

SECTIONS

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1975 : Act XXXII] Exclusive Fishery Zone (Regulation of Fishing).

ACT NO. XXIII OF 1975

[1st March, 1975]

An Act to provide for the regulation of fishing within the exclusive fishery zone of Pakistan.

WHEREAS it is expedient to provide for the regulation of fishing within the exclusive fishery zone of Pakistan and for matters ancillary thereto ;

It is hereby enacted as follows :—

1.—(1) This Act may be called the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975.

Short title, extent, application and commencement.

(2) It extends to the whole of Pakistan and to waters within the exclusive fishery zone of Pakistan beyond the territorial waters, hereinafter referred to as the Zone.

(3) It applies to all fishing crafts within the Zone and to all persons on board such fishing crafts.

(4) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "fish" includes molluscs, crustaceans, kelp and other marine animals ;

(b) "Fishery Officer" means any person who is authorised by the Federal Government, by notification in the official Gazette, to exercise or perform any of the powers or functions of Fishery Officer under this Act ;

(c) "fishing" means taking or catching of fish within the Zone by any means ;

(d) "fishing craft" includes every vessel of whatever description and size and in whatever way propelled or moved which is used in fishing or the transport or processing thereof ;

(e) "fishing gear" includes all appliances used for fishing ;

(f) "licencing authority" means any person authorised by the Federal Government, by notification in the official Gazette, to issue licences under this Act ;

(g) "prescribed" means prescribed by rules ; and

(h) "rules" means rules made under this Act.

3. No person shall, for the purpose of fishing, operate a fishing craft or use any kind of fishing gear within the Zone except under the authority of a licence granted by the licencing authority nor otherwise than in accordance with the terms and conditions of such licence.

Fishing without licence prohibited.

Fishing craft
subject to
navigation
regulations.

4.—(1) Every fishing craft shall be subject to an Act relating to navigation for the time being in force.

(2) The location of nets and traps set by a fishing craft shall be prominently displayed by such means as may be prescribed.

(3) Every fishing gear shall be clear of the navigation channel and specified routes of commercial vessels.

Dynamiting
and poisoning
prohibited.

5. No person shall use dynamite or any other explosive substance or poison, lime or noxious material for fishing or destroying fish in the Zone.

Closed season
and prohibited
area.

6. Notwithstanding anything contained in this Act, the Federal Government may, by notification in the official Gazette, declare any period to be period during which, and any area to be an area within which, fishing of all or any specified description of fish shall be prohibited in the Zone.

Power to
search.

7. Any Fishery Officer may search any fishing craft or landing ground in or on which he has reason to believe to be concealed any fish caught or taken, or anything used, in contravention of any provision of this Act or the rules.

Seizure and
disposal.

8.—(1) If any Fishery Officer has reason to believe that any fish has been caught or taken in contravention of any provision of this Act or the rules, or that any fishing craft and fishing gear has been used for such fishing, he may arrest without warrant the owner or the person in charge of the vessel and seize such fish.

(2) Every officer making an arrest under sub-section (1) shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or before the officer in charge of the nearest police-station; and thereupon the provisions of the Code of Criminal Procedure, 1898 applicable in respect of a person who, having been arrested without warrant, has been taken or sent before a Magistrate or an officer in charge of a police-station shall apply him.

(3) Any fish seized under sub-section (1) shall be disposed of in accordance with the decision of the court before which the owner or person in charge of the fishing craft is prosecuted under sub-section (2) :

Provided that, if the fish seized is such as is likely to perish unless preserved or processed without delay, it may be sold or otherwise disposed of and, if it is sold, its value shall be treated as seized property for the purpose of this sub-section.

Penalty.
and
Procedure
added

9.—(1) Whoever contravenes any provision of this Act or the rules shall be punishable with fine which may extend to five thousand rupees.

(2) Any court convicting any person under sub-section (1) may order that any fish caught or taken in contravention of the provisions of this Act or the rules, shall be forfeited to the Federal Government.

Act V
of
1898.

(3) Where the person contravening any provision of this Act or the rules is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

(4) Whoever attempts to contravene, or abets the contravention of, any provision of this Act or the rules shall be deemed to have contravened the provisions of this Act or the rules.

10. Whoever, upon being so required by a police officer not below the rank of Sub-Inspector or a Fishery Officer, makes any statement or furnishes any information which is false in any material particulars and which he knows or has reason to believe to be false, or does not believe to be true, or makes any such statement as aforesaid in any book, account, record, declaration, or any document which he is required to maintain, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

11. Where any person is prosecuted for doing any act or being in possession of anything without lawful authority or licence, the burden of proving that he has such authority or licence shall lie on that person.

