No.SOAE (AD) V-135/70.—In exercise of the powers conferred by section 26 of the West Pakistan Fisheries Ordinance, 1961 (W.P. Ord. XXX of 1961), the Governor of the North-West Frontier Province pleased to make the following Rules, namely;—

PART 1—PRELIMINARY

1. Short title and commencement.—

(1) These rules may be called the North-West Frontier Province Fisheries Rules, 1976.

(2) They shall come into force at once.

2. Definitions.—

In these rules, unless there is anything repugnant in the subject or context,—

(a) “Appendix” means an appendix to these rules;

(b) “Form” means a form appended to these rules;

(c) “Ordinance” means the West Pakistan Fisheries Ordinance, 1961 (W.P. Ord. No. XXX of 1961);

(d) “Licensee” means a person to whom a licence is granted under the Ordinance and these rules;

(e) “Public water” means water other than the private water and includes—

(i) all natural bodies of water, such as rivers and their tributaries, creeks, brooks, lakes, channels, canal or lagoons or dug, dredged or blasted canals;

(ii) any water impounded by the construction of any lake or dam or other impounding device across the channel of navigable stream;

(iii) flowing water within which fish are free to move across property limit and which are not by law or customs property of any person;

(f) “Section” means a section of the Ordinance;

(g) “Sanctuary” means an area declared under section 11 to be sanctuary for fish;

(h) “Schedule” means a Schedule to the Ordinance;
(i) “Inspector of Fisheries” means a person appointed as such by Governor under section 3 of the Ordinance;

(j) “Fisheries Wing” means the Fisheries Wing of the North-West Frontier Province, Animal Husbandry Department.

PART II—LICENCES

3. Authority to issue licence.—

All licences under these rules, including seasonal, monthly and daily licences, to fish in the waters by the Director of Fisheries or any other officers authorised by him in his behalf on payment of fee prescribed under these rules.

4. Duration of validity of a licence.—

(1) A seasonal licence shall be valid for one year, and irrespective of the date of issue, shall remain in force from the 1st day of September to 31st day of August in the following year:

Provided that the period from 1st June to 31st August each year shall be closed season during which no fishing except with rod and line and log shall be permissible.

(2) A monthly licence shall be valid for a calendar month from the date of issue.

(3) A daily licence shall be valid for the date mentioned in the licence from half an hour before sun rise to half an hour after sunset.

5. Area to which a licence extends.—

A licence shall entitle the holder to fish in any of the waters mentioned in Appendices I, II, III and IV:

Provided that a licence for one water shall not entitle the holder to fish another water:

Provided further that a licence to fish in the waters of a river in a District mentioned in Appendix I, shall entitle the holder to fish on both banks of the river up to a limits of that District unless the fishing rights in the District of the opposite bank have been leased out.

6. Kinds of fishing gears.—

(1) Subject to the provision of sub-rule (2), a licensee shall be entitled to fish with the following kinds of gears only—

(a) nets of all kinds; provided that no net shall have at any portion of its mesh of less than 1½ inch bar measured from knot to knot, or 6 inches all around.

(b) long line with a maximum of fifty hooks;

(c) rod and line (hand line);
(d) kurli (dip net); and

(e) dhongla (hand net).

(2) Notwithstanding anything contained in sub-rule(1)—

(a) a licensee may use a maximum of two gears out of the gears mentioned in sub-rule(1), which may be of the same or of different kinds: Provided that when the licence entitles its holder to the use of one gear only, the licensee may use only that gear and in addition may also use a net for catching ‘Chaulawa’ for baiting purposes only;

(b) No gear other than rod and line shall be used for catching fish in any water within a distance of 100 yards from any bridge, or in any waters specified in Appendices II, III and IV;

(c) a daily licence shall not entitle its holder to fish with more than one canal in waters mentioned in clause (b).

7. **Fee for the licences.—**

(1) The fees for various types of licences except licences specified in Parts IV, V and VI of these rules, shall be as follows:—

(i) For all kind of nets except those 35.00 per season. 
mentioned in clauses(iii), (iv) and (v) below in all waters.

(ii) For rod and line fishing only. 12.00 per season.

(iii) For dip net (Kurli) 8.00 per season.

(iv) For hand net (dhangla) fishing only. 10.00 per season.

