

# Manipur



# Gazette

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GOVERNMENT OF MANIPUR  
SECRETARIAT : FISHERY DEPARTMENT  
NOTIFICATION

Imphal, July 22, 1998

No. 33/1/92-Fy :—In exercise of the powers conferred by Section 12 (1) of the Manipur Fisheries Act, 1988 (Manipur Act No. 1 of 1992), the Governor of Manipur is pleased to make the following Rules and publish in the Official Gazette—

S. BUDDHACHANDRA SINGH,  
Secretary to the Government of Manipur.

THE MANIPUR FISHERY RULES, 1998

1. Short title and commencement:
  - (i) These rules may be called the Manipur Fisheries Rules, 1998
  - (ii) They shall come into force from the date of their publication in the official Gazette.
2. Definition: In these Rules, unless otherwise requires:
  - (i) "Act" means the Manipur Fisheries Act, 1998;
  - (ii) "Angling" means a type of fishing using rod/pole and line with fishing hooks;
  - (iii) "Director" means the Director of Fisheries, Manipur;
  - (iv) "Fish fry" means a young fish or earlier stage (s) of fish after spawn and measuring a total length upto 20 mm;
  - (v) "Spawn" means a young fish or earlier stage of a fish measuring a total length of 6 mm to 10 mm;
  - (vi) "Fishery estate" means a fishery well established or developed by the Director;
  - (vii) "Fixed engines" means any net, keys, trap or other contrivances for taking fish fixed in the soil or made stationary in any other way;
  - (viii) "Form" means the form appended to these Rules;

- (ix) "Government Fishery" means a fishery declared by the State Government as its fishery giving a particular number to it;
  - (x) "Lessee" means the individual, group, association or society enjoying the Government Fishery with a written order/instruction of the State Government for the definite/certain period/term mentioned in the order;
  - (xi) "Lessor" means the State Government or any officer authorised by it for leasing of the Government Fishery (s) to the lessee (s);
  - (xii) "Major Fisheries" fisheries having water area of 50 ha. and above;
  - (xiii) "Medium Fisheries" means fisheries having water area of 5 ha. and below 50 ha.;
  - (xiv) Minor Fisheries means fisheries having water area of ha. and below;
  - (xv) "Preferential nomination" means leasing of Government Fishery (s) to the lessee (s) on preferential basis under certain criteria/condition (s);
  - (xvi) "Schedule" means schedule appended to these Rules.
3. Declaration of Government Fishery: The Director may, by notification in the official Gazette, declare any water body as the Government Fishery with the approval of the State Government.
  4. Water from Government Fishery for Cultivation: Water from any Government Fishery may be taken for cultivation through a channel with the permission from the Director and if the Fishery is leased out, the lessee may fix any suitable device/screen at the mouth of the channel to prevent escape of fish from the fishery.
  5. Government Fishery (s) to be used for fisheries: Land within the boundaries of the Government Fishery shall not be used for cultivation, homestead or any other purpose except as fishery.
  6. Prohibition to use poisonous substances in fishing: Use of poisonous insecticides, weedicides, noxious or explosive substances for catching or killing of fishes in any water and in the operation of 'Phoom namba' is prohibited. Discharge of chemical or industrial effluents into the Government Fishery is also prohibited.
  7. Prohibition of catching, killing and sale of undersized fishes: Catching and killing of under-sized fishes, fish fry, fish spawn of any variety of fish is prohibited but relaxed for the purpose of research and piscicultural purposes with the permission of the Director.  
Selling or attempting to sell undersized fishes for consumption purpose is prohibited.
  8. Declaration of closed season: The Director may declare any fishery or portion of the fishery as closed season for the period from the 1st June to 31st August every year. Fishing during these periods is prohibited. In exceptional cases, the Director may declare any Government fishery or portion of it as closed season, for a period as deemed fit by him, with the approval of the State Government.

