

ASSAM ACT I OF 1935.

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THE ASSAM PRIVATE FISHERIES PROTECTION ACT, 1935.

An Act for the protection of the right of fishing in private waters.



Preamble.

WHEREAS it is expedient to provide for the protection of private rights of fishery ;

And whereas the previous sanction of the Governor General has been obtained under sub-section (3) of section 80A of the Government of India Act to the passing of this Act.

5 and 6 Geo. 5, ch. 61; 6 and 7 Geo. 5, ch. 37; and 9 and 10 Geo. 5, ch. 101.

It is hereby enacted as follows :—

Short title.

1. (1) This Act may be called the Assam Private Fisheries Protection Act, 1935.

Extent.

(2) It extends in the first instance only to the areas in Assam in which the Private Fisheries Protection Act, 1889, is, before the passing of this Act, in force and the Local Government may, by notification in the *Assam Gazette* extend to any other area all or any provisions of this Act.

Bengal Act II of 1889.

The Indian Fisheries Act, 1897, is to be read as supplemental to this Act.

Interpretation clause.

2. In this Act, unless there be something repugnant in the subject or context—

Fish.

(1) "Fish" includes shell-fish and turtles ;

Fixed engine.

(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 ;

Private waters.

(3) "Private waters" means waters—

(a) which are the exclusive property of any person ; or

(b) in which any person has an exclusive right of fishery.

Penalties.

3. Any person who—

(a) fishes in any private waters, not having a right to fish therein ;

(b) erects, places, maintains or uses any fixed engine in private waters, or puts, or knowingly permits to be put therein any matter for the purpose of catching or destroying fish without the permission of the person to whom the right of fishery therein belongs ;

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shall be guilty of an offence, and shall be punished for a first offence with a fine not exceeding fifty rupees ;

and for a subsequent offence with imprisonment, which may be simple or rigorous for a term not exceeding one month, or with a fine not exceeding two hundred rupees or both :

Provided that nothing herein contained shall apply to acts done by any person in the exercise of a *bona fide* claim of right, or in accordance with a long-established custom or shall prevent any person from angling with a rod and line or with a line only in any portion of a navigable river.

Forfeiture of fixed engines.

4. (1) Any fixed engine erected, placed, maintained or used in contravention of the last preceding section, and any fish taken by means of such engine, or otherwise in contravention of this Act shall be forfeited.

Removal of fixed engines.

(2) And such fixed engine may be removed or taken possession of by the Deputy Commissioner of the District, or such person as he empowers in this behalf.

Entry upon the land of another or upon private waters with intent to commit an offence.

5. Whoever enters upon land in the possession of another or upon private waters, with intent to commit any of the offences specified in section 4, shall be punished with a fine not exceeding fifty rupees.

Offences under this Act considered "cognizable offences".

6. Offences committed under this Act shall be considered to be "cognizable offences" as defined in the Code of Criminal Procedure, 1898. Act V of 1898.