees, and when the breach is a continuing breach, with 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.

6. (1) Any Police Officer, or other person specifically empowered by the Provincial Government in this behalf, may without warrant arrest any person committing in his view a breach of any rule made under section 3 or of any prohibition notified under section 4-
Arrest with
without
warrant for
offences
under the
Act.

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

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(b) If the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address, if given.

(2) A person arrested under this section may be retained until his name and address have been correctly ascertained ;

Provided that no person so arrested shall be retained longer than may be necessary for bringing him before a Magistrate, except under the order of a Magistrate for his retention.

7. Nothing in this Act shall be deemed to limit the powers of the Provincial Government to make rules under section 6 of the Indian Fisheries Act, 1997. India Act IV of 1897

Saving of powers under Indian Fisheries Act. power to compound certain offences.

(8.1) (1) The Provincial Government may by notification empower a fishery officer by name or as holding an office.

(a) To accept from any person concerning whom evidence exists which if un rebutted would prove that he has committed any fishing offence as described in the first column of the Schedule a sum of money by way of compensation for the offence with regard to which such evidence exists and on the payment of such sum to such officer such person if in custody shall be discharged and no further proceedings shall be taken against him ;

(b) When any property has been seized as liable to confiscation, to release the same without further payment, or on payment of the value thereof as estimated by such officer, and on the payment of such value such property shall be released and no further proceedings shall be taken in respect thereof.

(2) The sum of money acceptable as compensation under clause (a) of sub-section (1) shall in no case exceed the amount mentioned in the second column of the Schedule as the amount acceptable as compensation for the particular offence described in the first column of the Schedule.)

THE SCHEDULE
(SEE SECTION 8)

Maximum amount acceptable as compensation for certain fishing
offences under section 8

Description of offence	Maximum amount acceptable as compensation
1. Fishing with a net having a smaller mesh than that prescribed under the rules made under the Act	Rupees ten
2. Fishing without a licence	Rupees ten
3. Killing fish a size or weight less than the standard prescribed under this Act	Rupees ten
4. Killing any fish of a prohibited species during a close season.	Rupees ten
5. Fishing with any gear or method other than that permitted under the rules.	Rupees ten
6. Using at any one time more than two of either or any of the gear permitted under the rules.	Rupees ten
7. Licence holders employing or engaging men-licensors to help them with their nets while fishing.	Rupees ten
8. Fishing in prohibited waters	Rupees ten
9. Offering or exposing for sale or barter any fish, the sale of which is prohibited in any specified area by a notification issued under section 4 of the Act	Rupees ten