



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ७६(२)]

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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) (Third Amendment) Bill, 2018 (L. A. Bill No. LXIV of 2018), introduced in the Maharashtra Legislative Assembly on the 19th November 2018, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. LXIV OF 2018.

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) (Third Amendment) Ordinance, 2018, on the 25th October 2018 ;

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

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| Short title and commencement. | <p>1. (1) This Act may be called the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Third Amendment) Act, 2018.</p> <p>(2) It shall be deemed to have come into force with effect from the 25th October 2018.</p> | |
| Amendment of long title of Mah. XX of 1964. | <p>2. In the long title of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (hereinafter referred to as “the principal Act”), after the words “certain other produce” the words “ and livestock” shall be inserted.</p> | Mah. XX of 1964. |
| Amendment of section 1 of Mah. XX of 1964. | <p>3. In section 1 of the principal Act, in sub-section (1), for the brackets and words “(Development and Regulation)” the brackets and words “(Promotion and Facilitation)” shall be substituted.</p> | |
| Amendment of section 2 of Mah. XX of 1964. | <p>4. In section 2 of the principal Act, in sub-section (1),—</p> <p>(a) in clause (a), for the words “animal husbandry” the word “livestock” shall be substituted ;</p> <p>(b) in clause (b),—</p> <p>(i) after the words “which has not been processed” the words “including rearing of livestock and also includes the association of farmers, by whatever name called, registered under any law for the time being in force and is engaged in aggregation of member farmers’ produce including livestock” shall be inserted ;</p> <p>(ii) after the words “engaged in the production or growth of agricultural produce” the words “including rearing of livestock” shall be added ;</p> <p>(iii) the following <i>Explanation</i> shall be added, namely:—</p> <p style="padding-left: 40px;">“<i>Explanation.</i>—If any question arises, as to whether any person is an agriculturist or not for the purpose of this Act, the same shall be referred to the Mamlatdar having the jurisdiction of the area in which such person is engaged in the agricultural activity and the decision of the Mamlatdar thereon shall be final ;” ;</p> <p>(c) after clause (b), the following clause shall be inserted, namely:—</p> <p style="padding-left: 40px;">“(ba) “Assaying lab” means a laboratory set up, as specified in the guidelines issued by Director from time to time, for testing of quality parameters as per the tradeable parameters or grade-standards ;” ;</p> <p>(d) in clause (d), after the figures “61” the words, brackets, figures and letter “ and sub-section (1) or (2) of the section 61A” shall be added ;</p> <p>(e) after clause (d), the following clause shall be inserted, namely :—</p> <p style="padding-left: 40px;">“(da) “Cold storage” means an installation intended for the cooling, freezing and storage for preservation of agricultural produce ;” ;</p> <p>(f) for clause (ea), the following clause shall be substituted, namely :—</p> <p style="padding-left: 40px;">“(ea) “Direct marketing”, in relation to agricultural produce, means direct wholesale purchase of agricultural produce from the farmers under</p> | |

contract farming arrangement by the processors, exporters and organised retail chain operators, outside the principal market yard, sub-market yard, private market yard and market sub-yard under section 5 of this Act by a direct marketing licence holder under sub-section (1) of section 5D ;” ;

(g) after clause (e4), the following clause shall be inserted, namely :—

“(e5) “Delineated Market Area” means a geographical area notified under sub-section (1) of section 4 for the purpose of election of the members of Market Committee and undertaking marketing related development therein ;” ;

(h) in clause (f), after the words “means a person” the words “, excepting Managing Director of Marketing Board,” shall be inserted ;

(i) after clause (f-1c), the following clause shall be inserted, namely :—

“(f-1d) “Export” means dispatch of agricultural produce outside India ;” ;

(j) after clause (f1), the following clauses shall be inserted, namely :—

“(f1A) “Farmer Producer Company (FPC)” means a company of farmer producer members incorporated under the Companies Act, 2013 or under any other law relating to incorporation of the Companies ;

(f1B) “Financial year” means the period declared as financial year, from time to time, by the State Government for the purpose of this Act ;” ;

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

“(fc) “livestock” means cows, buffaloes, bullocks, bulls, goats and sheep, and includes poultry, fish and such other animals, and products thereof, specified in the Schedule ;” ;

