

**IMO  
INTERNATIONAL MARITIME LAW INSTITUTE  
MALTA**

**LEGISLATIVE DRAFTING PROJECT**

*In partial fulfilment for the award of an LL.M. Degree  
in International Maritime Law*

**THE NATIONAL FISHERIES REGULATORY AUTHORITY ACT  
(Act Number \_\_\_\_\_ of 2000)**

**Tutor: Dr. Ivan Vella**

**Akhtar Hayat Qasmi  
PAKISTAN**

*The Millennium Class*  
**1999-2000**

**03 March 2000**

*One day with a great teacher is worth more than a thousand days of study.*

**A Japanese saying**

**Dedicated**

to

Dr Walter Mueller

Dr Ivan Vella

Mr Aref Fakhry

The three gentlemen who saved me thousands of days of study.

## TABLE OF CONTENTS

### The National Fisheries Regulatory Authority Act

Act ..... of 2000

#### PART I

#### **INTRODUCTORY**

Sections		Page
1.	Short title.	1
2.	Commencement and Application.	1
3.	Definitions.	2-7
	(1) Authority	2
	(2) Collection centre	2
	(3) Conservation and management	2
	(4) Contiguous Zone	2
	(5) Continental Shelf	3
	(6) Exclusive Economic Zone or EEZ	3
	(7) Fish	3
	(8) Fish Harbour	3
	(9) Fishery	3
	(10) Fishing	3
	(11) Fishing craft" and "Fishing vessel	4
	(12) Fishing gear, fishing equipment or fishing implements	4
	(13) Fishing Log	4
	(14) Foreign fishing vessel	4
	(15) Government	4
	(16) Historic Waters	4
	(17) Inspection Port	4
	(18) License	4
	(19) Licensing Authority	5
	(20) Marketing	5
	(21) Marine environment	5
	(22) Maritime boundaries	5
	(23) Maritime interests of Pakistan	5
	(24) Maritime Zones	5
	(25) Master or skipper	6
	(26) National Fisheries Regulatory Authority	6

(27) Officer or fisheries officer		6
(28) Owner		6
(29) Pakistan		6
(30) Pakistan fishing waters	6	
(31) Pakistan waters	6	
(32) Permit		6
(33) Pollution		6
(34) Prescribed		7
(35) Processing		7
(36) Regulations		7
(37) Rules		7
(38) Stock of fish or fish stock		7
(39) Territorial Waters		7
(40) Total allowable catch	7	
4. Interpretation of nautical terms.	7	
5. Fisheries officers		8

## PART II

### ESTABLISHMENT OF THE NATIONAL FISHERIES REGULATORY AUTHORITY

6. Establishment of the Authority.		9
7. Management.		9
8. Organization of the Authority.		10
9. Powers and Functions of the Authority.		10
10. Power to prohibit, limit or regulate the import of frozen, canned or otherwise preserved fish.		14
11. Power to issue, amend and revoke licences and other permits.	14	
12. Power to grant licence to foreign fishing vessels and for taking of fish outside Pakistan fishing waters.		15
13. Duties of fisheries officers.		15
14. Duty to produce licence or permit and allow inspection.	17	
15. Authority may summon.		18
<b>16. Warrant not required.</b>		<b>19</b>
<b>17. Registration of Fishing Vessels.</b>		<b>19</b>

## PART III

### Preservation of the Marine Environment, Fish Habitat and Protected Species

18. Discharge of effluence, waste or sewage.		20
19. Licence required to discharge waste, effluent or sewage.	20	
20. Prohibition on destruction of fish or aquatic life or marine		

21.	eco-system.		21
21.	Protection of inland fish habitat and pollution prevention.	21	

#### **PART IV**

##### **Limits of Fishing and Disposal of Catch, Etc.**

22.	Fish not to be taken.	22	
23.	Collection and Marketing of fish.	22	
24.	Operation of facilities and levy of fees and charges only by the Authority.		22
25.	Calculation and apportionment of allowable catch by foreign fishing vessels.	22	
26.	Licensing of foreign fishing vessels.	23	

#### **PART V**

##### **Offences, procedures and penalties**

27.	Indemnity.		27
28.	Offences committed in the EEZ.	27	
29.	Power to compound certain offences.	27	
30.	Disposal of effluent, waste, sewage or garbage without licence or without rendering it harmless.	28	
31.	Restriction on foreign fishing vessels.	28	
32.	Restriction on destruction of fish and use of explosive substances.		29
33.	Restriction on landing of fresh fish from vessels other than at the facilities of the Authority.	30	
34.	Punishment for offence under section 10.	30	
35.	Punishment for obscuring, defacing, obliterating or altering registration marks on fishing vessels.	31	
36.	Punishment for violation of fish sanctuary areas.	31	
37.	Punishment for destruction of fish, aquatic life, or marine eco-systems.		31
38.	Obstruction of a fishery officer in the performance of his duties.	32	
39.	Penalty.		32
40.	Penalty for evading rates and charges, etc.	33	
41.	Compensation for damage to the property of the Government or the Authority.	33	
42.	Cognizance of offences.	34	
43.	Recovery of all dues, charges, fees, fines etc., as arrears of land revenue.	34	

44.	Arrest, detention and production of offenders.	34
45.	Court to order suspension/cancellation of licence.	35
46.	Duty of the court to ensure law is not abused.	36
47.	Reward for information.	36
48.	Courts and Authority to expedite proceedings.	36
49.	Court to order imprisonment if fine not paid.	37

## **PART VI**

### **Miscellaneous**

50.	Power to make Rules.	38
51.	Power to make Regulations.	40
52.	Power of Government to change, amend, alter, add or delete the Schedules or Annexes.	42
53.	Removal of difficulties.	42
54.	Submission of annual reports and returns.	42
55.	Immunity for officers and men subject to armed forces law.	43
56.	Authority to adhere to principles enunciated in the Law of the Sea Convention, 1982.	43
57.	Act to apply on land based installations, facilities, etc.	43

## **Annexes**

### **Annex – I Prescribed Forms**

1. Fishing Licence
2. Certificate of Competency for Fishermen
3. Vessel Registration

### **Annex – II Prescribed Areas for Fishing**

### **Annex – III Prohibitions and Directives**

1. Regarding fishing certain species
2. Regarding fishing in certain areas
3. Regarding fishing during certain seasons or times of a year
4. Regarding use of certain equipment

### **Annex – IV Rules regarding Training and Certification of Fishermen**

*(In accordance with The International Convention for Training, Certification and Watch keeping for Fishing Vessel Personnel STCW-F, 1995)*

**Annex – V Safety Code for Fishermen and Fishing Vessels**

*(In accordance with Parts A & B of The (FAO, ILO, IMO) Code of Safety for Fishermen and Fishing Vessels, 1975, as amended from time to time; The Torremolinos International Convention for the Safety of Fishing Vessels (SFV) 1977)*

The National Fisheries Regulatory Authority Act

Act Number ..... of 2000

An Act to consolidate enactments relating to Fishing and Fisheries in the Maritime Zones of Pakistan, and conservation of the marine life and environment.

**WHEREAS it is expedient to consolidate enactments relating to fishing, fisheries, fisheries zones, exploiting and conservation of fish and living marine resources in the rivers, bays, historical waters, internal waters, territorial waters, contiguous zone and the exclusive economic zone of Pakistan;**

**It is also proposed to regulate not only the harvesting of fish in these areas but also to lay down the rules and procedures for fishermen, both local and foreign, for modern fishing craft and traditional wooden boats.**

**It is hereby enacted as follows :-**

## **PART I**

### **INTRODUCTORY**

**1. Short title.** This Act may be called the National Fisheries Regulatory Authority (Pakistan) Act, 2000.

**2. Commencement and Application.** (1) This Act shall come into force on such date as the Federal Government may, by notification in the Official Gazette, appoint.

