



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक ६(२)]

मंगळवार, फेब्रुवारी २५, २०२०/फाल्गुन ६, शके १९४१

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असाधारण क्रमांक ८

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, 2020 (L. A. Bill No. II of 2020), introduced in the Maharashtra Legislative Assembly on the 25th February 2020, 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. II OF 2020.

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) (Amendment) Ordinance, 2020, on the 31st January 2020 ;

Mah. XX
of 1964.
Mah.
Ord. II of
2020.

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

Short title and
commence-
ment.

1. (1) This Act may be called the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Act, 2020.

(2) It shall be deemed to have come into force on the 31st January 2020.

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 ”), sub-section (1C) shall be deleted. Mah. XX of 1964.

Repeal of
Mah. Ord. II of
2020 and
saving.

3. (1) The Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2020, is hereby repealed. Mah. Ord. II of 2020.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under 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.

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 the Market Committees to be constituted in connection with or acting for purposes connected with such markets.

2. Sub-section (1C) of section 13 of the said Act (as inserted by the Maharashtra Act No. XXXV of 2016) provided for appointment of experts in the field of agriculture, agricultural processing, agricultural marketing, law, economics or commerce as special invitees on the Market Committees. A Circular dated 13th August 2015 was also issued by the State Government specifying qualifications of the persons to be appointed as special invitees.

Appointments of various special invitees made by the Government under the said sub-section (1C) are challenged in the Bombay High Court in several Writ Petitions. In Writ Petition No. 12084 of 2015, the Bombay High Court (Aurangabad Bench), while setting aside the appointments of special invitees, has also suggested the State Government to frame rules and/or comprehensive guidelines to be adhered to, while appointing special invitees under section 13(1C) of the said Act.

3. The Market Committee consist of fifteen agriculturists residing in the market area, two traders and commission agents operating in the market area and one representative of *hamals* and weighmen. Taking into account the composition of the Market Committee of persons from the field of agriculture as well as representatives of traders and commission agents and judgment of the Hon'ble Bombay High Court regarding the process of appointment of special invitees, it was considered expedient to delete sub-section (1C) of section 13 of the said Act.

4. 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, 2020 (Mah. Ord. II of 2020), was promulgated by the Governor of Maharashtra on the 31st January 2020.

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

Mumbai,
Dated the 12th February 2020.

BALASAHEB PATIL,
Minister for Marketing.