

5.1.3 Fisheries

5.1.3.1 Northern Areas Fisheries Act 1975 (Notification No. Reg. HC.NTF-5/75 dated April 1975)

NOTIFICATION NO. Reg.HC.NTF-5/75

Dated The April, 1975.

NORTHERN AREAS FISHERIES ACT, 1975.

Preamble.—

An Act to consolidate the law relating to fisheries in the Northern Areas.

Where it is expedient to consolidate and amend the Law relating to fisheries in the Northern areas.

NOW, therefore, the Resident/commissioner, in his capacity as Provincial Government for Northern Areas, is pleased to enact as follows:-

1. Short title, application and commencement.—

- (1) This Act may be called the Northern Areas Fisheries Act, 1975, and it shall come into force at once.
- (2) It extends to the whole of the Northern Areas.

2. Definitions.—

In this Act, unless the context otherwise requires the following expressions shall have the meaning hereby respectively assigned to them: that is to say:—

- (a) “Provincial Government” means the Resident/Commissioner of Northern Areas;
- (b) “Director of Fisheries” means the Deputy Commissioner of the Five Districts of Northern Areas, and includes any person appointed by Provincial government to discharge the functions of the Director of Fisheries, under this Act.
- (c) “Assistant Director” means the Assistant Director of the Northern Area Fisheries Department.
- (d) “Fish” means excludes shell-fish.
- (f) “Fixed engine”, means any net, cage, trap or other contrivance for taking fish, fixed in the soil or made stationery in other way:
- (g) “Licence”, “Permit”, “Special Licence” and “Special Permit” means respectively a licence, permit, special licence, and special permit issued under this Act or Rule made there under;

- (h) "Prescribed" means prescribed by rules made under this Act;
- (i) "Private Water" means water which is the exclusive property of any person.

3. Appointment of Inspectors of Fisheries:—

- (1) Provincial government may, by notification, appoint, such persons as it thinks fit to be Inspector of Fisheries for the purposes of this Act within such local limits as may be specified.
- (2) Inspectors of Fisheries shall be deemed to be public servants within the meaning of Section 21 of the Pakistan Penal Code.

4. Destruction of Fish by Explosive.—

No person shall use any dynamite or other explosive substance in any water with intent thereby to catch or destroy any of the fish that may be therein.

5. Destruction of Fish by Poisoning Water.—

No person shall put any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish that may be therein.

6. Fish that shall not be taken.—

No person shall kill, capture, or possess any species of fish specified in the second column of the First Schedule, of a size less than that specified in the third column of the said schedule against such species.

7. Net, Fixed engine, Trap, etc. shall not be employed without a permit or licence.—

- (1) No person shall use or employ for the capture of any species of fish specified in the First schedule, in any water other than private water, any net, cage, trap or other contrivance for taking fish, or fixed engine, except during the period permitted in respect of such species under the Fourth Column of the said schedule and under a licence or permit issued under this Act.
- (2) Licences under Sub-section (1) shall be issued by such authorities, on payment of such fees and on such conditions as may be prescribed.

8. Duty to produce licence or Permit on demand by employees or Fisheries Department.—

Every person in possession of any fishing licence or permit shall produce his licence or permit, as the case may be, on a demand made by the Inspector of Fisheries or any other person authorized in this behalf by the Assistant Director of Fisheries.

9. Powers to declare water to be a sanctuary/reserve for fish.—

- (1) Notwithstanding anything contained in this Act, provincial government may, by notification, declare any water to be a sanctuary/reserve for fish mentioned in the

First Schedule for a period which may be specified and during such period no person shall kill, capture or possess such fish without a special permit issued under this Act by the Director of Fisheries or A.D. Fisheries.

- (2) The water in respect of which a notification under this Section is made shall be demarcated in such manner as may be prescribed.

10. Duty of Lambardars, Village Watchmen, etc.—

Every Lambardar, Village Watchman, PWD, Road Inspectors, Revenue Patwari and Qanungo shall be bound in the absence of reasonable excuse to give to an Inspector of Fisheries or any other person authorized in this behalf by the Assistant Director of Fisheries, information in respect of any un-authorized netting, killing or other offence under this Act committed within the limits of his village or circle, as the case may be, as soon as the commission of such offence comes to his knowledge.

11. Powers of Magistrate to issue search Warrant.—

If a Magistrate has reasons to believe that an offence under this Act has been, or is being or likely to be committed, he may issue a warrant for the search of any place in which any fish, net, trap, cage or other contrivance for taking fish, or fixed engine is kept or concealed.

12. Power to search without warrant.—

An Inspector of Fisheries may, without a warrant from a magistrate, search any person, vessel, rack, vehicle, aircraft, boat, raft, package, receptacle or covering so as to satisfy himself as to whether or not an offence under this Act has been committed.

13. Arrest without warrant for offences under this Act.—

- (1) An Inspector of Fisheries may without a warrant arrest any person committing in his view any offence under section 4,5,6,7 or 9—
- (a) if the name and address of such persons are unknown to him; and
 - (b) if such person declines to give his name and address, or there is reason to doubt the accuracy of the name and address 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 be necessary for bringing him before a Magistrate, except under the order of a Magistrate.