(2) It shall be applicable to the whole of Pakistan, including the rivers, bays, historical waters, internal waters, territorial waters, contiguous zone and



the exclusive economic zone of Pakistan, and such other areas which the Federal Government may specify by notification in the Official Gazette.

**3. Definitions.** In this Act, unless there is something repugnant in the subject or context:-

**(1) “Authority”** means the National Fisheries Regulatory Authority.

**(2) “Collection centre”** means a place set up by the Authority or under its supervision and control, close to the fishing waters, where fish after being caught is collected, weighed and classified or sorted.

**(3) “Conservation and management”** includes all rules, regulations, methods and measures which are ---

**(a)** required to rebuild, restore or maintain, or which are useful in rebuilding, restoring or maintaining, any fishery resource or the marine environment; and

**(b)** designed to assure---

- (i) that a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis;
- (ii) that irreversible or long-term adverse effects on fishery resources or the marine environment are avoided; and
- (iii) that there will be multiplicity of options available with respect to future uses and abundance of these resources.

(4) **“Contiguous Zone”** shall have the same meaning assigned to this term in section 4 of the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976);

(5) **“Continental Shelf”** shall have the same meaning assigned to this term in section 5 of the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976);

(6) **“Exclusive Economic Zone or EEZ”** shall have the same meaning assigned to this term in section 6 of the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976);

(7) **“Fish”** means any species of fish or aquatic life, whether piscine or not, including whales, seal, porpoises, turtles, shell-fish, oyster, molluscs, crustaceans, sponges, sea-urchins, ascidians, kelp and other marine life, and also includes the spawn and eggs of such animals;

**(8) “Fish Harbour”** means and includes any harbour set up or under the control of the Authority, and also includes any such harbour owned or operated by any other agency or organization when it is being operated or controlled by the Agency;

**(9) “Fishery”** means and includes

- (a)** the area, locality, place or station in which any fishing gear is used, set, placed or located, and the areas, tract or stretch of water in or from which fish may be taken or caught by such gear; and
- (b)** any one or more stocks of fish and plant which can be treated as a unit for the purpose of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational and economic characteristics, and includes fishing for any such stock;

**(10) “Fishing”** means the taking, harvesting or catching of every description of fish or shell-fish or corals or plants found in the sea by any means in the historic waters, internal waters, territorial waters or the Exclusive Economic Zone of Pakistan; and includes the art of such taking or catching, and includes any operation at sea in support of, or in preparation for, any such activity;

**(11) “Fishing craft” and “Fishing vessel”** means and includes every vessel of whatever description, design or size and in whatever way propelled, which is used by any person or persons for fishing, and includes fishing craft and vessels used for the transport, storing, sorting, processing or packaging of fish, or aiding or assisting in any manner, any other boat, craft or vessel at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, processing, refrigeration, storage, supply or transportation;

**(12) “Fishing gear”, “fishing equipment” or “fishing implements”**

means any nets, lines, floats, lamps or other instruments usually used for the purpose of fishing and includes all appliances used for fishing;

**(13) “Fishing log”** means a log required to be maintained by a licenced vessel under this

Act or the rules and regulations made thereunder;

**(14) “Foreign fishing vessel”** means a fishing vessel or fishing craft, other than a

Pakistan fishing vessel, of whatever description, design or size and in whatever way propelled, which is used by any person or persons for fishing, or is being used for the time being for that purpose ;

**(15) “Government”** means the Government of Pakistan;

**(16) “Historic Waters”** shall have the same meaning assigned to this term in section 7 of

the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976);

**(17) “Inspection port”** in relation to any fishing vessel, whether local or foreign, means

any Pakistan port or fish harbour which has been designated by the Authority as an inspection port;

**(18) “Licence”** means the licence issued by the Authority for the operation of any fishing

craft or any fishing vessel or use of any fishing gear in Pakistan fishing waters or the EEZ, and “Licensee” means the holder of such a licence;

**(19) “Licensing Authority”**

- (a) means any person authorized by the Government of Pakistan by order in writing to issue licenses and permits under this Act or the Rules made thereunder;

(b) For the purposes of this Act the Licensing Authority shall be the National Fisheries Regulatory Authority;

**(20) “Marketing”** means handling, transporting and storage of fish in any form and by any means for commercial purposes and sale of fish, and includes commercial sale of fish by auction;

**(21) “Marine environment”** means the waters of the sea and ocean, the ocean floor, soil and sub-soil, the air and atmosphere which effects the sea and all living creatures therein and includes the normal uses and enjoyment of the sea;

**(22) “Maritime boundaries”** means and includes all maritime boundaries of Pakistan determined in accordance with section 8 of the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976);

**(23) “Maritime interests of Pakistan”** includes rights, control, jurisdiction and sovereignty over Maritime Zones and includes the sovereignty rights of Pakistan to explore, exploit, conserve, regulate, manage the living and non-living resources and other activities for economic exploitation, exploration and to safeguard the unauthorized exploitation of resources of Pakistan seas and prevention thereof, and the Pakistan mainland, islands and atmosphere, from damage through pollution from any source;

**(24) “Maritime Zones”** means the territorial waters, the contiguous zone, the continental shelf, the Exclusive Economic Zone of Pakistan or any other zone or area declared as such by the Federal Government;

**(25) “Master or skipper”** includes, in relation to any vessel, the person for the time being in command or charge of that vessel;

**(26) “National Fisheries Regulatory Authority”** means the Authority set up under this Act by the Federal Government for the regulation and control of fisheries and fish harbours, of

fishing, fishing craft and fishing vessels, in the Pakistan waters and the Exclusive Economic Zone, and, to such extent as the Government may delegate, for the control and prevention of pollution of the marine environment from any source;

**(27) “Officer or fisheries officer”** means a person appointed in a pay scale as an officer of the of the National Fisheries Regulatory Authority, and includes all commissioned officers of the Pakistan Navy, the Maritime Security Agency and the officers of the Army when serving in the Pakistan Coast Guard;

**(28) “Owner”** in relation to a fishing vessel, means any person or body of persons whether incorporated or not by whom the vessel is owned and includes any operator, charterer, sub-charterer, lessee or sub-lessee of the vessel;

**(29) “Pakistan”** means the Islamic Republic of Pakistan;

**(30) “Pakistan fishing waters”** means Pakistan waters and includes the exclusive fisheries and exclusive economic zones of Pakistan.

**(31) “Pakistan waters”** means the body of water extending from shore to the territorial limits notified as such by the Government of Pakistan in the Official Gazette and includes bays, inlets, estuaries and creeks, and includes the Territorial waters;

**(32) “Permit”** means a permit granted by the Authority under this Act;

**(33) “Pollution”** means pollution of the marine environment from any source, including land and air, on, over or under the sea or air borne pollution and by any means and in any form whatsoever, whether solid, liquid or gaseous, and includes chemical, nuclear, garbage or effluent;

**(34) “Prescribed”** means prescribed by rules made under this Act;

**(35) “Processing”** means freezing, cutting, canning, curing, dressing, filleting, radurisation, chilling, smoking, extracting of oil, conversion into fish meal and includes any other process for the preparation of fish or fish by-products for use or consumption any where within or without Pakistan;

**(36) “Regulations”** means regulations made under this Act;

**(37) “Rules”** means rules made under this Act;

**(38) “Stock of fish or fish stock”** means a species, sub-species, geographical grouping or other category of fish which can be treated as a unit;

**(39) “Territorial Waters”** shall have the same meaning assigned to this term in sections 2 and 3 of the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976);

**(40) “Total allowable catch”**, with respect to the yield from any fishery, means the amount of fish that will produce from the fishery the maximum sustainable yield, as qualified by any relevant economic or environmental factors and taking into account fishing patterns, the interdependence of stocks of fish, and any generally recommended sub-regional, regional, or global standards.