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

“(ga) “Managing Director” means a person excepting the Director of Agricultural Marketing, appointed by the State Government, as the Managing Director of the State Marketing Board under section 39B-1. However, in case of electronic marketing platform, the Managing Director shall mean the Chief Executive of the legal person licensed for commissioning and managing electronic marketing platform, for agriculture produce including livestock ;” ;

(m) after clause (j), the following clauses shall be inserted, namely :—

“(j-1) “Marketing”, in relation to agriculture produce, means all activities involved in the flow of agricultural produce from production point commencing at the stage of harvest till the same reaches the ultimate consumers viz. grading, processing, storage, transport, channels of distribution and all other functions involved in the process which is undertaken by other than producer himself ;

(j-2) “Market Sub-Yard” means warehouse, silos, cold storage or other such structure or place declared to be market sub-yard or deem to be market yard under section 5CB ;

(j-3) “Market Yard”, in relation to delineated market area, includes principal market yard, sub –market yard and market sub-yard in such

delineated market area notified by the Government and managed and operated by the Agricultural Produce and Livestock Market Committee ;

(j-4) “Market Yard of National Importance” means the Market Yard of National Importance referred to in section 5CA of this Act ;” ;

(n) after clause (k), the following clauses shall be inserted, namely :—

“(k-1) “National Agriculture Market (NAM)” means an integrated market, where, without prejudice to any law for the time being in force, buying and selling of agricultural produce and activities incidental thereto are carried out electronically in India possessing marketing utility across time and space ;

(k-2) “over trading”, in relation to a trader, means trading for the amount exceeding the value of the agricultural produce purchased at any point of time *vis-à-vis* to the amount of security deposited with or the credit limit *cum* bank guarantee he has furnished to the Market Committee or for trading on Electronic Trading Platform ;” ;

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

“(l-1) “person” includes individual, co-operative society, Hindu undivided family, a company, or a partnership firm or an Association or a body of individuals whether incorporated or not, and Government organization and non-Government organization ;” ;

(p) in clause (ma), after the words “private market” the word “yard” shall be inserted ;

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

“(mb) “Processing Unit” in relation to Market Yard means processing unit declared as a market sub-yard under section 5CB of this Act ;” ;

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

“(n-1) “regulations” means the regulations made by the State Marketing Board under section 39K in accordance with the provisions of this Act ;” ;

(s) after clause (r), the following clauses shall be inserted, namely :—

“(r-1a) “seller” means a person, including an agriculturist, who sells or agrees to sell agricultural produce for consideration of price ;

(r-1b) “silo” means silo declared as market sub-yard under section 5CB of this Act ;” ;

(t) in clause (r-1), after the words “special commodity market” the word “yard” shall be inserted ;

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

“(ta) “Warehouse” means in relation to Market Yard any building, structure, or other protected enclosure which is, or may be, used for the

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purpose of storing declared agricultural produce, being goods on behalf of depositors, and includes a warehouse licensed under the Maharashtra Warehouses Act, or run under the Warehousing Corporation Act, 1962 but does not include a clock room attached to a hotel, railway station, port or to any premises of a like nature ;”.

5. In section 4 of the principal Act,

Amendment
of section 4
of Mah. XX
of 1964.

(a) in sub-section (1),—

(i) after the words “shall be the market area” the words, “and the area so specified shall also constitute geographically delineated market area for the purpose of election of members of the Market Committee” shall be inserted ;

(ii) the following *Explanation* shall be inserted, namely :—

“*Explanation.*—The Market Committee shall not regulate marketing of agricultural produce and livestock in its delineated market area. The Market Committee shall enforce regulation on marketing of agricultural produce and livestock within the principal market yard, sub-market yard and market sub-yard.” ;

(b) in sub-section (3),—

(i) after the words “exclude from a” the words “delineated” shall be inserted ;

(ii) after the words “in any market” the word “yard” shall be inserted ;

(iii) the words “ in the market” the word “yard” shall be inserted ;

(c) for sub-section (4), the following sub-section shall be substituted, namely :—

“(4) The State Government may, by notification in the *Official Gazette*, declare in addition to the existing market, a special commodity market for any market area after considering the turnover and special infrastructure requirements for marketing of a particular agricultural produce or livestock.

