

II - THE PUNJAB FISHERIES ACT, 1914

PUNJAB ACT NO. II OF 1914

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

PASSED 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 India 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 holder 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.

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

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.

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(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 exposure 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- 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 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.

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 mentioned 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-licensces to help them with their nets while fishing.	Rupees ten
8. Fishing a 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