(v) for casting nets fishing only. 20.00 per season.

(vi) For long line with a maximum of fifty hooks 15.00 per season. (lang) only.

(2) The licence fee for waters reserved for rod and line gear under clause (b) of sub-rule(2) of rule 6 and specified in Appendices II and III shall be as follows:

Rs.

(i) Seasonal licence 35.00
(ii) Monthly licence 10.00
(iii) Daily licence 2.00

(3) The licences fee for special water reserved for rod and line gear under clause(b) of sub-rule (2) of rule 5 and specified in Appendix IV, shall be a follows:—
Rs.

(i) Seasonal licence 150.00
(ii) Daily licence 6.00

(4) Full fee shall be charged for any broken periods.

(5) Payment of fees under these rules shall be made in cash.

8. Duplicate licence.—

The authority empowered to grant licences may if the licence granted under these rules is lost or destroyed accidentally grant a duplicate copy of the original licence on payment of fee of one rupee.

9. Refund of licence fee.—

The licence fee paid under rule 7 may be refunded to licensee or his legal heirs on the presentation of a claim for refund within one week from the date of the issue of the licence if it is proved to the satisfaction of the officer issuing the licence that the licence was not availed or under special circumstances, such as change of residence of the licensee to a place where the licence could not be made use of, or the death of the licensee immediately after the licence was issued to him.

10. Licensee to report breach of rules.—

Every licensee shall be bound to report to any officer of the Fisheries Wing of Animal Husbandry Department, any breach of the Ordinance or these rules that come to his notice.

11. Licence not transferable and no adult to be engaged as helper.—

(1) A licence, unless otherwise provided in these rules, shall not be transferable.

(2) A licensee shall not employ or engage any person (other than his own children under the age of twelve) to help him with his nets unless the person so employed is also licensee.

12. No erection of fixed engine.—

No licensee shall—

(a) erect fixed engines, except stake nets temporarily fixed in conjunction with drag nets; or

(b) construct dams or weirs; or

(c) divert water or dewater any area for catching fish.

13. Seizure.—

Any apparatus erected or used for fishing in contravention of the Ordinance or these rules, when seized under section 16 of the Ordinance shall be taken in possession by the challenging authority and may be produced in Court in support of illegal fishing and the
fish so caught may be auctioned at once by the Extra Assistant Director of Fisheries or any person authorised by him to avoid decomposition.

14. Cancellation of licence.—

The Director of Fisheries may cancel any licence granted under these rules, if the holder contravenes or instigates the contravention of any of these rules or is convicted of an offence under the Ordinance or these rules.

15. Restriction on the size and number of fish to be caught.—

(1) If any fish of the species, other than trout, mentioned in the First Schedule which is less than 12 inches in length is caught, it shall be released in the water.

(2) A licensee shall not catch more than five fish of any species from the waters mentioned in Appendices II, III and IV, excepting those released in the water under sub-rule(1).

16. Punishment.—

Any breach of these rules shall be punishable with a fine which may extend to fifty rupees.

PART III—LEASES

17. Auction of fishing rights.—

(1) On or after first of August each year, the Director of Fisheries or any other officer empowered by him in accordance with the provisions of section 4, may after giving it sufficient publicity, put to auction the rights of fishing in any of the public waters mentioned in Appendix V or any other public waters and shall execute a lease deed with highest suitable bidder from whom no arrear of any previous years fishing leases is payable.

(2) Such lease shall be given on payment of the amount offered by the bidder in full or by instalments in accordance with these rules. Individuals shall not be permitted to give joint bids, but registered firms or joint stock companies may bid through their authorised agents.

(3) A lease granted under sub-rule(1) shall remain in force for one year or part thereof from the date of execution of the lease deed to the 1st day of August of the following year, the period to be specified in the lease deed.

Provided that no fishing except with rod and line, hand line and long line with hooks shall be allowed during the close season from 1st June to 31st August.

(4) The possession of the water areas for the purpose of fishing shall be deemed to have been taken over by the lessee from the date of execution of the lease deed. All disputes over the rights of fishing with unauthorised individuals and damage done by such unauthorised persons shall be settled by the licensee himself under the law of the country. The department will, however, deal with illegal fishing in accordance with the provision of the Ordinance.
18. **Departmental operation.**—

In case the highest bid at the auction is low or the water is required for development purpose, the auctioning authority may reserve it for departmental operation.