Such market may be —

(i) fruits, vegetables and flowers markets including onion market, apple market, orange market, raisin market, turmeric market, cashew market ;

(ii) cotton market ;

(iii) medicinal and aromatic plants market ;

(iv) livestock market including cattle, goat, sheep, donkey, horse market, fish market, poultry market and other such market ; and

(v) any other such markets :

Provided that, the notifications already issued prior to the 25th October 2018, being the date of commencement of the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Third Amendment) Act, 2018, in respect of the existing principal and subsidiary markets shall remain in force.”.

Mah. of
2018.

Substitution
of section 5
of Mah. XX
of 1964.

6. For section 5 of the principal Act, the following section shall be substituted, namely :—

Establishment
of various
markets.

“ 5. (1) In a State, there may be —

(a) principal market yard or yards managed by the Market Committee ;

(b) sub- market yard or yards managed by the Market Committee ;

(c) market sub-yard or yards managed by the Market Committee ;

(d) private market yard managed by a person, holding a license under section 5D ;

(e) private market sub-yard or yards managed by a person, holding a license under section 5D ;

(f) farmer-consumer market yard or yards managed by the Market Committee ;

(g) farmer-consumer market yard or yards managed by a person, holding a license under rule 4D ;

(h) Special Commodity market yard ;

(i) Electronic trading platforms:

Provided that, the notifications already issued in respect of the principal and subsidiary markets prior to the 25th October 2018, being the date of commencement of the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Third Amendment) Act, 2018 shall remain in force, until expressly modified or rescinded.

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(2) The Government shall, as soon as possible after the issue of notification under sections 3 and 4, by a notification, declare any place in the delineated market area as principal market yard or sub-market yard or market sub-yard or farmer-consumer market yard, as the case may be, managed by a Market Committee, for the purpose of regulation of marketing of agricultural produce and livestock, expressly or impliedly in physical, electronic or other such mode, under this Act.

Explanation.— In sub-section (2), the expression “place” shall include any structure, enclosure, open space, locality, street including warehouse, silos, pack house, quality assaying laboratory, cleaning, grading and packaging and processing unit vested in the Market Committee of the delineated market area.

(3) The Government may, by notification, declare a “place”, licensed under section 5D to be private market yard, private market sub- yard, private farmer-consumer market yard, as the case may be, for marketing of agricultural produce and livestock, expressly or impliedly in physical, electronic or other such mode, under this Act.

Explanation.— In this sub-section (3), the expression “place” shall include any structure, enclosure, open space, locality, street including warehouse, silos, pack house, quality assaying laboratory, cleaning, grading and packaging and processing unit vested in the person licensed for the purpose under this Act.”.

7. After section 5C of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 5CA in Mah. XX of 1964.

“ **5CA.** Save as provided under sub-section (1) of section 13, the State Government may, by notification published in the *Official Gazette*, designate any existing market yard established under section 5 as “Market Yard of National Importance” or establish any market as “Market Yard of National Importance”, after consideration of such aspects regarding marketing of agricultural produce like total through put, value, upstream catchment area, down-stream number of consumers served and special infrastructure requirements therefor, requiring regulation by Market Yard of National Importance and notwithstanding anything contained in this Act, the regulation of marketing in such Market shall be in the manner as may be prescribed :

Establishment of Market Yard of National Importance (MNI).

Provided that, the market yard handling not less than such annual tonnage or such annual value, as may be prescribed, shall be considered for conferring the status as the “Market Yard of National Importance”:

Provided further that, out of such annual tonnage or such annual value, 30 per cent. may arrive from not less than two other States.”.

8. After Chapter I-A of the principal Act, the following Chapter shall be inserted, namely :—

Insertion of Chapter I-AA in Mah. XX of 1964.

“ CHAPTER I-AA

WAREHOUSE OR SILOS OR COLD STORAGE, ETC. AS MARKET SUB-YARD.

5CB. (1) Save as otherwise provided in this Act, the State Government may, by notification declare warehouse, silos or cold storage or other such structure or place, having such infrastructure and facilities as may be prescribed, to function as market sub-yard.

Declaring warehouse or silos or cold storage or other such structure or place as market sub-yard.

Explanation.—The expression “place” under this sub-section shall include any structure, enclosure, open space, locality, street including pack house or cleaning grading and processing unit etc.

