

5.1.3.2	Fisheries Act amendment (KANA Notification No. F.O(1) / 98. N.A.I dated 1 April 1999)
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GOVERNMENT OF PAKISTAN
KASHMIR AFFAIRS AND NORTHERN AREAS AND SAF— DIVISION
NOTIFICATION

Whereas it is expedient to amend and make additions in the Northern Areas Fisheries Act 1975.

Now, therefore, the provincial Government of Northern Areas is pleased to make the following amendments and additions in the Northern Areas Fisheries Act 1975, which shall come into force at once:-

A. AMENDEMENTS

Section 2: Short title, application and commencement

Existing

- (a) “Provincial Government” means the Resident/Commissioner of Northern Areas.

Amended

- (a) “Provincial Government” means the Chief Executive of Northern Areas.

Existing

- (b) “Director of Fisheries” means the Deputy Commissioner of the five districts at Northern Areas and includes any person appointed by Provincial Government to discharge the functions of the Director Fisheries under this Act.

Amended

- (b) “Director of Fisheries” means the Sectoral head of the Fisheries sector Northern Areas.

Existing

- (c) “Assistant Director” means the Assistant Director of the Northern Areas Fisheries.

Amended

- (c) “Deputy Director” and “Assistant Director” means the Deputy Director and Assistant Director of the Northern Areas Fisheries department.

Existing

- (i) "Private water" means water which is the exclusive property of any person

Amended

- (i) "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.

Section 5: Destruction of fish by water poisoning**Existing**

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

Amended

No person shall use electricity or put any poison, lime or noxious material into any water with intent hereby to catch or destroy any fish that maybe therein.

Section15: Penalties**Existing**

- (a) Whoever contravenes the provisions of section 4,5 or 9 shall be punished with imprisonment of either description, which may extend to Six months or with fine which may extend to Six months or with fine which may extend to five thousand rupees or both.

Amended

- (a) Whoever contravenes the provisions of section 4,5 or 9 shall be punished with imprisonment of either description, which may extend to Six months or with fine which may extend to Six months or with fine which may extend to ten thousand rupees or both.

Existing

- (b) Whoever contravenes the provisions of sections 6,7,8 or 10 shall be punished with fine which may extend to five hundred rupees.

Amended

- (b) Whoever contravenes the provisions of sections 6,7,8 or 10 shall be punished with fine which may extend to one thousand rupees.

B. ADDITIONS

Section 2: a (i) "Chief Secretary" means Chief Secretary for Northern Areas.

a (ii) "Secretary" means Secretary Food, Agriculture and Fisheries Northern Areas.

(z) "Honorary Fisheries Inspector" means any person declared as such by the Chief Secretary on recommendation of community to conserve and manage fishery in the specified public water on partnership basis.

Section 7. (3) The Provincial Government or such officer empowered in this behalf by general or special order in writing, may, for a period not exceeding five years lease out; on such conditions as may be prescribed. The right to catch fish in any water other than private water provided the trout water fishery shall be managed only for game purpose.

(4) Any amount due to Government under the provisions of Sub section (3) and remaining unpaid one month after it has become so due, may be recovered as arrears of land revenue.

(5) The person in whose favour a lease under sub section (3) is granted, may issue permits in such form, subject to such conditions and on payment on such fees, as may be prescribed, for taking of fish in the water the right to fish wherein has been leased to him.

(6) A permit issued sub section (5) shall cause to be valid upon the termination or cancellation of the lease in favour of the person issuing the permit.

(7) The Chief Secretary may allow any community or village organization to manage / conserve the fisheries resources in limits of their village or villages subject to the conditions to be prescribed in the agreement deed to be executed with the fisheries department.

Section 17. (2) No court inferior to that of a magistrate of the first class shall try any offence case punishable under this Act.

(3) The Provincial Government may delegate Magisterial powers to Fishers officers of BPS-17 and above for trial of offence cases under this Act.

(4) The Provincial Government may appoint special magistrate to try offence cases under this Act and also may set up mobile courts as and when necessary.

(5) The offence cases under this Act may be tried as per summary procedure under the code of criminal procedure 1898.

Second Schedule

(Section 21)

Existing

Maximum amount acceptable, by way of composition for certain offences

S. No.	Description of offence	Maximum amount which may be acceptable as composition
1	Fishing with a net having a smaller mesh than the prescribed mesh.	Twenty five rupees.
2	Fishing without licence.	.....do.....
3	Fishing fish of a size less than the prescribed size.	.....do.....
4	Fishing with any gear or method other than permitted under rules.	.....do.....
5	Using at any one time more than two of either of any of the gears permitted under rules.	.....do.....
6	Licence holder employing or engaging non licencees to help him with his nets while fishing.	.....do.....
7	Offering or exposing for sale or barter of any fish in contravention of the provisions of this Act.	.....do.....

Amended

Second Schedule

(Section 21)

Maximum amount acceptable, by way of composition for certain offences

S. No.	Description of offence	Maximum amount which may be acceptable as composition
1	Fishing with a net having a smaller mesh than the prescribed mesh.	Two hundred rupees.
2	Fishing without licence.	.....do.....
3	Fishing fish of a size less than the prescribed size.	.....do.....
4	Fishing with any gear or method other than permitted under rules.	.....do.....

- 5 Using at any one time more than two of either of any of the gears permitted under rules.do.....
- 6 Licence holder employing or engaging non licencess to help him with his nets while fishing.do.....
- 7 Offering or exposing for sale or barter of any fish in contravention of the provisions of this Act.do.....

Amended with S.No. 8 added

Second Schedule

(Section 21)

Maximum amount acceptable, by way of composition for certain offences

S. No.	Description of offence	Maximum amount which may be acceptable as composition
1	Fishing with a having a smaller mesh that the prescribed mesh.	Two hundred rupees.
2	Fishing without licence.	.....do.....
3	Fishing fish of a size less then the prescribed size.	.....do.....
4	Fishing with any gear or method other than permitted under rules.	.....do.....
5	Using at any one time more than two of either of any of the gears permitted under rules.	.....do.....
6	Licence holder employing or engaging non licencess to help him with his nets while fishing.	.....do.....
7	Offering or exposing for sale or barter of any fishes in contravention of the provisions of this Act.	.....do.....
8.	Fishing of fish with the use of explosives ss,poison noxious material or electricity.	Two thousand rupees.

(MUHAMMAD YOUNUS)
section Officer