

**THE MIZORAM FISHERIES (SECOND  
AMENDMENT)  
BILL, 2022**

**FISHERIES DEPARTMENT**

GOVERNMENT OF MIZORAM  
FISHERIES DEPARTMENT

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**BILL**

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

Be it enacted by the Legislative Assembly of the State of Mizoram in the Seventy-Second Year of the Republic of India as follows:-

**CHAPTER-I**

**PRELIMINARY**

1. **Short title extent and commencement.**—
  - 1) This Act may be called *the Mizoram Fisheries (Second Amendment) Act, 2022*.
  - 2) It shall have the like extent as the Principal Act.
  - 3) It shall come into force on the date of publication in the official Gazette
  
2. **Amendment of section 2.**—

In section 2 of the Mizoram Fisheries Act, 2002 (hereinafter referred to as the “Principal Act”).

  - 1) Clause (c) shall be substituted by the words and symbols, “ ‘fish’ includes finfish, shellfish, turtle and any other aquatic organisms of economic and ecological importance in all stages of its life”.
  - 2) In clause (d), after the words, ‘*includes any officers*’, the words, ‘*serving under the Department of Fisheries*’, shall be inserted.
  - 3) In clause (g), the word, ‘*soil*’ shall be substituted by the word ‘*water/ river bed*’.

## CHAPTER-II

### PROTECTION, CONSERVATION AND DEVELOPMENT OF FISHERIES

#### 3. Amendment of section 4.—

In section 4 of the Principal Act,

- 1) In sub-section (1), after the words, 'Fishery Warden', the words, '*in each District to be headed by a Chief Fishery Warden at the state level*', shall be inserted.
- 2) In sub-section (4), the words and symbol '*police*' and '*Sub-inspector of police or the*' shall be omitted.

#### 4. Amendment of section 6.—

In section 6 of the Principal Act.

- 1) In clause (c) of sub-section (1), the word '*or*' shall be inserted between the words '*electrical*' and '*mechanical*'.
- 2) In sub-clause (vii) of clause (e) of sub-section (1), the word and symbol, "*vending*" shall be inserted after the words "*Catching*". "*The Government may by notification specify a permissible size or weight for a species or group of species.*" Shall be inserted after the word "*weight*".
- 3) In sub-section (2), the words, "*one month*", shall be substituted by the words, '*two months*' and the words "*three months*" shall be substituted by the word "*four months*" and also the words "*five thousand*" shall be substituted by the words "*eight thousand*".
- 4) In sub-section (4), the words, "*fifteen days*" shall be substituted by the words, "*one month*" and the words, "*thirty days*" shall be substituted by the words. "*two months*" and

also the words “*two thousand five hundred*” shall be substituted by the words, “*fourthousand*”.and the words “*Any undersize species of fish shall be liable to be confiscated by the authority*” shall be inserted after the word ‘*both*’

5. **Amendment of section 8.—**

In sub-section (1) of section 8 of the Principal Act, the words and symbol, ‘*Sub-Inspector of police*’ shall be substituted by the words and symbol, ‘*Head-Constable or any Forest Officer not below the rank of Forester*’

6. **Amendment of section 9.—**

In sub-section (2) of section 9 of the Principal Act, the words, ‘*Sub-Inspector of Police*’ shall be substituted by the words and symbol, ‘*Head-Constable or any forest officer not below the rank of Forester*’.

7. **Amendment of section 10.—**

In sub-section (1) of section 10 of the Principal Act, the words, ‘*one thousand*’ shall be substituted by the words, ‘*two thousand*’.

## SCHEDULE

### DESCRIPTION OF OFFENCES COMPOUNDABLE UNDER SECTION 10

8. **Amendment of schedule**

Serial number 3 in the schedule of the Principal Act, the words, ‘*Fishing or attempting of fish with any method other than the prescribed method*’ shall be substituted by the words, ‘*catching or sale of fishes below notified permissible size*’.

## **STATEMENT OF OBJECTS AND REASONS**

The Mizoram Fisheries Act, 2002 (Act No. 12 of 2005) came into force on 10<sup>th</sup> October, 2005 and was amended in 2016. It is imperative to effect further amendments in order to wider the scope in the Fisheries Sector including technique of catching of fishes practiced by local people which are harmful to the ecosystem and biodiversity of Government water bodies, and to amend certain words and terms in the Act to make it more effective.