**4. Interpretation of nautical terms.**--- Words, terms and concepts like nautical mile, port and starboard etc., relating to the sea and maritime activity, not specifically defined shall, as far as possible, have the same meaning ascribed to them in normal maritime usage.

**5. Fisheries officers.**--- The following persons shall be fisheries officers for the purpose of this Act:-

- (a) any person appointed as a fisheries officer under the provisions of this Act;

- (b)** any commissioned officer of the Pakistan Armed Forces or the Maritime Security Agency or the Pakistan Coast Guards;
- (c)** any customs officer appointed under the provisions of the Customs Act;
- (d)** any police officer not below the rank of an Assistant Superintendent of Police;
- (e)** any other person so appointed by the Government.



**PART II**

**ESTABLISHMENT OF THE NATIONAL FISHERIES**

**REGULATORY AUTHORITY**

**6. Establishment of the Authority.— (1)** There shall be an Authority to be known as the National Fisheries Regulatory Authority for carrying out the purposes of this Act.

**(2)** The Authority shall be a body corporate, having perpetual succession and a common seal, with power, subject to this Act, to acquire and hold property, both movable and immovable, and shall by its name sue and be sued.

**(3)** The Authority shall have its principal offices at Karachi and as many sub-offices at other places as may be required for the effective and efficient performance of its functions and duties under this Act.

**7. Management.--- (1)** The management of the Authority and all the powers vested in the Authority by virtue of this Act, shall be exercised by the Director General of the Authority.

**(2)** The Director General shall be a suitable person having experience in the maritime field and shall be appointed by the Government. He shall hold office for a period of three years, which period may be extended by the Government.

**(3)** The Director General shall be assisted by the following officials, who shall be delegated such powers and authority commensurate with their appointment and necessary for the effective and efficient running of their departments:-

- (a) The Director Administration and Personnel;
- (b) The Director Fisheries and Licences;
- (c) The Director Marine Environment;
- (d) The Director Legal and International Affairs;
- (e) The Director Estate Management;
- (f) The Director Fisheries Fleet and Operations;
- (g) The Director Liaison and Protocol.

**8. Organization of the Authority.--- (1)** All the powers and functions of the Authority shall be exercised through the Director General.

**(2)** All the personnel of the Authority shall be governed by the laws applicable to the civil servants of the Government in general, including matters relating to discipline, emoluments, leave, tenure, seniority, and in particular to the provisions of this Act and the rules and regulations made thereunder.

**(3)** Serving armed forces personnel may be required to serve in the Authority on deputation and shall continue to be governed by laws, rules and regulations of the armed forces to which they were subject prior to deputation to the Authority. Suitable retired Army, Navy and Airforce personnel may also be inducted for service with the Authority.

**(4)** Without prejudice to their educational or other qualifications necessary for employment in the Government, suitable skilled persons in the field of fisheries and fishing may be employed by the Authority on the basis of contract for one year at a time. This period of employment may be extended one year at a time at the sole discretion of the Director General.

**9. Powers and Functions of the Authority.--- (1)** The Authority shall lawfully enforce the Act, the rules and regulations made under this Act and such other laws, international conventions and treaties, which the Government shall authorize and require to be enforced by it.

**(2)** The Authority, through its Director General, shall be responsible to the President and Prime Minister of Pakistan for the efficient enforcement and implementation of this Act and to carry out the purposes of this Act.

**(3)** The Authority shall be liable and responsible to the Government:--

- (a)** for the registration of all fishing craft and fishing vessels and of persons engaged in fishing;
- (b)** to regulate the use of fishing implements, for preserving order among fishermen and preventing them from doing any damage to the fishing implements of others;
- (c)** to regulate the landing and storage of fish, its preservation and its utilization in the manufacture of by-products;
- (d)** to regulate the sale and distribution of fish and the licensing of persons connected therewith;
- (e)** to regulate the storage, processing and canning of fish;
- (f)** to regulate the use of boatslips, moorings and other harbour facilities intended for the use of fishing craft and fishing vessels;
- (g)** for maintaining order, sanitation and cleanliness in the general area under its control or supervision and the wholesale fish market;
- (h)** for prescribing the requirement of a licence from the Authority in respect of persons acting as master or skipper or second hand of any class or description of fishing craft or fishing vessel specified in the rules and regulations and the terms and conditions on or subject to which such licences shall be issued;

- (i) for ensuring that the master or crew of all fishing craft and fishing vessels registered with the Authority have the required experience, certification and qualification required under this Act and the rules and regulations made thereunder to operate such craft or vessels and to engage in fishing;
- (j) to establish catch quotas for all types of fish in any given area, by any fishing craft or vessel, in any season or time of year;
- (k) to take all necessary action to prosecute offenders, violations of this Act, and to impose penalties and fines as prescribed;
- (l) to ensure the protection and preservation of the marine environment from pollution from any source;
- (m) to monitor the pollution of the marine environment and undertake scientific studies to evaluate, control and minimize pollution and the effects of pollution upon the living resources of the sea and the common heritage of mankind;
- (n) under the specific instructions of the Federal Government to co-operate with other states, agencies and international entities regarding measures to regulate the fishing of migratory and highly migratory species, the effect of transboundary marine pollution, and over fishing;
- (o) to advise the Government and the Environment Protection Agency about prescribing the limits of disposal of effluents or any matter, whether liquid, solid or gaseous, into the marine environment;
- (p) to ensure that restrictions upon operation or landing of fresh fish by foreign fishing vessels are strictly and firmly enforced;

- (q) for the protection of fish stock for breeding purposes and maintaining sufficient quantities of fish at all times and not permitting the fish stock to dwindle below the prescribed minimum;
- (r) to liaise with international agencies working in the field of fisheries and study and preservation of the marine environment;
- (s) to establish, run and control an academy for the training and certification of fishermen;
- (t) for generating indigenous expertise in the field of scientific study and research of the marine environment, fisheries and pollution control;
- (u) if considered expedient, to sell by public auction any vessel detained, and pending trial, or the fish or equipment found onboard such vessel at the time of being so detained, and hold the proceeds of such auction till the final decision of the case, and, unless forfeited under order of the court, return such proceeds, inclusive of any interest earned, to the person from whom they were taken without any deductions or charge;
- (v) to register all local fishing vessels and craft and issue them with an appropriate number and call sign;
- (w) to issue licences to foreign fishing vessels and regulate their catch quotas and to inspect their catch at collection centers;
- (x) for any act or thing necessary to give effect to the purposes of this Act and the rules and regulations made thereunder.

**10. Power to prohibit, limit or regulate the import of frozen, canned or otherwise preserved fish.--- (1) The Government of Pakistan may, by order in**

the Official Gazette, prohibit, limit or regulate the importation or landing in Pakistan of fish which has been frozen, chilled, canned, salted or which has undergone any process of curing or preservation.

**(2)** Without prejudice to the generality of the power conferred by this section, an order made under this section may determine for any such period as may be specified in the order:-

- (a)** the description of such fish as aforesaid which may be landed or caused to be landed in or brought into Pakistan;
- (b)** the quantity of such fish, or of any description thereof, which may be so landed, and under what conditions such fish may be landed, and the order may contain such provisions as appear to the Government of Pakistan to be necessary for securing the due operation and enforcement of the scheme of regulation of the order.

**11. Power to issue, amend and revoke licences and other permits.**--- **(1)** No person shall, for the purpose of fishing, use or operate a fishing craft or fishing vessel without licence granted by the Authority on such terms and conditions and on payment of such fees and conditions, as may be prescribed.

**(2)** Any licence, permit or permission granted for the purpose of this Act or rules and regulations made thereunder may be revoked, amended or varied at any time by the Authority.