9. Declaration of non-fishing zone: The Director shall declare water areas within the zone of 1 km. from the point where fish seeds are liberated and it shall be kept as non-fishing zone for 15 consecutive days from the date of liberation of fish seed.
10. Declaration of sanctuary: The Director may declare any fishery or portion of the fishery to be a sanctuary by notification in the Official Gazette, prohibiting all types of fishing for a number of years to be specified by the Director.
11. Prescription of mesh sizes of fishing gears : The Director shall have the power to prescribe the mesh sizes of fishing gears, nets and/or other instructions which shall be used in the Government fishery as and when required, for fishing.

## PART—II

### LEASE OF GOVERNMENT FISHERY

12. Government fishery to be leased out.—The Director shall have the power to lease out the Government fishery through any of the following systems:—
  - (a) Outright leasing system.—The lease will be granted through licensing systems or preferential nomination failing which by open auction/tender.
  - (b) Royalty system.—The fishery is leased out subject to payment of royalties by the lessees at the (stipulated) rate fixed by the Government from time to time, per kilogram of fish caught, or per craft and gear used etc. under the terms and conditions specified in Schedule-B.
  - (c) Bifurcated leasing system.—The right of fishing and the right of purchasing of fishes caught are granted separately in this system. The lessee is allowed to enjoy the fishery under the term and conditions specified in schedule-C.
13. Prohibition to construction of bund/'SOI'.—Construction of bund locally known as 'soi' by the lessee in the running waters like streams, rivers, rivulets etc. for fishing is prohibited, except for irrigation purposes with the prior permission from the Director.
14. Water from Government fishery may be drained out.—Water in the Government fishery may be drained out by the lessee after keeping sufficient water for protection of the fishery and for drinking purposes of cattles. The District Fishery Officer of the concern district, will in the event of dispute, fix the volume of water to be maintained in the Government fishery. In case of leased out Government fishery the lessee shall be allowed draining out water from the fishery for making ring bunds, ponds, tanks etc. with the prior permission of the Director.

15. Draining out and filling of Government fishery from one another.—Draining out and filling-in water from Government fishery from one another for piscicultural purposes shall be allowed. In case of dispute, the decision of the Director shall be final. In case of taking water by the lessee for filling up of Government fishery from irrigation canals etc., the revenue rentals, if any, shall be borne by the lessee concerned.
6. Lessee to pay fees.—The lessee shall have to pay the lease fee fixed by the Government from time to time.

### PART—III

#### LICENSING SYSTEM

7. Licensing system.—Under this system, licence is issued to individual or group of persons allowing them for fishing in the Government fishery to be specified by the Director or the Fishery Officer authorised to do so, in the licence. Licence shall be issued in Form No. 1.
8. Issue of licence.—Licences is issued to the individual or groups for fishing in a particular Government fishery prescribed by the Director or Fishery Officer authorised by the Director, in the prescribed form No. 1. For such issuance of the fishing licence, the interested individual or group has to apply in Form No. 2.
9. Director to issue fishing licence.—The Director or any Fishery Officer authorised by him, may issue licence for fishing in the Government fishery.
10. Licensee to follow terms and conditions.—The licensee shall strictly follow the terms and conditions laid down in the licence at Schedule-D.
11. Terms and conditions for 'PHOOM NAMBA'.—In case of fishery by means of 'Phoom Namba' the licensee should strictly follow the terms and conditions as specified in schedule-E.
12. Fees for licence fishing.—Fees for licences fishing under these Rules shall be as shown in the Annexure-B appended to these Rules. The fees are subject to revision by the state Government from time to time.
13. Validity of licence.—Licence granted under these Rules shall remain in force for the period prescribed in the licence.
14. Refund of fees.—The licence fee may be refunded to the licensee, as his legal heir on the presentation of a claim for refund to the satisfaction of the Fishery Officer within one week from the date of decease/expiry (death) or permanent disability of the licensee, if the licence issued could not be used of or for the period for which the licence could not be used of.

25. Loss of licence:—In case of loss of a licence, a duplicate licence shall be issued on payment of a fee of Rs. 10/- (Rupees ten) only. This rate of fee is subject to revision by the Director from time to time.
26. Licensee not to catch undersized fishes:—The licensee shall not catch any fish less than the sizes shown below, and if caught, the fish(s) shall be immediately released/liberated alive in the water.

