



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ७५

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) Bill, 2015 (L. C. Bill No. XI 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. XI OF 2015.

A BILL

to amend the Maharashtra Fisheries Act, 1960.

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 Fisheries Act, 1960, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Fisheries (Amendment) Ordinance, 2015, on the 22nd June 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:-

(१)

Short title and commencement. **1. (1)** This Act may be called the Maharashtra Fisheries (Amendment) Act, 2015.
(2) It shall be deemed to have come into force on the 22nd June 2015.

Amendment of section 4 of Mah. I of 1961. **2.** In section 4 of the Maharashtra Fisheries Act, 1960 (hereinafter referred to as “ the principal Act ”), 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;

(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.”.

III of 1959.

Mah. V of 1962.

Repeal of Mah. Ord. XV of 2015 and saving. **3. (1)** The Maharashtra Fisheries (Amendment) Ordinance, 2015, is hereby repealed.

Mah. Ord. XV of 2015.

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

STATEMENT OF OBJECTS AND REASONS

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 considered 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 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 Fisheries Act, 1960 (Mah. I of 1961), for the purposes aforesaid, the Maharashtra Fisheries (Amendment) Ordinance, 2015 (Mah. Ord. XV of 2015), was promulgated by the Governor of Maharashtra on the 22nd 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, which seeks to insert new sub-section (1A) in section 4 of the Maharashtra Fisheries Act, 1960, power is taken to the State Government to 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 local authorities.

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