



The Maharashtra Marine Fishing Regulation Act, 1981

Act 54 of 1981

Keyword(s):

Adjudicating Officer, Fishing Vessel, Licensing Officer, Port, Registered Fishing Vessel

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THE MAHARASHTRA MARINE FISHING REGULATION ACT, 1981.

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MAHARASHTRA ACT No. LIV OF 1981.¹

[THE MAHARASHTRA MARINE FISHING REGULATION ACT, 1981.]

[This Act received assent of the Governor on 19th September 1981; assent was first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on 23rd September 1981.]

An Act to provide for the regulation of fishing by fishing vessels in the sea along the coast line of the State of Maharashtra.

WHEREAS it is expedient to provide for the regulation of fishing by fishing vessels in the sea along the coast line of the State of Maharashtra and for matters connected therewith or incidental thereto; It is hereby enacted in the Thirty-second Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Maharashtra Marine Fishing Regulation Act, 1981. Short title, extent and commencement.
- (2) It extends to the whole of the State of Maharashtra (including the territorial waters).
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Adjudicating Officer" means the Tahsildar having jurisdiction, and includes any other officer of the Revenue Department, not below the rank of Tahsildar, authorised by the State Government, by notification in the *Official Gazette*, to exercise the powers conferred on, and discharge the duties imposed upon, an Adjudicating Officer by this Act, in such area as may be specified by the notification;

(b) "Appellate Board" means an Appellate Board constituted under section 18;

(c) "Enforcement Officer" means the Assistant Fisheries Development Officer having jurisdiction, and includes any other officer of the Directorate of Fisheries, not below the rank of Assistant Fisheries Development Officer, authorised by the State Government, by notification in the *Official Gazette*, to exercise the powers conferred on, and discharge the duties imposed upon, an Enforcement officer by this Act, in such area as may be specified in the notification;

(d) "fishing vessel" means a boat or ship, whether or not fitted with mechanical means of propulsion, which is engaged in sea fishing for profit, and includes—

(i) a country craft, and

(ii) a canoe,

engaged in sea fishing for profit;

(e) "Licensing Officer" means the Assistant Fisheries Development Officer having jurisdiction, and includes any other officer of the Directorate of Fisheries,

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1981, Part V, at p. 591.

not below the rank of Assistant Fisheries Development Officer, authorised by the State Government, by notification in the *Official Gazette*, to exercise the powers conferred on, and discharge the duties imposed upon, a Licensing Officer by this Act, in such area as may be specified in the notification;

(f) "Port" means the space within such limits as may, from time to time, be defined by the State Government, by notification in the *Official Gazette*, for the purpose of this Act;

(g) "Prescribed" means prescribed by rules made under this Act;

(h) "registered fishing vessel" means a fishing vessel registered under section 9;

(i) "Registration Officer" means the Officer or servant in the State Port Organisation authorised by the Chief Port Officer for any specified area, and includes any other officer of the State Port Organisation authorised by State Government, by notification in the *Official Gazette*, to exercise the powers conferred on, and discharge the duties imposed upon, a Registration Officer by this Act, in such area as may be specified in the notification;

(j) "specified area" means such area in the sea along with the entire coast line of the State, but not beyond territorial waters, as may be specified by the State Government, by notification in the *Official Gazette*.

(k) "State" means the State of Maharashtra, and includes the territorial waters along the entire coast line of that State.

Constitution
of Advisory
Committees.

3. (1) The State Government may by order constitute an Advisory Committee for each coastal District, with the District Magistrate as the Chairman and the Assistant Director of Fisheries of the District as the member-secretary, with representatives of the State Port Department and the Police Department as members. The Chairman shall co-opt representatives of other Government Departments and of the fishermen and the trade as he may deem fit. The Committee shall recommend to the State Government the regulations to be enforced under Chapter II.

(2) The Committee shall advise the State Government on the following issues which may come up for consideration while enforcing the Act:—

(i) reservation of specified areas of the sea for fishing by vessels of a specified type;

(ii) prohibition of vessels of specified type or specified types from fishing in any specified area;

(iii) laying down maximum number of fishing vessels of specified type to be allowed for fishing in specified areas;

(iv) laying down the maximum number of fishing vessels of specified types to be registered in each of the ports in the District;

(v) regulation or prohibition to catch specified species of fish in any specified area;

(vi) regulation or prohibition of specified fishing gear in specified areas;

(vii) prescribe timings for fishing operations where necessary;

(viii) any other matter which would facilitate effective enforcement of the provisions of the Act.

CHAPTER II.

REGULATION OF FISHING.

4. (1) The State Government may, having regard to the matters referred to in sub-section (2), and after consultation with the Advisory Committee, by order notified in the *Official Gazette*, regulate, restrict or prohibit,—

(a) the fishing in any specified area by such class or classes of fishing vessels as may be specified; or

(b) the number of fishing vessels which may be used for fishing in any specified area; or

(c) the catching in any specified area of such species of fish and for such period as may be specified in the orders; or

(d) the use of such fishing gear in any specified area as may be prescribed.

(2) In making an order under sub-section (1), the State Government shall have regard to the following matters, namely:—

(a) the need to protect the interests of different sections of persons engaged in fishing, particularly those engaged in fishing using traditional fishing craft such as country craft or canoe;

(b) The need to conserve fish and to regulate fishing on a scientific basis;

(c) the need to maintain law and order in the sea;

(d) any other matter that may be prescribed.