**(3)** Fishing for the purpose of sport or recreation shall not require a licence for the person or craft or vessel concerned provided that the fish caught for sport or recreation does not exceed either twenty-five kilograms in weight or twenty-five in number. Furthermore, line fishing from the shore does not require a licence.

**(4)** Every licence granted under this Act shall terminate on 31 December next after the day of issue. It shall be personal to the holder, shall not be transferable and shall be subject to such conditions as

the issuing Authority shall think fit to endorse thereon in accordance with this Act or the Rules and Regulations made thereunder.

**(5)** In sub-section (3) fishing for sport or recreation means fishing by rod and line or other permissible means and not for commercial purposes or for earning a livelihood.

**12. Power to grant licence to foreign fishing vessels and for taking of fish outside Pakistan fishing waters.**— No licence to take fish in Pakistan fishing waters shall be granted by the Authority to any person owning, operating or manning any fishing vessel registered elsewhere than Pakistan without the prior written approval of the Government of Pakistan.

**13. Duties of fisheries officers.**— **(1)** The Government may appoint fisheries officers to ensure that the provisions of this Act and any rules, regulations and orders made thereunder are strictly complied with.

**(2)** The Government may delegate to fisheries officers in the discharge of their functions and duties under this Act, all or some of the same powers and duties vested in or imposed on officers of the Pakistan Police.

**(3)** For the purpose of enforcing the provisions of this Act and any rules, regulations and orders made thereunder, a fisheries officer may, with respect to any foreign fishing vessel when within territorial waters, and with respect to a locally registered fishing vessel anywhere exercise the following powers:-

- (a)** to require a vessel to heave to and go on board any vessel reasonably believed to be engaged in fishing;
- (b)** to visit and search the vessel and inspect its equipment, fishing apparatus, gear, catch and cargo, if any;

- (c) to board any fishing vessel or fishing craft to verify the size and type of catch;
- (d) to board any vessel to inspect that the fishing vessel or fishing craft has a valid licence to fish, is manned by requisite number of qualified personnel, carries the required safety equipment onboard and that the crew is competent and able to operate the same.
- (e) to require the master or skipper, or any person engaged in fishing, to exhibit and produce any certificate of registry and other documents pertaining to the boat, the voyage, its crew, apparatus and catch;
- (f) to seize such documents and order the master or skipper and the crew to take the vessel into harbour to a berth or mooring for further proceedings;
- (g) in case of any reasonable suspicion of any offence or violation of this Act, without summons, warrant or other process, to arrest the alleged offender, the vessel, its master and crew, and seize everything onboard or attached to the vessel, and produce them before a competent court of law, or hand them over to the Authority for registering and processing the case and charges against such master, crew or vessel;
- (h) to inspect the vessel or cargo for compliance of the prevention of pollution rules and regulations;
- (i) to visit, inspect and search any ship or vessel whatsoever involved in or suspected of dumping, illegal emissions into the air or the sea, carrying dangerous or hazardous cargo or goods without required safeguards, to take samples for laboratory testing and verification, and to detain such ship or vessel if required;
- (j) to check for any contamination or pollution of the marine environment from land based sources, including rivers and waterways.



**(4)** Every vessel required by a fisheries officer to stop shall do so immediately and the master of any such vessel will facilitate and assist in the boarding and inspection, and the master shall be present at all times if so required by the fisheries officer.

**(5)** The fisheries officer may take all reasonable or expedient steps to ensure compliance of his instructions by the master and crew of any vessel.

**(6)** A fisheries officer shall make a written record of his visit onboard any vessel. This document shall contain the name of the vessel, the date, time and place of the visit, the documents, catch or equipment examined, and any observations that the fisheries officer may deem necessary to record. It shall be signed and dated by the fisheries officer and the master of the vessel visited. A copy of the same shall be handed over to the master of the vessel. All records of visits shall be preserved onboard the vessel and shall be submitted to the Authority upon expiry of the term of licence.

**14. Duty to produce licence or permit and allow inspection.--- (1)**

Every person shall, on demand of the fisheries officer or any other person authorized in this behalf by the Director General of the Authority, produce the licence or permit, before such person.

**(2)** Immediately on boarding a fishing vessel or fishing craft a fishery officer or any person empowered in this behalf by the Director General of the Authority, shall identify himself and display his written authority or badge of office for acting as such, to the master of the vessel. However this requirement of identification shall not apply to officers of the armed forces required to perform such duties under this Act, when they are in uniform.

**15. Authority may summon.--- (1)** The Authority may summon;-

- (a) any owner, operator and/or master of any vessel to which a licence has been granted;
- (b) any seller or merchant of fish or manufacturer or wholesaler of fish products;
- (c) any owner or operator of fish processing facility at sea or on land;
- (d) any person against whom an offence under this Act is under investigation.

(2) The summons shall name the person or persons summoned, the name of the vessel or facility or establishment concerned, the date, time and description of the offence under investigation, the date, time and place the person so named is to present himself before the issuing authority, the signature, name and designation of the Director of the department of the Authority issuing the summons.

(3) The person summoned shall attend as required by the summons and the Authority shall ensure that there is no undue delay in attending the person summoned at the appointed time.

(4) The summoning authority, after ensuring that the person understands the nature of the charges under investigation against him or his vessel, may require the person summoned to clarify his position regarding the offence under investigation and to produce any document or thing. Any statement given by the person summoned shall be taken down in writing and the person summoned and the summoning authority shall be required to sign it.

***16. Warrant not required.--- A fisheries officer may, without a warrant from a Magistrate search any person, fishing craft or fishing vessel, vehicle, ship, boat, raft, package, receptacle, covering, processing facility or factory, curing yard, fish market or collection centre for determining whether or not an offence under this Act has been committed.***

**Provided** that such a search shall not be carried out without reasonable suspicion or probable cause.

***17. Registration of Fishing Vessels.--- (1) Every fishing vessel shall be owned or operated by a company or licenced fishermen and all fishing vessels shall be required to be registered with the Authority.***

***(2) All owners or operators of fishing vessels shall be required to renew the registration of their fishing vessel by 30 September each year.***

***(3) Every vessel registered under this Act shall bear such letter and number as may be given by the Authority. Such letter and number shall be plainly painted and maintained on each side of the vessel, on the swell of the bow thereof, in white figures on a black ground. Each of such letter and numeral shall be not less than 200mm in height and 25 mm in breadth of stroke.***

***Provided that if any such vessel registered under the provisions of this Act is a sailing vessel, the letter and number required to be painted on the bow, shall, in addition, be plainly painted and be kept plainly painted in black on each side of the sail thereof and such letter and number shall be at least 300 mm in height and 50 mm in breadth of stroke.***

***(4) Any person owning or operating a fishing vessel who fails to comply with any of the provisions of this section shall be guilty of an offence under this Act.***

## **PART III**

### **Preservation of the Marine Environment, Fish Habitat and Protected Species**

**18. Discharge of effluent, waste or sewage.---** (1) No effluent or waste or sewage from any factory or by any municipal or local authority, or private enterprise involved in collection or disposal of garbage or such effluent or waste or sewage, shall be discharged in any waters, or in any manner which results in contamination of the waters, or in such a way that its effect reaches the water, unless it is treated and made harmless for fish and other aquatic life to the satisfaction of the Authority.

(2) The Authority shall be empowered to enter and inspect any premises or facility or site from which such effluent, waste or sewage may emanate and may collect samples for determining the nature and extent or potential of the pollution or contamination that may occur or is likely to occur to the marine environment, the fish or the users of the sea.

**19. Licence required to discharge waste, effluent or sewage.---** (1)

No person shall discharge or cause to be discharged any waste, effluent or sewage in any form without a valid licence issued by the Authority.

