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THE PUNJAB FISHERIES ACT, 1914

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1THE PUNJAB FISHERIES ACT, 1914

Punjab Act 2 of 1914

[13th February, 1914]²

1	2	3	4
Year	No.	Short title	Whether affected by later legislation
1914	2	The Punjab Fisheries Act, 1914	Amended by :— Punjab Act 4 of 1923 ³ . Government of India (Adaptation of Indian Laws) Order, 1937. Punjab Act 2 of 1941 ⁴ . Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948. Adaptation of Laws Order 1950. Adaptation of Laws (Third Amendment) Order, 1951. Extended to the territories, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union, by Punjab Act 5 of 1959 ⁵ . Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968 ⁶ .

AN ACT TO EXTEND THE LAW RELATING TO FISHERIES IN ⁷[HARYANA].

Whereas it is expedient to extend the Law relating to Fisheries in ⁷[Haryana] ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Punjab Fisheries Act, 1914.

Title and extent.

1. For Objects and Reasons, see Punjab Gazette, 1913, Part V, page 265; for Report of the Select Committee, see *ibid*, page 365; and for proceedings in Council, see *ibid*, see pp. 298 and 381].
2. See Punjab Gazette, Part V, 1914, page 43.
3. For Statement of Objects and Reasons, see Punjab Gazette, 1923, Part V, pp. 45-47, for report of the Select Committee, see *ibid*, pp. 119-122; and for proceedings in the Council, see Punjab Legislatives Council Debates, Vol. IV, pp. 906-10. This Act came into force on 1st January, 1924,—*vide* Punjab Gazette, 1923, Part I, page 991.
4. 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. 85-86.
5. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1958, page 1487.
6. For Statement of Objects and Reasons, see Haryana Government Gazette (Extra), dated the 29th October, 1968.
7. Substituted for the word “Punjab” by Haryana Adaptation of Laws Order, 1968.

- (2) It extends to the whole of ¹[Haryana].
- Meaning of terms. **2.** In this Act and the Rules thereunder unless there is something repugnant in the subject to context, the expressions “fish” and “private water” shall have the meanings assigned to them in section 3 of the Indian Fisheries Act, 1897.
- Definitions. ²**[2-A.** In this Act, unless there is anything repugnant in the subject or context — 4 of 1897.
- (1) “Fishery Officer” means any person whom the ³[State] Government or any officer empowered by the ³[State] 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.
- (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 State Government. **3.** (1) The ³[State] 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.
- (2) The ³[State] 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

1. Substituted for the word, “Punjab” by the Haryana Adaptation of Laws Order, 1968.

2. Added by Punjab Act 4 of 1923.

3. Substituted by A.O. 1950, for “Provincial”.

(c) prescribe a minimum size of weight below which no fish of any prescribed species shall be killed.

(4) In making any rule under this section the ¹[State] 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.

4. The ¹[State] 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.

Power to prohibit sale of fish.

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.

Penalty.

6. (1) Any police officer, or other person specially empowered by the ¹[State] 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 —

Arrest without warrant for offences under the Act.

(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

1. Substituted by A.O., 1950, for “Provincial”.

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[State] Government to make rules under section 6 of the ²Indian Fisheries Act, 1897. 4 of 1897

Power to
compound
certain offences.

³[8. (1) The ¹[State] 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 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. Substituted by A.O., 1950, for "Provincial".
2. See Unrepealed Central Acts, Volume III.
3. New section 8, added by Punjab Act 4 of 1923.

THE ¹SCHEDULE

(See Section 8)

Maximum amounts acceptable as compensation for certain fishing offences under section B.

Description of offence	Maximum amount acceptable as complication
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 a prohibited species during a close season	Rupees ten
² [5. Fishing with any gear or method other than permitted under the rule	Rupees ten
6. Using at any one time more than two of either or any of the 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 this Act	Rupees ten]

1. Schedule added by Punjab Act 4 of 1923.

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