



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ७, अंक २५(२)]

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असाधारण क्रमांक ६७

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, 2021 (L. A. Bill No. XXXVI of 2021), introduced in the Maharashtra Legislative Assembly on the 23rd December 2021, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,

I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. XXXVI OF 2021.

A BILL

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

Mah. XX
of 1964. WHEREAS it is expedient further to amend the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-second Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Act, 2021. Short title.

(१)

Amendment
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”), in sub-section (1), in clause (a), in sub-clause (i), after the words and bracket “rules made thereunder),” the words “which disburse the crop loan to its members,” shall be inserted.

Amendment
of section 15A
of Mah. XX of
1964.

3. In section 15A of the principal Act, in sub-section (1), in clause (b), for the words “the Board of Administrators appointed” the words “the Board of Administrators of not more than seven members appointed” shall be substituted.

Amendment
of section 31
of Mah. XX of
1964.

4. In section 31 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—

“(1A) It shall be competent to the Market Committee to levy and collect user charges, at such rates as may be decided by it, with the prior approval of the Director, from any market functionary such as trader, commission agent, broker, processor, warehouseman or any other person, for the use of any place or facility provided by the Market Committee within the market area, for the marketing of agricultural produce not specified in the Schedule or non-agricultural produce.”.

Amendment
of section 34A
of Mah. XX of
1964.

5. In section 34A of the principal Act,—

(i) in sub-section (1), the words “such staff appointed by” shall be deleted ;

(ii) in sub-section (2), for the words “five paise” the words “ten paise” shall be substituted.

Amendment
of section 35
of Mah. XX of
1964.

6. In section 35 of the principal Act, in sub-section (1), for the second proviso, the following proviso shall be substituted, namely :—

“Provided further that, Secretary and such other officers and servants shall be employed by the Market Committee, with the prior approval of the Director, on such terms and conditions and manner, as may be prescribed.”.

Amendment
of section 35A
of Mah. XX of
1964.

7. In section 35A of the principal Act, for the words “Assistant Registrar of Co-operative Societies,” the words “Co-operative Officer, Grade-II,” shall be substituted.

Amendment
of section 45
of Mah. XX of
1964.

8. In section 45 of the principal Act, in sub-section (2), in clause (c), for the words “the Board of Administrators to carry out” the words “the Board of Administrators of not more than seven members to carry out” shall be substituted.

Amendment
of section 57
of Mah. XX of
1964.

9. In section 57 of the principal Act,—

(i) in sub-section (3), after the words “sum is due to the” the words “State Marketing Board or” shall be inserted ;

(ii) in the marginal note, for the words “due to Government or” the words “due to Government or State Marketing Board or” shall be substituted.

Amendment
of section 60
of Mah. XX of
1964.

10. In section 60 of the principal Act, in sub-section (2), after clause (g), the following clause shall be inserted, namely :—

“(g-1) under second proviso to sub-section (1) of section 35, for prescribing the terms and conditions and manner of appointment of Secretary and such other officers and servants of the Market Committee;”.

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 and 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.

2. The amendments which are proposed to be made are explained broadly as follows :—

(a) Section 13 of the said Act provides for constitution of Market Committees. Section 13(1)(a)(i) provides that, eleven members shall be elected by the members of the Managing Committees of the Agricultural Credit Societies and Multi-purpose Co-operative Societies. Now a days, number of Multi-purpose Co-operative Societies has been increased in the State. As there is no clarity to which Multi-purpose Co-operative Society would be eligible for such representation, therefore, it is considered expedient to amend the said section 13(1)(a)(i), with a view to make eligible for only those Multi-purpose Co-operative Societies, who disburse the crop loan to its members.

(b) Section 15A of the said Act provides for appointment of administrator after normal or extended term of office of members expires. Section 15A(1)(b) provides that, the Director or such authorized officer shall appoint the Administrator or the Board of Administrators to manage the affairs of the Committee. As there is no restriction on the number of persons to be appointed as the member of the Board of Administrators, it has become practice to appoint large number of persons as the Board of Administrator and consequently the Committee has to spent huge amount for maintaining such large Board of Administrators. Therefore, it is considered expedient to curtail such expenditure by providing that, the Board of Administrators shall be appointed of not more than seven members.

The similar provision is also proposed in section 45(2)(c), with a view to provide that, the State Government may, by order, either constitute a new Market Committee in accordance with the provisions of Chapter III or appoint an Administrator or the Board of Administrators of not more than seven members.

(c) Section 31 of the said Act empowers the Market Committee to levy fees and rates of commission (*adat*) on every purchaser of agricultural produce marketed in that market area. However, there is no provision to levy and collect user charges from any market functionary, such as trader, commission agent, broker, processor, warehouseman or any other person, for the use of any place or facility provided by the Market Committee within the market area, for the marketing of agricultural produce not specified in the Schedule or non-agricultural produce. Therefore, it is considered expedient to insert new sub-section (1A), in the said section 31, so that the Market Committee

shall with the prior approval of the Director, levy and collect user charges, at such rates as may be decided by it, from such market functionary.

(d) Section 34A of the said Act provides that, the cost of five paise shall be paid to the State Government as supervision cost by the person, who purchase agricultural produce in the market area. Now, it is considered expedient to increase such amount of cost from five paise to ten paise per hundred rupees.

(e) Section 35 of the said Act provides that, the Market Committee is empowered to employ staff for the management of the market area. However, there is no uniform rules for appointment of Secretary, officers and servants by the Market Committee. Therefore, it is considered necessary to prescribe the uniform terms and conditions and manner of appointment of Secretary and such other officers and servants of the Market Committee.

(f) To make available more option of officers to appoint as a Secretary of the Market Committee, it is proposed to appoint any officer not below the rank of the Co-operative Officer, Grade-II, from the Co-operation Department as the Secretary of Market Committee. Therefore, it is proposed to amend section 35A, suitably.

3. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 21st December 2021.

BALASAHEB PATIL,

Minister for Marketing.

MEMORANDUM REGARDING DELEGATED
LEGISLATION

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

Clause 6.—Under this clause, power is taken to the State Government to prescribe by rules, the terms and conditions of service and manner of appointment of the Secretary, other officers and servants to be employed by the Market Committee.

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