



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक २२

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 Agricultural Pests and Diseases (Amendment) Bill, 2014 (L. A. Bill No. VIII of 2014), introduced in the Legislative Assembly on the 28th February 2014, is hereby published under the authority of the Governor.

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

H. B. PATEL,
Principal Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. VIII OF 2014.

A BILL

further to amend the Maharashtra Agricultural Pests and Diseases Act.

XLIII of 1947. WHEREAS it is expedient further to amend the Maharashtra Agricultural Pests and Diseases Act, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-fifth Year of the Republic of India, as follows :-

1. (1) This Act may be called the Maharashtra Agricultural Pests and Diseases (Amendment) Act, 2014.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of section 2 of
XLIII of 1947.

2. In section 2 of the Maharashtra Agricultural Pests and Diseases Act (hereinafter referred to as "the principal Act"),— XLIII of 1947.

(1) after clause (4), the following clause shall be inserted, namely :—

"(4A) "*Panchayat*" means a *Panchayat* established or deemed to have been established under the Maharashtra Village Panchayats Act;" III of 1959.

(2) after clause (10), the following clause shall be added, namely:—

"(11) "*Scheduled Area*" means the Scheduled Area as referred to in clause (1) of article 244 of the Constitution of India:".

Amendment
of section 3 of
XLIII of 1947.

3. In section 3 of the principal Act,—

(1) for the words "or the Commissioner", wherever they occur, the words "or the Collector" shall be substituted;

(2) the following proviso shall be added, namely :—

"Provided that, if such local area is a Scheduled Area, the State Government or, as the case may be, the Collector, shall consult the *Panchayat* before issuing a notification under this section;".

Amendment
of section 7A
of XLIII of
1947.

4. In section 7A of the principal Act, to sub-section (1), the following proviso shall be added, namely :—

"Provided that, if such notified area is a Scheduled Area, the State Government, or any officer of the State Government or as the case may be, of any local authority, duly authorized by the State Government, shall consult the *Panchayat* before issuing a notification under this sub-section.".

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Agricultural Pests and Diseases Act (XLIII of 1947) is enacted to provide for the prevention of the introduction, spread or re-appearance of insect pests, plant diseases and noxious weeds injurious to crops, plants or trees in the State of Maharashtra.

2. On the recommendation of the Sub-Committee constituted by the Ministry of *Panchayati Raj*, Government of India, for implementation of the Provisions of the *Panchayats (Extension to the Scheduled Areas) Act, 1996* (40 of 1996), it is proposed to amend section 2 of the Maharashtra Agricultural Pests and Diseases Act so as to provide the definition of the terms "*Panchayat*" and "Scheduled Area" so as to bring the provisions of the said Act in conformity with the Provisions of the *Panchayats (Extension to the Scheduled Areas) Act, 1996*. Section 3 of the said Act of 1947 is proposed to be amended with a view to provide that, the State Government or, as the case may be, the Collector shall consult the *Panchayat* before issuing a notification under that section for declaring any pest, disease or weed which is injurious to any crop, plants or trees in any local area as notified pest, plant disease or noxious weed and for directing measures to eradicate or prevent them, if such local area is a Scheduled Area as referred to in clause (1) of article 244 of the Constitution of India, so as to bring the provisions of the said Act in conformity with the Provisions of the *Panchayats (Extension to the Scheduled Areas) Act, 1996*. Similarly, section 7A of the said Act is proposed to be amended with a view to provide that, the State Government or any officer of the State Government or of any local authority shall consult the *Panchayat* before issuing a notification under that section for declaring any Inspector to be competent to carry out such preventive or remedial measures in emergent situation and for directing the occupiers to pay cost thereof, if such notified area is a Scheduled Area.

3. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 25th February 2014.

RADHAKRISHNA VIKHE-PATIL,
Minister for Agriculture.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 1(2).—Under this clause, power is taken to the State Government to bring the Act into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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