



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ५७(३)]

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असाधारण क्रमांक १११

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) (Amendment) Bill, 2017 (L.A. Bill No. XLI of 2017), introduced in the Maharashtra Legislative Assembly on the 27th July 2017, is hereby published under the authority of the Governor.

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

N. J. JAMADAR,

Principal Secretary and R.L.A. to Government,
Law and Judiciary Department.

L. A. BILL No. XLI OF 2017.

A BILL

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

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 Agricultural Produce Marketing (Development and Regulation) Act, 1963, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2017, on the 13th June 2017 ;

Mah. XX
of 1964.

Mah.
Ord. IX
of 2017.

(१)

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

Short title and commencement.

1. (1) This Act may be called the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 13th June 2017.

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), after clause (r1), the following clause shall be inserted, namely :—

Mah. XX of 1964.

“(r2) “State Co-operative Election Authority” means the State Co-operative Election Authority constituted under section 73CB of the Maharashtra Co-operative Societies Act, 1960;”.

Mah. XXIV of 1961.

Amendment of section 13 of Mah. XX of 1964.

3. In section 13 of the principal Act,—

(1) in sub-section (1),—

(a) in clause (a),—

(i) for the words “twenty-one years of age on the date specified, from time to time, by the Collector or the District Deputy Registrar, as the case may be,” the words “twenty one years of the age on the date specified, from time to time, by the State Co-operative Election Authority, if required with the help of the Collector or the District Deputy Registrar, as the case may be,” shall be substituted;

(ii) for sub-clause (i) and proviso thereto, the following shall be substituted, namely:—

“ (i) fifteen (of which , two shall be women, one shall be a person belonging to Other Backward Classes, one shall be a person belonging to De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes and one shall be a person belonging to the Scheduled Castes or Scheduled Tribes) shall be elected by eligible voters (agriculturist who holds minimum 10 R land and who are not less than eighteen years of age on the date specified by the State Co-operative Election Authority and who has sold his or her notified agriculture produce in the concerned Market Committee at least three times in preceding five years before date of declaration of election) residing in the market area :

Provided that, where the Market Committee is situated in Tribal area, one person belonging to the Scheduled Tribes shall be elected in place of the election of the person belonging to the De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes as aforesaid ;”;

(iii) sub-clause (ii) shall be deleted;

(b) clause (c) and proviso thereto shall be deleted;

(c) clause (d) shall be deleted;

(d) clause (e) shall be deleted;

(e) the following proviso shall be inserted, namely :—

“Provided that, during the period of five years from the date of commencement of the Maharashtra Agriculture Produce Marketing (Development and Regulation) (Amendment) Act, 2017, in an election conducted immediately after such date of commencement ; all the agriculturists residing in the market area who hold minimum 10 R land and who are not less than eighteen years of age on the date specified by the State Co-operative Election Authority shall be eligible for voting unless otherwise ineligible to vote.”;

Mah. of
2017.

(2) sub-section (1-a) shall be deleted ;

(3) in sub-section (1B),—

(a) in clause (c),—

(i) for sub-clause (i), the following shall be substituted, namely :—

“ (i) Fifteen representatives of the agriculturists (of which one shall be woman, one shall be a person belonging to Other Backward Classes, one shall be a person belonging to De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes and one shall be a person belonging to the Scheduled Castes or Scheduled Tribes) shall be elected by eligible voters (agriculturist who holds minimum 10R land and who are not less than eighteen years of age on the date specified by the State Co-operative Election Authority and who has sold his or her notified agriculture produce atleast three times in preceding five years before date of declaration of election) residing in the market area of the Divisional Market Committee :

Provided that, where the Divisional Market Committee is situated in Tribal areas, one person belonging to the Scheduled Tribes shall be elected in place of the election of the person belonging to the De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes as aforesaid;”;

(ii) for sub-clause (ii), the following shall be substituted, namely :—

“(ii) Fifteen representatives of the agriculturists (of which one shall be woman, one shall be a person belonging to Other Backward Classes, one shall be a person belonging to De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes and one shall be a person belonging to the Scheduled Castes or Scheduled Tribes), shall be elected by eligible voters (agriculturist who holds minimum 10R land and who are not less than eighteen years of age on the date specified by the State Co-operative Election Authority and who has sold his or her notified agriculture produce at least three times in preceding five years before date of declaration of election) residing in the market area of the Regional Market Committee :

Provided that, where the Regional Market Committee is situated in Tribal areas, one person belonging to the Scheduled Tribes shall be elected in place of the election of the person belonging to the De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes as aforesaid ; and ”;

(iii) sub-clause (v) shall be deleted ;

(iv) sub-clause (vi) shall be deleted ;

(v) sub-clause (vi-a) shall be deleted ;

(b) for clause (d), the following clause shall be substituted, namely :—

“(d) A person who is a member of the Market Committee under sub-clause (vii) of clause (c), shall have a right to take part in the discussions of the Committee, but shall not have right to vote at a meeting thereof. ”.

