



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक ५९(६)]

मंगळवार, ऑगस्ट ३०, २०१६/भाद्र ८, शके १९३८

[पृष्ठ ५, किंमत : रुपये २७.००

असाधारण क्रमांक ९९

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 Agricultural Produce Marketing (Development and Regulation) (Second Amendment and Continuance) Ordinance, 2016 (Mah. Ord. XX of 2016), is hereby published under the authority of the Governor.

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

PRAKASH H. MALI,

Principal Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Second Amendment and Continuance) Ordinance, 2016 (Mah. Ord. XX of 2016), published under the authority of the Governor].

CO-OPERATION, MARKETING AND TEXTILES DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 30th August 2016.

MAHARASHTRA ORDINANCE No. XX OF 2016.

AN ORDINANCE

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

WHEREAS the Governor of Maharashtra had promulgated the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2016, on the 5th July 2016;

AND WHEREAS upon the re-assembly of the State Legislature on the 18th July 2016, the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Bill, 2016 (L.A. Bill No. XXIV of 2016), for converting the said Ordinance into an Act of the State Legislature was passed by the Maharashtra Legislative Assembly on the 3rd August 2016 and was transmitted to the Maharashtra Legislative Council;

(१)

AND WHEREAS, thereafter, as the session of the Maharashtra Legislative Council was prorogued on the 5th August 2016, 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 shall cease to operate at the expiration of six weeks from the date of re-assembly of the State Legislature, that is, after the 28th August 2016;

AND WHEREAS it is considered expedient to continue the operation of the provisions of the said Ordinance;

AND WHEREAS 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 continue the operation of the provisions of the said Ordinance, for the purposes 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 Agricultural Produce Marketing (Development and Regulation) (Second Amendment and Continuance) Ordinance, 2016.
- (2) It shall be deemed to have come into force on the 5th July 2016.
- Amendment of section 2 of Mah. XX of 1964. **2.** In section 2 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (hereinafter referred to as “the principal Act”), in sub-section (1),—
- (a) after clause (f-1a), the following clause shall be inserted, namely :—
- “(f-1b) “e-Marketing” means the marketing of agricultural produce through electronic mode alongwith its ancillary activities ;”;
- (b) in clause (h), after the words “subsidiary market” the words “under section 5” shall be added at the end.
- Amendment of section 6 of Mah. XX of 1964. **3.** In section 6 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—
- “(2A) Notwithstanding anything contained in this Act, marketing of agricultural produce specified in all the entries of items VII- *Fruits* and VIII- *Vegetables* and entries (2), (3), (4) and (5) of item X. *Condiments, spices and others* of the Schedule by any person outside the market established under section 5, except as provided in section 5D, shall not require any licence or permission, and shall not be regulated by the Market Committee.”.
- Amendment of section 31 of Mah. XX of 1964. **4.** In section 31 of the principal Act,—
- (a) in sub-section (1), for the third proviso, the following proviso shall be substituted, namely :—
- “Provided also that, no such fees shall be levied and collected in any market area in relation to agricultural produce in respect of which fees under this section have already been levied and collected by any other Market Committee, private market, farmer-consumer market, special commodity market or under direct marketing in the State or in relation to declared agricultural produce purchased by person engaged in

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of 1964.

industries carried on without the aid of any machinery or labour in any market area.”;

(b) in sub-section (2), for the words “by the commission agents” the words “ by the commission agents from the buyer” shall be substituted.

Mah. Ord.
XV of
2016.

5. (1) The Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2016, is hereby withdrawn.

Repeal by
withdrawal of
Mah. Ord. XV
of 2016 and
saving.

(2) Notwithstanding such withdrawal, 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 Ordinance.

STATEMENT

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 and to establish Market Fund for the purposes of the Market Committee and to provide for purposes connected with the matters aforesaid.

2. The said Act has been amended by the Maharashtra Agricultural Produce Marketing (Regulation) (Amendment) Act, 2005 (Mah. XLVIII of 2005) wherein various alternative options have been created for farmers to sell their produce. By the said amending Act of 2005, the provisions for establishment of private markets, farmer-consumer markets, special commodity markets, direct marketing and contract farming agreement have been incorporated in the said Act. The transactions taking place under these various alternative marketing activities are all within the market area which is notified for respective Market Committees.

3. In order to ensure more bargaining power to the farmers and consumers and to enable healthy competition, so that farmers get a fair price for their produce, the Government of Maharashtra considered it expedient to carry out certain amendments in the said Act. The salient features of the amendments then proposed are as under :—

(i) Insertion of provisions for enabling e-Marketing of agricultural produce which will allow establishment of virtual markets wherein the overheads will be minimized and farmers will get reasonable price for their produce ;

(ii) Liberalization of trade of fruits and vegetables and permitting lawful transactions outside the market established under section 5, so as to provide for the regulation of marketing of fruits and vegetables only within the market by the concerned Market Committee, thereby providing alternative marketing channel for providing greater freedom to the farmers alongwith the protection provided by the market;

(iii) For free flow and smooth trade of agricultural produce, provision of Single Point Levy of fees.

4. 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, 2016 (Mah. Ord. XV of 2016), was promulgated by the Governor of Maharashtra on the 5th July 2016.

5. Thereafter, upon the re-assembly of the State Legislature on the 18th July 2016, the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Bill, 2016 (L.A. Bill No. XXIV of 2016), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 3rd August 2016 and was transmitted to the Maharashtra Legislative Council. However, as thereafter session of the Maharashtra Legislative Council was prorogued on the 5th August 2016, the said Bill could not be passed by the Maharashtra Legislative Council.

As the State Legislature had re-assembled on the 18th July 2016, as provided by article 213(2)(a) of the Constitution of India, the said Ordinance shall cease to operate after the 28th August 2016 and the Government of Maharashtra considers it expedient to continue the operation of the provisions of the said Ordinance.

6. 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 continue the provisions of the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2016 (Mah. Ord. XV of 2016), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 30th August 2016.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

SUNIL PORWAL,
Principal Secretary to Government.