



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ७४

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) Bill, 2015 (L. C. Bill No. X of 2015), introduced in the Legislative Council on the 17th July 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.

L. C. Bill No. X OF 2015.

A BILL

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.

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

Short title
and
commence-
ment.

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 :—

“(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.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Marine Fishing Regulation Act, 1981 (Mah. LIV of 1981), is enacted for regulation of fishing by fishing vessels in the sea along the coastline of the State of Maharashtra. The term "Licencing Officer" is defined in clause (e) and the term "Registration Officer" is defined in clause (i) of section 2 of the said Act. The Licencing Officer was the Assistant Fisheries Development Officer and the Registration Officer was the Officer or servant in the State Port Organisation, *i.e.* Maharashtra Maritime Board authorised by the Chief Port Officer for any specified area. Thus, the granting of registration of fishing vessels and licence for using such fishing vessel for fishing was assigned to two different authorities of two different Departments of the Government of Maharashtra.

2. On the background of terrorist threat to coastline of the country it was necessary to ensure coastal security and for that it was necessary to keep the uniformity in licensing and registration procedure in all over the country, the Government of India had decided that the licensing and registration of fishing vessels should be done by the single authority, *i.e.* the State Fisheries Department.

The Central Government has declared the ports in Maharashtra for the purpose of section 435D and also appointed Assistant Commissioner of Fisheries to be the Registrars of Indian fishing boats for the purposes of section 435E of the Merchant Shipping Act, 1958 (44 of 1958), by notification, dated the 14th August 2014.

In order to ensure coastal security and to keep the uniformity in licensing and registration of fishing vessels in the State of Maharashtra it was considered expedient to give powers of granting registration and licence to fishing vessels to only one Department, *i.e.* the Fisheries Department as was done in other coastal State and Union Territories. Therefore, the Government considered it expedient to suitably amend the definition of the term "Registration Officer" provided in clause (i) of section 2 of the said Act.

The Government of Maharashtra also considered it expedient to empower the Commissioner of Fisheries, Government of Maharashtra, to be the Appellate Authority instead of the Chief Ports Officer of the State Port Organisation by suitably amending section 13 of the said Act.

3. As both Houses of the State Legislature were not in session and 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 aforesaid, the Maharashtra Marine Fishing Regulation (Amendment) Ordinance, 2015 (Mah. Ord. VIII of 2015), was promulgated by the Governor of Maharashtra on the 1st June 2015.

4. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,
Dated the 6th July 2015.

EKNATHRAO KHADSE,
Minister for Fisheries.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 2.—Under this clause, power is taken to the State Government to authorise by notification, any other Officer to exercise the powers conferred on, and discharge the duties imposed upon, a Registration Officer, for the area specified therein.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.