

ASSAM PRIVATE FISHERIES PROTECTION ACT, 1935

ASS Preamble. Short title Extent. oP ASSAM ACT 1 OF 1935. [Published in the Assam Gazette of the 14th Au use 1935.] THE ASSAM PRIV ATE PROTECTION ACT, 1935. An Act for the protection of the right of fishing in private waters. W ÉERE\S it is expedient, to provide för the pro- tection "f private rights of fishery ; And whereas the previous sanction Of the 5 and d 5 Governor General has been obtained under sub- section (3) of section 80A of the Government of nod 9' Geo. 5, 101. Imiia Act to the passing of thig Act. It is hereby enacted as follows I. (1) This Act may be called the AsÉam Private Fisheries Protection Act, 1935. (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 an] the Loeal Government may, by notification in the Assam Gazette extend to any other area ail or any provisions of this Act. The Indian Fisheries Act, 1897, is to be read as 1897. supplemental bo this Act. Interpret.uon 2. In this Act, unless thore be something Clouse. Fi.b. repugnant in the subject or context— (l) 'c Fish includes shell-fish and turtles ; Fixed (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 ; water.. (3) 's Private waters means waters— Penaltie•. (a) which are the exclusive property of any person ; or (4) in which any person has an exclusive right Of fishery

8. Any person who—(a) fishes in any private waters, not having a right. to fish them ; (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 permis- Sion of the pelson to whom the right of fishery therein belongs i [Price—Indian anna 1. Engli.h ld.) 2 8ball be guilty of an offence, and 8ball 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 montb, or with a fine not exceed- ing 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 4. (l) Any fixed engine erected, placed, main- axed engines. tained or used in contravention Of the last preced- ing section, and any fish taken by means of such engine, or otherwise in contravention of this Act shall be forfeited. Removal of axed (2) Ancauch fixed engine may be removed engineg. or taken possession of by the Deputy Com- missioner of the District, or such person ag he empowers in this behalf

5. Whoever enters upon land in the possession Entw upon the land of another or apon private of another or upon prii ate waters, with intent to with commit anv of the offences specified in section 4, vaters Intent to eom- offence.shall be punished with a fine not exceeding fifty rupees. Offences 6. Offences committed under this Act shall hig Act eonsi• be con idered , to be cognizable offences •red • •cognize as blo offences' • defined in the Code of Criminal Procedure, 1838. Act v of A G. P. (Leg.) No.