19. **Unit of auction.**—

River waters may be leased out in small portions coinciding with the boundaries of the districts, while the lease dhands, lakes, reservoirs, tanks, canals or ponds may be auctioned as separate units.

20. **Payment of lease money.**—

(1) The lessee shall at his option, either pay in full the amount offered by him fishing rights at the time of auction, or three equal instalments to be paid as follows:—

(i) the first, on the date of the auction;
(ii) the second, two months after execution of the lease deed;
(iii) and the third, four months after execution of the lease deed.

(2) When the lease money is to be paid by instalments, the lessee shall be required to furnish within a week of the approval of auction, a guarantee from a scheduled bank for the amount remaining to be paid by him, or is so permitted, security equal to such amount to the satisfaction of the auction authority.

(3) The lease deed shall be executed by the lease within one week from the date of the approval of auction, unless the period for the execution of said deed is extended by the auctioning authority.

(4) If the lessee fails to furnish bank guarantee or security, as the case may be, or to execute the lease deed within the specified time, the Director of Fisheries, or any officer authorised by him in this behalf may cancel the lease after giving the lessee an opportunity of showing cause.

(5) If the lease fails to pay instalment within fifteen days after becoming due, he will be liable to pay interest at ten per cent per annum of the sum due.

(6) If the lessee fails to clear Government dues within thirty days after becoming due, the Director of Fisheries may do all or any of the following acts:—

(a) stop the netting operation; or

(b) confiscate the fish netted and the fishing apparatus together with the payment of previous instalments, if any; or

(c) cancel the lease.

21. **Refund of lease money.**—

The lease money or any instalment thereof paid under rule 20 may be refunded to the legal heirs of the lessee or presentation of the claim for refund if it is proved to the satisfaction of the officer executing the lease deed that the lessee died immediately after the execution of the lease deed.
22. **Issue of permits.—**

The Inspector of Fisheries may from time to time supply to the lessee sufficient blank permits duly signed by him to enable him to issue the same to his agents and nominees.

23. **Conditions of licence.—**

The following shall be the conditions of every licence granted under these rules—

(i) the licensee or his agents or nominees shall not interfere in the normal duties of the officials of Fisheries Department for taking out fish prohibited under the Ordinance or any fish required for bona fide purposes of research or development under the written authority of the Assistant Director of Fisheries;

(ii) the licensee or his agents or nominees shall report to the Inspector of Fisheries any breach of the Ordinance or rules relating to fishing that may come to their notice, with the least possible delay;

(iii) the licensee shall not sublet or lease out fishing rights of the water area or any part thereof to any other person on his own accord;

(iv) the licensee for the right to fish shall be for the fish that may be present in the water area and Government will not be responsible for any scarcity of fish due to fluctuations in the quantity and quality of water and inability of the licensee to catch fish, due to any reason whatsoever, and

(v) counterfoils of permits and unused blank permits shall be returned to the concerned Inspector of Fisheries after the expiry of the fishing lease.

24. **Confiscation of Apparatus.—**

(1) All apparatus erected or used for fishing in contravention of the Ordinance or these rules, may be seized by the Inspector of Fisheries or any person authorised by the Director of Fisheries and all such apparatus may be forfeited by the Court in addition to any other punishment that may be awarded under the Ordinance and these rules.

(2) Fish caught in contravention of the Ordinance or these rules may be deemed by the Inspector of Fisheries and may be disposed off to avoid, purification in the manner ordered by the Extra Assistant Director of Fisheries.

25. **Cancellation of lease and re-auction of fishing rights.—**

(1) If the lessee or any person holding a permit under section 5 of the Ordinance is convicted of an offence under the Ordinance or these rules, the Director of Fisheries may cancel the lease or permit of the person so convicted.

(2) On cancellation of a lease under sub-rule(1) or clause(c) of sub-rule(4) of rule 20, all permits issued by the lessee shall automatically stand cancelled, and the amount already paid by the lessee shall not be refunded to him.