Dated Aizawl,  
The 4<sup>th</sup> February, 2022.

**(K. LALRINLIANA)**  
Minister of State  
Fisheries Department  
Govt. of Mizoram

## **FINANCIAL MEMORANDUM**

The Mizoram Fisheries (Amendment) Bill 2022 will involve no additional expenditure.

Dated Aizawl,  
The 4<sup>th</sup> February, 2022.

**(K. LALRINLIANA)**  
Minister of State  
Fisheries Department  
Govt. of Mizoram

**ANNEXURE-IV**

**COMPARATIVE STATEMENT OF THE MIZORAM FISHERIES ACT, 2002 AND PROPOSED THE  
MIZORAM FISHERIES (SECOND AMENDMENT) BILL, 2022.**

| <b>Sl. No.</b> | <b>Relevant Portion</b> | <b>Existing Provision</b>  | <b>Proposed Amendment</b>  | <b>Reasons</b>   |
|----------------|-------------------------|--|--|--|
| 1.             | <b>Section 1</b>        | (1) This Act may be called the <i>Mizoram Fisheries Act, 2002.</i>   | (1) This Act may be called the <i>Mizoram Fisheries (Second Amendment) Act, 2022</i>   | Updating the year after Amendment of the Act.                                    |
| 2.             | <b>Section 2</b>        | c) “fish” includes finfish, shellfish and turtle in all stages of its life;  | c) “fish” includes finfish, shellfish, turtle <i>and any other aquatic organisms of economic and ecological importance in all stages of its life</i> ”.  | Redefining technical terms to cover the purpose of the Act.                      |
|                |                         | d) “Fishery Officer” means Director of Fisheries and includes <i>any officer</i> or class of officers empowered by the State Government to act as Fisheries Officer; | d) “Fishery Officer” means Director of Fisheries and includes <i>any officer serving under the Department of Fisheries</i> or class of officers empowered by the State Government to act as Fishery Officer; | Redefining the word Fishery Officer in more appropriate word to avoid confusion. |

| Sl. No. | Relevant Portion | Existing Provision   | Proposed Amendment  | Reasons   |
|---------|------------------|--|---|---|
|         |                  | g) “fixed engine” means any cage, net, trap or other contrivance for taking fish, fixed in the <i>Soil</i> or made stationary in any other way.  | g) “fixed engine” means any cage, net, trap or other contrivance for taking fish, fixed in the <i>water/ river bed</i> or made stationary in any other way.   | Redefining the word fixed engine in a more appropriate words by substituting the word ‘Soil’ with “water/river bed’ to avoid confusion                  |
| 3.      | <b>Section 4</b> | (1)The Government may appoint such person or persons as it may deem fit and proper to discharge duties and to exercise power as the Fishery Warden.  | (1)The Government may appoint such person or persons as it may deem fit and proper to discharge duties and to exercise power as the Fishery Warden <i>in each District to be headed by a Chief Fishery Warden at the State level.</i> | Inserting the words ‘ <i>in each district to be headed by a Chief Fishery Warden at the State level</i> ’ for more effective implementation of the Act. |
|         |                  | (4)Notwithstanding anything provided in sub-section (1), no <i>police</i> officer below the rank of <i>Sub-Inspector of Police or the</i> Fishery Extension Officer shall be appointed to be a Fishery Warden or to discharge duties and exercise powers as such under this Act. | (4)Notwithstanding anything provided in sub-section (1), <i>no officer below the rank of</i> Fisheries Extension Officer shall be appointed to be a Fishery Warden to discharge duties and exercise powers as such under this Act.    | Police Officer to act as Fishery Warden is considered not appropriate   |