### LIST OF FISHES

(Size taken as total length in centimetres)

| Sl. No. | Common Name/Local Name (Scientific Name)              | Length (CM.) |
|---------|-------------------------------------------------------|--------------|
| (a)     | Catla/Bou (Catla catla)                               | 20           |
| (b)     | Rohu/Rou (Labeo rohita)                               | 15           |
| (c)     | Mrigala/Mrigal (Cirrhinus mrigala)                    | 15           |
| (d)     | Common Carp/Puklaobi (Cyprinus carpio)                | 10           |
| (e)     | Kalbasu/Ngathi (Labeo calbasu)                        | 15           |
| (f)     | Murrel/Porom (Channa striatus)                        | 20           |
| (g)     | Wallago/Shareng (Wallago attu)                        | 30           |
| (h)     | Silver Carp/Silver Carp (Hypophthalmichthys molitrix) | 15           |
| (i)     | Grass Carp/Napi chabi (Ctenopharyngodon idella)       | 20           |

27. Transfer of Licence :—Licence is not transferable.
28. Remission or extension of Licence :—The licensee shall not be entitled to remission or extension of licence because of flood, draught, want of fish or any accident.
29. Fishing without licence prohibited :—All fishing without valid licence is prohibited in Government fishery. Any person fishing in Government fishery must carry his licence and produce it when called upon to do so by any officer duly authorised by the Director.
30. Removal of fishing instruments :—The licence shall remove all his fishing instruments and temporary fishing hut within one week of the expiry of the term of licence, but shall not catch fish during this period.
31. Cancellation of licence :—In breach of any of the terms and conditions of licence, the Director or any officer authorised by him, shall cancel the licence. On such cancellation, the licence-fee for the remaining period shall be forfeited.
32. Director to prescribe types of fishing gears :—The Director shall have the power to prescribe type of fishing gears which can be used and the manner in which the fishing operation shall be carried out. He also has the power to lay down any other conditions appended to these rules which may also be revised from time to time.

## OUTRIGHT LEASING SYSTEMS

33. Leasing of Government fishery and fishery estate on preferential basis, shall be done in the following manner :

## (A) GOVERNMENT FISHERY :

- I. Outright leasing of the Government fishery shall be granted by the State Government, after obtaining views of the Director, in the following manner in order of preference.
  - (i) 1st preference shall be given to the Fisherwomen/Fishermen/Pisciculture Co-operative Society.
  - (ii) 2nd preference shall be given to a group of un-employed youths, with at least 2 (two) persons trained in fisheries.
  - (iii) 3rd preference shall be given to a Fisherwomen/Fishermen association organisation with at least 2 (two) trained persons in fisheries in the group.
- II. Period of lease :—Government fishery shall be leased out for a period not less than 3 (three) years and not more than 10 (ten) years in general. If the lessee society desires to take-up pisciculture development programme(s) in the Government fishery(s), the lease period shall be upto 10 years.
- III. Lessee to enter an agreement :—The lessee shall have to enter into an agreement with the lessor, in the agreement form appended to these Rules at Schedule A, within 1 (one) month failing which the lease shall be cancelled. The lessee shall abide by the terms and conditions laid down in the agreement.
- V. Extension of lease period :—Extension of lease period in favour of the lessee shall be considered by the State Government, if the lessee fulfils the following conditions to the satisfaction of the lessor :
  - (a) The lessee pays the lease fee for the fishery(s) in time, without any due.
  - (b) The lessee abides by the terms and conditions of agreement, without any breach thereof.
  - (c) The lessee shall pay in advance an amount equivalent to 1(one) year's lease fee for the fishery fixed by the State Government, which shall be existent during the last year of the previous/earlier lease period or the rate of lease fee fixed by the State Government. This amount shall be kept as security money and the lessee shall pay the said amount in the form of a Deposit-at-Call from any scheduled bank at Imphal drawn in favour of the Director of Fisheries, Manipur. The amount deposited as Deposit-at-Call shall be, later on, kept as fixed deposit for the required period, and the amount with the interest accrued to it, shall be adjusted for payment of the last period of lease or in case of failure on the part of the lessee in payment of lease fee due.