Amendment
of section 14 of
Mah.XX of
1964.

4. In section 14 of the principal Act,—

(1) sub-section (2) shall be deleted ;

(2) in sub-section (4),—

(a) in clause (a), for the words “ the Collector or, as the case may be, the District Deputy Registrar, who has conducted the elections ” the words “ the State Co-operative Election Authority ” shall be substituted ;

(b) in clause (b), for the words “ the Collector or as the case may be, the District Deputy Registrar, who has conducted the elections ” the words “ the State Co-operative Election Authority ” shall be substituted ;

(c) in clause (c), for the words “ the Collector or as the case may be, the District Deputy Registrar, who has conducted the elections ” the words “ the State Co-operative Election Authority ” shall be substituted.

Amendment
of section 14A
of Mah.XX of
1964.

5. In section 14A of the principal Act,—

(1) in sub-section (1),—

(a) for clause (a), the following shall be substituted, namely :—

“(a) The Superintendence, direction and control of the preparation of the list of voters for, and conduct of all elections to Market Committees, shall vest in the State Co-operative Election Authority; and ”;

(b) in clause (b),—

(i) the portion beginning with the words “ The Superintendence, direction and control ” and ending with the words “shall vest in the Collector.” shall be deleted ;

(ii) for the words “ five per cent.” the words “ ten per cent.” shall be substituted ;

(iii) for the words “ rupees ten thousand ” the words “ rupees one lakh ” shall be substituted ;

(2) in sub-section (3), for the words “the Collector, or as the case may be, the District Deputy Registrar”, at both the place where they occur, the words “ the State Co-operative Election Authority ” shall be substituted ;

(3) in sub-section (4), for the words “ the Collector, or as the case may be, the District Deputy Registrar” the words “ the State Co-operative Election Authority ” shall be substituted ;

(4) in sub-section (5),—

(a) for the words “ the Collector, or as the case may be, the District Deputy Registrar” the words “ the State Co-operative Election Authority” shall be substituted ;

(b) for the words “the Collector” the words “ the State Co-operative Election Authority” shall be substituted ;

(5) sub-section (6) shall be deleted.

Mah.
Ord. IX
of 2017.

6. (1) The Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2017, is hereby repealed.

Repeal of
Mah.Ord. IX
of 2017 and
saving.

(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 issued, as the case may be, under the corresponding provision 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 and to establish Market Fund for the purposes of the Market Committee and to provide for purposes connected with the matters aforesaid.

2. Section 13 of the said Act regarding "Constitution of Market Committee" has been amended on various occasions to enable representations from various constituencies or categories on Market Committees. At present the 21 Board of Directors of the Market Committees have members elected by the members of the Managing Committees of Agricultural Credit Societies and Multi-Purpose Co-operative Societies and members of the *Village Panchayats*. Other members are elected from among the traders, commission agents, *hamals* and weighmen. The remaining members are Government nominated persons.

3. In order to ensure maximum representation of the farmers on the Market Committees, it was considered expedient to carry out certain amendments in the said Act.

4. The salient features of the amendments were,—

(i) to give all the agriculturists, residing in the area of operation of the market committees, holding minimum 10 R land and who has sold his or her agriculture produce at least three times in the preceding five years in the concerned Agricultural Produce Market Committee, a right to elect directly the Directors of the Agricultural Produce Market Committee;

(ii) to delete the provision of nomination of representatives by the Government.

5. The Agricultural Produce Market Committees have been established as a platform for farmers to sell their agricultural produce and obtain a fair and reasonable price in return. With introduction of the said amendments, farmers who are actual backbone of Market Committees and having knowledge of the hurdles and difficulties in marketing of agricultural produce would have maximum representation and would be able to give practical and efficient guidance in the functioning of Market Committees.

6. 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, 2017 (Mah. Ord. IX of 2017), was promulgated by the Governor of Maharashtra on the 13th June 2017.

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

Mumbai,
Dated the 18th July 2017.

SUBHASH DESHMUKH,
Minister for Marketing.