

Private Fisheries Protection Act, 1889

2 of 1889

[26 June 1889]

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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; It is hereby enacted as follows :-

1. Short Title :-

This Act may be called the Private Fisheries Protection Act, 1889.

2. Interpretation Clause :-

In this Act-

"fish" includes shell-fish and turtles;

"fixed engine" means any net, cage, trap or other contrivance for taking fish fixed in the soil or made stationary in any other way;

"private waters" means waters-

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

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

2 "navigable river" includes a river which is navigable only during certain periods of the year.

1. Words "and in which fish are not confined but have means of ingress or egress" om. by W. B. Act 21 of 1959.

2. This definition inserted by W.B. Act 21 of 1959.

3. Penalties :-

Any person who-

(a) fishes in any private waters, not having a right to fish therein,
(b) erects, places, maintains or uses any fixed engine in private waters, or puts, 1[or causes to be put therein any matter or thing] 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 herein contained shall apply to acts done by any person in the exercise of a bona fide claim of right, or shall prevent any person from angling with a rod and line or with a line only in any portion of a navigable river.

1. Words Substituted for the words "or knowingly permits to be put therein any matter" by W.B. Act 21 of 1959.

4. Forfeiture Of Fixed Engine. Removal Of Engine :-

(1) Any fixed engine erected, placed, maintained or used 1[or any matter or thing put or caused to be put] in contravention of the last preceding section 1[may be forfeited to the State Government or otherwise disposed of], and any fish taken by means of such engine, or otherwise in contravention of this Act, 2[shall be sold and the sale proceeds shall be paid to the person to whom the right of fishery in the private waters belongs, under orders of the court trying any offence for such contravention.]

(2) And such fixed engine 1[matter or thing and any fish taken by means thereof] may be removed or taken possession of 1[by any Fishery Officer not below the rank of an Assistant Fishery Officer, or] by the Magistrate of the district, or such person as he empowers in this behalf.

1. Words inserted by W.B. Act 21 of 1959.

2. Words Substituted for the words "shall be forfeited" by W.B. Act 21 of 1959.

5. Entry Upon The Land Of Another Or Upon Private Waters

With Intent To Commit An Offence :-

Whoever 1[enters upon private waters or upon land in possession of any person abutting upon such waters] with intent to commit any of the offences specified in section 3, shall be punished with a fine not exceeding fifty rupees.

1 . Words Substituted for the words "enters upon land in the possession of another or upon private waters" by W.B. Act 21 of 1959.

6. Offences Under This Act Considered "Cognizable Offences." :-

Offences committed under this Act shall be considered to be "cognizable offences" as defined in the Code of Criminal Procedure, 1[1898.]

1. Figures inserted by Ben. Act 1 of 1939.