(2) The owner of such warehouse or cold Storage, or other such structure or ‘place’, as the case may be, desirous of declaration of such place as market sub-yard under sub-section (1), shall apply to the Director or an Officer authorized by him, in such form and in such manner and such fee ; and also for such period but not less than three years, as may be prescribed.

(3) The licensee of such warehouse, silos or cold storage or other such structure or place may collect user charge on agricultural produce transacted at the declared market sub-yard at the rate *ad valorem* not exceeding the rate as may be notified by the Government :

Provided that, no user charge shall be collected from agriculturist-seller.

(4) A declared market sub-yard licensee shall contribute, fee out of such user charge collection, to the separate “Revolving Marketing Development Fund” maintained by the Director at the rate in percentage at par with the fees levied under sub-section (1) of section 31 by the Market Committee. The Fund shall be utilized for the purposes and in the manner as may be prescribed for marketing development of the agricultural produce.”.

Amendment
of section
5D of Mah.
XX of 1964.

9. In section 5D of the principal Act, in sub-section (6), after clause (b), the following clause shall be inserted, namely :—

“(c) In private market yard, every agricultural produce may be sold either by public auction or e-auction. When any declared agricultural produce is sold by public auction or e-auction, in the private market, it shall be sold to the highest bidder, but the seller may refuse to sell his produce to the highest bidder or may accept a lower bid or postpone the sale of his produce to a later hour or date :

Provided that, the seller who exercises the option shall communicate his decision to the trader concerned before the expiry of the time which the private market license holder may fix for auction or e-auction sale in the concerned market.”.

Amendment
of section 6
of Mah. XX
of 1964.

10. In section 6 of the principal Act,—

(a) after sub-section (3), the following sub-section shall be inserted, namely :—

“(4)(a) Save as provided under this Act, all agricultural produce shall ordinarily be sold in the principal market yards, sub-market yards, market sub-yards, private market yards or at the electronic trading platforms licensed under this Act :

Provided that, the agricultural produce may be sold at other places also to a license holder especially permitted in this behalf under section 5D for direct marketing.

(b) In relation to agricultural produce, nothing in paragraph (a) shall apply to the following sale and purchase where—

(i) sale is made by the producer himself to any person for his domestic consumption in quantity up to the limits prescribed under the rules ;

(ii) brought for sale by head load ;

(iii) purchase and sale is made by a petty trader ;

(iv) purchase is made by an authorized fair price shop dealer from the Food Corporation of India, “the State Commodities Trading Corporation” or any other agency or institution authorized by the Central Government or the State Government Administration for distribution of essential commodities through the public distribution system ;

(v) the transfer of such agricultural produce is to a co-operative society for the purpose of securing an advance there from ;

(vi) such sale and purchase is of the minor forest produces in the Scheduled Area as per rules under the Maharashtra Village Panchayats Extension to Scheduled Areas (PESA) Rules, 2014.

(c) In relation to livestock, nothing in the sub-section (1) shall apply on the business of purchasing or selling of livestock not exceeding such value, as may be notified.

(d) The price of the agricultural produce including livestock, brought for sale into the principal market yards, sub-market yards, private market yards, market sub-yards shall be settled by tender bid or open auction including e-auction or any other transparent system and no deduction shall be made from the agreed price on any account whatsoever from the seller.

(e) Weighment or measurement or counting of all the agricultural produce so purchased shall be done by such a person and such system as is provided in the Bye-laws or at any other place specified for the purpose, by the Director or the person authorized by him.”.

11. After section 6 of the principal Act, the following section shall be inserted, namely :—

Insertion of section 6A in Mah. XX of 1964.

“ 6A. (1) Except in the commercial transaction between two traders, any other person who buys agricultural produce in the principal market yards, sub-market yards, market sub-yards and private market yards or electronic trading platforms shall execute an agreement in triplicate in case of inter-state trade and an account slip in triplicate in case of intra-state trade in such form, as may be prescribed in favour of the seller. One copy of the agreement or account slip shall be kept by the buyer, one copy shall be supplied to the seller and the remaining copy shall be kept in the record of Market Committee.

Terms and procedure of buying and selling.

