



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ७०]

मंगळवार, सप्टेंबर १२, २०१७/भाद्र २१, शके १९३९

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असाधारण क्रमांक १४६

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) Ordinance, 2017 (Mah. Ord. XX 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) (Second Amendment) Ordinance, 2017 (Mah. Ord. XX 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 12th September 2017.

MAHARASHTRA ORDINANCE No. XX OF 2017.

AN ORDINANCE

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

WHEREAS both Houses of the State Legislature are not in session;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render 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; Mah. XX of 1964.

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) Ordinance, 2017.

(2) It shall come into force at once.

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

2. In section 15A of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (hereinafter referred to as “the principal Act”), in sub-section (1), in clause (b), in the proviso, for the words “one year” the words “one and half year” shall be substituted. Mah. XX of 1964.

Amendment of section 45 of Mah. XX of 1964.

3. In section 45 of the principal Act, in sub-section (2), in the proviso, for the words “grant extension of not more than six months” the words “grant extension of not more than one year” shall be substituted.

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 the purposes connected with the matters aforesaid.

2. Section 15A of the said Act provides for appointment of Administrator or Board of Administrator after normal or extended term of office of members expires. Clause (b) of sub-section (1) of the said section 15A provides that the Administrator or the Board of Administrators appointed by the Director or such authorised officer shall manage the affairs of the Committee, during the period from the date specified in the order upto the day on which the first meeting of the reconstituted Committee after the election is held, where there is a quorum (which is referred to as “the said period” in the said section). Such election shall be held within a period of six months from the date the Administrator or the Board of Administrators assumes office. The proviso to clause (b) of sub-section (1) of the said section 15A provides that the said period of six months of the Administrator or the Board of Administrator may be extended, from time to time, by the State Government, in exceptional circumstances, to a period not exceeding one year in the aggregate, by notification in the *Official Gazette*, for reasons, which shall be stated in the notification.

Clause (c) of sub-section (2) of section 45 of the said Act, *inter alia*, provides for the appointment of the Administrator or the Board of Administrators for carrying out of the functions of the Market Committee superseded under sub-section (1) of the said section 45. The proviso to clause (c) of sub-section (2) of the said section 45 provides that, the Administrator or the Board of Administrators appointed under clause (c) for carrying out of the functions of the Market Committee shall, within the period of six months assuming the charge ensure that the elections to the Market Committee are held within that period. If the Administrator or the Board of Administrators fails to hold the elections within the said period, the Director may, after satisfying himself about proper justification for not holding elections, grant extension of not more than six months, for enabling the Administrator or the Board of Administrators to hold such election.

3. The Governor of Maharashtra has promulgated the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2017 (Mah. Ord. IX of 2017) (hereinafter referred to as “the said Ordinance”) on the 13th June 2017; and 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; 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. 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 reassembly of the State Legislature, that is, on the 3rd September 2017 and it is considered expedient to continue the operation of the provisions of the said Ordinance. Therefore, the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment and Continuance) Ordinance, 2017 (Mah. Ord. XVII of 2017) was promulgated on the 31st August 2017. Sections 13, 14 and 14A of the said Act are amended by the said Ordinances. The then existing sections 13, 14 and 14A provided for the conduct of elections to the Market Committees by the Collector and the District Deputy Registrar and for the matters incidental or connected thereto and for that purpose, the appropriate rules are made in the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967.

Due to the amendment of the said sections 13, 14 and 14A by the said Ordinances, the elections to the Market Committees are required to be conducted by the State Co-operative Election Authority instead by the Collector and District Deputy Registrar and appropriate rules for the purpose are required to be made. As some time is required to make the appropriate rules, it is expedient to amend the proviso to clause (b) of sub-section (1) of section 15A of the said Act, so as to empower the State Government to extend the said period of six months, in exceptional circumstances, to a period not exceeding one and half year in the aggregate, by notification in the *Official Gazette*, for reasons, which shall be stated in the notification. Similarly, it is expedient to amend the proviso to clause (c) of sub-section (2) of the said section 45, so as to empower the Director to grant, after satisfying himself about proper justification for not holding elections, extension of not more than one year, for enabling the Administrator or the Board of Administrators to hold such election, if the Administrator or the Board of Administrators fails to hold the elections within the said period.

Accordingly, sections 15A and 45 of the said Act are suitably amended, to achieve the above purposes.

4. 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 further to amend the Maharashtra Agriculture Produce Marketing (Development and Regulation) Act, 1963 (Mah. XX of 1964), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 11th September 2017.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

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

BIJAY KUMAR,
Principal Secretary to Government.