

THE BALOCHISTAN FISHERIES ORDINANCE, 1961

(W.P. Ordinance XXX of 1961)

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FIRST SCHEDULE.

'THE ?[BALOCHISTAN?] FISHERIES ORDINANCE, 1961

Preamble.

Short title and
extent.

Definitions.

a

(W.P. Ordinance XXX of 1961)

[13" December, 1961]

An Ordinance to amend and consolidate the law relating
to fisheries in the Province of *[Balochistan].

WHEREAS it is expedient to amend and consolidate the
law relating to fisheries in the Province of ?[Balochistan];

NOW, THEREFORE, in pursuance of the Presidential
Proclamation of the seventh day of October, 1958, and having
received the previous instructions of the President, the
Governor of West Pakistan, is pleased, in exercise of all powers
enabling him in that behalf, to make and promulgate the
following Ordinance:—

1. (1) This Ordinance may be called the *[Balochistan]
Fisheries Ordinance, 1961.

(2) It extends to the whole of the Province of
[Balochistan] except the *[Tribal Areas.]

2. In this Ordinance, unless the context otherwise requires,
the following expressions shall have the meanings hereby
respectively assigned to them, that is to say:—

(a) "Director of Fisheries" means the Director of
Fisheries, *[Balochistan] and includes any
person appointed by Government to discharge
the functions of the Director of Fisheries under
this Ordinance;

(b) "fish" includes shell-fish;

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

(d) "Government" means the Government of

This Ord. was promulgated by the Governor of W.P. on 17" October, 1961; published in the W.P. Gazette (Extraordinary), date

December, 1961, pages 2945-2952; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan (1962).

2 Subs. by Baln. A.O. of 1975, for "West Pakistan".

Spelling of the word "Baluchistan", wherever it appears in this Ordinance, is corrected by insertion of letter "o" instead of "u", as per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

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Subs. by W.P. A. Order, 1964, for "Special Areas".

Appointment of
Inspectors of
Fisheries.

Powers of the
director to
lease out any
water other
than private
water.

Power of the lessee
to issue permit.

5

>[Balochistan];

(e) "licence" , "permit" , "special licence" and
"special permit" means, respectively, a licence,
permit, special licence and special permit,
issued under this Ordinance or any rule made
thereunder;

(f) "prescribed" means prescribed by rules made
under this Ordinance;

(g) "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;

(h) "water" includes the sea within a distance of one
marine league of the sea coast.

3. (1) Government may, by notification, appoint such
persons as it thinks fit to be Inspectors of Fisheries for the
purposes of this Ordinance within such local limits as may be
specified.

(2) Inspectors of Fisheries shall be deemed to be
public servants within the meaning of section 21 of the Pakistan
Penal Code.

4. (1) The Director of Fisheries, or such other officer
as he may empower in this behalf by general or special order in

writing may, for a period not exceeding three years, lease out, on such conditions as may be prescribed, the right to catch fish in any water other than private water.

(2) Any amount due to Government under the provisions of sub-section (1), and remaining unpaid one month after it has become so due, may be recovered as arrears of land revenue.

5. (1) The person in whose favour a lease under section 4 is granted, may issue permits in such form, subject to such conditions and on payment of such fees, as may be prescribed, for the taking of fish in the water the right of fish wherein has

Subs. by Baln. A.O. of 1975, for "West Pakistan".

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Destruction of fish

by explosive.

Destruction of fish

by poisoning
water.

Fish that shall not

be taken.

Net, fixed engine,

trap, etc., shall
not be
employed
without a
permit or
licence.

Duty to produce

licence or
permit on
demand made
by employees
of Fisheries
Department.

Power to declare

any water to be
a sanctuary for
fish.

been leased to him.

(2) A permit issued under sub-section (1) shall cease to be valid upon the termination or cancellation of the lease in favour of the person issuing the permit.

6. No person shall use any dynamite or other explosive substance in any water with intent thereby to catch or destroy any of the fish that may be therein.

7. No person shall put any poison, lime or noxious material into any water with intent thereby to catch or destroy any fish that may be therein.

8. No person shall kill, capture, or possess any species of fish specified in the second column of the First Schedule, of a size less than that specified in the third column of the said Schedule against such species.