12. The owner or the person in charge of any fishing craft carrying anything in contravention of any provision of this Act or the rules shall be deemed to have contravened the provisions of this Act or the rules, as the case may be, if—

(i) such carriage is part of the transaction involving the contravention; and

(ii) if the owner or person in charge knew or had reason to believe that a contravention was being committed ;

and shall be punishable under section 9.

13. No suit or other legal proceeding shall lie against the Federal Government or any Fishery Officer for anything in good faith done or intended to be done under this Act or any rule.

14. The Federal Government may, by notification in the official Gazette, delegate all or any of its powers under this Act or the rules to any officer.

15. For the purpose of giving jurisdiction to courts under this Act, a fishing craft shall be deemed to be a ship within the meaning of any enactment for the time being in force relating to offences committed on board a ship, and every court shall have the same jurisdiction over a foreign fishing craft within the Zone and persons belonging to such fishing craft as such court would have if such fishing craft were a Pakistan fishing craft.

16.—(1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

False statement.

Burden of proof.

Liability of the owner, etc.

Indemnity.

Delegation of powers.

Jurisdiction of courts.

reference to
of a rule.
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two new sections
(5) and (6) added
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(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the sizes of meshes and the sizes and types of nets ;
- (b) the size and the quantity of fish which may be caught by any fishing gear or processed at any time ;
- (c) the terms and conditions to which licences for fishing shall be subject ;
- (d) the registration of fishing craft and fishing gear ;
- (e) the regulation of operations of fishing craft ;
- (f) registration fee, licence fee and royalties on catches, and other dues of the Federal Government ;
- (g) specification of the area for landing of fish taken or caught in the Zone ; and
- (h) regulation of landing and inspection of fish taken or caught in the Zone.

THE NORTH-WEST FRONTIER PROVINCE
SUPPRESSION OF CRIMES ACT, 1975.

1 ACT No. XXXIII OF 1975

[1st April, 1975]

An Act to make provisions to deal more effectively with the offences against life and property in the North-West Frontier Province.

WHEREAS it is expedient to make provisions to deal more effectively with the offences against life and property in the North-West Frontier Province and for the matters connected therewith :

AND WHEREAS the Proclamation of Emergency referred to in Article 280 of the Constitution is in force ;

It is hereby enacted as follows:—

1.—(1) This Act may be called the North-West Frontier Province Suppression of Crimes Act, 1975.

(2) It extends to the whole of the North-West Frontier Province.

¹ For Statement of Objects and Reasons, see Gaz. of P., 1975, Ext., Pt. III, p. 187.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) "Government" means the Government of North-West Frontier Province; and
- (b) "serious offence" means an offence punishable with death, imprisonment for life, or with imprisonment for a term which may extend to two years or more.

3.—(1) Where from the circumstances of any case, there appears to be good reason to believe that the inhabitants of any area or part thereof, or any of them, have—

- (a) abetted or are concerned in the commission of any serious offence against person or property ; or
- (b) failed to render, when called upon by the District Magistrate or any public servant, assistance in their power to discover the offender concerned in the commission of any serious offence against person or property ; or
- (c) harboured any offender or person suspected of having taken part in the commission of a serious offence against person or property ; or
- (d) suppressed material evidence of the commission of a serious offence against person or property ;

the District Magistrate may, with in the previous sanction of Government, impose such fine, not exceeding one lac rupees, as he considers proper, on the male adult inhabitants of the area or part thereof, or any of them as a whole, as the case may be, after holding a summary enquiry and affording them an opportunity to show cause against the proposed action.

(2) The District Magistrate, after such enquiry as he may deem necessary, shall apportion the fine imposed under sub-section (1) among the inhabitants of the area or part thereof who are liable collectively to pay it.

(3) The District Magistrate may, while making an order under this section, direct that the person liable to pay fine shall, in default of payment, undergo imprisonment for a term not exceeding six months.

Act V
of
1898.

(4) Fines imposed under this Act shall, in default of payment, be recoverable in the manner provided in section 386 of the Code of Criminal Procedure, 1898,

4.—(1) Any party aggrieved by an order made under Appeal section 3 may, within thirty days of such order, prefer an appeal to Government.

Explanation.—In computing the period of thirty days, the day on which the order to be appealed against was made and the time required for obtaining copies thereof shall be excluded.

Short title,
extent and
commence-
ment.