**(B) FISHERY ESTATE :**

- (I) Fishery Estate of the State Fisheries Department, Manipur may be leased out in the following manner on preferential basis only.
  - (i) 1st preference to an association or group of educated un-employed youths with at least 2 (two) persons trained in fisheries.
  - (ii) 2nd preference to the individual educated Fishermen/Fish farmer of the locality.
  - (iii) 3rd preference to an individual educated un-employed youths of the locality.
  - (iv) 4th preference to a group/individual who desires to take-up farming.
- (II) Period of lease :—The lease shall be granted by the State Government to a lessee for a period not more than 3 (three) years under an agreement.
- (III) Lease fee :—The lessee shall have to pay lease fee at the rate of Rs. 7,000/- only per ha. water area per year, or the rate as fixed by the State Government from time to time.
- (IV) Lease agreement :—The lessee shall have to enter into an agreement with the lessor under the prescribed agreement form appended to these Rules at schedule-A.
- (V) Lessee to follow terms and conditions :—The lessee shall have to abide by the terms and conditions of the agreement.
- (VI) Extension of lease period :—Extension of lease term period in favour of the lessee shall be considered by the lessor, if the lessee fulfils the terms and conditions stated under clause (A)(IV) (a to c).
34. Supervision of the Fishery :—The District Fishery Officer of the concerned district, will personally supervise the activities of the lease-fishery to see that any terms and conditions of the agreement are violated by the lessee and actions to be taken by the lessee, as per terms and conditions of agreement.

**PART—V**

**SALE OF GOVERNMENT FISHERY BY AUCTION**

35. Powers of the State Government, Director etc. :—The powers of the State Government, Director, Joint Director, District Fishery Officer or other officers for sale of Government fishery by auction shall be as appended to these Rules at Annexure-A.
36. Proclamation for date of sale :—The date for sale of Government fishery shall be proclaimed by the Director or the District Fishery Officer of the concerned district, at least 1 (one) month in advance, by a written notice for identification of the fishery.

7. Auction by Director with approval of the State Government:—The outright selling system by auction, shall be made by the Director with the approval of the State Government, in the following manner :
- (1) Place :—The place of the sale of fishery shall be at the office of the Director or as notified by the Director.
  - (2) Conditions :—The following conditions of sale shall be specified in the notice and shall be proclaimed before the sale begins :
    - (A) Officer not to bind :—The officer conducting the sale does not bind himself to accept the highest bid, tender or any tender.
    - (B) Bidder to furnish proof of solvency :—The intending bidder shall furnish proof of financial solvency to the satisfaction of the Director or officer authorised by him.
    - (C) Deposit of earnest money :—The intending bidder shall deposit as earnest money equivalent to 1/4th of the accepted bid for the fishery for the preceding year or as fixed by the Director in case of first auction sale of the fishery, before they are allowed to bid.
    - (D) Preference to bid :—Preference shall be given to the fisherwomen/fishermen pisciculture co-operative society(s), groups of persons or individuals to the bid in the auction/tender, as follows :
      - (i) Society(s) can bid not less the 99% of the highest bid.
      - (ii) Educated and un-employed youths can bid not less than 95%.
      - (iii) Association, organisation or groups of individuals with at least 2 (two) persons trained in fisheries, can bid not less than 97% of the highest bid.
      - (iv) Society(s) formed by the fisherwomen/fishermen of schedule tribe/schedule caste, or individual local educated and un-employed youths of schedule tribe/schedule caste, may offer a bid not less than 85% of the highest bid, may be given option to take settlement of the fishery as the highest bid, provided the certificates of (a) their belonging to ST/SC and (b) falling of the fishery under area of operation of the society/locality are produced to the satisfaction of the Director.
    - (E) Certificates to be produced by the society :—In case of society(s) under sub-rule (2)(D) above, they shall have to produce the following certificates and documents :—
      - (i) Solvency certificate from the Registrar of Co-operative Societies, Manipur.
      - (ii) Certificate showing that the fishery(s) fall under the area of operation of the society(s), from the concerned District Co-operative Officer or the District Fishery Officer.