(2)(a) The price of the agricultural produce transacted above rupees two lakh in the principal market yards, sub-market yards, private market yards, market sub-yards and in all transaction at E-platforms shall be paid by account payee cheque, demand draft or any other mode of electronic transfer of money, such as RTGS or NEFT, on the same day to the seller or in the maximum next day if procedurally so required but, in such cases of deferred payments, the buyer must provide security to the Market Committee which operates as his credit limit which gets dynamically adjusted based on credit transactions and payment made by the trader. No over-trading shall be permitted in cases of transactions of deferred payment. Payment on agricultural produce shall also be made to agriculturist-seller, if sold to the direct marketing licensee, the same day on the spot or, on real time basis in case of electronic transaction.

(b) In case, the buyer bids for agriculture produce on Electronic Trading platform, his capacity to bid shall be limited by a dynamic credit limit and the payment to the buyer shall be debited against this limit through electronic trading platform. In case, the buyer opts for deferred payment option with consent of seller or under clause (a), he shall be liable to make additional payment at the rate of one percent, per day of the total price of the agricultural produce including livestock, payable to the seller within five days. In such cases, the dynamic credit limit will be reduced taking into account the amount of additional payment so as to ensure that no over-trading is allowed.

(3) Commission agent shall recover his or its commission through electronic fund transfer or by DD or account payee cheque from his or its principal trader at the rate not exceeding three per cent. *ad valorem* on transacted non-perishable agricultural produce ; while in case of perishable agricultural produce, it shall not exceed six per cent. *ad valorem* on transacted produce, including all expenses as may be incurred by him in storage of the produce and other services rendered by him :

Provided that, the commission agent shall not work as such on behalf of seller and buyer both and shall not carry out auction of agriculture produce on behalf of management of market committee or private market yard :

Provided further that, the commission agent shall neither receive cash payment on behalf of seller nor make payment to the seller on behalf of buyer of the price of agriculture produce, from his own accounts.”.

Insertion of sections 13A and 13B in Mah. XX of 1964.

12. After section 13 of the principal Act, the following sections shall be inserted, namely :—

Composition of Market Committee of Market Yard of National Importance (MNI).

“ **13A.** The State Government shall nominate the following on the Market Committee of the Market Yard of National Importance :—

(i) Chairman-Minister for Marketing or any other person as the State Government deem fit ;

(ii) Vice-Chairman— any officer not below the rank of the Additional Registrar of Co-operation ;

(iii) six agriculturists, one from each revenue division of the Maharashtra State ;

(iv) two agriculturists to be recommended by respective other State Governments, one each from two other States where from maximum arrivals of agricultural produce are received in the Market Yard of National Importance ;

(v) five member holding the license of Trader of the concerned Market Yard of National Importance ;

(vi) one representative of Agricultural and Processed Food Products Export Development Authority (APEDA) ;

(vii) one representative representing accredited warehouse operators including Central Warehousing Corporation or the State Ware Housing Corporation ;

(viii) one representative of the Indian Railways providing railway siding facility ;

(ix) one representative of the Customs Department of the Government of India ;

(x) one representative of the Banks providing services to the Market Yard of National Importance ;

(xi) Agricultural Marketing Adviser to the Government of India or his nominee not below the rank of Under Secretary to the Government of India ;

(xii) the Chief Executive Officer or the Municipal Commissioner of the area or his nominee ;

(xiii) the Executive Member (to be appointed by the State Government who shall function as the Secretary or Chief Executive Officer of the Market Committee of Market Yard of National Importance, who shall not be below the rank of Joint Registrar of Co-operation Department :

Provided that, as soon as the notification of Market Yard of National Importance is issued by the State Government, the existing Market Committee shall cease to function and all the existing committee members shall cease to hold their office.

13B. (1) The Executive Committee shall be appointed by Market Committee for the Market Yard of National Importance from amongst its members.

Executive Committee for Market Yard of National Importance.

(2) The Executive Committee for the Market Yard of National Importance shall consists of such number of members and follow such procedure as may be prescribed.

(3) In case of emergency, the Executive Committee may decide issues requiring approval of the Market Committee of the Market Yard of National Importance:

Provided that, such decisions shall be approved by the Market Committee of the Market Yard of National Importance in next meeting from the date of such decisions are taken. Failure in doing so or in event of disapproval of such decisions by the Market Committee of the Market Yard of National Importance, such decision shall stand null and void, so, however, that any such disapproval shall be without prejudice to the validity of anything previously done under that decision:

Provided further that, if the Market Committee of the Market Yard of National Importance makes any modifications in such decision, the decision shall have effect only in such modified form from the date of such modification.

