



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ६६]

गुरुवार, ऑगस्ट ३१, २०१७/भाद्र ९, शके १९३९

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असाधारण क्रमांक १३१

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 and Continuance) Ordinance, 2017 (Mah. Ord. XVII of 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.

(Translation in English of the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment and Continuance) Ordinance, 2017 (Mah. Ord. XVII of 2017), 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 31st August 2017.

MAHARASHTRA ORDINANCE No. XVII OF 2017.

AN ORDINANCE

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

WHEREAS the Governor of Maharashtra has promulgated the Maharashtra Agricultural Produce Marketing (Development and Regulation)

Mah. (Amendment) Ordinance, 2017 (hereinafter referred to as "the said Ordinance"), on the 13th June 2017 ;
Ord. IX
of 2017.

AND WHEREAS upon the reassembly of the State Legislature on the 24th July 2017, the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Bill, 2017 (L. A. Bill No. XLI of 2017), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 8th August 2017 and was transmitted to the Maharashtra Legislative Council ;

AND WHEREAS thereafter, as the session of the Maharashtra Legislative Council was prorogued on the 11th August 2017, 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 cease to operate at the expiration of six weeks from the reassembly of the State Legislature, that is, on the 3rd September 2017 ;

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 ;

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) (Amendment and Continuance) Ordinance, 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 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 ;”;

(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 and Continuance) Ordinance, 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.”;

(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;”;

Mah.
Ord.
XVII
of 2017.

(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.

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

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

(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 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. 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. Thereafter, upon the reassembly of the State Legislature on the 24th July 2017, the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Bill, 2017 (L. A. Bill No. XLI of 2017), for converting the said Ordinance into an Act of the State Legislature, was passed by the Maharashtra Legislative Assembly on the 8th August 2017 and was transmitted to the Maharashtra Legislative Council. However, as thereafter the session of the Maharashtra Legislative Council was prorogued on the 11th August 2017, the said Bill could not be passed by the Maharashtra Legislative Council.

8. As provided by article 213 (2)(a) of the Constitution of India, the said Ordinance would cease to operate at the expiration of six weeks from the reassembly of the State Legislature, that is, on the 3rd September 2017. It is, therefore, necessary to take immediate action to continue the provisions of the said Ordinance by promulgating a fresh Ordinance.

9. 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 operation of the provisions of the Maharashtra Ordinance No. XI of 2017, this Ordinance is promulgated.

Mumbai,
Dated the 30th August 2017.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

BIJAY KUMAR,
Principal Secretary to Government.