

ACT No. VII OF 1875.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 23rd
February 1875).

An Act to regulate Fisheries in British Burma.

WHEREAS the exclusive right of fishing in British Preamble.
Burma in such fisheries as are hereinafter men-
tioned belongs by the custom of the country to the
Government :

And whereas it is expedient to provide for the
protection of this right, and for conceding the enjoy-
ment of it to the public or to individuals gratuitously,
or in consideration of fees or rent, and subject to
suitable restrictions and conditions ;

It is hereby enacted as follows :—

I.—Preliminary.

1. This Act may be called “The Burma Fisheries Short title.
Act, 1875”:

It extends to the territories for the time being Local extent.
under the administration of the Chief Commissioner
of British Burma ;

And it shall come into operation on the first day Commence-
of April 1875. ment.

2. In this Act—

“Fish” includes also shell-fish :

“Fishery” means any collection of water, running “Fishery.”
or still, tidal or non-tidal, which is itself of a perma-
nent nature, or is connected with some waters of a
permanent nature, and in which fish or turtle may be
found. It includes the sea :

“To fish” includes to catch turtle or collect their “To fish.”
eggs ; and

“Fixed engine”

[Price two annas.]

“Fixed engine.”

“Fixed engine” means any fixed implement or engine for catching or for facilitating the catching of fish, and includes a net secured by anchors, or otherwise temporarily fixed to the soil.

II.—Rights of Fishery.

Right of fishery.

3. No right to fish in any fishery shall be deemed to have been acquired by the public or by any person, either previously to the passing of this Act or subsequently thereto, except in one of the modes hereinafter described :

Angling.

But nothing herein contained shall be held, nor shall the giving of any grant, lease, license or permission under this Act be held, to prevent the public from angling with a rod and line only in any fishery :

Proviso.

provided that such angling may, in any case, with the previous sanction of the Chief Commissioner, be forbidden by a proclamation issued by the Deputy Commissioner of the District in which such fishery is situate for such time as may be fixed by such proclamation :

And nothing herein contained shall prejudice or derogate from any express grant of a right to fish heretofore made by the British Government.

Disposal of right of fishery.

4. The Deputy Commissioner of any District may, subject to such rules, conditions and restrictions as may be prescribed by the Chief Commissioner in this behalf, dispose of the right of fishing in any fishery situate within his District, or specially placed under his charge by the Chief Commissioner, in any one of the following modes, that is to say,

(a) he may declare such fishery open to the public, or to the inhabitants of any town or village, or to any other class of persons :

(b) he may lease the exclusive right of fishing in such fishery to any person ; or

(c) he may, where he has not disposed of the right of fishing in any of the foregoing modes, grant licenses to any number of persons to use nets, traps

traps and other implements for fishing in such fishery,

and (subject as aforesaid) he may declare that any fishery shall cease to be a fishery for the purposes of this Act.

All such declarations, leases and licenses made and granted by the British Government before this Act comes into operation and then in force shall be deemed to have been respectively made and granted under this section.

Declarations
made before
1st April
1875.

5. All fees, rents and other moneys due to Government in respect of any lease, license or permission granted under this Act, may be recovered in the manner prescribed by the law for the time being in force for the recovery of arrears of revenue.

Recovery of
fees, rents,
&c.

III.—Erection of Weirs.

6. No weir or other fixed obstruction, and no fixed engine tending to hinder the movements of fish, or to interfere with the flow of the water, or to impede navigation, shall be erected, placed, maintained, or used in any fishery, or in waters connected with any fishery, by a grantee or lessee, or by any other person whomsoever, without a special permission in that behalf under the hand of the Deputy Commissioner of the District in which such fishery is situate.

Weirs not to
be erected
without sanc-
tion of
Deputy Com-
missioner.

IV.—Penalties.

7. Any person who commits any of the following offences, (namely)--

Penalties.

(a) fishes in any fishery not having a right to fish therein,

(b) erects, places, maintains or uses any fixed obstruction or fixed engine in a fishery, or in waters connected therewith, without being specially permitted to do so under section six,

(c) puts or knowingly permits to be put, or causes or knowingly permits to flow, into any fishery, any solid or liquid matter to such an extent as to poison or kill, or to cause the water to poison or kill, fish,

(d) interferes

(d) interferes with, or makes any demand in consideration of, the lawful use of the water of any fishery for purposes unconnected with the taking of fish,

shall be punished, for a first offence, with imprisonment for a term not exceeding three months, or a fine not exceeding two hundred rupees, or both ;

and, for a second offence, with imprisonment for a term not exceeding six months, or a fine not exceeding five hundred rupees, or both.

Forfeiture of obstructions.

And any obstruction or engine erected, placed, maintained or used in contravention of section six, and any fish taken by means of such obstruction or engine, or otherwise in contravention of this Act, or of any rules made hereunder and for the time being in force, shall be forfeited.

Removal of obstructions.

And such obstruction or engine may be removed or taken possession of by the Deputy Commissioner or such person as he empowers in this behalf.

And the expense (if any) of such removal may be recovered from the person erecting, placing, maintaining or using the obstruction or engine so removed, as if it was an arrear of revenue.

V.—*Subsidiary Rules.*

Power to make rules.

8. The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, make rules for all or any of the following purposes:—

(a) for the survey and demarcation of the limits of fisheries ;

(b) for determining in which of the modes mentioned in section four, the right to fish in each fishery shall be disposed of ;

(c) for regulating the conditions on which, and the procedure by which, fisheries may be opened to the public or granted or let on lease to individuals ;

(d) for fixing the rates at which, and the conditions on which, licenses to use implements for fishing may be granted ;

(e) for

(e) for settling the terms and conditions on which permission to erect, place, maintain or use fixed obstructions and engines in fisheries or waters connected therewith may be granted;

(f) for making and maintaining free gaps in weirs;

and generally to carry out the purposes of this Act.

9. The Chief Commissioner may, with the like sanction, in making any such rule, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding one month's imprisonment, or two hundred rupees fine, or both.

Penalty for
breach of
rules.

10. All such rules shall be published in the *British Burma Gazette*, and shall thereupon have the force of law.

Publication
of rules.