



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ८, अंक ३(५)]

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

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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 ;

Amendment of section 5 of Mah. LIV of 1981.

(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:—

Amendment of section 6 of Mah. LIV of 1981.

"(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 :—

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

"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.

Licensing of master or operator (*tandel*).

(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 :—

Substitution of section 13 of Mah. LIV of 1981.

"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.

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

(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 appellant was prevented by sufficient cause from filing the appeal in time.

(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.