

Assam Private Fisheries Protection Act, 1935

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An Act for the protection of the right of fishing in private waters. WHEREAS it is expedient to provide for the protection of private rights of fishery; And WHEREAS the previous sanction of the Governor-General has been obtained under sub-section (3) of Section 80A of the Government of India Act to the passing of this Act. It is hereby enacted as follows- For Statement of object and Reason see Assam Gazette, 1934, Part V. page 68; for Report of Select Committee, See Assam Gazette, 1935, Part V. 7-9, for Proceeding in Council, see Gazette, 1934, Part VI, pages 1024-1025, Assam Gazette, 1935 Part VI, pages 104, 774-784. 1. Published in the Assam Gazette of the 14th August 1935.

1. Short Title :-

(1) This Act may be called the Assam Private Fisheries Protection Act, 1935.

(2) Extents.- It extends in the first instance only to the areas in Assam in which the Private Fisheries Protection Act, 1889 (Bengal Act II of 1889) is, before the passing of this Act, in force and the [State Government]¹ may, by Notification in the [Official Gazette]² extend to any other area all or any provisions of this Act.

The Indian Fisheries Act, 1897 (Act IV of 1897) is to be read a supplemental to this Act.

1. Substituted by the Adaption of laws order, 1950 for "Provincial

Government".

2. Substituted by the Adaptation of laws order, 1937.

2. Interpretation Clause :-

In this Act, unless there be something repugnant in the subject or context-

(1) Fish.- "Fish" includes shell-fish and turtles.

(2) Fixed engine.- "Fixed engine" means any net, cage, trap or other contrivance for taking fish fixed in the soil or made stationary in any other way.

(3) Private waters.- "Private waters" means water-

(a) which are the exclusive property of and person; or

(b) in which any person has an exclusive right of fishery.

3. Penalties :-

Any person who-

(a) fishes in any private water, not having a right to fish therein;

(b) erects, places, maintains or uses any fixed engine in private waters, or puts, or knowingly permits to be puts, therein any matter for the purpose of catching or destroying fish without the permission of the person to whom the right of fishery therein belongs;

Shall be guilty of an offence, and shall be punished for a first offence with a fine not exceeding fifty rupees;

and for a subsequent offence with imprisonment which may be simple or rigorous for a term not exceeding one month, or with a fine not exceeding two hundred rupees or both:

Provided that nothing contained shall apply to acts done by any person in the exercise of a bona fide claim of right, or in accordance with a long-established custom or shall prevent any person from angling with a rod and line or with a line only in any portion of navigable river.

4. Section 4 :-

(1) Any fixed engine erected, placed, maintained or used in contravention of the last preceeding section, and any fish taken by means of such engine, or otherwise in contravention of this Act shall forfeited.

(2) And such fixed engine may removed or taken possession of by the Deputy Commissioner of the District, or such person as he

empowers in this behalf.

5. Section 5 :-

Whoever enters upon land in the possession of another or upon private waters, with intent to commit any of the offences specified in Section 4, shall be punished with a fine not exceeding fifty rupees.

6. Act V Of 1898 :-

Offences committed under this Act shall be considered "cognizable offences" as defined in the Code of Criminal, 1898.*

* Now the Code of Criminal Procedure, 1973 (Act No. II of 1974).