(iii) **Copy of the resolution of the society such as :—**

- (a) **Authorising a representative to bid in the auction/tender on behalf of the society.**
- (b) **Intending name of the member of the society to execute the agreement on behalf of the society.**
- (c) **Certificate showing that the members are the genuine fish farmers, fisherwomen/fishermen from the concerned District Fishery Officer of the district.**
- (d) **Certificate showing that at least 2 (two) of the members (by name with full particulars) have got training in fisheries from the concerned Fishery Officer (Training) or the District Fishery Officer or the Chief Executive Officer of the concerned Fish Farmers' Development Agency.**

(F) **Certificate to be produced by the individual :— In case of individual (s), they shall have to produce the following certificates/documents :—**

- (i) **Educational certificates,**
- (ii) **Un-employment certificate from the concerned Employment Exchange Officer.**
- (iii) **Domicil certificate from the Sub-Divisional Officer/Sub-Deputy Collector/ any Gazetted Officer.**

(G) **Accepted bidder to pay on the spot :— On acceptance of the bid, the accepted bidder shall pay the difference between the earnest money deposited by him and 1/4th of the revenue/fee for the full term of settlement on the spot. Failure to do so by the accepted bidder shall entail forfeiture of the earnest money and settlement of the fishery with the next higher bidder, subject to the usual terms and conditions of sale of fishery and payment of revenue/fee.**

(H) **Security money:—The earnest money together with such further amount as is necessary to make-up 1/4th of the accepted bid for the full term of settlement, shall be treated as security deposit to be adjusted only towards payment of the last instalment or instalments prescribed under Rules below. In case the amount of earnest money is more than 1/4th of the fishery lease fee due, excess amount shall be adjusted towards payment of the 1st instalment.**

I) **Annual lease fee payable in instalments:—The annual amount of fishery lease fee as per terms and conditions of the bid, shall be payable in 2 (two) equated instalments, as follows :**

- (a) **1/2 of one year's lease fee within the month of September without fine.**

- (b) Remaining 1/2 of one year's lease fee within the month of March of the succeeding year without fine.
  - (c) In case of failure of (a) and (b) above, payment will be made with a fine at the rate of 15% per annum simple interest for the period delayed/ due, for the amount due. The delayed period shall be for a maximum of 3 (three) months failing which termination of lease shall be proceeded.
38. Termination of lease and re-sale of fishery : Should the lessee relinquish his lease during its tenure or failure in any payment, or infringe the terms of the lease set out in schedule-A, the lease may be terminated by the Director, after giving an opportunity of 30 days show-cause notice to the lessee concerned, to explain as to why such action for termination of lease should not be taken and if no satisfactory explanation/reply is received from the lessee within the stipulated/prescribed time limit, the fishery shall be put to re-sale, which shall be at the risk and on account of the lessee concerned. In case of such resale, not less than 15 days notice for the sale be given.
  39. Forfeiture of security deposit : In case of termination of the lease under rule 38, the security deposit under rule 37 (2) (H) shall be forfeited and in addition, the arrears due, if any, shall be realised as arrears of land revenue under the Manipur land revenue and Land Reforms Act, 1960 (No. 33 of 1960) as amended from time to time.
  40. Execution of necessary forms:—When the sale of the fishery is confirmed by the State Government, necessary execution of Form No. 4 and 5 be made between the Director and the lessee within 2 (two) weeks after the confirmation of the auction.
  41. Re-sale of fishery on failure to execute forms : If the execution of Form No. 4 and 5, is not done as per rule 40 above, the Director shall have the power to re-sell the fishery and the security deposit under rule 37 (2) (H) shall be forfeited.
  42. Issue of sale confirmation : If on the expiry of 30 days from the date of sale of any fishery or such further period as may be allowed by the Director, no application has been made for setting aside the sale, the Director or the officer to whom powers have been delegated vide Annexure-A appended to these rules, shall issue confirmation order.
  43. Period of lease : The period of Government fishery by auction/tender sale, shall be for a period of not more than 3 (three) years.
  44. State Government to decide sale : The sale of fishery shall be decided and confirmed by the State Government.