9. (1) No person shall use or employ for the capture of any species of fish specified in the First Schedule, in any water other than private water, any net, cage, trap or other contrivance for taking fish, or fixed engine, except during the period permitted in respect of such species under the fourth column of the said Schedule and under a licence or permit issued under this Ordinance.

(2) Licences under sub-section (1) shall be issued by such authorities, on payment of such fees and on such conditions as may be prescribed.

10. | Every person in possession of any fishing licence or permit shall produce his licence or permit, as the case may be, on a demand made by the Inspector of Fisheries or any other person authorised in this behalf by the Director of Fisheries.

II. =)

Ordinance, Government may, by notification, declare any water to be sanctuary for fish mentioned in the First Schedule for a period which may be specified, and during such period no person shall kill, capture or possess such fish without a special permit issued under this Ordinance by the Director of Fisheries.

(2)

under this section is made shall be demarcated in such manner

Notwithstanding anything contained in_ this

The water in respect of which a notification

Duty of
Lambardars,
Village

Watchman, etc.

Powers of
Magistrate to
issue search
warrant.

Power to search
without
warrant.

Arrest without
warrant for
offences under

this Ordinance.

Power of seizure.

as may be prescribed.

12. Every Lambardar, Village Watchman, Canal Patwari, P.W.D. Darogha, Zilladar, Revenue Patwari, Tapedar, Supervising Tapedar and Qanungo shall be bound in the absence of reasonable excuse to give to an Inspector of Fisheries or any other person authorised in this behalf by the Director of Fisheries, respect unauthorised netting, killing or other offence under this

information in of any Ordinance committed within the limit of his village or circle, as the case may be, as soon as the commission of such offence comes to his knowledge.

13. If a magistrate has reason to believe that an offence under this Ordinance has been, is being, or is likely to be committed, he may issue a warrant for the search of any place in which any fish, net, trap, cage or other contrivance for taking fish, or fixed engine is kept or concealed.

14. An Inspector of Fisheries may, without a warrant from a magistrate, search any person, vessel, rack, vehicle, ship, boat, raft, package, receptacle or covering so as to satisfy himself as to whether or not an offence under this Ordinance has been committed.

15. (1) An Inspector of Fisheries may without a warrant

arrest any person committing in his view any offence under section 6, 7, 8, 9 or 11—

(a) if the name and address of such person are unknown to him; and

(b) if such person declines to give his name and address, or there is reason to doubt the accuracy of the name and address 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.

16. An Inspector of Fisheries, or any person authorised in this behalf by the Director of Fisheries, may take possession of any net, trap, cage or other contrivance for taking fish, or fixed

Penalties.

Police assistance.

Persons who may
lodge
complaints.

Confiscation of any
net, trap, cage,
etc.

Jurisdiction as
respects
offences within
one marine
league of sea
coast.

Protection taken
under this
Ordinance.

Power of
Government to
add or exclude
from First
Schedule.

engine used or suspected to have been used in the commission
of an offence under this Ordinance.

17. Whoever—

(a) contravenes the provisions of section 6, 7 or 11
shall be punishable with imprisonment of either
description which may extend to three months or
with fine which may extend to five hundred
rupees or with both;

(b) contravenes the provisions of section 8, 9, 10 or
12 shall be punished with fine which may extend
to one hundred rupees.

18. Every police officer shall upon request made by a
person employed under this Ordinance assist him in the due
discharge of his duties under this Ordinance.

19. No Court shall take cognizance of any offence under
this Ordinance except on the complaint in writing of an
Inspector of Fisheries.

20. The Court may order the confiscation of any net, trap, cage or other contrivance for taking fish, or fixed engine employed in the commission of an offence under this Ordinance.

21. — If an offence in respect of this Ordinance is committed within a distance of one marine league of the sea coast then such offence may be tried, punished and in all respects dealt with as if it had been committed on the land abutting such coast.

22. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any provisions of this Ordinance or the rules made thereunder.

23. Government may, by notification,—

(i) add to or exclude from the First Schedule any species of fish subject to such conditions as it may impose in each case;

(i1) alter the period during which any fish specified in the First Schedule may be killed or captured.