5. No owner or master of a fishing vessel shall use, or cause or allow to be used, such fishing vessel for fishing in any manner which contravenes an order made under section 4:

Provided that nothing in such order shall be construed as preventing the passage of any fishing vessel from, or to, the shore, through any specified area to, or from any area other than specified area, for the purpose of fishing in such other area or for any other purpose:

Provided further that the passing of such fishing vessel through any specified area shall not in any manner cause any damage to any fishing nets or tackles belonging to any person who engages in fishing in the specified area by using any traditional fishing craft such as country craft or canoe.

6. (1) The owner of a fishing vessel may make an application to the Licensing Officer for the grant of a licence for using such fishing vessel for fishing in any specified area.

(2) Every application under sub-section (1) shall be in such form, contain such particulars, and be accompanied by such fees, as may be prescribed.

(3) The Licensing Officer may after making such inquiry as he deems fit and having regard to the matters referred to in sub-section (4), either grant or refuse for grant, to the owner of the fishing vessel, a licence for using such fishing vessel for fishing in the specified area or specified areas mentioned in such licence:

Provided that, before making any order refusing to grant a licence, the Licensing Officer shall give a reasonable opportunity of being heard to the applicant.

Power to regulate, restrict or prohibit certain fishing activities within specified area.

Prohibition of use of fishing vessels in contravention of any order made under section. 4

Licensing of fishing vessels.

(4) In granting or refusing licence under sub-section (3), the Licensing Officer shall have regard to the following matters, namely:—

- (a) whether the fishing vessel is a registered fishing vessel;
- (b) the condition of the fishing vessel, including the accessories and fishing gear with which it is fitted;
- (c) any order made under section 4;
- (d) any other matter that may be prescribed.

(5) A licence granted under this section shall be in such form and subject to such conditions, including conditions as to payment of such fees and furnishing such security for the due performance of the conditions, as may be prescribed:

Provided that different fees, and different amounts by way of security, may be prescribed in respect of licences for different classes of fishing vessels.

(6) A licence granted under this section shall be valid for a period of three years which may be renewed for similar periods from time to time.

Prohibition of using fishing vessels which are not licensed. 7. No persons shall, after the commencement of this Act, carry on fishing in any specified area using a fishing vessel which is not licensed under section 6:
 Provided that nothing in this section shall apply to any fishing vessel, which was being used for fishing immediately before the commencement of this Act, for a period of six months from such commencement, or such longer period as the State Government may, by notification in the *Official Gazette*, specify.

Cancellation, suspension and amendment of licences. 8. (1) If the Licensing Officer is satisfied, either on a reference made to him in this behalf or otherwise, that—
 (a) a licence granted under section 6 has been obtained by misrepresentation as to an essential fact; or

(b) the holder of licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or any order or rule made thereunder, then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the Licensing Officer may, after giving the holder of the licence a reasonable opportunity of showing cause suspend or cancel the licence or forfeit the whole or any part of the security, if any, furnished for the performance of the conditions, subject to which the licence has been granted.

(2) Subject to any rules that may be made in this behalf, the Licensing Officer may also vary or amend a licence granted under section 6, after recording the reasons therefor.

Registration of vessels. 9. (1) The owner of every vessel used or intended to be used for purpose fishing and kept in the State shall register such vessel under this Act.

(2) Every application for registration of such vessel shall be made by the owner thereof to the Registration Officer in such form, and shall be accompanied by such fees, as may be prescribed—

(a) before the expiration of one month from the date on which he first became the owner of such vessel; or

(b) before the expiration of three months from the commencement of this Act; whichever is later :

Provided that the Registration Officer may, for sufficient reason to be recorded in writing, extend the time-limit for registration by such period as he thinks fit.

(3) The Registration Officer shall issue to the owner of the vessel registered by him a certificate of registration in the prescribed form and shall enter in a register to be kept by him, in such form as may be prescribed, the particulars of such certificate.

(4) Registration once made shall continue to be in force until it is cancelled by the Registration Officer.

(5) Every vessel registered under this section shall carry a registration mark, assigned to it by the Registration Officer, displayed in the prescribed manner.

(6) No vessel other than a registered fishing vessel, shall be entitled to a licence under section 6.

10. (1) Every owner of the fishing vessel shall declare his base port in the application for registration of the vessel.

(2) After registration of the vessel at a specified port, the owner of the vessel shall operate the vessel only from that port.

(3) In case the owner of the vessel intends to operate the vessel from a port other than the port specified in the registration certificate, he shall apply in writing to the Registration Officer indicating clearly the name of the port and the period for which the vessel will operate from that port. He shall shift the base of operation only after obtaining permission in writing from the Registration Officer. The Registration Officer reserves the right to refuse permission or even to cancel the permission granted, after giving one month's notice and after giving reasonable opportunity to show cause to the owner. The owner of the vessel to whom permission granted is cancelled shall shift his vessel from the temporary port within 24 hours after receipt of such order cancelling the permission.

Information to be given to Registration Officer about movement of fishing vessel and his permission to be obtained.

11. (1) Every owner of a registered fishing vessel shall furnish to the Registration Officer at the prescribed time and in the prescribed manner such returns as may be prescribed.

(2) The Registration Officer may inspect any registered fishing vessel at any time to verify the accuracy of any return made under this section.

Returns to be made by owners of registered fishing vessels.

12. Every decision of the Licensing Officer or the Registration Officer under section 6, section 8 or section 9, granting or refusing to grant licence for a fishing vessel or suspending, cancelling, varying or amending such licence or registration or cancellation of registration of a vessel, as the case may be, shall, subject to any right of appeal under section 13, be final.