## PART—VI

## GENERAL RULES FOR OTHER FISHERIES

45. Issue of licence/permit for fish sale :—The Director shall have the power to issue licence/permit for selling fish as prescribed by him in fish vendor for quantities above 20 (twenty) kilograms of fishes. Sale of any variety of fish other than those prescribed by the State Government, is prohibited.
46. Issue of permit for transport of fish from outside or inside the state on commercial basis :—The Director shall have the power to issue permit to the transporters of fresh and/or dry fishes prescribed by him, in any form except canned products, for quantities above 100 kgs in-and out-side the State of Manipur, on commercial basis and quantities prescribed thereon.
47. Prohibition for introduction of new fish species :—Introduction of new fish species in any water body without the permission of the Director is prohibited.
48. Checking quality of fish :—The Director or any officer authorised by him, shall have the power to check quality of fish at any place to safeguard health hazards.
49. Checking for transportation or sale of diseased fish(s) :—Sale or attempting to sell any fish affected with any harmful disease and its transportation from and to the state is prohibited, except with the permission of the State Govt. for research purposes.
50. Registration of fish vendors :—The Director shall have the power for registration of fish vendor for their quality control.

## PART—VII

## OFFENCES, PENALTIES AND PROCEDURES

1. Offences :—The offences for the purpose of these Rule, shall be the following:
  - 1) Stopping or obstructing in taking water through a channel from Government fishery though permitted by the Director, in violation of rule 4.
  - 2) Using or utilising land within the boundaries of the Government fishery for purposes other than fisheries, in violation of Rule 5.
  - 3) Using or applying poisonous insecticides, weedicides, noxious or explosive substances in catching or killing fish and discharge of effluents into the Government fishery, in violation of rule 6.
  - 4) Catching, killing or sale of undersized fishes of any variety, without the permission of the Director, in violation of rules 7 and 26.
  - 5) Fishing, catching and/or killing fish in violation of rules 8, 9 and 10.

- (6) Using fishing gears having mesh-size smaller than the prescribed limit, in violation of rule 11.
  - (7) Construction of bund/'soi' by the lessee for catching and/or killing fish, in violation of rule 13.
  - (8) Retriktion/non-allowance of taking in-and out water for piscicultural purpose, in violation of rule 15.
  - (9) Non-payment of lease fee, in violation of rules 16, 22 and 37(2)(1).
  - (10) Violation of the terms and conditions of licence against rules 20, 21, 33(A) (III) and 33(B)(V).
  - (11) Transfer or mortgage of licence/licensing right in violation of rule 27.
  - (12) Fishing without licence, in violation of rule 29.
  - (13) Non removal of fishing instruments and huts by the licensee, in violation of rule 30.
  - (14) Fishing without gears other than those prescribed in violation of rule 45.
  - (15) Sale of fish without licence/permit by fish vendor, in violation of rule 45.
  - (16) Transportation of fish without permit from the Director and for quantities above the prescribed limit, in violation of rule 49.
  - (17) Introduction of new fish species, in violation of rule 47.
  - (18) Sale or attempting to sell fish affected with any harmful disease(s) and transportation of the same, in violation of rule 46.
  - (19) Fish vendor without registration/permit/licence in fish market(s) recognised by the Director, in violation of rule 50.
52. Penalties on breach of Rules :—Penalties for the Purpose of Section 5 of the Act shall be :—
- (1) Any person contravening any of the above provisions, or who fishes, attempts to fish, or abets fishing contrary to the above provisions, shall be liable to a penalty as per Schedule-F, and when the breach is a continuing one, a further fine extendable to column 4 of the schedule-F for everyday, after the date of first conviction, during which the breach is proved to have been persisted in and the nets/gears shall be liable to confiscation.
  - (2) The Director or the District Fishery Officers, or any officer authorised in this behalf by the Director, may, without a warrant arrest any person contravening any of the above provisions and punishable under Section 5 of the Act and under any of these Rules.
  - (3) Any Officer of the Fishery Department, Manipur not below the rank of Fishery Officer, may impose a penalty under rule 52(1).

54. Repeal and Saving: The Manipur Fisheries Rules, 1971 are hereby repealed: Provided that anything done or any action taken under the provisions of the Rules so repealed shall, in so far as it is not inconsistent with the provisions of these Rules, be deemed to have been done or taken under the corresponding provisions of these Rules.