

L. A. BILL No. XXXVI OF 2021.

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 5
Agricultural Produce Marketing (Development and Regulation) Act, 1963,
for the purposes hereinafter appearing; it is hereby enacted in the Seventy-
second Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Agricultural Produce Short title.
Marketing (Development and Regulation) (Amendment) Act, 2021. 10

- 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”), in sub-section (1), in clause (a), in sub-clause (i), after the words and bracket “rules made thereunder),” the words “which disburse the
5 crop loan to its members,” shall be inserted. Mah. XX of 1964.
- Amendment of section 15A of Mah. XX of 1964. 3. In section 15A of the principal Act, in sub-section (1), in clause (b), for the words “the Board of Administrators appointed” the words “the Board of Administrators of not more than seven members appointed” shall be substituted.
- Amendment 10 of section 31 of Mah. XX of 1964. 4. In section 31 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—
15 “ (1A) It shall be competent to the Market Committee to levy and collect user charges, at such rates as may be decided by it, with the prior approval of the Director, from any market functionary such as trader, commission agent, broker, processor, warehouseman or any other person, for the use of any place or facility provided by the Market Committee within the market area, for the marketing of agricultural produce not specified in the Schedule or non-agricultural produce.”.
- Amendment of section 34A of Mah. XX of 1964. 20 5. In section 34A of the principal Act,—
20 (i) in sub-section (1), the words “such staff appointed by” shall be deleted ;
(ii) in sub-section (2), for the words “five paise” the words “ten paise” shall be substituted.
- Amendment of section 35 of Mah. XX of 1964. 25 6. In section 35 of the principal Act, in sub-section (1), for the second proviso, the following proviso shall be substituted, namely :—
25 “Provided further that, Secretary and such other officers and servants shall be employed by the Market Committee, with the prior approval of the Director, on such terms and conditions and manner, as may be prescribed.”.
- Amendment 30 of section 35A of Mah. XX of 1964. 7. In section 35A of the principal Act, for the words “Assistant Registrar of Co-operative Societies,” the words “Co-operative Officer, Grade-II,” shall be substituted.
- Amendment of section 45 of Mah. XX of 1964. 35 8. In section 45 of the principal Act, in sub-section (2), in clause (c), for the words “the Board of Administrators to carry out” the words “the Board of Administrators of not more than seven members to carry out” shall be substituted.
- Amendment of section 57 of Mah. XX of 1964. 40 9. In section 57 of the principal Act,—
40 (i) in sub-section (3), after the words “sum is due to the” the words “State Marketing Board or” shall be inserted ;
(ii) in the marginal note, for the words “due to Government or” the words “due to Government or State Marketing Board or” shall be substituted.
- Amendment of section 60 of Mah. XX of 1964. 45 10. In section 60 of the principal Act, in sub-section (2), after clause (g), the following clause shall be inserted, namely :—
45 “(g-1) under second proviso to sub-section (1) of section 35, for prescribing the terms and conditions and manner of appointment of Secretary and such other officers and servants of the Market Committee;”.

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 and 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.

2. The amendments which are proposed to be made are explained broadly as follows :—

(a) Section 13 of the said Act provides for constitution of Market Committees. Section 13(1)(a)(i) provides that, eleven members shall be elected by the members of the Managing Committees of the Agricultural Credit Societies and Multi-purpose Co-operative Societies. Now a days, number of Multi-purpose Co-operative Societies has been increased in the State. As there is no clarity to which Multi-purpose Co-operative Society would be eligible for such representation, therefore, it is considered expedient to amend the said section 13(1)(a)(i), with a view to make eligible for only those Multi-purpose Co-operative Societies, who disburse the crop loan to its members.

(b) Section 15A of the said Act provides for appointment of administrator after normal or extended term of office of members expires. Section 15A(1)(b) provides that, the Director or such authorized officer shall appoint the Administrator or the Board of Administrators to manage the affairs of the Committee. As there is no restriction on the number of persons to be appointed as the member of the Board of Administrators, it has become practice to appoint large number of persons as the Board of Administrator and consequently the Committee has to spent huge amount for maintaining such large Board of Administrators. Therefore, it is considered expedient to curtail such expenditure by providing that, the Board of Administrators shall be appointed of not more than seven members.

The similar provision is also proposed in section 45(2)(c), with a view to provide that, 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 of not more than seven members.

(c) Section 31 of the said Act empowers the Market Committee to levy fees and rates of commission (*adat*) on every purchaser of agricultural produce marketed in that market area. However, there is no provision to levy and collect user charges from any market functionary, such as trader, commission agent, broker, processor, warehouseman or any other person, for the use of any place or facility provided by the Market Committee within the market area, for the marketing of agricultural produce not specified in the Schedule or non-agricultural produce. Therefore, it is considered expedient to insert new sub-section (1A), in the said section 31, so that the Market Committee

shall with the prior approval of the Director, levy and collect user charges, at such rates as may be decided by it, from such market functionary.

(d) Section 34A of the said Act provides that, the cost of five paise shall be paid to the State Government as supervision cost by the person, who purchase agricultural produce in the market area. Now, it is considered expedient to increase such amount of cost from five paise to ten paise per hundred rupees.

(e) Section 35 of the said Act provides that, the Market Committee is empowered to employ staff for the management of the market area. However, there is no uniform rules for appointment of Secretary, officers and servants by the Market Committee. Therefore, it is considered necessary to prescribe the uniform terms and conditions and manner of appointment of Secretary and such other officers and servants of the Market Committee.

(f) To make available more option of officers to appoint as a Secretary of the Market Committee, it is proposed to appoint any officer not below the rank of the Co-operative Officer, Grade-II, from the Co-operation Department as the Secretary of Market Committee. Therefore, it is proposed to amend section 35A, suitably.

3. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 21st December 2021.

BALASAHEB PATIL,

Minister for Marketing.

MEMORANDUM REGARDING DELEGATED
LEGISLATION

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

Clause 6.—Under this clause, power is taken to the State Government to prescribe by rules, the terms and conditions of service and manner of appointment of the Secretary, other officers and servants to be employed by the Market Committee.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.

ANNEXURE TO THE L. A. BILL No. XXXVI OF 2021—
THE MAHARASHTRA AGRICULTURAL PRODUCE MARKETING
(DEVELOPMENT AND REGULATION) (AMENDMENT)

BILL, 2021.

*[Extracts from the Maharashtra Agricultural Produce Marketing
(Development And Regulation) Act, 1963.]*

(Mah. XX of 1964.)

1. to 12. * * * *

13. (1) Subject to the provisions of sub-section (2) every Market committee shall consist of following members namely :—

Constitution
market
Committees.

(a) 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 twentyone years of the age on the date specified, from time to time, by the State Co-operative Election Authority, if required with the help of the Collector or the District Deputy Registrar, as the case may be, in this behalf), as specified below :—

(i) eleven [of which, two shall be women, one shall be a person belonging to Other Backward Classes and one shall be a person belonging to De-notified Tribes (Vimukta Jatis) or Nomadic Tribes] shall be elected by members of the Managing Committees of the Agricultural Credit Societies and Multi-Purpose Co-operative Societies within the meaning of the Maharashtra Co-operative Societies Act, 1960 and the rules made thereunder, functioning in the market area:

Provided that, where the Market Committee is situated in Tribal areas, one person belonging to the Scheduled Tribes shall be elected in place of the election of the person belonging to the De-notified Tribes (Vimukta Jatis) or Nomadic Tribes as aforesaid; and

(ii) four (of which, one shall be a person belonging to the Scheduled Castes or Scheduled Tribes and one shall be a person belonging to Economically Weaker Section), shall be elected by members of village panchayats functioning in the market area.

(b) to (g) * * * *

(1A) to (1C) * * * *

14. and 15. * * * *

15A. (1) Notwithstanding anything contained in sub-section (3) of section 15 or any other provisions of this Act, where the term of office of two years, five years or as the case may be, the extended term of office, if any, under the proviso to sub-section (3) of section 14 of the member of any Market Committee has expired, the Director or any officer not below the rank of the District Deputy Registrar of Co-operative Societies, authorised by him shall, by order in writing direct that—

Provision for
appointment of
administrator
after normal or
extended term
of office of
members
expires.

(a) * * * *

(b) 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 (hereinafter in this section referred as “the said period”) such election shall be held within a period of six months from the date the Administrator or the Board of Administrators assumes office : Provided that this period of six months 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.

(1A) * * * *
 (2) to (4) * * * *
 16. to 34. * * * *

Supervision over purchases of agricultural produce in any market or market area and payment of cost of supervision by purchasers.

34A. (1) The State Government may, by general or special order, direct that the purchase of agricultural produce, the marketing of which is regulated in any market or market area under this Act, shall be under the supervision of such staff appointed by the State Government as it may deem to be necessary; and subject to the provisions of this Chapter, the cost of such supervision shall be paid to the State Government by the person purchasing such produce in such market or market area.

(2) The cost to be paid by a purchaser shall be determined from time to time by the State Government and notified in the market or market area (in such manner as the State Government may deem fit), so however that the amount of the cost does not exceed five paise per hundred rupees of the purchase price of the agricultural produce which is purchased by such purchaser.

34B. and 34. C. * * * *

Power of Market Committee to employ staff.

35. (1) A Market Committee may employ a Secretary and such other officers and servants as may be necessary for the management of the market, for the collection, maintenance, dissemination and supply of information relating to crops statistics and marketing intelligence and for carrying out its duties under this Act; and shall pay such officers and servants such salaries and allowances, pension or gratuity and shall contribute to any provident fund and pension fund which may be established for the benefit of such employees :

Provided that, all posts other than that of a Secretary shall, subject to such general or special directions which the Director may issue in this behalf, be created only with the prior approval of the Director :

Provided further that, the State Marketing Board shall prepare a list of the persons to be appointed as the Secretaries on the Market Committees according to their qualification and experience and it shall be binding on the Market Committees to appoint a person as Secretary from the list of persons enrolled.

36. to 44. * * * *

Supersession of Market Committee, etc.

45. (1) * * * *

(2) On issuing of an order under sub-section (1), superseding a Market Committee, the following consequences shall ensue, that is to say—

(a) and (b) (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 :

Provided 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 from 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.

2(A)	*	*	*	*
(3) to (5)	*	*	*	*
46 to 56.	*	*	*	*
57. (1) and (2)	*	*	*	*

(3) If any question arises whether a sum is due to the Market Committee or any agriculturist within the meaning of sub-section (2), it shall be referred to a Tribunal constituted for the purpose which shall after making such enquiry as it may deem fit, and after giving to the person from whom it is alleged to be due an opportunity of being heard, decide the question; and the decision of the Tribunal shall be final and shall not be called in question in any court or other authority.

Recovery of
sums due to
Government
or Market
Committee.

(4) and (5)	*	*	*	*
58. and 59.	*	*	*	*
59A, and 59B.	*	*	*	*
60 to 66.	*	*	*	*
SCHEDULE.	*	*	*	*

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XXXVI OF 2021.]

**[A Bill further to amend the Maharashtra
Agricultural Produce Marketing
(Development And Regulation) Act,
1963.]**

[SHRI BALASAHEB PATIL,
Minister for Marketing.]

RAJENDRA BHAGWAT,
Principal Secretary,
Maharashtra Legislative Assembly.

