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NOTIFICATION

No. H. 12018/113/2002-LJD, the 12th January, 2017. The following Act is hereby published for general information.

The Mizoram Fisheries (Amendment) Act, 2016
(Act No. 8 of 2016)

{Received the assent of the Governor of Mizoram on the 7th December, 2016}

THE MIZORAM FISHERIES (AMENDMENT) ACT, 2016

AN
ACT

to amend the Mizoram Fisheries Act, 2002 (Act No. 12 of 2005)

It is enacted by the Legislative Assembly of the State of Mizoram in the Sixty-Seventh year of the Republic of India as follows namely :-

CHAPTER -1 PRELIMINARY

1. **Short title** 1) This Act may be called the Mizoram Fisheries (Amendment) Act, 2016.
2. **Amendment of Section 1** Sub-sections (2) and (3) of Section 1 of the Principal Act shall be substituted as follows, namely :-
“(2) It shall extend to the whole of Mizoram [except the areas falling under the Autonomous District Councils set up under the Sixth Schedule to the Constitution of India and subject to the provisions contained in the Mizoram Forest Act, 1955 (Act No.4 of 1955) and Wildlife Protection Act, 1972 (Central Act No.53 of 1972)].

(3) It shall come into force from the date of its publication in the Official Gazette."

CHAPTER - II
PROTECTION, CONSERVATION AND DEVELOPMENT OF FISHERIES

3. **Amendment of Section 5** :- In section 5 of the Principal Act,
(1) After sub-section (3), a new sub-section (4) shall be added as follows, namely :-
 “(4) Any person who violates the provision in section 5 sub-section (1), (2) and (3) above shall, on conviction, be punished with imprisonment of one month which may extend to three months or a fine not exceeding Rupees Five thousand or both.”
4. **Amendment of Section 6** :- In Section 6 of the Principal Act,
(1) In clause (a) of sub-section 1, the word 'geletin shall be substituted by the word 'dynamite'.
(2) In clause (c) of sub-section (1), after 'or nets; or' the words 'use of any electrical mechanical devices or any kind of trap' shall be added and semi colon between 'nets' and 'or' shall be deleted.
(3) After clause (d), a new clause (e) shall be added as follows :-
 “(e) Any of the following acts or commission shall constitute an offence, namely :-
 (i) Wanton killing of fish juveniles, fish brooders and other organisms which otherwise have economic aesthetic significant biodiversity effect on the fisheries is prohibited;
 (ii) Making any obstruction or restriction which prevent movement of fish in any form in any Government water bodies shall be punishable offence;
 (iii) Making any diversion of natural waters for killing of fishes is an offence;
 (iv) Disturbing or destroying natural breeding grounds in any Government water bodies by any means shall be cognizable offence;
 (v) Dumping of wastes or pollution from factory effluents to any Government water bodies;
 (vi) Fishing or killing or sale of fishes from Government water bodies during closed seasons;
 (vii) Catching or sale of fishes from Government water bodies below the permissible size and weight;
 (viii) Culture, seed production, rearing, distribution, marketing and release to any Government water bodies of fishes banned by either Central or State Government.
- (4) Sub-section (2) shall be substituted by sub-section (2), (3) and (4) as follows :-
 “(2) Any person who violates the provision in sub-section (1)(a) above shall, on conviction, be punished with one month imprisonment which may extend upto three months or a fine not exceeding Rupees Five thousand or both.

(3) Any person who violates the provision in sub-section (l)(b) above shall, on conviction, be punished with six months imprisonment which may extend upto twelve months or a fine of Rupees Ten thousand which may extend upto Rupees Twenty thousand or both.

(4) Any person who violates the provisions in sub-section (l)(c),(d) and (e) above shall, on conviction, be punished with fifteen days imprisonment which may extend upto thirty days or a fine upto Rupees Two thousand Five hundred or both."

(5) Sub-section (3) shall be substituted by sub-section (5) as follows :-
"Offences punishable under sub-section (2),(3) and (4) shall be cognizable and bailable."

5. **Amendment of Section 7:-** In section 7 of the Principal Act, after clause (b), new clauses (c) and (d) shall be inserted as follows :-
"(c) Any person who violates any prohibitory order issued under section 7 shall, on conviction, be punished with imprisonment for a minimum term of seven days which may extend to thirty days or a fine of Rupees Two thousand five hundred.
(d) Offences punishable under Section 7 shall be cognizable and bailable."
6. **Amendment of Section 8 :-** In section 8 of the Principal Act,
(1), In sub-section (1), the words "punishable under section 6 or 7" shall be substituted by the words 'punishable' under section 5 or 6 or 7".
(2) In sub- section (2), the words "this section may be detained until his name." shall be substituted by the words "section 5 or 6 or 7 may be detained until his name".
7. **Amendment of Section 10 :-** In section 10 of the Principal Act,
(1) In sub-section (1), the words 'not exceeding one hundred rupees,' shall be substituted by the words, 'not less than Rupees One thousand.'
(2) sub-section (2) shall be substituted as follows :-
"On compounding an offence, the accused shall be discharged and property seized from him/her shall be destroyed or confiscated."
11. **Amendment of Section 11:-** In Section 11 of the Principal Act, -
(1) In sub-section (2), after the words, 'Fishery Demonstration Farms,' the words, 'and Fish Seed Farms' shall be added.
(2) After sub-section (3), new sub-sections shall be added as follows, namely :-
"(4) The Government may lease out its Farms to private or Societies through proper terms and conditions for a maximum period of five years.
(5) The Government may develop private or society lands for a certain period of time and develop Fish Seed or Feed Infrastructures through Public Private Partnership (PPP) mode.
(6) The Government may approve, assist, register and issue Certificates to Hatcheries, Nurseries and Rearing Units, Fish Farms and Fish Feed manufacturing units.

- (7) The Government shall have the right/power to check and examine Nurseries, Rearing Units or any Fish Farms at any time.
- (8) The Government shall have the power to check, confiscate or destroy any consignment of fish seed and feed which violates the provisions of this Act.
- (9) The Government shall ensure hygienic handling, transportation and storage of fish and fish products for domestic marketing.
- (10) Government shall be responsible for conservation of fish fauna and replenishment of indigenous and economic variety fishes in Government water bodies
- (11) Whenever major dam is constructed across any major rivers of Mizoram, the Government shall ensure that passage for fishes in order to access breeding grounds and for migration is provided."

Lalmalsawma,
Chief Secretary,
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