



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ३६]

सोमवार, जून २२, २०१५/आषाढ १, शके १९३७

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असाधारण क्रमांक ६४

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 Fisheries (Amendment) Ordinance, 2015 (Mah. Ord. XV of 2015), is hereby published under the authority of the Governor.

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

M. A. SAYEED,
Principal Secretary and R.L.A. to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Fisheries (Amendment) Ordinance, 2015 (Mah. Ord. XV of 2015), published under the authority of the Governor].

AGRICULTURE, ANIMAL HUSBANDRY, DAIRY DEVELOPMENT AND FISHERIES DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 22nd June 2015.

MAHARASHTRA ORDINANCE No. XV OF 2015.

AN ORDINANCE

to amend the Maharashtra Fisheries Act, 1960.

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

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate

Mah. I action to amend the Maharashtra Fisheries Act, 1960, for the purposes of 1961. hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely:-

Short title and commencement. 1. (1) This Ordinance may be called the Maharashtra Fisheries (Amendment) Ordinance, 2015.
(2) It shall come into force at once.

Amendment of section 4 of Mah. I of 1961. 2. In section 4 of the Maharashtra Fisheries Act, 1960, after sub-section (1), the following sub-section shall be inserted, namely:— Mah. I of 1961.

“(1A) The State Government may make rules for grant of fishing rights in the tanks situated in the Scheduled Areas covering total water spread area up to one hundred hectares, to the following local authorities,—

(i) if such minor water bodies lies within the jurisdiction of one *Gram Sabha*, then to its village *panchayat*,

(ii) if such minor water bodies lies within the jurisdictions of two village *panchayats*, then to the *Panchayat Samiti*,

(iii) if such minor water bodies lies within the jurisdictions of more than two *Panchayat Samitis*, then to the *Zilla Parishad* :

Provided that, the revenue generated in the Scheduled Areas in respect of such minor water bodies shall be appropriated to the village fund and shall be divided in equal proportion between two or more village *panchayats*, if any, and the same shall be used for development of the area of the respective *panchayat*.

Explanation.— For the purposes of this sub-section,—

(i) the expressions “*Gram Sabha*”, “*Panchayat*” and “Scheduled Areas” shall have the meanings, respectively, assigned to them in the Maharashtra Village Panchayats Act; III of 1959.

(ii) the expressions “*Panchayat Samiti*” and “*Zilla Parishad*” shall have the meanings, respectively, assigned to them in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.”. Mah. V of 1962.

STATEMENT

The Maharashtra Fisheries Act, 1960 (Mah. I of 1961) is enacted to provide for the protection, conservation and development of fisheries in the State of Maharashtra. Section 4 of the said Act empowers the State Government to make rules for protection, prohibition and regulation of fishing in selected waters.

2. The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996) popularly known as "PESA" empowers the *panchayats* at the appropriate level to plan and manage minor water bodies in the Scheduled Areas so as to entrust more powers to the *Gram Sabha* in managing day to day affairs including management of minor water bodies in the respective villages. On recommendations made by the Sub-Committee constituted by the Ministry of *Panchayat Raj*, Government of India, for effective implementation of the provisions of the PESA in the Scheduled Areas of the State of Maharashtra the Government considers it expedient to amend section 4 of the Maharashtra Fisheries Act, 1960, with a view to empower the State Government to make rules for granting fishing rights in the tanks situated in the Scheduled Areas covering total water spread area up to one hundred hectares to the local authorities, if such minor water bodies lies within the jurisdiction of (i) one *Gram Sabha*, then to its village *panchayat*, (ii) two village *panchayats*, then to the *Panchayat Samiti*, and (iii) more than two *Panchayat Samitis*, then to the *Zilla Parishad*; and also proposed to provide that revenue generated in respect of such minor water bodies shall be appropriated to the village fund and shall be divided in equal proportion between two or more village *panchayats*, if any, and the same shall be used for development of the area of respective *panchayat*.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Maharashtra Fisheries Act, 1960 (Mah. I of 1961), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 19th June 2015.

CH. VIDYASAGAR RAO,

Governor of Maharashtra.

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

MAHESH PATHAK,
Secretary to Government.