(2) Before being granted a licence, and at such other times as the Authority may require, the licensee shall be required to furnish details and specify the nature of the effluent, discharge, waste, sewage or garbage, its quantity, place and manner of disposal.

(3) The Authority shall charge such fees for issue of licence or as the case may be, for renewal thereof, as may be prescribed.

**20. Prohibition on destruction of fish or aquatic life or marine**

**eco-system.**--- No person shall use dynamite or any explosive substance, or put any poison, lime or noxious substance in any waters with the intention of catching or destroying fish or aquatic life therein or damaging marine eco-system.

**21. Protection of inland fish habitat and pollution prevention.---**

The Authority shall ensure that the inland fish habitat is protected from the deleterious and toxic substances and the damaging effects of pollution upon such fish habitats and take any and all measures necessary to protect these inland waters and fish habitats from pollution and illegal fishing.

## **PART IV**

### **Limits of Fishing and Disposal of Catch, Etc.**

**22. Fish not to be taken.**--- No person shall kill, capture, or possess any species of fish of size less than that specified in and under this Act. This prohibition shall also apply to all sea mammals and sedentary species.

**23. Collection and Marketing of fish.**--- (1) All the fish caught shall be brought forthwith and without any inordinate delay to a collection centre of the Authority for verification, weighing, inspection and other formalities in accordance with this Act and the rules and regulations made thereunder.

(2) No fish-dealer, storage house, processor, cannery etc., shall purchase fish from any source except from the Authority and under a valid licence granted by the Authority upon payment of such fees, as shall be prescribed.

**24. Operation of facilities and levy of fees and charges only by the Authority.**--- The operation of all facilities and marketing and sale of fish at the fish harbours and collection centres and other services, including charges and collection of fees etc., connected therewith, shall be managed and regulated by the Authority in such manner and on such terms and conditions as shall be prescribed.

**25. Calculation and apportionment of allowable catch by foreign fishing vessels.**--- (1) The Government shall from time to time determine on the basis of the best available information:-

- (a) the total allowable catch in respect of every fish within the exclusive fisheries and exclusive economic zones; and
- (b) the portion of that catch which Pakistan's fishing vessels have the capacity to harvest.

(2) The total allowable catch in the exclusive economic zone for the foreign fishing vessels shall not be more than that portion of the catch that is in excess of the harvesting capacity of Pakistan fishing vessels.

(3) The Government may set limits upon or apportion the share of any country with respect to the total allowable catch in the exclusive economic zone of Pakistan determined in accordance with sub-section (2).

(4) In determining the share of any country in respect of the total allowable catch the Government shall take into consideration;-

- (a) whether such countries have co-operated with Pakistan in fisheries research and in the identification of fish stocks within the exclusive economic zone;
- (b) whether such countries have co-operated with Pakistan in conservation and management of fisheries resources within the exclusive economic zone and in the enforcement of Pakistan law relating to such resources;
- (c) whether such countries have co-operated with Pakistan in conservation, management, protection and preservation of the marine environment within the exclusive economic zone;
- (d) any other matters which the Government determines to be relevant.



**26. Licensing of foreign fishing vessels.**--- (1) Subjects to the provisions of this Act and in accordance with Government policy, the Agency may grant and issue licences authorising foreign fishing vessels to fish in the exclusive economic zone.

(2) In the exercise of the powers to issue licences to foreign fishing vessels the Government and the Authority shall ensure that;-

- (a) the fish permitted to be harvested does not exceed the total allowable catch quota of foreign fishing vessels;
- (b) the country quotas apportioned for harvesting fish in the exclusive economic zone are not exceeded.

(3) A licence issued under the provisions of this Act shall on payment by the applicant of the prescribed fee be issued to the owner in respect of a specific vessel, bearing the full names, particulars and details of both the owner and the vessel, and shall also specify the permissible limit of catch as well as the species of fish that may be harvested.

(4) The licencing authority, while granting licence and determining the fee payable, may authorise fishing generally or may confer limits with regard to all or any of the following limitations and conditions, namely as to;-

- (a) the geographical limits within which fishing is authorised;
- (b) the periods, times or particular voyages which may be taken;
- (c) the description and quantities of fish which may be taken;
- (d) the methods by which fish may or may not be taken;
- (e) the type of fishing gear which may be used and the stowage of that gear when not in use;

- (f)** the use, transfer, transshipment, landing and processing of fish taken;
- (g)** entry by the vessel into Pakistan Ports and harbours;
- (h)** the compensation payable in the event of any loss or damage caused by the vessel to other vessels, gear or catch or to any fish stocks, harbour facilities, the marine environment or other Pakistan interests;
- (i)** statistical and other information required to be given relating to the operations of the vessel including catch and effort statistics and vessel position reports;
- (j)** the conduct of fisheries research programmes;
- (k)** the training of Pakistani personnel in the methods of fishing employed and equipment used by the vessel, and the transfer to Pakistan of fisheries technology;
- (l)** the production of any document or thing on demand by a person authorised to do so under this Act;
- (m)** the markings and other means of identifying the vessel and the country of its origin or registration;
- (n)** the placing of Pakistani observers on the vessel;
- (o)** the carrying onboard the vessel of specified nautical charts, communication, navigation and other safety related equipment;
- (p)** the compliance of the vessel with directions and instructions of Pakistan Navy ships, submarines or aircraft, or those belonging to the Maritime Security Agency, the Pakistan Coast Guards, the Authority;
- (q)** such other terms and conditions as the Government or the Authority may consider necessary or expedient for the regulation of fishing, the conservation and

management of fisheries or the conservation, management and protection of the marine environment;

- (r)** the maintenance of fish logs and the entries required to be made therein;
- (s)** catch quotas and areas where fish may or may not be caught;
- (t)** the requirements of inspection at inspection facilities at named inspection ports and harbours.

## PART V

### **Offences, procedures and penalties**

**27. Indemnity.**--- No suit, prosecution or other legal proceedings shall lie against the Government, Authority or any of its functionaries for anything done or intended to be done in good faith under this Act, rules or regulations made thereunder.

**28. Offences committed in the Exclusive Economic Zone.**--- Any offence against this Act committed within the Exclusive Economic Zone of Pakistan shall be deemed to have been committed in Pakistan.

**29. Power to compound certain offences.**--- (1) The Director General of the Authority may:-

- (a) accept from any person concerning whom evidence exists which if unrebutted would prove that he committed any offence under this Act, or against whom a charge or charges under this Act is pending before a court of law, a sum of money equal to the maximum amount recoverable for every offence, by way of compensation for that offence;
- (b) release any property having been seized and liable to confiscation, on payment of the market value thereof as estimated by the Authority, and no further proceedings shall be taken in this respect.

(2) Upon full payment of the amount of compensation due under sub-section (1)(a) the person, if in custody, shall be released without any delay.

(3) Where an offence has been compounded, the Authority shall forthwith notify the court concerned of this fact in writing and any inquiry or proceedings pending before such court shall abate, and the court shall make a notation of this fact in its official record. Any person in custody shall also be released without undue delay.

**30. Disposal of effluent, waste, sewage or garbage without licence or without rendering it harmless.**--- (1) Any person who discharges or disposes, or causes to be discharged or disposed of, in any manner, any effluent, waste, sewage or garbage or any pollutant without a valid licence shall be liable to be punished.

(2) Any person who violates the terms and conditions set out in a licence with regard to discharge or disposal of any effluent, waste, sewage or garbage or any pollutant shall be liable to be punished.

(3) For the first offence under sub-sections (1) and (2) the offender shall be liable to pay a fine which may extend up to Rupees Ten thousand or an amount equal to the cost of cleanup of the pollution and repair of any damage resulting therefrom, whichever is greater.

