



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शनिवार, मार्च १८, २००६/फाल्गुन २७, शके १९२७

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

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, 2006 (L. A. Bill No. XVI of 2006), introduced in the Legislative Assembly on the 18th March 2006, is hereby published under the authority of the Governor.

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

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XVI OF 2006.

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 Fifty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Act, 2006. Short title.

(१२२)

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

Mah.
XX of
1964

"(e1) " Contract Farming " means farming by a Contract Farming Producer under written agreement with Contract Farming Sponsor to the effect that farm produce shall be purchased by the Contract Farming Sponsor as specified in the agreement ;

(e2) " Contract Farming Agreement " means the written agreement made for Contract Farming ;

(e3) " Contract Farming Producer " means an agriculturist or an association of agriculturists who have agreed to produce and supply agricultural produce as per the Contract Farming Agreement ;

(e4) " Contract Farming Sponsor " means a person who has entered into the Contract Farming Agreement ;".

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

3. After section 5D of the principal Act, the following Chapter shall be inserted, namely :—

" CHAPTER I-C

CONTRACT FARMING AGREEMENT -

Procedure
and form of
Contract
Farming
Agreement.

5E. (1) Contract Farming Sponsor shall register himself with the Market Committee or with the prescribed officer, in such manner as may be prescribed.

(2) The Contract Farming Sponsor shall get the Contract Farming Agreement recorded with the officer prescribed in this behalf. The Contract Farming Agreement shall be in such form containing such particulars and terms and conditions, as may be prescribed.

(3) Notwithstanding anything contained in the Contract Farming Agreement or the Indian Contract Act, 1872 or any other law for the time being in force, no title, or rights in or ownership or possession of agricultural land of the Contract Farming Producer shall be transferred, alienated or vested in the Contract Farming Sponsor or his successor or his agent.

9 of
1872.

(4) Dispute arising out of any Contract Farming Agreement may be referred to a settlement authority as may be prescribed in this behalf. The settlement authority shall resolve the dispute in a summary manner within thirty days, after giving the parties a reasonable opportunity of being heard.

(5) The party aggrieved by the decision of the settlement authority under sub-section (4) may prefer an appeal to the Appellate Authority as may be prescribed in this behalf, within thirty days from the date of the decision. The Appellate Authority shall dispose of the appeal within thirty days, after giving the parties a reasonable opportunity of being heard and the decision of the Appellate Authority shall be final.

(6) The decision of the settlement authority under sub-section (4) and the decision of the Appellate Authority in appeal under sub-section (5), shall have force of the decree of a Civil Court and shall be enforceable as such and the decretal amount shall be recovered as an arrears of land revenue.

(7) Dispute relating to and arising out of a Contract Farming Agreement shall not be called in question in any court of law.

(8) The agricultural produce covered under the Contract Farming Agreement may be sold to the Contract Farming Sponsor outside the market yard and in such a case, no market fee shall be leviable.”.

4. In section 60 of the principal Act, in sub-section (2), after clause (a-1), the following clause shall be inserted, namely :—

Amendment
of section 60
of Mah. XX
of 1964.

“(a-2) Under section 5E, for prescribing the officer with whom and the manner in which the Contract Farming Sponsor shall register himself, for prescribing ~~the form of~~ Contract Farming Agreement and the officer with whom the Contract Farming Sponsor shall get such agreement recorded, for prescribing the settlement authority to whom the dispute arising out of any Contract Farming Agreement shall be referred, and for prescribing the Appellate Authority to whom the appeal against the decision of the settlement authority shall be preferred;”.

STATEMENT OF OBJECTS AND REASONS.

The Department of Agriculture and Co-operation of the Ministry of Agriculture of the Government of India has prepared the Model State Agricultural Produce Marketing (Development and Regulation) Act with a view to integrate and strengthen the internal agricultural marketing system in the country owing to liberalisation of trade in agricultural commodities. One of the Chapter included in the Model Act is regarding Contract Farming, which provides for compulsory registration of all contract farming sponsors, recording of contract farming agreements, resolution of disputes, if any, arising out of such agreement, exemption from levy of market fee on produce covered by contract farming agreements under certain conditions and an indemnity to producer's title and possession over his land from any claim arising out of the agreement.

2. The Contract Farming will give boost to the food processing industry, exports and Retail Chain Industry as these sectors will be able to get the production of quality produce made to the extent required by them by entering into contract farming agreements. The contract farming sponsors will be able to provide inputs, credit and technology to the contract farming producer thereby resulting into improving productivity and quality of produce. Moreover, the contract farming producer would be ensured of the price as it would be the part of contract farming agreement. Contract farming will thus benefit the agriculturists and the business community and would give boost to the development of the State.

3. The State Government, therefore, considers it necessary further to amend the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963, so as to include a new Chapter on Contract Farming therein with other consequential amendments.

4. The Bill is intended to achieve the above objectives.

Mumbai,

HARSHAWARDHAN PATIL,

Dated the 16th March 2006.

Minister for Marketing.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause (3).—Under this clause which seeks to insert a new section 5E, power is taken to the State Government,—

(i) under sub-section (1), to prescribe an officer with whom and the manner in which the Contract Farming Sponsor shall register himself;

(ii) under sub-section (2), to prescribe the form of the Contract Farming Agreement and the officer with whom the Contract Farming Sponsor shall get such agreement recorded;

(iii) under sub-section (4), to prescribe the settlement authority to whom the dispute arising out of any Contract Farming Agreement shall be referred; and

(iv) under sub-section (5), to prescribe the Appellate Authority to whom the appeal against the decision of the settlement authority shall be preferred.

2. All the above proposals for delegation of legislative power are of a normal character.