14. Power of Seizure.—

An Inspector of Fisheries, or any person authorized in this behalf by the Director of Fisheries, may take possession of any net, trap, cage or other contrivance for taking fish or fixed engine used or suspected to have been used in the commission of an offence under this Act.

15. Penalties.—

Whoever—

- (a) contravenes the provisions of section 4, 5 or 9 shall be punished with imprisonment of either description which may extend to six months or with fine which may extend to five thousand rupees or with both;
- (b) contravenes the provisions of sections 6, 7, 8 or 10 shall be punished with fine which may extend to five hundred rupees.

16. Police Assistance.—

Every Police Officer shall upon request made by a person employed under this Act assist him in the due discharge of his duties under this Act.

17. Powers who may lodge complaints.—

No court shall take cognizance of any offence under this Act except on the complaint in writing of an Inspector of Fisheries.

18. Confiscation of any Net, Trap, Cage, etc.—

The Court may order the confiscation of any net, trap, cage or other contrivance for taking fish, or fixed engine employed in the commission of an offence under this Act.

19. Protection taken under this Act.—

No Suite, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any provisions of this Act or the rules made thereunder.

20. Power of Government to Add or Exclude from First Schedule.—

Government may, by notification:—

- (i) add to or exclude from the First schedule any species of fish subject to such conditions as it may impose in each case;
- (ii) alter the period during which any fish specified in the First Schedule may be killed or captured.

21. Power of compound certain offences.—

- (1) Government may, by notification empower an Inspector of Fisheries—
 - (a) to accept from any person concerning whom evidence exists which if unrebutted prove that he has committed any offence as described in the first column of the second schedule a sum of money by way of composition 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 payments, 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 which may be accepted by way of composition under clause (a) of sub-section (1) for any offence shall in no case exceed the amount mentioned against such offence in the second column of the second schedule.

22. Delegation of Powers.—

Government may, by notification, delegate all of any of the powers conferred upon it under the provisions of this Act to any officer subordinate to it.

23. Powers to make Rules.—

- (1) Government may make rules for the purpose of carrying into effect the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing powers, such rules may prescribe—
 - (a) the form in which, and the terms and conditions on which, a licence or a permit or a special licence or a special permit may be granted;
 - (b) the authority by which licences under this Act may be granted;
 - (c) the fees to be charged for any licence or permit or special licence or special permit;
 - (d) in the case of any species of fish, the number and that may be killed under a licence;
 - (e) the rewards to persons who render help in detection of offences under this Act;
 - (f) the utilization of receipts recovered under this Act;
 - (g) prohibit or regulate all or any of the following matters:—
 - (i) the erection and use of fixed engines;
 - (ii) the construction of weirs, and
 - (iii) the dimension and kind of nets, cages, traps or other contrivances for taking fish to be used and the modes of using them.

- (3) Such rules may provide that a breach thereof shall be punished with a fine not exceeding two hundred rupees.

24. Repeal and savings.—

- (1) The following ——— and fisheries rules are hereby repealed:—
 - (a) Jammu and Kashmir State Fisheries Act, 1960(Bikrimi) extended to Baltistan;
 - (b) The Gilgit Agency Game rules pertaining to the Fisheries.
 - (c) Special rules for the control of fishing in the Political Districts (KUH-GHIZER and PUNIAL-1957).
- (2) Notwithstanding the repeal of the enactments mentioned in sub section (1), everything done and all action taken, obligation, liability, penalty or punishment incurred, enquiry or proceeding commenced, officer appointed or person authorized, jurisdiction or power conferred, rule made and licence or order issued under any of the said enactment and rules shall, if not inconsistent with the provisions of this Act, continue in force and be deemed to have been respectively done taken, incurred, commenced, appointed authorized, conferred, made or issued under this Act.

FIRST SCHEDULE**(SECTION 6)
(Species of fish and prohibitions)**

S.NO.	Species of Fish	Size	Period during which taking of the fish by any net, cage, trap or fixed engine is prohibited.
1	2	3	4
1.	TROUT	9 Inch.	10 th October to 9 th March.
2.	SCHIZOTHORAICHTHY, LABIATUS (Mactelland)	9 Inch.	15 th June to 15 th August.
3.	SCHIZOTHARAX AGIOSTOMUS (Heckel)	9 Inch.	15 th June to 15 th August.
4.	SCHIZOTHORAICHTHYS ESOCITNUS (Heckel)	8 Inch.	15 th June to 15 th August.
5.	SCHIZOPHYGOPSIS SPECIES	9 Inch.	15 th June to 15 th August.

SECOND SCHEDULE**(SECTION 21)****Maximum amount acceptable by way of composition for certain offences.**

S. No.	Description of offences	Maximum Amount which may be accepted as composition
1.	Fishing with a net have a smaller mesh than the prescribed mesh.	Twenty Five Rupees.
2.	Fishing without a licence.	Twenty Five Rupees.
3.	Killing fish of a size less than the prescribed size.	Twenty Five Rupees.
4	Fishing with any gear or method other than permitted under the rules.	Twenty Five Rupees.
5.	Using at any one time more than two of either of any of the gears permitted under the rules.	Twenty Five Rupees.
6.	Licence holder employing or engaging non-licencees to help him with his nets while fishing.	Twenty Five Rupees.
7.	Offering or exposing for sale or barter of any such in contravention of the provision of this Act.	Twenty Five Rupees.