Finality of orders under sections 6, 8 and 9.

13. (1) Any person aggrieved by an order of the Licensing Officer refusing to grant licence for fishing vessel or suspending, cancelling or varying or amending such licence or of the Registration Officer refusing to register a vessel or cancelling the registration of such vessel may, within thirty days from the date on which the order is communicated to him, prefer an appeal to the Appellate Authority, i.e. the Chief Ports Officer of the State Port Organisation :

Appeals against orders refusing grant of licence or registration etc.

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Appellate Authority shall after giving the appellant a reasonable opportunity of being heard, pass such orders thereon as it deems fit as expeditiously as possible.

(3) Every order passed by the Appellate Authority under this section shall be final.

CHAPTER III.

PENALTIES.

Power to enter and search fishing vessels. 14. Any Enforcement Officer may, if he has reason, to believe that any fishing vessel is being, or has been, used in contravention of any of the provisions of this Act, or of any order or rule made thereunder or of any of the conditions of the licence, enter and search such vessel and impound such vessel and seize any fish found in it.

Disposal of seized fish. 15. (1) The Enforcement Officer referred to in section 14 shall keep the fishing vessel, impounded in such place and in such manner as may be prescribed.

(2) In the absence of suitable facilities for the storage of the fish seized, the Enforcement Officer may, if he is of the opinion that the disposal of such fish is necessary, dispose of such fish and deposit the proceeds thereon in the prescribed manner in the office of the Adjudicating Officer.

Adjudication. 16. (1) Where any Enforcement Officer has reason to believe that any fishing vessel is being, or has been, used in contravention of any of the provisions of this Act, or any order or rule made thereunder or of any of the conditions of the licence, he shall make a report thereof to the Adjudicating Officer.

(2) The Adjudicating Officer shall hold an inquiry into the matters mentioned in the report, in the prescribed manner after giving all the parties concerned a reasonable opportunity of being heard.

Imposition of penalty. 17. (1) The Adjudicating Officer shall, after the inquiry is held under section 16, decide whether any person has used or caused or allowed to be used, any fishing vessel in contravention of any of the provisions of this Act or of any order or rule made thereunder or of any of the conditions of the licence. When such person is found guilty by the Adjudicating Officer, the Adjudicating Officer may, by order in writing impose on such person a penalty of an amount not exceeding—

(a) five thousand rupees, if the value of the fish involved is one thousand rupees or less;

(b) five times the value of the fish, if the value of the fish involved is more than one thousand rupees;

(c) five thousand rupees, in any other case, including a case where there has been no catch of fish, as may be adjudged by the Adjudicating Officer.

(2) The amount of any penalty imposed under sub-section (1) shall be recoverable as an arrear of land revenue.

(3) In addition to any penalty that may be imposed under sub-section (1), the Adjudicating Officer may direct that—

(a) the registration certificate of the fishing vessel which has been used, or caused or allowed to be used, in the manner referred to in sub-section (1) or the licence, any condition of which has been contravened, shall be—

(i) cancelled or revoked, as the case may be; or

(ii) suspended for such period as the Adjudicating Officer deems fit; or

(b) the fishing vessel or fish that may have been impounded or seized as the case may be, under section 14 shall be forfeited to the State Government:

Provided that no fishing vessel shall be forfeited under clause (b), if the Adjudicating Officer, after hearing the owner of such vessel or any person claiming any right thereto, is satisfied that the owner or such person had exercised due care for the prevention of the commission of such default.

18. (1) In each District, the District Magistrate shall constitute the Appellate Board for the whole District.

Constitution of Appellate Board and appeals to Appellate Board.

(2) The State Government may, whenever necessary, by notification in the *Official Gazette*, constitute one or more Appellate Board or Boards consisting of one member, for such area in the District as may be specified in the notification.

(3) Any person aggrieved by an order of the Adjudicating Officer may, within thirty days from the date on which the order is made, prefer an appeal to the Appellate Board, having jurisdiction to hear such appeal:

Provided that the Appellate Board may entertain any appeal after the expiry of the said period of thirty days, but not after the expiry of sixty days from the date aforesaid, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) No appeal under this section shall be entertained by the Appellate Board, unless the appellant has, at the time of filing the appeal, deposited the amount of penalty payable under the order appealed against:

Provided that, on an application made by the appellant in this behalf, the Appellate Board may, if it is of the opinion that the deposit to be made under this sub-section will cause undue hardship to the appellant, by order in writing, dispense with such deposit, either unconditionally or subject to such conditions as it may deem fit to impose.

(5) On receipt of an appeal under sub-section (4), the Appellate Board may, after holding such inquiry as it deems fit, and after giving the parties concerned a reasonable opportunity of being heard, confirm, modify or set aside the order appealed against and the decision of the Appellate Board shall be final; and

(a) if the sum deposited by way of penalty under sub-section (4) exceeds the penalty directed to be paid by the Appellate Board, the excess amount, or

(b) if the Appellate Board sets aside the order imposing penalty, the whole of the sum deposited by way of penalty,

shall be refunded to the appellant.

19. The Appellate Board may call for an examination of the records of any order passed by an Adjudicating Officer under section 17 and against which no appeal has been preferred under section 18, for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of the procedure and pass such order with respect thereto as it may think fit:

Revision by Appellate Board.

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard in the matter.

Power of Adjudicating Officer and the Appellate Board in relation to holding inquiry under this Act.

