

THE PUNJAB FISHERIES ACT, 1914.

PUNJAB ACT II OF 1914.

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'THE PUNJAB FISHERIES ACT, 1914.**PUNJAB ACT II OF 1914.**

[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 Gazette² of the 13th February, 1914.]

1	2	3	4
Year	No.	Short title	Where the repealed or otherwise affected by legislation
1914 ..	II	The Punjab Fisheries Act, 1914	<p>Amended by Punjab Act, IV of 1923³</p> <p>Amended, by Government of India (Adaptation of Indian Laws) Order, 1937</p> <p>Amended by Punjab Act II of 1941⁴</p> <p>Amended by the India Independence Adaptation of Bengal and Punjab Acts) Order of 1948 (G. G. O. 40)</p> <p>Amended by the Adaptation of Laws Order, 1950</p> <p>Amended by the Adaptation of Laws (Third Amendment) Order, 1951</p> <p>Extended to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act 5 of 1959⁵</p> <p>Amended by the Reorganisation (Chandigarh) (Adaptation) of Laws on State and Concurrent Subjects Order, 1968)</p>

¹For Statement of Objects and Reasons, see *Punjab Gazette*, 1913, Part V, page 265, for Report of the Select Committee, see *Punjab Gazette*, 1913, Part V, page 365, and for Proceedings in Council, see *Punjab Gazette*, 1913, Part V, pages 298 and 381.

²See *Punjab Gazette*, 1914, Part V, page 43.

³For Statement of Objects and Reasons, see *Punjab Gazette*, 1923, Part V, pages 45—47, for Report of the Select Committee, see *ibid*, 1923, Part V, pages 119—22 and for Proceedings in Council, see *Punjab Legislative Council Debates*, Volume IV, pages 906—10. This Act came into force on 1st January 1924,—vide *Punjab Gazette*, 1923, Part I, page 991.

⁴For Statement of Objects and Reasons, see *Punjab Gazette*, Extraordinary, 1940, page 243 ; and for Proceedings in Assembly, see *Punjab Legislative Assembly Debates*, Vol. XV, pp 85 and 86.

⁵For Statement of Objects and Reasons, see *Punjab Government Gazette*, (Extraordinary), 1958, page 1487.

An Act to extend the Law relating to Fisheries in Punjab.

WHEREAS it is expedient to extend the law relating to Fisheries in 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 ²[Union territory of Chandigarh].

Meaning
terms.

2. In this Act and the Rules thereunder unless there is something repugnant in the subject or context, the expression "fish" and "private water" shall have the meanings assigned to them in section 3 of the ³Indian Fisheries Act, 1897.

IV of
1897

Definitions.

⁴[2-A. In this Act, unless there is anything repugnant in the subject or context—

(1) "Fishery Officer" means any person whom the ⁵[Central Government] or any officer empowered by the ⁵[Central 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.

²Substituted for the words "East Punjab" (which had been inserted for the words "the Punjab" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948), by the Adaptation of Laws (Third Amendment) Order, 1951.

³Substituted for the word "Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

⁴Unrepealed Central Acts, Volume III.

⁵Added by Punjab Act, IV of 1923, by section 3.

⁶Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

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

3. (1) The '[Central 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 and
licensing of fish-
ing in selected
waters by rules
of Central Gov-
ernment.

(2) The '[Central 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 license 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 of any prescribed species shall be killed.

(4) In making any rule under this section the '[Central 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.

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

Power to prohibit sale of fish.

4. The ¹[Central 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.

Penalty.

5. 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.

Arrest without warrant for offences under the Act.

6. (1) Any police officer or other person specially empowered by the ¹[Central 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 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 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 a Magistrate for his detention.

Saving of powers under Indian Fisheries Act.

7. Nothing in this Act shall be deemed to limit the powers of the ¹[Central Government] to make rules under section 6 of the ²Indian Fisheries Act, 1897. ^{IV of 1897.}

Power to compound certain offences.

³[8. (1) The ¹[Central 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

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

²Unrepealed Central Acts, Vol. III.

³Added by Punjab Act, IV of 1923, section 4.

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.]

¹THE SCHEDULE.

(See section 8.)

Maximum amounts 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 license	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 prohibited species during a close season	Rupees ten
² 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 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 the Act	Rupees ten

¹Added by Punjab Act, IV of 1923, section 4 (2).

²Items 5, 6, 7, 8 and 9 added by Punjab Act, II of 1941, section 2.