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PART I

GOVERNMENT OF SIND

LAW DEPARTMENT

NOTIFICATION

Karachi, the 24th January, 1980

No. S.Legis.1(3)/80.—The following Ordinance by the Governor of Sind is hereby published for general information:—

THE SIND FISHERIES ORDINANCE, 1980

SIND ORDINANCE NO. III OF 1980

AN

ORDINANCE

to amend and consolidate the law relating to fisheries in the Province of Sind.

WHEREAS it is expedient to amend and consolidate the law relating to fisheries in the Province of Sind. Preamble.

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977 and the Laws (Continuance in Force) Order, 1977, the Governor of Sind is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Sind Fisheries Ordinance, 1980. Short title and commencement.

(2) It shall come into force at once.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context—

- (a) "collection centre" means a place close to the fishing waters where fish after being caught is collected;
- (b) "Director" means the Director of Fisheries, Sind, and includes any other officer authorised by Government to exercise the powers of such Director;
- (c) "fish" means all kinds of fish and includes molluses, crustaceans and kelp-fish;
- (d) "fishing" means taking or catching of fish by any means;
- (e) "fishing craft" includes a vessel propelled or moved in any manner and used in fishing or for transport or processing of fish;
- (f) "fishing gear" includes every appliance used in fishing;
- (g) "fixed engine" means any net, trap or other contrivance fixed across the river, stream, canal, water channel including creeks for fishing;
- (h) "Government" means the Government of Sind;
- (i) "lease" means a lease granted under this Ordinance or rules made thereunder;
- (j) "Inspector" means an Inspector of Fisheries appointed under this Ordinance;
- (k) "licence" means a licence granted under this Ordinance or rules made thereunder;
- (l) "market" means a place where fish is sold by auction or otherwise on commercial scale;
- (m) "marketing" means handling, transporting, and storage by any means for commercial purposes and sale of fish;
- (n) "permit" means a permit granted under this Ordinance or rules made thereunder;
- (o) "prescribed" means prescribed by rules made under this Ordinance;
- (p) "private waters" means any waters which are the exclusive property of any person, or in which any person has, for the time being, an exclusive right of fishing;

(q) "processing" means cutting, dressing, freezing, canning, curing, or conversion of fish into fish meal by any means:

(r) "public waters" means any waters other than the private waters and includes territorial waters.

3. (1) Government may, by general or special order, grant licence or lease for fishing in any public waters on such terms and conditions and on payment of such fees as may be prescribed.

Power of lease or issue of licences for fishing and fish trade.

(2) Where a lease has been granted under sub-section (1) the lease-holders may issue permits for fishing in the leased waters, in such form and subject to such conditions and on payment of such fees, as may be prescribed:

Provided that the permit issued under this sub-section shall cease to be valid upon the termination or cancellation of the lease.

4. No net, cage, trap, fixed engine or any other contrivance shall be used or employed in any public water for taking or catching any species of fish specified in the second column of the First Schedule except during the period mentioned in respect of such species in the fourth column thereof and under a licence which may be issued by such authority on such conditions and on payment of such fees, as may be prescribed.

Net, fixed engine, traps, etc. shall not be employed without a permit or licence.

5. 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 thereof.

Fish not to be taken.

6. Government may, by notification, declare any public waters, demarcated in the prescribed manner, to be a sanctuary for the fish mentioned in the First Schedule for such period as may be specified in the notification and no fish from such waters shall be killed, captured or possessed during the said period without a special permit issued by the Director on payment of such fees, as may be prescribed.

Power to declare any waters to be a sanctuary for fish.

7. No person shall use dynamite or other explosive substances or put any poison, lime or noxious material in any waters with the intention of catching or destroying fish or aquatic life therein.

Destruction of fish or aquatic life.

8. No effluence or waste of any factory or sewerage shall, unless it is treated and made harmless for fish and other aquatic life to the satisfaction of the Director, be discharged in any waters.

Discharge of factory effluence, waste or sewerage.

9. (1) The fish caught for sale shall be collected and sold at such market or collection centre and on such terms and conditions as may be prescribed.

Marketing of fish.

(2) No fish-dealer shall purchase fish from the prescribed market or collection centre without a licence granted by such authority and on payment of such fees, as may be prescribed.

Marketing at fish Harbour. 10. The marketing of fish at the Fish Harbour and other services including charging of fess connected therewith shall be managed and regulated in such manner and on such terms and conditions as may be prescribed.

Processing. 11. No factory or yard shall be set up for processing or curing fish except under a licence which may be granted by such authority on such terms and conditions and on payment of such fees as may be prescribed.

Use of fishing craft without licence prohibited. 12. No person shall, for the purpose of fishing, not being sport fishing, use or operate a fishing craft without licence which may be granted by such authority on such terms and conditions and on payment of such fees, as may be prescribed.

Explanation.—In this section “sport fishing” means fishing for recreation by red and line and not for commercial purpose or earning livelihood.

Appointment of Inspectors of Fisheries. 13. Government may, by notification, appoint such persons as it thinks fit to be Inspectors of Fisheries for such local limits, as may be specified in such notification.

Duty to produce licence or permit on demand made by employes of Fisheries Department. 14. Every person shall, on demand of the Inspector or any other person authorised in this behalf by the Director, produce the licence or permit, in his possession before such Inspector or person.

Inspection by Fishery Officer. 15. The Inspector may, without a warrant from a Magistrate, search any person, vessel, vehicle, ship, boat, raft, package, receptacle, covering, processing factory, curing yard fish market or collection centre for satisfying himself whether or not an offence under this Ordinance has been committed.