20. (1) The Adjudication Officer and the Appellate Board shall, while holding an inquiry, have all the powers of a Civil Court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

v of 1908.

- (a) summoning and enforcing the attendance of witnesses and examining them on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any Court or office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) any other matter which may be prescribed.

(2) The Adjudicating Officer or the Appellate Board shall, while exercising any power under this Act, be deemed to be a Civil Court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.

II of 1974.

General provision for punishment of offences.

21. Whoever contravenes any of the provisions of this Act or any order or rule made thereunder or any of the conditions of the licence, shall, without prejudice to any other action which may be taken against him under this Act, on conviction, be punished with fine, which may extend to one thousand rupees, and with further fine which may extend to fifty rupees for every day on which such contravention continues after the first conviction.

Offences by companies.

22. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any Director, Manager, Secretary or other officer of the company, such Director, Manager, Secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) “company” means any body corporate, and includes a firm or other association of individuals; and

(b) “Director”, in relation to a firm, means a partner in the firm.

CHAPTER IV.

MISCELLANEOUS.

23. (1) Nothing contained in this Act shall apply to survey vessels belonging to the Central Government or any State Government or any Public Undertakings. Exemptions.

(2) If the State Government is of the opinion that, having regard to the purposes of this Act, it would not be in the public interest to apply all or any of the provisions of this Act, to any class or classes of fishing vessels used for fishing in any specified area or specified areas, it may by notification in the *Official Gazette*, exempt, subject to such conditions as it may think fit to impose, such class or classes of fishing vessels used for fishing in such specified area or specified areas, and for such period or periods, as it may specify in the notification, from the operation of all or any of the provisions of this Act.

24. (1) No suit, prosecution or other legal proceeding shall lie against the Government or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any order or rule made thereunder. Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against the Government or any officer or authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any order or rule made thereunder.

25. (1) The power to make rules under this Act shall be exercisable by the State Government. Power to make rules.

(2) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules consistent with this Act to carry out the purposes of this Act.

(3) All rules made under this Act shall be subject to the condition of previous publication.

(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

26. Nothing in this Act shall apply to fishing and fisheries beyond territorial waters. Saving.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ५०(२)]

शुक्रवार, ऑगस्ट २१, २०१५/श्रावण ३०, शके १९३७

[पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक ९७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Marine Fishing Regulation (Amendment) Act, 2015 (Mah. Act No. XXX of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

DR. MANGALA THOMBARE,
I/c. Draftsman-cum-Joint Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXX OF 2015.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 21st August 2015).

An Act to amend the Maharashtra Marine Fishing Regulation Act, 1981.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to amend the Maharashtra Marine Fishing Regulation Act, 1981, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Marine Fishing Regulation (Amendment) Ordinance, 2015, on the 1st June 2015 ;

Mah. LIV
of 1981.

Mah.
Ord. VIII
of 2015.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Marine Fishing Regulation (Amendment) Act, 2015.

Short title
and
commence-
ment.

(१)

(2) It shall be deemed to have come into force on the 1st June 2015.

Amendment of section 2 of Mah. LIV of 1981. **2.** In section 2 of the Maharashtra Marine Fishing Regulation Act, 1981 (hereinafter referred to as “ the principal Act ”), for clause (i), the following clause shall be substituted, namely :— Mah. LIV of 1981.

“(i) “ Registration Officer ” means the Assistant Commissioner of Fisheries and includes any other Officer authorised by the State Government by notification in the *Official Gazette*, to exercise the powers conferred on, and discharge the duties imposed upon, a Registration Officer by this Act, in such area as may be specified in the notification ; ”.

Amendment of section 13 of Mah. LIV of 1981. **3.** In section 13 of the principal Act, in sub-section (1), for the words “ the Chief Ports Officer of the State Port Organisation ” the words “ the Commissioner of Fisheries, Government of Maharashtra ” shall be substituted.

Repeal of Mah. Ord. VIII of 2015 and saving. **4.** (1) The Maharashtra Marine Fishing Regulation (Amendment) Ordinance, 2015, is hereby repealed. Mah. Ord. VIII of 2015.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ८, अंक ३(५)]

मंगळवार, जानेवारी २५, २०२२/माघ ५, शके १९४३

[पृष्ठे ११, किंमत : रुपये २७.००

असाधारण क्रमांक १४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Marine Fishing Regulation (Amendment) Act, 2021 (Mah. Act No. XVI of 2022), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

SATISH WAGHOLE,

I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XVI OF 2022.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 25th January 2022.

An Act further to amend the Maharashtra Marine Fishing Regulation Act, 1981.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Marine Fishing Regulation Act, 1981, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Marine Fishing Regulation (Amendment) Ordinance, 2021 on the 23rd November 2021 ;

Mah.
LIV of
1981.
Mah.
Ord. XII
of 2021.

AND WHEREAS it is expedient to replace the said Ordinance, by an Act of the State Legislature ; it is hereby enacted in the Seventy-second Year of the Republic of India as follows :—

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Marine Fishing Regulation (Amendment) Act, 2021.

(2) (a) It shall be deemed to have come into force on the 23rd November 2021, except sub-section (2) of section 6 and section 7.

(b) Sub-section (2) of section 6 and section 7 shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of section 2
of Mah. LIV
of 1981.

2. In section 2 of the Maharashtra Marine Fishing Regulation Act, 1981 (hereinafter referred to as "the principal Act"),—

Mah.
LIV of
1981.