| Sl. No. | Relevant Portion | Existing Provision  | Proposed Amendment  | Reasons  |
|---------|------------------|---|---|--|
| 4.      | <b>Section 6</b> | (1)(c) fix any fixed engines or nets or use of any electrical mechanical devices or any kind of trap.   | (1)(c) fix any fixed engines or nets or use of any electrical <b>or</b> mechanical devices or any kind of trap.   | Inserting the word <b>‘or’</b> between electrical and mechanical   |
|         |                  | (1)(e)(viii) Catching or sale of fishes from Government water bodies below the permissible size and weight.   | (1)(e) (viii) Catching, <b>vending</b> or sale of fishes from Government water bodies below the permissible size and weight. <b><i>The Government may by notification specify a permissible size or weight for a species or group of species.</i></b>           | By adding the word ‘vending’ after the word ‘catching’ to make the conservation of fishes more effective and to add the provision for making notifications to specify the permissible size and weight for species or group of species. |
|         |                  | (2) Any person who violates the provision in sub-section (1) (a) above shall, on conviction, be punished with <b><i>onemonth</i></b> imprisonment which may extend upto <b><i>three months</i></b> or a fine not exceeding Rupees <b>five</b> thousand or both. | (2) Any person who violates the provision in sub-section (1) (a) above shall, on conviction, be punished with <b><i>two months</i></b> imprisonment which may extend upto <b><i>four months</i></b> or fine not exceeding Rupees <b>eight</b> thousand or both. | Enhancing the punishment   |

|    |                  |  |  |  |
|----|------------------|--|--|--|
|    |                  | (4) Any person who violates the provisions in sub-section (1) (c), (d) and (e) above shall, on conviction, be punished with <i>fifteen days</i> imprisonment which may extend upto <i>thirty days</i> or a fine upto <i>Rupees two thousand five hundred</i> or both.  | (4) Any person who violates the provisions in sub-section (1) (c), (d) and (e) above shall, on conviction, be punished with <i>one-month</i> imprisonment which may extend upto <i>two months</i> or a fine upto <i>Rupees four thousand</i> or both. <i>Any undersize species of fish shall be liable to be confiscated by the authority.</i>   | Enhancing the punishment and inserting provision for confiscation of undersized fish.  |
| 5. | <b>Section 8</b> | (1) Any police officer not below the rank of <i>Sub-Inspector of Police</i> or any Fishery Officer or Fishery warden may, without warrant, arrest or cause to be arrested any person who has, in his view, committed any offence punishable under Section 5 or 6 or 7, as the case may be, if such person declines to give his correct name and address or if there is reason to suspect the accuracy of the name and Addresses, if given. | (1) Any Police officer not below the rank of <i>Head Constable or any Forest Officer not below the rank of Forester</i> or Fishery Officer or Fishery warden may, without warrant, arrest or cause to be arrested any person who has, in his view, committed any offence punishable under Section 5 or 6 or 7, as the case may be, if such person declines to give his correct name and address or if there is reason to suspect the accuracy of the name and Addresses, if given. | For more effective enforcement of the Act, rank of police to make arrest is changed to Head Constable and Forest officer is added. |

| Sl. No. | Relevant Portion  | Existing Provision   | Proposed Amendment   | Reasons  |
|---------|-------------------|--|--|--|
| 6.      | <b>Section 9</b>  | (2)No Court shall take cognizance of any offence under this Act, except on a complaint with writing of the facts constituting the offence made by a Fishery Officer or a Fishery Warden or a Police officer not below the rank of <i>Sub-Inspector of Police</i> . | (2)No Court shall take cognizance of any offence under this Act, except on a complaint with writing of the facts constituting the offence made by a Fishery Officer or a Fishery Warden or a police officer not below the rank of <i>Head Constable or Forest Officer not below the rank of Forester</i> . | For more effective enforcement of the Act rank of police to make arrest is changed to Head Constable and Forest Officer is added |
| 7.      | <b>Section 10</b> | (1)Any offence specified in the scheduled may be compounded by such officer or authority as may be empowered by the State Government in this behalf by acceptance of a sum not less than <i>Rupees one thousand</i> .  | (1)Any offence specified in the scheduled may be compounded by such officer or authority as may be empowered by the State Government in this behalf by acceptance of a sum not less than <i>Rupees two thousand</i> .  | Penalty is enhanced  |
| 8.      | <b>Schedule</b>   | (3) <i>Fishing or attempting to fish with any method other than the prescribed method.</i>   | (3) <i>Catching, vending or sale of fishes below notified permissible size.</i>  | The entire schedule No.3 is substituted and replaced.  |