(4) For the second offence under sub-section (1) and (2) the offender shall be liable to pay a fine of Rupees Twenty-five thousands or an amount equal to the cost of cleanup of the pollution and any repair of any damage resulting therefrom, whichever is greater.

(5) For the third and subsequent offences the offender shall be liable to imprisonment which may extend to six months or with fine, which may extend to Rupees one hundred thousand, or with both. In addition an amount equal to the cost of cleanup of the pollution and repair of any damage resulting therefrom, shall also be levied.

**31. Restriction on foreign fishing vessels.**--- (1) No person on board a foreign fishing vessel shall fish or attempt to fish while the vessel is within the territorial waters of Pakistan.

(2) If a foreign fishing vessel, having on board fishing implements of any kind, anchors without just cause anywhere within the territorial waters of Pakistan, except within the fish harbours, and without informing or consent of the Authority, shall be deemed to be involved in fishing. Proof of just cause shall lie on the master or skipper of such vessel.

(3) Contravention of this section shall make the master and crew liable to imprisonment for a maximum period of one year or fine or both. The court shall upon conviction also order the forfeiture of the vessel concerned along with all its implements and equipment onboard as well as of all the fish that may be on board at the time of the offence.

(4) The master, owner, charterer and operator, if any, of any fishing vessel not registered in Pakistan using such vessel for the purpose of taking fish within Pakistan fisheries waters without prior approval of the Government or the Authority shall be jointly and severally liable on conviction, in addition to confiscation of vessel, equipment and fish on board, to a fine not exceeding Rupees one million.

**32. Restriction on destruction of fish and use of explosive substances.**--- (1) Any person who takes or destroys or attempts to take or destroy any fish by use of dynamite, gelignite or other explosive substance, or who, being the holder of a valid licence under this Act, is found in possession of dynamite, gelignite or other explosive substances in such circumstances as to satisfy the court before which he is tried that he intended to use such aforesaid explosive substance for the taking or destroying fish, shall be liable to suffer;-

- (a) for the first such offence, three months imprisonment or a fine of Rupees five thousand or both ;
- (b) for the second and subsequent such offences six months rigorous imprisonment or a fine not exceeding Rupees twenty-five thousands or both;

(c) The court shall, upon conviction for any offence under this section, if the person holds a valid fishing licence, cancel such licence, and order that such person shall not be issued a licence by the authority for a period which may extend to three years.

(2) All fish taken by means of using aforementioned explosives shall be confiscated.

(3) Any person selling or attempting to sell fish taken by use of such aforementioned explosives shall be liable to a fine which may extend to Rupees five thousand.

**33. Restriction on landing of fresh fish from vessels other than at the facilities of the Authority.**--- (1) No fresh fish shall be landed from any vessel, whether local or foreign, within Pakistan except with previous written permission and under a valid permit issued by the Authority and at facilities of the Authority.

(2) If any vessel whether Pakistani or foreign lands or attempts to land any fresh fish within Pakistan other than at a facility of the Authority shall be liable to imprisonment for a maximum period of one year or fine or both. The court shall upon conviction also order the forfeiture of the vessel concerned along with all its implements and equipment onboard as well as of all the fish that may be on board at the time of the offence. The master and crew of a foreign vessel indulging in such activity shall also be liable for being proceeded against under the Customs Act and other statutory laws regarding the landing of or bringing in goods into Pakistan.

(3) The consignee of such fish shall also be liable to the same punishment and penalties.

**34. Punishment for offence under section 10.**--- (1) Any person who contravenes or attempts to contravene or fails to comply with any provision contained in any order made under section 10 of the Act shall be guilty of an offence under this Act.

(2) Any person guilty of an offence under this section shall be liable to imprisonment for a maximum period of one year or fine or both. The court shall upon conviction also order the forfeiture of the vessel concerned along with all its implements and equipment onboard as well as of all the fish that may be on board at the time of the offence. The master and crew of a foreign vessel indulging in such activity shall also be liable for being proceeded against under the Customs Act and other statutory laws regarding the landing of or bringing in goods into Pakistan.

(3) The consignee of such fish shall also be liable to the same punishment and penalties.

**35. Punishment for obscuring, defacing, obliterating or altering registration marks on fishing vessels.**--- Any person who obscures or attempts to obscure, deface, obliterate or alter the registration number of a vessel with intent to evade any of the provisions of this act shall be guilty of an offence under this act, and shall be liable to a fine not exceeding Rupees ten thousand.

**36. Punishment for violation of fish sanctuary areas.**--- (1) Any person or vessel involved in fishing in areas declared to be fish sanctuary areas shall be arrested forthwith and all the catch impounded.

(2) Any person found in violation of a ban on fishing in fish sanctuary areas shall be punished with a fine which may extend to Rs.50,000.

**37. Punishment for destruction of fish, aquatic life, or marine eco-systems.**— (1) Any person intentionally involved in destruction of fish , aquatic life or marine eco-system shall be punished with a fine which may extend to Rs.100,000, and his fishing craft or fishing vessel or any other craft or vessel used in such activity, and all equipment and gear onboard, shall be impounded.



(2) Where such offence is committed without intention to cause such harm or damage, or knowing that it is likely to cause such harm or damage, the fine may extend to Rupees fifty thousand.

**38. Obstruction of a fishery officer in the performance of his duties.**— (1) Any person who obstructs a fishery officer while acting in his official capacity and in fulfillment of his duties under this Act, or refuses to comply with any direction lawfully made, or refuses to answer any question lawfully asked by any fishery officer in pursuance of his duties under this Act, shall be guilty of an offence under this Act:

**Provided** that no person shall be compelled to answer any question which may tend to incriminate him.

(2) Any person who commits an offence specified in sub-section (1) of this section shall be liable to suffer imprisonment for a term not exceeding six months or fine not exceeding Rupees Ten thousand. However if the obstruction is combined with the use of criminal force or the threat of the use of criminal force he shall be liable to suffer imprisonment not exceeding three years or with fine not exceeding Rupees Fifty thousand or both.

(3) If the offences mentioned in the foregoing sub-sections are committed by any person on board a fishing vessel, whether foreign or local, the master shall be held equally responsible and liable for the same and guilty of such offence:

**Provided** that if the master proves that he issued proper orders for the observance, and use of due diligence to enforce the observance, of this Act and the order of the fishery officer, and the offence was committed by some other person without his connivance or instigation, he shall not be liable to any punishment.

**39. Penalty.**--- Whoever contravenes or attempts or conspires to contravene any provision of this Act or any rule or regulation made thereunder, shall, if no other penalty is provided for such contravention, be punishable with:

- (a) imprisonment of either description for a term which may extend to six months; or
- (b) fine, which may extend to Rupees fifty-thousand; or.
- (c) with both.

**40. Penalty for evading rates and charges, etc.---** Any person who removes or attempts to remove, or abets within the meaning of the Pakistan Penal Code (Act XLV of 1860), the removal of goods, vessel, fish or catch, animal or vehicle with the intention of evading payment of tools, dues, rates, fees or charges lawfully payable in respect thereof shall be punishable with fine which may extend to Rupees Ten thousand.

**41. Compensation for damage to the property of the Government or the Authority.-- (1)** In case damage or mischief is done to any wharf, dock, quay, jetty, pier, roadstead, work, mooring, constructed or acquired, or in the possession or use of the Authority by any vessel or by any means through negligence, will or desire of the master of a vessel, or by any of the mariners or persons employed or travelling therein, or by any other person not in the service of the Authority, any Magistrate of the first class having jurisdiction in the harbour area or any nearest and most accessible Magistrate of the first class, on the application of the Authority and on declaration by it in writing that payment for such damage or mischief has been refused or has not been made on demand, issue a summons to the master or owners of such vessel, or such other person or persons, requiring him to attend on a day and at an hour named in the summons to answer questions touching upon such damage or mischief.