(1) for clause (a), the following clause shall be substituted, namely :—

"(a) "Adjudicating Officer" means the Assistant Commissioner of Fisheries having jurisdiction to exercise the powers conferred on, and discharge the duties imposed upon, an Adjudicating Officer by this Act ;"

(2) after clause (a), the following clause shall be inserted, namely:—

"(a-i) "Advisory and Monitoring Committee" means the State Advisory and Monitoring Committee constituted under section 3 ;"

(3) clause (b) shall be deleted;

(4) in clause (c), for the words "Directorate of Fisheries" the words "Commissionerate of Fisheries" shall be substituted ;

(5) after clause (c), the following clauses shall be inserted, namely :—

"(c-i) "fish" means finfish, molluscs, crustaceans and all other forms of marine animal and plants other than marine mammals, reptiles and sea birds ;

"(c-ii) "fisheries" means "fishing" and "fishing related activities" and includes,—

(i) searching for or tracking or trailing or pursuing fish;

(ii) catching or taking or harvesting of fish by any method;

(iii) landing, packaging, marketing, processing, preserving, transshipping or transporting of fish ;

(iv) any operations at sea directly linked to any activity described under this clause ;

"(c-iii) "fishing gear" means tools such as any net, cage, trap or other contrivance used to capture "fish" and used in "fishing related activities;" ;

(6) for clause (d), the following clause shall be substituted, namely :—

"(d) "fishing vessel" means a boat, ship or vessel, whether or not fitted with mechanical means of propulsion, which is engaged in sea fishing for profit, and includes,—

(i) a non-motorized vessel,

(ii) a motorized vessel, and

(iii) a mechanized vessel,

engaged in sea fishing for profit ;";

(7) in clause (e), for the words "Directorate of Fisheries" the words "Commissionerate of Fisheries" shall be substituted ;

(8) after clause (e), the following clauses shall be inserted, namely :—

“(e-i) "master", in relation to a fishing vessel, means any person having command or charge of the vessel or having the responsibility of the vessel ;

(e-ii) "mechanized vessel" means any fishing vessel with engine permanently fitted in the hull, which uses machine power for propulsion as well as fishing operation like casting and pulling of fishing gear, engaged in sea fishing for profit ;

(e-iii) "motorized vessel" means any fishing vessel that has an engine fitted outside or inside on vessel which is used only for propulsion and not for fishing operation ;

(e-iv) "non- motorized vessel" means any fishing vessel that does not use any engine (mechanical) power for propulsion as well as fishing operation ;

(e-v) "operator" (*tandel*) means any person or enterprise, that controls the operation or management of a fishing vessel or who has assumed the responsibility for the operation of the vessel ;

(e-vi) "owner", in relation to a fishing vessel, means the owner of the vessel as well as any other person, including any organization or association of persons, whether incorporated or not, by whom the vessel or a share in the vessel is owned ;” ;

(9) after clause (k), the following clause shall be added, namely :—

"(l) "sustainable fishing" means fishing activities that do not cause or lead to undesirable changes in the biological and economic productivity, biological diversity or ecosystem structure and functioning from one human generation to the next."

3. In section 3 of the principal Act,—

(1) for sub-section (1), the following sub-sections shall be substituted, namely :—

Amendment
of section 3 of
Mah. LIV of
1981.

"(1) There shall be a State Advisory and Monitoring Committee to exercise the powers conferred on and discharge the duties imposed upon it under this Act.

(1-A) The State Advisory and Monitoring Committee shall consist of the following members, namely :—

- | | |
|--|---------------|
| (i) Commissioner of Fisheries, Maharashtra
State | Chairperson ; |
| (ii) Divisional Commissioner of Konkan
Division or his representative | Member ; |
| (iii) Chief Executive Officer of Maharashtra
Maritime Board | Member ; |
| (iv) Deputy Inspector General of Indian
Coast Guard | Member ; |

- (v) Inspector General of Police, Coastal Security and Security Member ;
- (vi) Deputy Secretary (Fisheries), Agriculture, Animal Husbandry, Dairy Development and Fisheries Department Member ;
- (vii) Joint Commissioner of Fisheries (Marine) Member-Secretary.

(1-B) The Advisory and Monitoring Committee may invite two representatives from the Central or State Government recognized research institute having knowledge in fisheries as special invitees. The special invitees may participate in the discussion in the meeting of the Advisory and Monitoring Committee, but they shall not have right to vote.

(1-C) The Advisory and Monitoring Committee shall recommend to the State Government the regulations to be enforced under Chapter II. The Advisory and Monitoring Committee may take into consideration recommendations of the District Committees, if any, before recommending the said regulations to the State Government. The Advisory and Monitoring Committee shall coordinate, monitor and give advice or directions to the District Committees, in exercise of the powers conferred on, and duties imposed upon them under this Act.";

(2) in sub-section (2), for the words "Committee shall advise" the words "Advisory and Monitoring Committee shall recommend" shall be substituted ;

(3) after sub-section (2), the following sub-section shall be added, namely :—

"(3) (a) There shall be a District Committee for each coastal district, with Collector as the Chairperson; and Superintendent of Police, Commandant Coast Guard and Port Officer as the Members; and Assistant Commissioner, Fisheries as a Member-Secretary.

(b) The Chairperson shall co-opt representatives of the other Government Departments and of the fishermen and trade, as he may deem fit.

(c) The District Committee shall recommend to the Advisory and Monitoring Committee the regulations to be enforced under Chapter II in the District.";

(4) in the marginal note, for the words "Constitution of Advisory Committee" the words "Constitution of Advisory and Monitoring Committee" shall be substituted.

