

The Punjab Fisheries Act, 1914

PUNJAB

India

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Act 2 of 1914

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The Punjab Fisheries Act, 1914 Act No. 2 of 1914 Statement of Objects and Reasons. - The Bill extends the powers conferred on the Local Government by section 6 of the Indian Fisheries Act IV of 1897, to make rules for the protection of fish in selected waters. Experience has shown that the existing law is insufficient to prevent the wholesale slaughter of immature fish at the spawning grounds; and that a valuable source of food supply is in danger of being lost if unrestricted fishing is allowed to continue. Some rivers in the Punjab have already been depopulated to such an extent that a measure which will check the destruction of young fry and assist re-stocking by natural means is urgently required. Power is, therefore, given to the Local Government to make rules to prohibit fishing except under licence when this appears necessary; to declare a close time for any species of fish in any particular water; and to prescribe for each species a minimum size or weight below which no fish may be killed. In order to enforce these powers effectually, the rules may also prohibit the offer or exposure for sale of any fish the killing of which has been declared illegal. Published vide Punjab Gazette, 1913, Part, V, page 265. Received the assent of the lieutenant Governor of the Punjab on the 15th January, 1914 and that of the Governor General on the 29th January, 1914 and was first published in the Punjab Gazette, dated the 13th February, 1914. An Act to extend the law relating to Fisheries in [Punjab] [Substituted for the word 'East Punjab' by the Adaptation of Laws (Third Amendment) Order, 1951.]. Whereas it is expedient to extend the law relating to Fisheries in [Punjab] [Substituted for the word 'East Punjab' by the Adaptation of Laws (Third Amendment) Order, 1951.], it is hereby enacted as follows:-

1. Title and extent.

(1) This act may be called the Punjab Fisheries Act, 1914. (2) It extends to the whole of [Punjab.] [Substituted by A.O. 1950, for 'East Punjab'.]

2A. [Definitions. [Added by Punjab Act IV of 1923.]

- In this Act, unless there is anything repugnant to the subject or context -(1)"Fishery Officer" means any person whom the State Government or any officer empowered by the [State] Government 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 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. Prohibition and licensing of fishing in selected waters by rules of State Government.

(1)The State 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 or them shall apply.(2)The [State] Government may by notification apply such rules or any of them to any private water 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 licences, the fees payable therefore, 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 of weight below which no fish of any prescribed species shall be killed.(4)In making any rule under this section the State Government 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. Power to prohibit sale of fish.

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

5. Penalty.

- The breach of any rule made under section 3 or of any prohibition notified under section 4 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.

6. Arrest without warrant for offences under the Act.

(1)Any police officer, or other person specially empowered by the State Government in this behalf, may without a 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 -(a)if the name and address of the person are known 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 detained until his name and address have been correctly ascertained:Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate, except under the order of Magistrate for his detention.

7. Saving of powers under Indian Fisheries Act.

- Nothing in this Act shall be deemed to limit the powers of the State Government to make rules under section 6 of the Indian Fisheries Act, 1897, (IV of 1897).

8. [Power to compound certain offences. [Section 8, added by the Fisheries (Amendment) Act, 1923 (Punjab Act, IV of 1923).]

(1)The State 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 unrebutted 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 proceeding 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 offences described in the first column of the Schedule.][The Schedule [Schedule added by Punjab Act, IV of 1923.](See Section 8)Maximum amounts acceptable as compensation for certain fishing offences under section 8

Serial No.	Description of offence	Maaximum 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 of 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 permitted under the rule	Rupees Ten
6	Using at any one time more than two of either or any of the gears permitted under the rules.	Rupees Ten

7	Licence holders employing or engaging non-licensees 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 this Act.	Rupees Ten]

*Items 5, 6, 7, 8 and 9, added by the Punjab Fisheries (Amendment) Act, 1941 (Punjab Act II of 1941).