Power to compound 24. (1) Government may, by notification, empower an certain Inspector of Fisheries,—
offences. .

(a) to accept from any person concerning

whom evidence exists which if
unrebutted would prove that he has
committed any offence as described in
the first column of the Second Schedule a
sum of money by way of composition for
the offence with regard to which such
evidence exists, and on the payment of
such sum to such officer, such person if
in custody shall be discharged and no
further proceedings shall be taken against
him;

(b) when any property has been seized as
liable to confiscation, to release the same
without further payment, or on payment
of the value thereof as estimated by such
officer, and on the payment of such
value, such property shall be released and
no further proceedings shall be taken in
respect thereof.

(2) The sum of money which may be accepted by
way of composition under clause (a) of sub-section (1) for any
offence shall in no case exceed the amount mentioned against
such offence in the second column of the Second Schedule.

Delegation of 25. Government may, by notification, delegate all or any of
powers. the powers conferred upon it under the provisions of this
Ordinance to any officer subordinate to it.

Power to make 26. (1) Government may make rules¹ for the purpose of
rules. carrying into effect the provisions of this Ordinance.

(2) In particular and without prejudice to the
generality of the foregoing powers, such rules may prescribe—

(a) the form in which, and the terms and
conditions on which, a licence or a permit
or a special licence or a special permit
may be granted;

(b) the authority by which licences under this

¹ For tules, see W.P. Gazette, Part I, dated 1st October, 1965, p. 1205.

Repeal and savings.

1 That is Punjab Act II of 1914.

(c)

(d)

(e)

(f)

(g)

(h)

Ordinance may be granted;

the fees to be charged for any licence or permit or special licence or special permit;

the conditions subject to which the Director of Fisheries may lease the right to catch fish under this Ordinance;

in the case of any species of fish, the number and sex that may be killed under a licence;

the rewards to persons who render help in detection of offences under _ this Ordinance;

the utilization of receipts recovered under this Ordinance;

prohibit or regulate all or any of the following matters:—

(i) the erection and use of fixed engines;

(ii) the construction of weirs; and

(iii) the dimension and kind of nets, cages, traps or other contrivances

for taking fish to be used and the modes of using them.

(3) Such rules may provide that a breach thereof shall be punished with a fine not exceeding fifty rupees.

27. (1) ~~ The repealed:—

- (a)
- (b)

following enactments are hereby

The Punjab Fisheries Act, 1914'; and

The Bahawalpur States Fisheries Act, 1951.

(2) Notwithstanding the repeal of the enactments mentioned in sub-section (1), everything done and all action taken, obligation, liability, penalty or punishment incurred, inquiry or proceedings commenced, officer appointed or person authorised, jurisdiction or power conferred, rule made and licence or order issued under any of the said enactments, shall,

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if not inconsistent with the provisions of this Ordinance,
continue in force and be deemed to have been respectively
done, taken, incurred, commenced, appointed, authorised,
conferred, made or issued under this Ordinance.

(see Schedules on next page)

FIRST SCHEDULE.

(SECTION 8)

[Species of fish and prohibitions]

Serial Species of fish Size Period during which taking of the fish by

No. any net, cage, trap or fixed engine is prohibited

1 2 3 4

inches

1. Trout 9 10% October to 9 March.
2. Mahashair 12 1* June to 31** August.
3. Rahu 12 1s June to 31s August.
4. Mori 12 1s June to 31s August.
5. Thaila 12 1s June to 13“August.

SECOND SCHEDULE.

(SECTION 24)

Maximum amount acceptable by way of composition for certain offences

Serial Description of offences Maximum amount

No. which may be accepted as composition

1. Fishing with a net having a smaller mesh Twenty-five rupees.
than tile prescribed mesh.
2. Fishing without a licence. Twenty-five rupees.
3. Killing fish or a size less than the prescribed Twenty-five rupees.
size.
4. Fishing with any gear or method other than Twenty-five rupees.

that permitted under the rules.

5. Using any one time more than two of either Twenty-five rupees.

or any of the gears permitted under the rules.

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Licence holder employing or engaging non- Twenty-five rupees.
licensees to help him with his nets while fishing.

Offering or exposing for sale or barter any fish Twenty-five rupees.
in contravention of the provisions of this
Ordinance.