4. In section 4 of the principal Act,-

(1) in sub-section (1),-

(i) for the words "the Advisory Committee" the words "the Advisory and Monitoring Committee" shall be substituted ;

(ii) after clause (c), the following clause shall be inserted, namely:—

"(c-i) number of crew members and fishing gear in case of different fishing vessels and types of fishing; or" ;

(2) in sub-section (2), in clause (b), after the words "scientific basis" the words "and for sustainable fishing" shall be added ;

(3) after sub-section (2), the following sub-section shall be added, namely :—

"(3) The fishermen and their co-operative societies shall be bound to comply with any instructions or directions issued by the Coastal Police and officers of Fisheries Department, from time to time, for safety of fishermen and law and order."

5. In section 5 of the principal Act,-

(1) for the word "master" the words "master or operator (*tandel*)" shall be substituted ;

(2) in the second proviso, for the words "traditional fishing craft such as country craft or canoe" the words "non-motorized vessel or motorized vessel or mechanized vessel" shall be substituted.

6. In section 6 of the principal Act, in sub-section (4),—

(1) after clause (c), the following clause shall be inserted, namely:—

"(c-i) whether the fishing vessel has seaworthiness certificate of such authority as may be prescribed;";

(2) after clause (c-i) as so inserted, the following clause shall be inserted, namely :—

"(c-ii) whether master or operator (*tandel*) who operates motorized or mechanized fishing vessels possess license and are trained in sea navigation;".

7. After section 8 of the principal Act, the following section shall be inserted, namely :—

"8A. (1) The master or operator (*tandel*) of a motorized or mechanized fishing vessel shall make an application to the licensing officer for the grant of a license for operating such a fishing vessel.

(2) The master or operator (*tandel*) of a motorized or mechanized fishing vessel possessing such necessary qualification and such training certificate in sea navigation as may be prescribed shall be eligible to get a license for operating fishing vessel.

(3) Every application under sub-section (1) shall be in such form, contain such particulars, including necessary qualification and details of training, and be accompanied by such fees, as may be prescribed. A licence granted under this section shall be in such form and subject to such conditions, as may be prescribed."

8. For section 13 of the principal Act, the following section shall be substituted, namely :—

"13. (1) Any person aggrieved by an order of the Licensing Officer refusing to grant license for a fishing vessel or suspending, cancelling, varying or amending such license or of the Registration Officer refusing to register a vessel or cancelling the registration of such vessel may, within thirty days from the date on which the order is communicated to him, prefer an appeal to the First Appellate Authority *i.e* the Commissioner of Fisheries, Maharashtra State.

(2) Any person aggrieved by an order of the First Appellate Authority may, within thirty days from the date on which the order is communicated to him, prefer an appeal to the Second Appellate Authority *i.e* the Government :

Provided that, the Appellate Authorities may entertain an appeal, after the expiry of the said period of thirty days, if it is satisfied that the appellants was prevented by sufficient cause from filing the appeal in time.

Amendment of section 5 of Mah. LIV of 1981.

Amendment of section 6 of Mah. LIV of 1981.

Insertion of a new section 8A in Mah. LIV of 1981.

Licensing of master or operator (*tandel*).

Substitution of section 13 of Mah. LIV of 1981.

Appeals against orders refusing grant of license or registration, etc.

(3) On receipt of an appeal under sub-section (1) or (2), the Appellate Authority shall, after giving an appellant a reasonable opportunity of being heard, pass such orders thereon, as it deems fit, as expeditiously as possible.

(4) The order of the First Appellate Authority shall be final in case second appeal is not filed and in case the second appeal is filed then the order of the Second Appellate Authority shall be final."

Amendment
of section 14
of Mah. LIV
of 1981.

9. In section 14 of the principal Act, for the words "impound such vessel and seize any fish found in it" the words "seize such vessel including accessories and fishing gear with which it is fitted and any fish found in it" shall be substituted.

Amendment
of section 15
of Mah. LIV
of 1981.

10. In section 15 of the principal Act,—

(1) in sub-section (1), for the word "impounded" the word "seized" shall be substituted;

(2) in sub-section (2), for the words "dispose of such fish" the words "dispose of such fish within forty-eight hours" shall be substituted.

Substitution
of section 17
of Mah. LIV
of 1981.

11. For section 17 of the principal Act, the following section shall be substituted, namely :—

Imposition of
penalty.

"17. (1) The Adjudicating Officer shall, after the inquiry is held under section 16, decide whether any person has used or caused or allowed to be used, any fishing vessel in contravention of any of the provisions of this Act or of any order or rule made thereunder or of any of the conditions of the licence.

(2) When such person is found guilty by the Adjudicating Officer, he may, by order, in writing impose on such person penalties specified in this section.

