

I - THE INDIAN FISHERIES ACT.

ACT NO. IV OF 1897

PASSED BY THE GOVERNOR - GENERAL OF
INDIA IN COUNCIL.

(Received the assent of the Governor-General on the
4th February, 1897)

AN ACT TO PROVIDE FOR CERTAIN MATTERS RELATING TO
FISHERIES IN BRITISH INDIA.

WHEREAS it is expedient to provide for certain
matters relating to fisheries in British India : it is
hereby enacted as follows :-

1. (1) This Act may be called the Indian Fisheries
Act 1897 .

Title, extent
and commencement

(2) It extends to the whole of British India ; and
(3) It shall come into force at once .

1 of 1887

2. Subject, to the provisions of section 8 and 10 Act to
of the General clauses Act, 1887, this Act shall be read
as supplemental to any other enactment for the time
being in force relating to fisheries in any part of British India.

Definitions.

3. In this Act, unless there is anything
repugnant in 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

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

4. (1) If any person uses any dynamite or other explosive substances 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.

(2) In subsection (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 has been committed on the land abutting on such coast.

Destruction
of fish by
poisoning
of waters

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

(2) The 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 such notification.

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

6. (1) The Provincial Government may make rules for the purpose herein after in this section mentioned, and may by a notification in the official Gazette apply all or any of such rules to such waters, not being private waters, as the Provincial Government may specify in the said notification.

(2) The 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 owner thereof and of all persons having for the time being any exclusive right of fishery therein.

(3) Such rules may prohibit or regulate all or any or 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.

(5) In making any rule under this section the 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 not used, in contravention of the rule, and

(ii) the forfeiture of any fish taken by means of any such fixed engine or not.

(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 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

Arrest with out warrant for offences under this Act

warrant arrest any person committing in his view any offence punishable under section 4 or 5 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.