(3) When a lease is cancelled, the Director of Fisheries may auction the fishing rights in that water in the manner herein provided and any deficiency in the lease money shall be recovered from the first lessee as if were an arrear of land revenue.
26. **Appeal.—**

An appeal shall lie to Government against the orders of the Director of Fisheries cancelling a lease or permits under rules 20 or rule 25, within one month from the date of communication of order of cancellation:

Provided that no order shall be passed in appeal except after giving the aggrieved person an opportunity of being heard.

**PART IV—DEPARTMENTAL OPERATIONS**

27. **Licences for reserved water.—**

Licences to fish in waters specified in Appendix V, if reserved for departmental operations under rule 18, shall be granted on payment of Rs.5.00 by the respective Extra Assistant Director of Fisheries or an officer authorised by government in this behalf under section 9.

28. **Validity of licence.—**

A licence issued under rule 27 shall remain in force from the 1st day of September to 31st day of August of the following year.

29. **Sale of fish.—**

(1) The holder of a licence under rule 27 shall, at his own cost bring all catches of fish to the landing centres specified by the Extra Assistant Director of Fisheries concerned issuing the receipt. Sale of catches, before these are brought to the landing centres, shall be unlawful.

(2) The fish brought to the places fixed under sub-rule(1) be disposed of in the manner, to be determined by the Director of Fisheries either by public auction or by sale at the rate to be fixed by him under the existing financial rules.

30. **Share of licence.—**

The licensee shall receive wages for catching fish in the manner to be specified by the Director of Fisheries either in the way of percentage of sales proceeds of his catches or at a fixed rate per maund of fish caught or on daily wages basis.

31. **Confiscation of fish.—**

All fish in possession of a licensee who has failed to deliver the same to a representative of the Fisheries Wing at a prescribed landing centre or is not in possession of a receipt issued under rule 29 shall be confiscated to Government in addition to a fine which may extend to Rs.50.00.

**PART V—TROUT WATERS**

32. **Division of trout waters into reaches.—**

(1) The water of the rivers and their tributaries, where trout is available, shall for the purposes of these rules, be divided into reaches as under :-
A- HAZARA DISTRICT

Reaches: River Kuhar and its tributaries

(a) Reach No.1.—From the commencement of mile one to the end of mile 42 on the Kaghan Valley Road.

(b) Reach No.2.—From the end of mile 42 to the end of mile 48 on the Kaghan Valley Road.

(c) Reach No.3.—From the end of mile 48 to the end of mile 54 on the Kaghan Valley Road.

(d) Reach No.4—From the end of mile 54 to the end of mile 84 on the Kaghan Valley Road and Lolusar Lake.

(e) Reach No.5.—Saiful Muluk Nullah and Saiful Muluk Lake.

(f) Reach No.6.—Porhinar Nullah and Dodiput Lake.

B- SWAT DISTRICT

Reaches: River Swat and its tributaries

(a) Reach No.1.—From Madyan bridge to Pashmal bridge and Madyan stream.

(b) Reach No.—From Pashmal bridge to Bhone bridge.

(c) Reach No.3.—From Bhone bridge to Gabral and Utroor Stream tributaries.

(d) Reach No.4.—From Ushoo and Utroor stream confluence and Kalam to Ushoo.

(e) Reach No.5.—From Ushoo to Mahi Dhand.

(f) Reach No.6.—All lakes.

C- CHITRAL DISTRICT

Reaches: River Chitrал and its tributaries

(a) Reach No.1.—From Karini to Kahoor (Lutkoh River), and its tributaries.

(b) Reach No.2.—Ayun, Bombret, Ramboor and Barir stream.

(c) Reach No.3.—Shishi stream and its tributaries.

(d) Reach No.4.—Golain stream and its tributaries.
D- DIR DISTRICT

Reaches Panjkora River and its tributaries.

(a) Reach No.1.—Barawal Bandi and Dhok stream.
(b) Reach No.2.—From Shringal to Patrak and its tributaries.
(c) Reach No.3.—From Patrak to Thall and its tributaries.
(d) Reach No.4.—From Thall to Source and its tributaries.
(e) Reach No.5.—All lakes.

(2) The Director of Fisheries may, at any time, by notification in the official Gazette revise the limits of the reaches mentioned in sub-rule(1) or divide the entire stretch of the said waters in any other number as he reaches to be may deem fit.