(3) The Executive Committee shall meet as often as necessary but at least once in a calendar month.

13C. All other provisions of this Act, not specified for the Market Yard of National Importance, shall, unless specified otherwise by the rules made in this behalf under section 5CA, *mutatis mutandis*, apply to the Market Yard of National Importance.”.

Application of Act to Market Yard of National Importance.

13. In section 60 of the principal Act, in sub-section (2),—

Amendment of section 60 of Mah. XX of 1964.

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

“(aa) under section 5CA, for prescribing,-

(i) the manner of regulation of marketing in the Market Yard of National Importance ;

(ii) the minimum limit of the annual tonnage or annual value of agricultural produce to be handled in the market yard for the purposes of conferring the status as the Market Yard of National Importance thereon ;

(ab) under section 5CB, for prescribing,—

(i) under sub-section (1) thereof, the infrastructure and facilities required for declaring the warehouse, silos, cold storage or other such structure or place, as a market sub-yard ;

(ii) under sub-section (2) thereof, the form, manner and fee for the purposes of making application thereunder and the period not less than three years therefor ;

(iii) under sub-section (4) thereof, the purposes for, and the manner of, the utilisation of the Revolving Marketing Development Fund, for marketing development of the agricultural produce ;” ;

(b) after clause (a-6), the following clauses shall be inserted, namely :—

“(a-7) under clause (i) of paragraph (b) of sub-section (4) of section 6, for prescribing the limit of the quantity of sale made by the producer himself to any person for his domestic consumption, for the purposes of the said paragraph (b) ;

(a-8) under section 6A, under sub-section (1) thereof, for prescribing the form of an agreement, in case of inter-state trade and form of an account slip, in case of intra-state trade ;” ;

(c) after clause (c-1), the following clause shall be inserted, namely :—

“(c-2) under section 13B, under sub-section (2) thereof, for prescribing, the number of members of the Executive Committee of the Market Yard of National Importance and procedure to be followed by it ;”.

Power to
remove
difficulty.

14. (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of the principal Act, as amended by this Act which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each house of the State Legislature.

Repeal of Mah.
Ord. XXIV of
2018 and
saving.

15. (1) The Maharashtra Agricultural Produce Marketing (Development and Regulation) (Third Amendment) Ordinance, 2018, is hereby repealed.

(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 provisions of the principal Act, as amended by this Act.

Mah.
Ord.
XXIV of
2018.

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. 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 proposed amendments to the said Act, farmers who are actual backbone of Market Committees and having knowledge of the hurdles and difficulties in marketing of agricultural produce, will have maximum benefits of competition.

3. The Central Government and the State Government are consistently trying to get better prices for agricultural produce to the farmers. The Central Government and State Government implementing E-NAM scheme in 60 Agricultural Produce Marketing Committees of the Maharashtra State, so as to minimize the hurdles arising in trading of agricultural produce in Agricultural Produce Market Committee and implementing Online system for trading of Agricultural Produce for getting better prices to Farmers, for their agricultural produce. For these purposes, the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (Mah. XX of 1964) has been amended by Maharashtra Act No. LI of 2018. For further effective implementation of E-trading and E-NAM Scheme in the State, expeditiously, it was considered expedient further to amend the said Act, suitably.

4. Main features of the then proposed amendments were as under :—

- (a) Provisions for regulation of marketing in respect of live stock ;
- (b) provisions for the Market Yard of National Importance, and matters incidental and connected therewith ;
- (c) provisions for the establishment of various types of markets ;
- (d) provisions for the Warehouse, silos, Cold Storage, etc., as market sub-yard ; and
- (e) other consequential amendments therefor.

5. 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 for 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) (Third Amendment) Ordinance, 2018 (Mah. Ord. XXIV of 2018), was promulgated by the Governor of Maharashtra on the 25th October 2018.

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

Mumbai,

Dated the 14th November, 2018.

SUBHASH DESHMUKH,

Minister for Marketing.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 5.—Under this clause, which seeks to substitute sub-section (4) of section 4 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (hereinafter referred to as “the principal Act”), power is taken to the State Government to declare, by notification in *Official Gazette*, a special commodity market, in addition to existing market, for any market area after considering the turn over and specially infrastructure requirement for marketing of a particular agricultural produce or livestock.

