ASSAM ACT I OF 1935.

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THE ASSAM PRIVATE FISHERIES PROTECTION ACT, 1935.

An Act for the protection of the right of fishing in private waters.

Preamble.

WHEREAS it is expedient to provide for the protection of private rights of fishery;

And whereas the previous sanction of the Governor General has been obtained under sub-section (3) of section 80A of the Government of India Act to the passing of this Act.

It is hereby enacted as follows:

1. (1) This Act may be called the Assam Private Fisheries Protection Act, 1935.

2. In this Act, unless there be something repugnant in the subject or context—

(a) "Fish" includes shell-fish and turtles;

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

(c) "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.

3. 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, or knowingly permits to be put therein any matter for the purpose of catching or destroying fish without the permission of the person to whom the right of fishery therein belongs;

[Price—Indian anna 1. English 1d.]
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 exceed-
ing 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 in accordance with
a long-established custom or shall prevent any
person from angling with a rod and line or with
a line only in any portion of a navigable river.

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4. (1) Any fixed engine erected, placed, main-
tained or used in contravention of the last preced-
ing section, and any fish taken by means of such
engine, or otherwise in contravention of this
Act shall be forfeited.

(2) And such fixed engine may be removed
or taken possession of by the Deputy Com-
missoner of the District, or such person as he
empowers in this behalf.

5. Whoever enters upon land in the possession
of another or upon private waters, with intent to
commit any of the offences specified in section 4,
shall be punished with a fine not exceeding fifty
rupees.

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

A G. P. (Leg.) No. 108—600—8-10-1935.