33. Licences for trout waters.—

(1) A licence to fish in any of the reaches specified in rule 32 may be granted by the Extra Assistant Director of Fisheries of the area concerned or any person authorised by him on payment of the prescribed fee and the licence so granted shall entitle the holder to fish only in the reach specified in the licence.

(2) A licence granted under this rule may after giving the licensee an opportunity of being heard, be cancelled by the Extra Assistant Director of Fisheries concerned for breach of any condition of the licence, these rules, or the provisions of the Ordinance.

34. Number of licences to be granted.—

(1) The Assistant Director of Fisheries shall fix the number of licences that may be granted by the respective Extra Assistant Director of Fisheries at any one time, for the reaches mentioned in rule 32.

(2) The Assistant Director of Fisheries may close any reach or part thereof for fishing for certain period to minimise the pressure of fishing.

35. Licence of fee.—

(1) A licence granted under this part shall be for single rod and line fishing only.

(2) The fee for the licence granted under this part shall be charged at the following rates:—

(i) Per day Ten rupees.
(ii) Per week Sixty rupees.
(iii) Per month Two hundred rupees.

36. **Restriction on size of fish to be caught.**—

Catching of trout less than 9 inches in length is prohibited. Such fish if caught shall be put back in the water forthwith.

37. **Number of fish to be caught.**—

No licensee shall catch more than five fish in a day on one licence.

38. **No restriction on number of fish caught for scientific purposes or for thinning out.**—

Nothing in these rules shall prevent the catching of any number of trout at any time of the year scientific purposes or for thinning out of over crowd population of fish.

39. **Fee not to be refunded.**—

The licence fee paid under rule 35 shall in no case be refunded or the reach for which the licence has been issued be changed.

40. **Licence not to be transferred or shared.**—

A licence granted under this part shall be non-transferable and shall not be shared with any person.

41. **Duplicate licence.**—

Where a licence granted under this part is lost or accidentally destroyed, the Extra Assistant Director of Fisheries of the area concerned may, on payment of a fee of one rupee, issue a duplicate copy of such licence.

42. **Kinds of lures to be used.**—

A licensee shall use either of the following lures only:—

(a) Artificial fly
(b) Artificial spinning bait, including Spoons, and
(c) Artificial worm.

43. **No fish to be killed in the close season.**—

No fish shall be killed in the waters to which this part applies during the period from the 10th day of October to the 9th day of March in the following year (both days inclusive) except under the authority of the Director of Fisheries.

44. **Seizure.**—

All apparatus erected or used for fishing in contravention of these rules may be seized and taken into possession by the person empowered under section 16 of the Ordinance by the challenging authority which may be produced in Court in support of illegal fishing and the fish so caught may be auctioned.
45. No licensee shall be allowed to sell trout caught by him.

46. (1) The Extra Assistant Director of Fisheries of the area concerned may issue identity card on payment of a fee of Rs.15.00 to a person who may act as fishery guide for providing assistance to the licensee.

(2) Without prejudice to any other penalty to which such person may be liable under the Ordinance or these rules, and identity card granted under this rule shall be cancelled by the Extra Assistant Director of Fisheries for breach of any condition of these rules, or any provision of the Ordinance.

PART V—PROVINCIAL ANGLING LICENCE

47. Grant of Angling Licence.—

Notwithstanding anything contained in these rules the Director of Fisheries or an officer authorised by him in this behalf may, on payment of a fee of Rs.30.00 grant a provincial angling licence which shall enable its holder to fish with rod and line in any of the waters mentioned in rule 48.

48. Application for Angling Licence.—

A licensee holding a licence granted under rule 47 may fish in waters of Rivers Swat (in District Peshawar, Indus, Kabul, Naguman, Shahalam Toi, Siran (Below Khaki and Kunhar (Below Pucca bridge at Balakot) and their tributaries, excluding leased area and their tributaries.

49. Validity of the licence.—

A licence granted under rule 47 shall be non-transferable, and shall remain in force from the 1st day of September in each year to the 31st day of August in the following year.

50. Refund of licence fee.—

The fee paid for a licence under rule 47 may be refunded to the legal heir of the licensee on the presentation of a claim for refund made within one week from the date of the issue of licence if it is proved to the satisfaction of the officer issuing the licence that the licensee could not be made use of on account of the death of license immediately after the licence was issued.

