



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

मंगळवार, जानेवारी २२, २००८/माघ २, शके १९२९

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) Ordinance, 2008 (Mah. Ord. I of 2008), 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.

[Translation in English of the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2008 (Mah. Ord. I of 2008), published under the authority of the Governor.]

CO-OPERATION, MARKETING AND TEXTILES DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 22nd January 2008.

MAHARASHTRA ORDINANCE No. I OF 2008.

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.

(११)

भाग आठ — ४

[किंमत : रुपये १५.००]

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) (Amendment) Ordinance, 2008.

(2) It shall come into force at once.

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"),—

Mah. XX of 1964.

(a) in sub-section (1), in clause (a), for the portion beginning with the words "fifteen agriculturists" and ending with the words "as specified below", the following shall be substituted, namely :—

"fifteen agriculturists residing in the market area (being persons whose names appear in the voter's list for the concerned constituency and who are not less than twenty-one years of age on the date specified, from time to time, by the Collector or the District Deputy Registrar, as the case may be, in this behalf), as specified below :—";

(b) in sub-section (2), after the existing proviso, the following proviso shall be added, namely :—

"Provided further that, the State Government may, if it considers expedient, instead of nominating the members of the Market Committee constituted for the first time, appoint an Administrator or the Board of Administrators, and the Administrator or the Board of Administrators, so appointed, shall, for all purposes, be considered to be the Committee constituted for the first time."

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

3. In section 15A of the principal Act,—

(a) in sub-section (1), in clause (b),—

(i) for the words "the person appointed by the Director or such authorised officer, from time to time, shall be the Administrator to manage the affairs of the Committee" the words "the Administrator or the Board of Administrators appointed by the Director or such authorised officer shall manage the affairs of the Committee" shall be substituted;

(ii) for the words "the Administrator" the words "Administrator or the Board of Administrators" shall be substituted;

(b) in sub-section (2), for the words "the Administrator" the words "the Administrator or the Board of Administrators" shall be substituted;

(c) in sub-section (3), for the word "Administrator" the words "Administrator or the Board of Administrators" shall be substituted;

(d) in sub-section (4), for the word "Administrator" the words "Administrator or the members of the Board of Administrators" shall be substituted.

Amendment of section 21 of Mah. XX of 1964.

4. In section 21 of the principal Act, for the words "the Administrator" the words "the Administrator or the Board of Administrators" shall be substituted.

5. After section 35 of the principal Act, the following section shall be inserted, namely :—

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

“ 35A. Notwithstanding anything contained in section 35, the State Government may appoint any officer, not below the rank of Assistant Registrar of Co-operative Societies, from the Co-operation Department, as the Secretary of any Market Committee. ”.

Power of Government to appoint Secretary of Market Committee.

6. In section 45 of the principal Act,—

Amendment of section 45 of Mah. XX of 1964.

(a) in sub-section (1), for the words “ by notification in the *Official Gazette*, with reasons therefor ” the words “ by an order in writing, with reasons therefor ” shall be substituted ;

(b) in sub-section (2),—

(i) for the words “ Upon the publication of a notification ” the words “ On issuing of an order ” shall be substituted ;

(ii) in clause (a), for the words “ from the date of such publication ” the words “ from the date of such order ” shall be substituted ;

(iii) for clause (c), the following clause shall be substituted, namely :—

“ (c) 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 to carry out the functions of the Market Committee as it thinks fit ;”;

(iv) in the proviso,—

(A) for the words “ person appointed as an Administrator ” the words “ the Administrator or the Board of Administrators appointed ” shall be substituted ;

(B) for the words “ If such person ” the words “ If the Administrator or the Board of Administrators ” shall be substituted ;

(C) for the word “ Administrator ” the words “ Administrator or the Board of Administrators ” shall be substituted ;

(c) after sub-section (2), the following sub-section shall be inserted, namely :—

“ (2A) The member of the Committee, who has been removed under sub-section (1) shall not be eligible for being re-elected, re-appointed, re-nominated, co-opted or re-co-opted as a member of the Committee, till the expiry of a period of six years from the date of the order by which he has been so removed. ”.

7. In section 57 of the principal Act, in sub-section (1), after the words “ State Government ” the words “ or the State Marketing Board ” shall be inserted.

Amendment of section 57 of Mah. XX of 1964.

STATEMENT

The Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (Mah. XX of 1964), has been enacted to regulate the marketing of agricultural and certain other produce in the market areas and markets to be established therefor in the State ; to confer powers upon the Market Committees to act in connection with such markets and to establish Market Fund for the purposes of the Market Committee.

2. In order to ensure more efficient and smooth functioning of the Market Committees constituted under the Act, the Government of Maharashtra considers it expedient to carry out certain amendments in the said Act.

3. The salient features of the amendments proposed to be carried out are as follows :—

(i) *Amendment of section 13.*—As per the existing provisions every agriculturist residing in the Market Area is eligible for contesting election to the Committee. The said section is being amended to provide that only those agriculturists whose name appear in the voters' list for the concerned constituency are eligible for contesting election. It is also proposed to provide that, when the Market Committee is constituted for the first time, the Government may if it considers expedient instead of nominating the members thereof, appoint an Administrator or the Board of Administrators.

(ii) *Amendment of section 15A.*—This section provides for an appointment of Administrator to manage the affairs of the Market Committee, after expiry of the normal or extended term of office of members. The said section is being amended to provide for the appointment of an Administrator or the Board of Administrators.

(iii) *Insertion of new section 35A.*—To ensure administrative efficiency in the functioning of the Market Committees it is proposed to take power to the State Government to appoint any officer, not below the rank of Assistant Registrar of Co-operative Societies, from the Co-operation Department, as the Secretary of any Market Committee.

(iv) *Amendment of section 45.*—This section is being amended, to provide that, the member of the Market Committee who is removed for being incompetent or for making persistent default in performing his duties, etc.,

shall not be eligible for being re-elected, re-appointed, re-nominated, co-opted or re-co-opted as a member of the Committee, till the expiry of a period of six years from the date of the order by which he has been so removed ; and on supersession of the Market Committee, the appointment of an Administrator or the Board of Administrators for carrying out the functions of the Market Committee.

(v) *Amendment of section 57.*—This section is being amended to provide that the sum due from a Market Committee to the Maharashtra State Agricultural Marketing Board shall also be recovered as an arrears of land revenue.

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 Agricultural Produce Marketing (Development and Regulation) Act, 1963 (Mah. XX of 1964), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
dated the 18th January 2008.

S. M. KRISHNA,
Governor of Maharashtra.

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

SUDHIR KUMAR GOEL,
Principal Secretary to Government.