



महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष २, अंक १(४)]

गुरुवार, मार्च १०, २०१६/फाल्गुन २०, शके १९३७

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असाधारण क्रमांक ४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद)

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on the 10th March, 2016 is published under Rule 117 of the Maharashtra Legislative Assembly Rules :—

L. A. BILL No. IV OF 2016.

A BILL

*further to amend the Maharashtra Agricultural Produce Marketing
(Development and Regulation) Act, 1963.*

Mah. Ord. XIV of 2015. WHEREAS the Governor of Maharashtra had promulgated the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2015, on the 16th June 2015 ;

AND WHEREAS upon the re-assembly of the State Legislature on the 13th July 2015, the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Bill, 2015 (L.A. Bill No. XXVIII of 2015), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 14th July 2015, and was transmitted to the Maharashtra Legislative Council ;

AND WHEREAS thereafter as the Maharashtra Legislative Council was prorogued on the 31st July 2015, the said Bill could not be passed by the Maharashtra Legislative Council ;

AND WHEREAS as provided by article 213(2)(a) of the Constitution of India, the said Ordinance would have ceased to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is, after the 23rd August 2015 ;

AND WHEREAS it was considered expedient to continue the operation of the provisions of the said Ordinance and, therefore, the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment and Continuance) Ordinance, 2015 (hereinafter referred to as "Continuance Ordinance") was promulgated by the Governor of Maharashtra on the 21st August 2015 ;

Mah.
Ord.
XVI of
2015.

AND WHEREAS upon the re-assembly of the State Legislature on the 7th December 2015, the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment and Continuance) Bill, 2015 (L.A. Bill No. LI of 2015), for converting the said Continuance Ordinance into an Act of the State Legislature, was introduced in the Maharashtra Legislative Assembly on the 8th December 2015 ;

AND WHEREAS as the session of the Maharashtra Legislative Assembly was prorogued on the 23rd December 2015, the said Bill could not be passed by the Maharashtra Legislative Assembly ;

AND WHEREAS as provided by article 213(2)(a) of the Constitution of India, the said Continuance Ordinance would have ceased to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is, after the 17th January 2016 ;

AND WHEREAS it was expedient to continue the operation of the provisions of the said Continuance Ordinance ;

AND WHEREAS 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 continue the operation of the provisions of the said Continuance Ordinance, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment and Continuance) Ordinance, 2016, on the 16th January 2016 ;

Mah.
Ord. I
of 2016.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

Short
title and
commence-
ment.

1. (1) This Act may be called the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment and Continuance) Act, 2016.

(2) It shall be deemed to have come into force on the 16th June 2015.

Amend-
ment of
section 13 of
Mah. XX of
1964.

2. In section 13 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (hereinafter referred to as "the principal Act"), after sub-section (1B), the following sub-section shall be inserted, namely :—

Mah. XX
of 1964.

“(1C)(a) The State Government may, by an order in the *Official Gazette*, appoint,—

(i) four special invitees, on every Market Committee whose income from fees levied and collected under sub-section (1) of section 31 in the immediate preceding market year exceeds rupees five crores ; and

(ii) two special invitees, on every Market Committee whose income from fees levied and collected under sub-section (1) of section 31 in the immediate preceding market year is upto rupees five crores, who shall be the experts in the field of agriculture, agricultural processing, agricultural marketing, law, economics or commerce.

(b) The special invitees appointed under clause (a) shall have a right to take part in the discussions of the Market Committee, but shall have no right to vote at a meeting thereof.

(c) The term of the special invitees shall be co-terminus with the term of the members of a Market Committee.”.

Mah.
Ord. I
of 2016.

3. (1) The Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment and Continuance) Ordinance, 2016, is hereby repealed.

Repeal of
Mah. Ord. I
of 2016 and
saving.

(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 Agricultural Produce Marketing (Development and Regulation) Act, 1963 (Mah. XX of 1964), is enacted to develop and regulate the marketing of agricultural and certain other produce in market areas and markets including private markets and farmer consumer markets established therefor in the State; to confer powers upon Market Committees to be constituted in connection with or acting for purposes connected with such markets.

2. In order to ensure more efficient and smooth functioning of the Market Committees constituted under the said Act, the Government of Maharashtra considered it expedient to appoint experts in the field of agriculture, agricultural processing, agricultural marketing, law, economics or commerce as special invitees on the Market Committees so that the market committee will be benefited by the knowledge of such experts. It was also proposed to provide that such special invitees shall have a right to take part in the discussions of the Committees, but shall not have a right to vote. For that purpose, it was proposed to insert a new sub-section (1C) in 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 further to amend the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (Mah. XX of 1964), for the purposes aforesaid, the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2015 (Mah. Ord. XIV of 2015), was promulgated by the Governor of Maharashtra on the 16th June 2015.

4. Upon the re-assembly of the State Legislature on the 13th July 2015, the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Bill, 2015 (L. A. Bill No. XXVIII of 2015), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 14th July 2015, and was transmitted to the Maharashtra Legislative Council. However, thereafter as the session of Maharashtra Legislative Council was prorogued on the 31st July 2015, the said Bill could not be passed by the Maharashtra Legislative Council.

5. By operation of the provisions of article 213(2)(a) of the Constitution of India, the said Ordinance would have ceased to operate at the expiration of six weeks from the re-assembly of the State Legislature, that is, after the 23rd August 2015, and the Government of Maharashtra considered it expedient to continue the operation of the provisions of the said Ordinance, and, therefore, the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment and Continuance) Ordinance, 2015 (Mah. Ord. XVI of 2015), was promulgated by the Governor of Maharashtra on the 21st August 2015.

6. Thereafter, upon the re-assembly of the State Legislature on the 7th December 2015, the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment and Continuance) Bill, 2015 (L.A. Bill No. LI of 2015), for converting the said Continuance Ordinance into an Act of the State Legislature, was introduced in the Maharashtra Legislative Assembly on the 8th December 2015. However, thereafter as the session of the Maharashtra Legislative Assembly was prorogued on the 23rd December 2015, the said Bill could not be passed by the Maharashtra Legislative Assembly.

As the State Legislature had re-assembled on the 7th December 2015 as provided by article 213(2)(a) of the Constitution of India, the said Continuance Ordinance would have ceased to operate after the 17th January 2016, and the Government of Maharashtra considered it expedient to continue the operation of the provisions of the said Continuance Ordinance.

7. 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 continue the provisions of the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment and Continuance) Ordinance, 2015 (Mah. Ord. XVI of 2015), for the purposes aforesaid, the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment and Continuance) Ordinance, 2016 (Mah. Ord. I of 2016) was promulgated by the Governor of Maharashtra on the 16th January 2016.

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

Mumbai,
Dated the 29th February 2016.

CHANDRAKANT (DADA) PATIL,
Minister for Marketing.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 2.—Under this clause, which proposes to insert new sub-section (1C) in section 13 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963, power is taken to the State Government to appoint four special invitees, on every Market Committee whose income from fees levied and collected under sub-section (1) of section 31 in the immediate preceding market year exceeds rupees five crores ; and two special invitees, on every Market Committee whose such income in the immediate preceding market year is upto rupees five crores, who shall be the experts in the field of agriculture, agricultural processing, agricultural marketing, law, economics or commerce.

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

Vidhan Bhavan :
Mumbai,
Dated the 10th March 2016.

DR. ANANT KALSE,
Principal Secretary,
Maharashtra Legislative Assembly.