

THE FISHERIES ACT, 1897

1 ACT No. IV of 1897

[4th February, 1897]

An Act to provide for certain matters relating to Fisheries in ²[Pakistan].

WHEREAS it is expedient to provide for certain matters relating to fisheries in ²[Pakistan]; It is hereby enacted as follows:—

1.—(1) This Act may be called the ³* Fisheries Act, 1897.

⁴[(2) It extends to the whole of Pakistan.]

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2. Subject to the provisions of sections 8 and 10 of the ⁶General Clauses Act, 1887, this Act shall be read as supplemental to any other enactment⁷ for the time being in force relating to fisheries in any part ²[Pakistan] 8* *

¹For Statement of Objects and Reasons, see Gazette of India, 1893, Pt. V, p. 101; for Report of the Select Committee, see *ibid.*, 1897, Pt. V, p. 15; and for Proceedings in Council, see *ibid.*, 1893, Pt. VI, p. 207, *ibid.*, 1896, p. 250, and *ibid.*, 1897, p. 21.

This Act has been declared to be in force in Baluchistan by the British Baluchistan Laws Regulation, 1913 (2 of 1913), s. 3 and Sch. I.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications; and also extended to the Excluded Area of Upper Tanawal other than Phulera with effect from such date and subject to such modifications as may be notified, see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

It has been amended in its application to the Federal Capital by Ord. 32 of 1959, s. 2.

This Act has been amended to the extent of Islamabad Capital Territory, see Ord. No. 27 of 1981, s. 5 and 4th Sch.

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A.O., 1949, Arts. 3(2) and 4, for "British India".

³The word "Indian" rep. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 3 and Sch. II.

⁴Subs. by Ord. 21 of 1960, s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for the original sub-section (2), as amended by the Repealing and Amending Act, 1914 (10 of 1914), A. O., 1937 and A. O., 1949.

⁵Sub-section (3), rep. by Act, 10 of 1914, s. 3 and Sch. II.

⁶See now ss. 4 and 26 of the General Clauses Act, 1897 (10 of 1897).

⁷For law relating to Fisheries in—

(1) Punjab, see the Punjab Fisheries Act, 1914 (Punjab 2 of 1914).

The words "except Burma" rep. by A. O., 1937.

3. In this Act, unless there is anything repugnant to the subject or context,—

(1) "fish" includes shell-fish:

(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: and

(3) "private water" means water which is the exclusive property of any person or in which any person has for the time being an exclusive right of fishery whether as owner, lessee or in any other capacity.

Explanation.—Water shall not cease to be "private water" within the meaning of this definition by reason only that other persons may have by custom a right of fishery therein.

4.—(1) If any person uses any dynamite or other explosive substance in any water with intent thereby to catch or destroy any of the fish that may be therein, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

Destruction of fish by explosives in inland waters and on coasts.

(2) In sub-section (1) the word "water" includes the sea within a distance of one marine league of the sea-coast: and an offence committed under that sub-section in such sea may be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such coast.

5.—(1) If any person puts any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

Destruction of fish by poisoning waters.

(2) The ¹[Provincial Government] may, by notification in the official Gazette, suspend the operation of this section in any specified area, and may in like manner modify or cancel any such notification.

6.—(1) The ¹[Provincial Government] may make rules² for the purposes hereinafter in this section mentioned, and may by notification in the official Gazette apply all or any of such rules to such waters, not being private waters, as the ¹[Provincial Government] may specify in the said notification.

Protection of fish in selected waters by rules of Provincial Government.

(2) The ¹[Provincial Government] may also, by a like 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.

¹Subs. by A. O., 1937, for "L. G.".

²For rules under s. 6, see different local Rules and Orders, and for Karachi see Gaz. of P. 1952, Pt. VI, p. 17.

Such rules may prohibit all fishing in any of the following matters, that is to say—

- (a) the erection and use of fixed engines ;
- (b) the construction of weirs ; and
- (c) the dimension and kind of the nets to be used and the modes of using them.

(4) Such rules may also prohibit all fishing in any specified water for a period not exceeding two years.

¹(5) In making any rule under this section the ²[Provincial Government] may—

- (a) direct that a breach of it 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; and
- (b) provide for—
 - (i) the seizure, forfeiture and removal of fixed engines, erected, or used, or nets used, in contravention of the rule, and
 - (ii) the forfeiture of any fish taken by means of any such fixed engine or net.

(6) The power to make rules under this section is subject to the condition that they shall be made after previous publication.

7.—(1) Any police-officer, or other person specially empowered by the ²[Provincial Government] in this behalf, either by name or as holding any office, for the time being, may, without an order from a Magistrate and without warrant, arrest any person committing in his view any offence punishable under section 4 or 5 or under any rule under section 6—

- (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.

¹For the amendment of sub-section (5) in its application to the Federal Capital, see the Fisheries Act (Amndt.) Ordinance, 1959, (32 of 1959), s. 2.

²Subs. by A. O., 1937 for "T. G."

THE REFORMATORY SCHOOLS ACT, 1897

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