(2) If, at the time appointed in the summons, and whether the persons summoned appear or not, it is proved that the alleged damage was done through such negligence or mischief as aforesaid, the Magistrate may issue a warrant of distress, under which the whole or a sufficient portion of the boats, masts, ropes, cables, anchors, stores, or any fish which was onboard at the time of the damage, may be seized and sold to cover the expenses of and attending the execution of the distress, and the pecuniary amount of damage as aforesaid, and such amount shall be paid to the Authority out of the proceeds of the distress.

**42. Cognizance of offences.**--- No court shall take cognizance of any offence punishable under this Act except on a complaint in writing made by the Authority or an officer authorized for the purpose by the Authority.

**43. Recovery of all dues, charges, fees, fines etc., as arrears of land revenue.**--- All fees and sums due to the Authority under this Act or the rules and regulations made thereunder, may be recovered as arrears of land revenue, in addition to any other modes of recovery provided by this Act.

**44. Arrest, detention and production of offenders.**--- (1) A fishery officer may arrest or detain any person or fishing vessel or fishing craft without warrant.

(2) The fishery officer shall make a written record in his own handwriting of the person arrested or detained by him, giving the details of the offence or suspected offence, the time of the arrest, the circumstances warranting the arrest or detention, and the time and place of the arrest or detention, he shall sign it and shall require such person or master of vessel to sign it as well. The refusal, if any, of any such person to sign the document shall also be recorded in the document, and the complete contents of the document shall be communicated to the person or master of vessel arrested in such a manner that he understands all the details contained therein. Thereafter he shall give one copy of the same to the person arrested or detained or to the master of the vessel arrested or detained.

(3) Every person or fishing vessel or fishing craft so arrested shall be produced before a Magistrate within the shortest possible time and in no case later than eight hours of reaching land after arrest or detention has been effected at sea. Keeping any person or fishing vessel or fishing craft under arrest or detention for longer than eight hours shall be illegal, unless it is proved to the satisfaction of the court that it was not physically possible to do so within that time.

**Provided** that the time required for the arrested vessel etc to be brought to the nearest harbour shall be excluded from this time limit.

**Provided** that the non availability of a Magistrate shall not be construed against the functionaries of the Authority.

**Provided** that for the persons and vessels arrested or detained by the personnel of the Pakistan Navy, Maritime Security Agency or the Pakistan Coast Guard, the time of eight hours shall only commence when such vessel or person have been officially handed over to the Authority.

**45. Court to order suspension/cancellation of licence.**--- (1) Where a person is charged with committing an offence under this Act, the court may, if the licence has not already been suspended by the Authority, suspend such licence till the final decision of the case. A fishery officer may arrest or detain any person or fishing vessel or fishing craft without warrant.

(2) The court shall:-

- (a) upon conviction of the offender for the offence also order cancellation of any licence issued to him;
- (b) Upon acquittal of the offender on all the charges remove the suspension order issued earlier. Furthermore, if the court is of the opinion that the arrest of the person or vessel was not justified under the circumstances, in addition to honourable acquittal direct the Authority to restore, renew or reissue the licence free of charge within seven days of such order. Provided that if the licence has lapsed due to expiry, the same shall be renewed free of charge for the current year.

**46. Duty of the court to ensure law is not abused.**--- (1) The High Court while considering any matter under this Act shall ensure that the employees of the Authority have not wantonly exceeded or abused their powers or used them to persecute or unduly annoy any citizen of

Pakistan, so as to deprive or deny him his fundamental rights, or to the unjustified detriment of one person and the unjustified enrichment or benefit of another.

(2) If the High Court is of the view that sufficient grounds exist that a wanton abuse or misuse of power as aforementioned has taken place, it shall inquire into the matter, and may direct the Authority to hold an immediate inquiry into the matter and may also direct that the suspected employee of the Authority may be suspend till the conclusion of the enquiry and the final decision of the Authority.

**47. Reward for information.**--- (1) The Director General of the Authority may order to be paid to any person, not being the employee of the Authority, a reward for information regarding commission of any offence under this Act, where such information leads to apprehension and successful prosecution of the culprits.

(2) Such reward shall in no case exceed five percent of any property or fish confiscated as a result of such information.

(3) The Authority shall ensure that names of such persons providing information as aforesaid, or the amount of money paid to them as a reward, is not disclosed to any member of the general public or employee of the Authority not directly concerned with the matter.

**48. Court and Authority to proceed expeditiously with inquiry/investigation.**--- (1) Every Court and the Director General of the Authority when holding any inquiry or investigation into any offence under this Act shall conduct day to day proceedings into the matter and dispose of it within the shortest possible time.

(2) In no case shall a trial or appeal court extend the hearing of the case or the appeal therefrom beyond fourteen days, except under exceptional circumstances to be recorded in writing by the court.

**49. Court to order imprisonment if fine not paid.---** The court shall direct in every case that non payment of fine, or portion thereof, within the stipulated time shall result in imprisonment of the defaulter for a term which shall not exceed:-

- (a) Three months for fines below Rupees twenty five thousand;
- (b) Six months for fines between Rupees twenty five and Rupees fifty thousand;
- (c) Nine months for fines between Rupees fifty thousand and Rupees one hundred thousand;
- (d) One year for fines over Rupees one hundred thousand.

## **PART VI**

### **Miscellaneous**

**50. Power to make Rules.-- (1)** The Federal Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.

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

- (a)** the size, type, design and number of nets and meshes;
- (b)** the size, quantity and type or species of fish which may be caught by any fishing gear or processed at any time;
- (c)** regulations for the operation of fishing craft or fishing vessels;
- (d)** markets and the procedure and fee and charges 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 and storage plants;

- (h)** issue of quality certificates for processed or unprocessed fish used for processing, domestic consumption or export;
- (i)** fixation of royalty and other Government and Authority dues and charges 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 Pakistan;
- (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 licence under this Act may be granted;
- (n)** the fees to be charged for registration of and fishing craft or fishing vessel, storage or processing plant or for grant of any licence or permit or special licence or special permit;
- (o)** the conditions subject to which the Authority may lease the right to catch fish under this Act;
- (p)** the number and gender of any species of fish, that may be killed or caught under a licence;
- (q)** the rewards to persons who render help and assistance in detection of



offences under this Act;

- (r)** the utilization receipts recovered under this Act;
- (s)** the establishment of a technical institute for training of fishermen, masters of fishing vessels and fishing craft in navigational, ship handling, safety, communications and other aspects of the fishing operations;
- (t)** the establishment of course curriculum, duration of training at the institute and the rate of fees and charges to be charged for training at the institute;
- (u)** the granting of certificate to those who qualify the training course, or refresher course;
- (v)** the regulation or prohibition of any or all of the following matters;-

  - (i)** the erection and use of fixed engines;
  - (ii)** the dimensions and kinds of nets, cages, traps or other contrivances for taking of fish to be used and the modes of using them;
- (w)** the protection of the marine environment from any type of pollution from any source;
- (x)** the levying of fines and penalties for causing pollution of the marine

environment.