51. Condition for fishing.—

A licensee to whom a licence has been granted under this part shall be entitled to fish with road and line having two hooks only and shall not use more than two rods at any time.

52. Permission of owners of private waters necessary.—

A licence granted under rule 47 shall be subject to the permission of the riparian owners for fishing in waters-

(a) which have been or may hereafter be declared as “private” waters; or
(b) which though public waters required permission for fishing therein according to the entries in Wajibularz or Record-of-Rights of the village concerned.

53. **Entrance to Headworks of Canals prohibited.**—

A licence granted under this part shall not entitle its holder to enter on the headworks of canals without the prior permission of the Executive Engineer or any Officer authorised by the Irrigation Authorities in this behalf.

**APPENDIX-I**

**LIST OF WATER WHICH FISHING LICENCE MAY BE ISSUED**

(VIDE RULE, 3)

1. **Peshawar District.**—

Rivers.—Kabul river with branches and Adezi der, Michni or Naguman River, Shahalam River, and Budni Stream, Swat River with branches as Abazai or Jundai and Khaiyali, Bara River and Indus River.


2. **Mardan District.**—

River Indus, Badri Khawar and its tributaries as Kadi Khawar, Totai Nala, Tigrai Khawar.


Mamm Nala and its tributaries and Narai Khawar, Dagi Khawar, ____ Khawar, Jeo Khawar, Badami Khawar, Pacha Tangi Khawar and Trawar of Mandu Khawar.

3. **Swat District.**—

River Swat from the confluence of Madyan Stream Landaki with all its tributaries. River Indus and its tributaries in Shangal- Swat District. Budkhel Nallah and their tributaries.

4. **Dir District.**—

River Runjkora from Chukiatan to Kulandi and its tributaries. River Swat and its tributaries from Landakh to Thana and from Chela to Kulandi in Dir District and Malakand Agency.
5. **Chitral District.—**

River Chitral and its tributaries from the confluence of Lutkoh and Mastuj River to the boundary of the district down stream. River Mastuj and its tributaries. River Turkho and its tributaries. River Lutkoh and its tributaries from Karinj to the confluence of Lutkoh and Mastuj river.

6. **Kohat District.—**

Teri Toi and its branches as Largrai Toi, Narai — Al gad, Fit Kirmar Al gad, Mithan Al gad and Lilian Al gad.

Khakh Toi, Kohat Toi as Lachi Toi, Marmzai Toi, Summari Toi, Nazr __, Safi Al gad, Jabi Toi and Sarai Toi.

Shkalai Nullah and Randokha Nullah, Inzar Nullah Khawar Al gad Star—— Ugoa, Shugga Al gad (Khawar).

Landa Toi, Shage Toi, Gaz Dera Toi, Khanki Toi, Kurmati Khawar, Akhtar Nullah Tarkhabi, Narai Al gad, Roshu Al gad, Nullah Launghar Al gad, Tukha Al gad, River Indus.

7. **District Hazara.—**


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**APPENDIX II**

**WATER RESERVED FOR ROD AND LINE GEAR**

*(VIDE RULE 6(2)*

River Indus from Ferry Rest House to toi Dhair in Districtet Mardan, River Indus, Kabul from Attock Bridge to Public Works Department—— House, Near village Kurd in District Peshawar and River Kabul from village Pir Sabak to Colony Textile Mills in District Peshawar.

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**APPENDIX III**

**WATER RESERVED FOR ROD AND DAILY LICENCES**

*(VIDE RULE 6 (2) )*

Government Fish Farms.

(i) Ghorakh Dibbi.
(ii) Kheshki Reservoir.
(iii) M.P.O. Warsak
(iv) Area ‘o’
(v) Jamrud Road Warsak.
APPENDIX IV

SPECIAL WATER RESERVED FOR ROD AND LINE FOR DAILY AND SEASONAL LICENCES

1. River Swat from Thana to Batkhela on both banks in Dir District and Malakand Agency.
2. Daggar Stream.

APPENDIX V

WATER RESERVED FOR LEASES
(VIDE RULE 17)

The public water (including Dhands, Dohras) and dams and reservoirs the Districts of Dera Ismail Khan, Bannu, Kohat, Peshwar and Hazara, other than reserved waters.