

PUNJAB FISHERIES ACT, 1914

19M : Ph. Act 11.1 FISHERIES 527 1914. THE PUNJAB FISHERIES ACT, PUNJAB ACT 11 OF 1914. CONTENTS. SECTIONS

1. Title and Extent

2. Meaning of terms. 2-A. Definitions. 3. 4. 5. 6. 7. g. Prohibition and licensing of fishing in selected waters by rules of Central Government. Power to prohibit sale of fish. Penalty. Arrest without warrant for offences under the Act. Saving of powers under Indian Fisheries Act. Power to compound certain offences. The Schedule. 1914 : Pb. Act 11. FISHERIES 529 ITHE PUNJAB FISHERIES ACT, 1914. PUNJAB ACT 11 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Punjab Gazette* of the 13th February, 1914. 1 2 No. Year 1914 3 Short title The Punjab Fisheries Act, 1914 4 Where the repealed or otherwise affected by legislation Amended by Punjab Act, IV of 1923' Amended. bYGovernment of India (Adaptation of Indian Laws) Order, 1937 Amended by Punjab Act 11 of 1941' Amended by the India Independence Adaptation of Bengal and Punjab Acts) Order of 1948 (G. G. O. 40) Amended by the Adaptation of Laws order, 1950 Amended by the Adaptation of Laws (Third Amendment) Order, 1951 Extended to the territories which immediately before the November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act 5 Of 1959' Amended by the Reorganisation (Chandigarh) (Adaptation) of Laws on State and Concurrent Subjects Order, 1968) 'For 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. •see Punjab Gazette, 1914, Part V, page 43. For 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 I V, pages 906—10. This Act came into force on 1st January Punjab Gazette, 1923, Part I, page 991, 'For 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. bFor Statement of Objects and Reasons, see Punjab Government Gazette, (Extraordinary), 1958, page 1487. 530 FISHERIES [1914 : Pb. Act n. Title. Extent. Meaning An Act to 'extend' the Fisheries in Punjab. WHEREAS it is expedient to extend the law relating to Fisheries in Punjab • It is hereby enacted as follows : 1. (1) This Act may be called the Punjab Fisheries Act, 1914. (2) It extends to the whole of 2[Union territory of Chandigarh]

2. In this Act and the Rules thereunder unless there of 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 Indian Fisheries Act, 1897. 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 under to be done by a Fishery Officer • Provided that no police officer below the rank of Sub-Inspector shall be so empowered. iSubstituted for the words "East Punjab" (which had been inserted for the words "the Punjab" by the Indian Independence (Adaptation of Rong I and Punjab Acts) Order, 1948), by the Adaptation of Laws (Third Amendment) Order, 1951. 'Substituted for the word "Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. EUUnrepealed Central Acts. Volume 111. 'Added by Punjab Act, IV of 1923. by section S. OSubstituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 196b. 1914 : Pb. Act 11.] FISHERIES 531 (2) 'Fishing offence' . means an offence punishable under this Act or under any rule made thereunder. 3. (1) The 1[Central Government] may make rules Prohibition and Licensing of fishing for the purposes hereinafter in this section mentioned, and In shall in such rules declare the waters, not being private-waters by rules of Central Government, to which all or any of them shall apply. ernmont. (2) The 1[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. 'Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 532 [1014 : Pb. Act it. FISHERIES to pro• 4. The [Central Government] may by notification prohibit sale of fish. 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. 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. (1) Any police officer or other person specially appointed without warrant for offences under the empowered by the [Central Government] in this behalf, may without a warrant arrest any person committing in his Act. 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

7. Nothing in this Act shall be deemed to limit the Saving Of powers of the [Central Government] to make rules under Of wers 1897. Indian Fisheries section 6 of the 2 Indian Fisheries Act, 1897. 818. (1) The [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 substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 2 Unrepealed Central Acts, Vol. 111. 3 Added by Punjab Act, IV of 1923, section 4. : Ph. Act 11.1 FISHERIES 533 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.] 1 THE SCHEDULE. (See section 8.) -Maximum amounts acceptable as compensation for certain fishing offences under section 8. 2. 3. 4. 6. 7. 8

9. Maximum amount acceptable as Description of offence compensation Fishing with a net having a smaller mesh than that Rupees ten prescribed under the rules made under the Act Fishing without a license Rupees ten Killing fish of a size or weight less than then the Rupees ten standard prescribed under this Act Killing any fish of prohibited species during a close Rupees ten season Fishing with any gear or method other than that Rupees ten permitted, under the rules Using at any one time more than two of either or Rupees ten any of gears permitted under the rules Licence-holders employing or engaging non-licensees Rupees ten to help them with their nets while fishing Fishing in prohibited waters Rupees ten Offering or exposing for sale or barter any fish. the Rupees ten sale of which is prohibited in any specified area by a notification issued under section 4 of the Act 'Added by Punjab Act, IV of 1923, section 4 (2). 2 Items 5, 6, 7, 8 and 9 added by Punjab Act, 11 of 1941, section 2.