**51. Power to make Regulations.**--- The Federal Government may, by notification, for the purpose of carrying into effect the provisions of this Act, make regulations:-

- (a) prohibiting any practices or methods, or employment of equipment or devices or material, which are likely to be injurious to the maintenance and development of fish stock;
- (b) prescribing areas and seasons within which the taking of fish is prohibited or restricted, either entirely or with reference to any named species;
- (c) prescribing limits to the size and weights of fish of named species which may be taken;
- (d) prescribing limits to the size of nets or the mesh of nets which may be employed in taking fish either in Pakistan fisheries waters or in any specified part or parts thereof;
- (e) regulating the procedure relating to the issue of and cancellation of licences and the registration of fishing boats and prescribing the forms of applications and licences therefore and the conditions to be attached thereto;

- (f) prescribing the fees, charges, levies, fines etc., to be charged upon the issue or renewing of licences and the registration of fishing vessels, the operations of and activities relating to the fisheries harbours under the ownership, control, management of the Authority and its collection and storage centers.
- (g) prescribing the fees, charges, levies, fines etc., the extent thereof and the method of recovery, to be charged for the preservation, maintenance or clean up of the marine environment, or for offences relating to which the Authority has been empowered under the Act;
- (h) regulating any matter relating to the conservation, protection, maintenance and enhancement of a stock of fish which may be deemed requisite and desirable;
- (i) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone, contiguous zone, the territorial and historic waters;
- (j) providing for such other matters as are necessary or expedient to give effect to Pakistan's rights and obligations in relation to the exclusive economic zone, contiguous zone, the territorial and historic waters, or are necessary to give full effect to the provisions of this Act.

**52. Power of Government to change, amend, alter, add or delete**

**the Schedules or Annexes.--** (1) The Government may, by notification change, amend, alter add or delete the schedules.

(2) The Government may add to or exclude from the schedules any species of fish subject to such conditions as it may impose in each case.

(3) The Government may alter the period during which any fish may be caught.

(4) The Government may alter the size of catch of fish during any period or season of the year.

**53. Removal of difficulties.--** If any difficulty arises in giving effect to any of the provisions of this Act, the Federal Government may make such order as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

**54. Submission of annual reports and returns.---** (1) The Authority shall submit to the Federal Government as soon as possible after the end of every calendar year, and in no case later than 30 March of the following year, a report on the conduct of its affairs for that year.

(2) The Federal Government may, after giving sufficient notice to the Authority, require it to furnish the Government with:-

- (a) any return, statement, estimates, statistics or other information regarding any matter under the control of the Authority; or
- (b) a report on any subject with which the Authority is concerned; or
- (c) a copy of any document in the charge of the Authority; and the Authority shall comply with every such request.

**55. Immunity for officers and men subject to armed forces law.---**

The personnel of the Pakistan Armed Forces shall have immunity from any prosecution or suit for any action taken or deemed to have been taken by them under this Act.

**56. Authority to adhere to principles enunciated in the Law of the Sea Convention 1982.**--- In implementing the provisions of this act the Authority shall be mindful of the principles enunciated in the Law of the Sea Convention 1982, and other international treaties, agreements and conventions which the Government has ratified or is a party, in so far as they relate to the activities of the Authority.

**57. Act to apply on land based installations, facilities etc.**--- This Act shall also apply to all land based activity, installations, facilities etc., concerned with fishing, fisheries, processing, storage, canning, marketing or sale of fish or fish products.

# **THE SCHEDULES**

## **SCHEDULE – I Prescribed Performae**

4. Fishing Licence
5. Certificate of Competency for Fishermen
6. Vessel Registration

## **SCHEDULE – II Prescribed Areas for Fishing**

## **SCHEDULE – III Prohibitions and Directives**

5. Regarding fishing certain species
6. Regarding fishing in certain areas
7. Regarding fishing during certain seasons or times of a year
8. Regarding use of certain equipment

## **SCHEDULE –IV Rules regarding Training and Certification of Fishermen**

*(In accordance with The International Convention for Training, Certification and Watch keeping for Fishing Vessel Personnel STCW-F, 1995)*

## **SCHEDULE – V Safety Code for Fishermen and Fishing Vessels**

*(In accordance with Parts A & B of The (FAO, ILO, IMO) Code of Safety for Fishermen and Fishing Vessels, 1975, as amended from time to time; The Torremolinos International Convention for the Safety of Fishing Vessels (SFV) 1977)*

LEGISLATIVE DRAFTING PROJECT  
THE ISLAMIC REPUBLIC OF PAKISTAN

THE FISHERIES (PAKISTAN) BILL, 2000

DRAFT PROPOSAL

It is proposed to draft a bill for presenting before the national legislature for consolidating the laws concerning fishing, fisheries zones, exploiting and conservation of fish and living marine resources in the rivers, bays, historical waters, internal waters, territorial waters, contiguous zone and the exclusive economic zone of Pakistan. It is also proposed to regulate not only the harvesting of fish in these areas but also to lay down the rules and procedures for fishermen, both local and foreign, for modern fishing craft and traditional wooden boats.

It is further proposed to draft the Rules and Regulations concerning certification and training of local fishermen under the Draft Fisheries (Pakistan) Act. It shall also include the manner and perimeters within which the Fisheries Regulatory Authority shall perform its functions, its powers and duties. It is proposed to specify in detail the regulatory and enforcement functions of the Fisheries Regulatory Authority *vis a vis* the delimitation of the fisheries zones, issuing directives for specifying the size and type of catch in a particular area or season or time of year, the type of nets and other equipment that may or may not be used by fishermen and fishing craft, initiating scientific study of the marine environment and the fish habitat, the farming of fish and seeding of the waters, etc.

**The functions and areas of responsibility of the Fisheries Regulatory Authority shall be outlined in accordance with and in the light of:**

1. The national aspirations of Pakistan as contained in the following laws;-
  - a. The Territorial Waters and Maritime Zones Act, 1976 (Act No. LXXXII of 1976)
  - b. The Sindh Fisheries Ordinance, 1980 (Ordinance No. III of 1980)
  - c. The Balochistan Sea-Fisheries Ordinance, 1971 (Ordinance No. IX of 1971)
  - d. The Korangi Fisheries Harbour Authority Ordinance, 1982 (Ordinance No. XVI of 1982)
  - e. The Maritime Security Agency Act, 1994 (Act No. X of 1994)
2. UN Convention on the Law of the Sea, 1982
3. Parts A & B of The (FAO, ILO, IMO) Code of Safety for Fishermen and Fishing Vessels, 1975, as amended from time to time.
4. The Torremolinos International Convention for the Safety of Fishing Vessels (SFV) 1977
5. The International Convention for Training, Certification and Watch keeping for Fishing Vessel Personnel STCW-F, 1995

**The layout of the drafting project shall be as follows:**

- I. Explanatory Notes;
- II. Table of Contents:

*PART I*

*Introductory*

- 1. *Short title, extent and commencement*
- 2. *Definitions*

**PART II**

**Fisheries Regulatory Authority**

- 1. Formation of the Fisheries Regulatory Authority
- 2. Organization of the Authority
- 3. Functions of the Authority
- 4. Powers vested in the Authority

**PART III**

**The Legal Regime of the Maritime Zones of Pakistan**

**PART IV**

**Preservation of Fish Habitat and Protected Species**

**PART V**

**Limits of and Disposal of Catch**

**PARTVI**

**Offences, procedures and penalties**

**PARTVII**

**Miscellaneous**

**Schedule – I Prescribed Performae**

- 1. Fishing Licence for local fishing vessels
- 2. Fishing licence for foreign fishing vessels
- 3. Application form for fishing licence
- 4. Application form for registration of fishing vessel
- 5. Certificate of competency for Fishermen

**Schedule– II Prohibitions**

- 1. Regarding fishing certain species
- 2. Regarding fishing in certain areas
- 3. Regarding fishing during certain seasons or times of a year
- 4. Regarding use of certain equipment

Schedule– III Rules regarding Training and Certification of Fishermen

**Schedule– IV Safety Code for Fishermen and Fishing Vessels**



Schedule– V      List of inspection ports and harbours and inspection facilities.

3.
  - (12) "Fishing gear", "fishing equipment" or "fishing implements"
  - (13) "Fishing log"
  - (17) "Inspection port"
  
55. Authority to adhere to principles enunciated in Law of the Sea Convention 1982.
  
56. Act to apply on land bases installations, facilities etc.