(3) Whoever uses or causes or allows to be used any fishing vessel engaged in fishing or fishing related activities in the specified area without obtaining a valid licence under this Act shall be liable for,—

(a) in case where the vessel is non-motorized fishing vessel,—

(i) penalty of one thousand rupees for the first contravention ;

(ii) penalty of two thousand rupees for the second contravention ;

(iii) penalty of five thousand rupees for the third or subsequent contraventions ;

(b) in case where the vessel is motorized fishing vessel which operates with engine capacity up to 20hp,—

(i) penalty of three thousand rupees for the first contravention ;

(ii) penalty of five thousand rupees for the second contravention ;

(iii) penalty of ten thousand rupees for the third or subsequent contraventions ;

(c) in case where the vessel is motorized fishing vessel which operates with engine capacity above 20hp upto 120hp,—

(i) penalty of ten thousand rupees for the first contravention;

(ii) penalty of twenty thousand rupees for the second contravention ;

(iii) penalty of thirty thousand rupees for the third or subsequent contraventions;

(d) in case where the vessel is motorized fishing vessel which operates with engine capacity above 120 hp,—

(i) penalty of twenty five thousand rupees for the first contravention ;

(ii) penalty of fifty thousand rupees for the second contravention ;

(iii) penalty of one lakh rupees for the third or subsequent contraventions ;

(e) in case where the vessel is a mechanized fishing vessel of less than twelve meters length over all,—

(i) penalty of ten thousand rupees for the first contravention ;

(ii) penalty of twenty thousand rupees for the second contravention ;

(iii) penalty of fifty thousand rupees for the third or subsequent contraventions ;

(f) in case where the vessel is a mechanized fishing vessel between twelve and twenty meters (both inclusive) length over all,—

(i) penalty of forty thousand rupees for the first contravention ;

(ii) penalty of one lakh rupees for the second contravention ;

(iii) penalty of two lakh rupees for the third or subsequent contraventions ;

(g) in case where the vessel is a mechanized fishing vessel of more than twenty meters length over all,—

(i) penalty of two lakh rupees for the first contravention;

(ii) penalty of five lakh rupees for the second or subsequent contraventions.

(4) Whoever uses or causes or allows to be used any fishing vessel engaged in fishing or fishing related activities in the specified area in contravention of,—

(i) conditions of license; or

(ii) safety and security of fishermen and fishing vessels; or

(iii) spatial and temporal closures and Monsoon fishing ban; or

(iv) prohibition of destructive fishing methods; or

(v) regulations in respect of matters other than those specified in sub-sections (5), (6) and (8);

shall be liable for,—

(a) in case where the vessel is a non-motorized fishing vessel,—

(i) penalty of one thousand rupees for the first contravention ;

(ii) penalty of two thousand rupees for the second contravention ;

(iii) penalty of five thousand rupees for the third or subsequent contraventions ;

(b) in case where the vessel is motorized fishing vessel which operates with engine capacity upto 20hp,—

(i) penalty of three thousand rupees for the first contravention ;

(ii) penalty of five thousand rupees for the second contravention ;

(iii) penalty of ten thousand rupees for the third or subsequent contraventions ;

(c) in case where the vessel is motorized fishing vessel which operates with engine capacity above 20hp upto 120hp,—

(i) penalty of seven thousand rupees for the first contravention ;

(ii) penalty of fifteen thousand rupees for the second contravention ;

(iii) penalty of twenty five thousand rupees for the third or subsequent contraventions;

(d) in case where the vessel is motorized fishing vessel which operates with engine capacity above 120 hp,—

(i) penalty of twenty thousand rupees for the first contravention ;

(ii) penalty of forty thousand rupees for the second contravention ;

(iii) penalty of eighty thousand rupees for the third or subsequent contraventions;

(e) in case where the vessel is a mechanized fishing vessel of less than twelve meters length over all,—

(i) penalty of five thousand rupees for the first contravention ;

(ii) penalty of ten thousand rupees for the second contravention ;

(iii) penalty of twenty thousand rupees for the third or subsequent contraventions ;

(f) in case where the vessel is a mechanized fishing vessel between twelve and twenty meters (both inclusive) length over all,—

(i) penalty of twenty thousand rupees for the first contravention;

(ii) penalty of fifty thousand rupees for the second contravention ;

(iii) penalty of one lakh rupees for the third or subsequent contraventions ;

(g) in case where the vessel is a mechanized fishing vessel of more than twenty meters length over all,—

(i) penalty of one lakh rupees for the first contravention ;

(ii) penalty of two lakh rupees for the second contravention ;

(iii) penalty of five lakh rupees for the third or subsequent contraventions.

(5) Whoever contravenes an order under this Act relating to the regulation of purse seine or ring seine (including mini purse seine) or Trawl net including mesh size shall be liable for,—

(i) penalty of one lakh rupees for the first contravention;

(ii) penalty of three lakh rupees for the second contravention;

(iii) penalty of six lakh rupees for the third or subsequent contraventions.

(6) Whoever contravenes an order under this Act relating to the regulation of destructive fishing methods (bull or pair trawling, fish attractors, LED light fishing) shall be liable for,—

(i) penalty of minimum five lakh rupees for the first contravention ;

(ii) penalty of ten lakh rupees for the second contravention ;

(iii) penalty of twenty lakh rupees for the third or subsequent contraventions.

(7) Whoever contravenes an order under this Act relating to the regulation of the installation of Turtle Excluding Device shall be liable for,—

(i) penalty of one lakh rupees for the first contravention;

(ii) penalty of two lakh rupees for the second contravention;

(iii) penalty of five lakh rupees for the third or subsequent contraventions.

(8) Whoever contravenes an order under this Act relating to the regulation of the Ban on Juvenile Fishing shall be liable for,—

(a) in case where any fishing vessel catches juvenile fish of size less than minimum legal size,—

(i) penalty of one lakh rupees for the first contravention;

(ii) penalty of two lakh rupees for the second contravention ;

(iii) penalty of five lakh rupees for the third or subsequent contraventions;

(b) in case where juvenile fish (minimum legal size fish) is purchased by the fish merchant,—

(i) penalty of five times the value of the fish for first contravention ;

(ii) penalty of five lakh rupees for the second or subsequent contraventions.