Clause 6.—Under this clause, which seeks to substitute section 5 of the principal Act, power is taken to the State Government,-

(a) in sub-section (2) thereof, to declare by a notification, any place in the delineated market area as principal market yard or sub-market yard or market sub- yard or farmer-consumer market yard, as the case may be, managed by a Market Committee, for the purpose of regulation of marketing of agricultural produce and livestock, expressly or impliedly in physical, electronic or other such mode, under the principal Act ;

(b) in sub-section (3) thereof, to declare, by notification, a “place”, licensed under section 5D, to be private market yard, private market sub-yard, private farmer-consumer market yard, as the case may be, for marketing of agricultural produce and livestock, expressly or impliedly in physical, electronic or other such mode, under the principal Act.

Clause 7.—Under this clause, which seeks to insert new section 5CA in the principal Act, power is taken to the State Government,-

(a) to designate, by notification published in the *Official Gazette*, any existing market yard established under section 5 as “Market Yard of National Importance” or establish any market as “Market Yard of National Importance”, after consideration of such aspects regarding marketing of agricultural produce as stated therein ;

(b) to prescribe, by rules, the manner of regulation of marketing of agricultural produce in the Market Yard of National Importance ;

(c) in the first proviso thereof, to prescribe, by rules, the minimum limit of the annual tonnage or annual value of agricultural produce to be handled in the market yard for the purposes of conferring the status as the Market Yard of National Importance thereon.

Clause 8.—Under this clause, which seeks to insert new section 5CB in the principal Act, power is taken to the State Government ,-

(a) in sub-section (1) thereof,-

(i) to declare, by notification, warehouse, silos or cold storage or other such structure or place, having such infrastructure and facilities as may be prescribed, to function as market sub-yard ;

(ii) to prescribe, by rules, the infrastructure and facilities required for declaring the warehouse, silos, cold storage or other such structure or place, as a market sub-yard ;

(b) in sub-section (2) thereof, to prescribe, by rules, the form, manner and fee for the purposes of making application thereunder and the period not less than three years therefor ;

(c) in sub-section (3) thereof, to notify, the maximum rate *ad valorem* of user charges which may be collected by licensee of warehouse, silos or cold storage or other such structure or place on the agricultural produce transacted at the declared market sub-yard ;

(d) in sub-section (4) thereof, to prescribe, by rules, the purposes for, and the manner of, the utilisation of the Revolving Marketing Development Fund, for marketing development of the agricultural produce.

Clause 10.—Under this clause, which seeks to insert new sub-section (4) in section 6 of the principal Act, power is taken to the State Government,—

(a) in paragraph (b) thereof, to prescribe, by rules, the limit of the quantity of sale made by the producer himself to any person for his domestic consumption, for the purposes of the said paragraph (b) ;

(b) in paragraph (c) thereof, to notify the value of the livestock for the purpose of business of purchasing or selling, which shall be exempted from the provisions of sub-section (1) of section 6.

Clause 11.—Under this clause, which seeks to insert new section 6A in the principal Act, power is taken to the State Government in sub-section (1) thereof, to prescribe, by rules, the form of an agreement, in case of inter-State trade and form of an account slip, in case of intra-State trade.

Clause 12.—Under this clause, which seeks to insert new section 13B in the principal Act, power is taken to the State Government, in sub-section (2) thereof, to prescribe, by rules, the number of members of the Executive Committee of the Market Yard of National Importance and procedure to be followed it.

Clause 13.—Under this clause, which seeks to amend sub-section(2) of section 60 of the principal Act, which is rule making-section, for inserting new clauses (aa), (ab), (a-7), (a-8) and (c-2) therein, power is taken to the State Government to prescribe, by rules, the various provisions necessary for implementation of sections 5CA, 5CB, 6, 6A and 13B (as already mentioned above in this Memorandum).

Clause 14.—Under this clause, power is taken to the State Government, to remove, by an order published in the *Official Gazette*, any difficulty which may arise in giving effect to the provisions of the principal Act, as amended by the proposed law, within a period of two years from the date of commencement of the Amendment Act.

2. The above-mentioned proposals for delegation of legislative power are of normal character.