Power of arrest, seizure and disposal. 16. (1) If the Inspector has reason to believe that any fishing craft and fishing gear has been used for fishing or marketing has been done in contravention of any provision of this Ordinance or the rules made thereunder, he may arrest without warrant, the owner or person or persons incharge of the vessel or the person in possession of the fish.

(2) The Inspector or any other person authorised by him in this behalf may seize any fish, fishing craft, or fishing gear used or suspected to have been used in contravention of any provision of this Ordinance.

(3) Any fish, fishing craft or fishing gear seized under sub-section (2) shall be disposed of in accordance with the decision of the Court; provided that if the fish seized is likely to perish, it shall, unless it is preserved or processed without delay, be sold by the Inspector or the person authorised by him and the sale proceeds shall be treated as seized property for the purpose of this sub-section

Powers of Magistrate to issue search warrant. 17. If a Magistrate of first class has reason to believe that an offence under this Ordinance has been or is being, or is likely to be, committed, he may issue a warrant for search of any place in which any fish, net, trap, cage or other contravance or fixed engine for catching or taking fish has been or is suspected to be kept or concealed.

18. A police officer shall, upon a request made by the person authorised to act by or under this Ordinance render such assistance as may be necessary for due discharge of his duties. Police assistance.
19. No court shall take cognizance of any offence under this Ordinance except on the complaint in writing made by the Inspector. Persons who may lodge complaint.
20. The Court may order the confiscation of any net, trap, cage or other contravance or fixed engine employed in the commission of an offence under this Ordinance. Confiscation of any net trap, cage, etc.
21. (1) Whoever contravenes any provision of section 4, 5, 7 or 8 shall be punished with imprisonment for a term which may extend to six months or with a fine which may extend to ten thousand rupees or with both. Penalty.
- (2) Whoever contravenes any provision of section 9, 11, 12 or 14 shall be punished with fine which may extend to ten thousand rupees.
- (3) Whoever contravenes any rules made under this Ordinance shall be punished with such penalty as may be prescribed; provided that such penalty shall not, in case of imprisonment exceed one month, and, in case of fine exceed one thousand rupees.
- (4) Any court convicting any person under sub-section (1) may order that any fish caught or taken, and any fishing craft or fishing gear used in fishing in contravention of the provisions of this Ordinance or the rules, shall be forfeited to Government.
- (5) Where the person contravening any provision of this Ordinance or the rules is a company or other body corporate, the Director, Manager, Secretary, or other officer or agent thereof shall, unless he proves that the contravention was committed without his knowledge or that he exercised due diligence to prevent such contravention, be deemed to be guilty of such contravention.
- (6) Whoever attempts to contravene or abet the contravention of any provision of this Ordinance or the rules shall be deemed to have contravened such provisions.
22. The owner or the person incharge of any fishing craft or processing factory or fishing yard involved in contravention of any provision of this Ordinance or the rules shall be deemed to have made such contravention and shall be punishable under the provisions of this Ordinance or as the case may be rules framed thereunder, if he knew or had reason to believe that contravention was committed and the fishing craft or processing factory shall be liable to forfeiture. Liability of the owner, etc.
23. No suit prosecution or other legal proceedings shall lie against Government or any Fisheries Officer for anything done in good faith or intended to be done under this Ordinance or rules made thereunder. Indemnity.

Delegation
of powers.

24. Government may, by notification, delegate all or any of the powers vested in any officer or authority under this Ordinance to any person.

Power of
Government
to add or
exclude from
First
Schedule.

25. 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;
- (ii) alter the period during which any fish specified in the First Schedule may be killed or caught.

Power to
compound
certain
offences.

26. Government may, by notification, empower an Inspector of Fisheries—

- (a) to accept from any person concerning whom evidence exists which if unrebutted would prove that he committed any offence as described in the first column of the Second Schedule a sum of money not exceeding that mentioned against such offence in that Schedule, by way of composition for the offence with regard to which such evidence exists, and on the payment of such sum to the Inspector such person if in custody shall be discharged and no further proceedings shall be taken against him;
- (b) to release any property having been seized and liable to confiscation on payment of the value thereof as estimated by the Inspector and no further proceedings shall be taken in respect thereof.

Power to
make rules.

27. (1) Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribed for all or any of the following matters, namely:—

- (a) the size of meshes;
- (b) the size and the quantity of fish which may be caught by any fishing gear or processed at any time;
- (c) regulation of the operation of fishing vessels;
- (d) markets and the procedure and fee for marketing of fish;
- (e) registration of fish processing plants, the manner and conditions of the operation or maintenance thereof;
- (f) ways and means by which shrimps, fish and shell fish shall be handled on the vessels;

- (g) inspection of vessels, markets and fish processing plants;
- (h) issue of quality certificate for processed or unprocessed fish used for processing, domestic consumption or inter-provincial trade;
- (i) fixation of royalty and other Government dues on vessels and fish catches;
- (j) fixation and regulation of prices of all varieties and sizes of fish and shell fish;
- (k) regulation of landing and marketing of fish taken, caught and landed at any place in the province;
- (l) 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;
- (m) the authority by which licences under this Ordinance may be granted;
- (n) the fees to be charged for registration of any plant or for grant of any licence or permit or special licence or special permit;
- (o) the conditions subject to which the Director may lease the right to catch fish under this Ordinance;
- (p) the number and sex of any species of fish, that may be killed or caught under a licence;
- (q) the rewards to person who render help in detection of offences under this Ordinance;
- (r) the utilization of receipts recovered under this Ordinance;
- (s) prohibition or regulation of all or any of the following matters:—
 - (i) the erection and use of fixed engines;
 - (ii) the construction of waters; 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.

28. The Sind Fisheries Ordinance, 1961, is hereby repealed.

Repeal and Savings.