(9) (a) Whoever enters the territorial waters with the fishing vessel from outside the territorial waters of the State for the purpose of fishing or for any other allied purpose in contravention of any provisions of this Act or of any order or rule made thereunder shall be liable for,—

(i) penalty of two lakh rupees and five times the value of fish captured by such person for the first contravention;

(ii) penalty of six lakh rupees and five times the value of fish captured by such person for the second or subsequent contraventions.

(b) Whenever any fishing vessel from outside territorial waters of the State enters in the territorial waters of the State for the purpose of fishing or any other allied purpose in contravention of any provisions of this Act or of any order or rule made thereunder, it shall be liable to be seized mandatorily for first such contravention including accessories and fishing gear with which it is fitted and any fish found in it ; and fishing vessel with all Crew Members, Operator (*tandel*) and Master including accessories and fishing gear with which it is fitted shall be handed over to police authorities for necessary action.

(10) The amount of any penalty imposed under this section shall be recoverable as an arrear of land revenue.

(11) In addition to any penalty that may be imposed under this section, the Adjudicating Officer may direct that,—

(a) the registration certificate of the fishing vessel which has been used or caused or allowed to be used, in the manner referred to in this section or the licence, any condition of which has been contravened, shall be—

(i) cancelled or revoked, as the case may be; or

(ii) suspended for such period as the Adjudicating Officer deems fit ; or

(b) the fishing vessel including accessories and fishing gear with which it is fitted or fish that may have been seized under section 14 shall be forfeited to the Government :

Provided that, no fishing vessel shall be forfeited under clause (b), if the Adjudicating Officer, after hearing the owner of such vessel or any person claiming any right thereto, is satisfied that the owner or such person had exercised due care for the prevention of the commission of such default.

(12) The defaulter fishing vessels and owner shall not be entitled for any type of benefits under the Central-State assistance scheme or the State Government scheme."

Substitution
of section 18
of Mah. LIV
of 1981.

12. For section 18 of the principal Act, the following section shall be substituted, namely :—

Appeals
against order
of Adjudicating
Officer and
Appellate
Authorities.

"**18.** (1) Any person aggrieved by an order of the Adjudicating Officer may, within thirty days from the date on which the order is communicated to him, prefer an appeal to the First Appellate Authority having jurisdiction, i.e. the Commissioner of Fisheries, Maharashtra State to hear such first appeal:

Provided that, the State Government may, whenever necessary, by notification in the *Official Gazette*, appoint one or more First Appellate Authorities for such area in the Konkan Revenue Division, as may be specified in the notification.

(2) Any person aggrieved by an order of the First Appellate Authority may, within thirty days from the date on which the order is communicated to him, prefer second appeal to the Government.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the First Appellate Authority or the Second Appellate Authority, as the case may be, may entertain any appeal after the expiry of the said period of thirty days, but not after the expiry of sixty days from the date aforesaid, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(4) No appeal under this section shall be entertained by the First Appellate Authority, unless the appellant has, at the time of filing the appeal, deposited the amount of penalty payable under the order appealed against :

Provided that, on an application made by the appellant in this behalf, the First Appellate Authority may, if it is of the opinion that the deposit to be made under this sub-section will cause undue hardship to the appellant, by an order in writing, dispense with fifty per cent. amount of such deposit, either unconditionally or subject to such conditions as it may deem fit to impose.

(5) On receipt of an appeal under sub-section (1) or (2), the Appellate Authority may, after holding such inquiry as it deems fit, and after giving the parties concerned a reasonable opportunity of being heard, confirm, modify or set aside the order appealed against and,—

(a) if the sum deposited by way of penalty under sub-section (4) exceeds the penalty directed to be paid by the Appellate Authorities, the excess amount, or

(b) if the Appellate Authorities sets aside the order imposing penalty, the whole of the sum deposited by way of penalty,

shall be refunded to the appellant.

(6) The order of the First Appellate Authority shall be final in case second appeal is not filed and in case the second appeal is filed then the order of the Second Appellate Authority shall be final."

13. Section 19 of the principal Act shall be deleted.

Deletion of section 19 of Mah. LIV of 1981.

14. In section 20 of the principal Act, for the words "Appellate Board", wherever they occur including marginal note thereof, the words "Appellate Authorities" shall be substituted.

Amendment of section 20 of Mah. LIV of 1981.

15. In section 21 of the principal Act, for the words "one thousand rupees and with further fine which may extend to fifty rupees" the words "ten thousand rupees and with further fine which may extend to five hundred rupees" shall be substituted.

Amendment of section 21 of Mah. LIV of 1981.

16. After section 21 of the principal Act, the following section shall be inserted, namely :—

Insertion of a new section 21A in Mah. LIV of 1981.

"21A. No Court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by the Licensing Officer or an Enforcement Officer."

Cognizance of offences.

17. In section 23 of the principal Act, in sub-section (1), for the words "survey vessels" the words "survey vessels, training vessels or patrolling vessels" shall be substituted.

Amendment of section 23 of Mah. LIV of 1981.

18. (1) The Maharashtra Marine Fishing Regulation (Amendment) Ordinance, 2021, is hereby repealed.

Mah. Ord. XII of 2021.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued, under the corresponding provisions of the principal Act, as amended by this Act.

Repeal of Mah. Ord. XII of 2021 and saving.