



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

मंगळवार, डिसेंबर २७, २००५/पौष ६, 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 विधी 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 (Regulation) (Amendment) **Act**, 2005 (Mah. Act No. XLVIII of 2005), 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.

MAHARASHTRA ACT No. XLVIII OF 2005.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 27th December 2005.)

An Act further to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963.

WHEREAS it is expedient further to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Agricultural Produce Marketing (Regulation) (Amendment) Act, 2005.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*.

(८७३)

Amendment of long title of Mah. XX of 1964. 2. In the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (hereinafter referred to as "the principal Act"), in the long title,—

(1) after the words "An Act to" the words "develop and" shall be inserted ;

(2) after the words " and markets " the words " including private markets and farmer-consumer markets " shall be inserted.

Amendment of preamble of Mah. XX of 1964. 3. In the principal Act, in the preamble,—

(1) after the words " expedient to " the words " develop and " shall be inserted ;

(2) after the words " and markets " the words " including private markets and farmer-consumer markets " shall be inserted.

Amendment of section 1 of Mah. XX of 1964. 4. In section 1 of the principal Act, in sub-section (1), for the brackets and word "(Regulation)" the brackets and words "(Development and Regulation)" shall be substituted.

Amendment of section 2 of Mah. XX of 1964. 5. In section 2 of the principal Act,—

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

"(ea) "direct marketing" means the purchase of the agriculture produce directly from the agriculturists by a direct marketing licence holder under sub-section (1) of section 5D;"

(2) after clause (f), the following clause shall be inserted, namely :—

"(f1) "farmer-consumer market" means a market established by a licence holder under sub-section (2) of section 5D;"

(3) in clause (j), after the words, brackets, figure and letters "clause (a) of sub-section (1A)" the words, brackets, figure and letters "and the Divisional or Regional Market Committee declared under clause (a) of sub-section (1B)" shall be inserted ;

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

"(ma) " private market " means a market established by a licence holder under sub-section (1) of section 5D;"

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

"(r1) " special commodity market " means a market declared under sub-section (4) of section 4;"

6. In section 4 of the principal Act, after sub-section (3), the following sub-section shall be added, namely :—

Amendment
of section 4
of Mah. XX
of 1964.

"(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."

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

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

"CHAPTER I-B

DIRECT MARKETING, ESTABLISHMENT OF PRIVATE MARKET AND FARMER-CONSUMER MARKET

5D. (1) The Director may, subject to such terms and conditions as may be prescribed, grant licence of any person for direct marketing or for establishing a private market in one or more market areas for—

Direct
marketing
establishment
of private
market and
farmer
consumer
market and
redressal of
disputes.

(a) processing of the agricultural produce;

(b) trade of the agricultural produce of particular specification;

(c) export of the agricultural produce;

(d) grading, packing and transactions in any other way by value addition of the agricultural produce.

(2) (a) The Director may, subject to such terms and conditions as may be prescribed grant licence to any person, who agrees or undertakes to develop the prescribed infrastructure, for establishing farmer-consumer market.

(b) Market service charge shall be collected on sale of the agriculture produce by the seller and shall be remitted to the proprietor of the farmer-consumer market.

(c) Save as otherwise provided in this Act, no market fee shall be leviable on the sale or purchase of the agricultural produce in the farmer-consumer market.

(3) (a) Any person who desires to purchase agricultural produce directly from the agriculturists or to establish a private market or farmer-consumer market, in one or more than one market area, shall apply to the Director for grant or renewal of licence, as the case may be, in the manner and for the period, as may be prescribed.

(b) Alongwith every such application an adequate security deposit and a fee as may be prescribed shall be deposited.

(c) Application received under clause (a) for grant or renewal of licence shall be rejected by the Director for any of the following reasons, namely :—

(i) dues of any Market Committee or the State Marketing Board are outstanding the applicant;

(ii) the applicant is a minor ;

(iii) the application is an insolvent;

(iv) any other sufficient reason to be specified in writing.

(4) (a) The Director may suspend or cancel the licence and communicate to the licence holder in writing, about the suspension or cancellation of his licence, if—

(i) the licence has been obtained through wilful misrepresentation or fraud ;

(ii) the holder of the licence has committed a breach of any of the terms or conditions of licence ;

(iii) the holder of the licence has become an insolvent; or

(iv) the holder of the licence has been convicted of any offence under this Act.

(b) No licence shall be suspended or cancelled without giving a reasonable opportunity to its holder to show cause against such suspension or cancellation.

(5) (a) Any dispute between the direct marketing licence holder, private market, farmer-consumer market and the Market Committee, shall be referred to the Director. The dispute shall be resolved after giving the parties a reasonable opportunity of being heard, in the manner prescribed.

(b) Any person aggrieved by the decision of the Director under clause (a) may prefer an appeal to the State Government.

(c) An appeal under clause (b) shall be made within a period of thirty days from the date of the decision of the Director.

(d) The order passed in appeal by the State Government shall be final.

(6) (a) The provisions of clauses (i), (ii), (iv), (v), (vi) (vii), (viii), (ix), (x), (xi) (xii), (xiii), (xx), (xxi), (xxv) and (xxvi) of sub-section (2) of section 29, sub-sections (1), (3) and (4) of section 31 and sections 32A, 34A, 39, 40, 41, 42, 48, 49, 50, 51, 52, 52A, 56, 57 and 59B shall apply, *mutatis mutandis*, to direct marketing licence holder, private market and farmer-consumer market.

(b) Notwithstanding anything contained in clauses (a), direct marketing licence holder shall pay the market fee as per section 31 to the Maharashtra State Agricultural Marketing Board, who, in turn shall disburse the same to the concerned Market Committee, in the manner prescribed.

(7) The licensing, management, marketing, trading and other related functions of the markets established under this section shall be regulated in the manner prescribed."

8. In section 7 of the principal Act, after sub-section (2), the following sub-sections shall be added, namely :—

Amendment
of section 7
of Mah. XX
of 1964.

" (3) Notwithstanding anything contained in sub-sections (1) and (2), any trader who desires to operate in more than one market area, may apply to such authority or officer notified by the State Government for grant or renewal of licence with such details, as may be prescribed. Such application shall contain the names of the Agricultural Produce Market Committees in which the applicant trader wants to operate and the authority or officer granting such licence shall incorporate in the licence the names of such Agricultural Produce Market Committees in which concerned trader shall be entitled to operate. The person applying for licence to operate in more than one market area, shall be required to pay the licence fee at such rate, as may be prescribed, to the concerned authority or officer and such fee shall be shared in the manner prescribed, between such authority or, as the case may be officer and the Marketing Committees which are covered under the said licence."

9. In section 13 of the principal Act,—

Amendment
of section 13
of Mah. XX
of 1964.

(1) after sub-section (1A), the following sub-section shall be inserted, namely :—

"(1B) (a) Notwithstanding anything contained in any provisions of this Act, the State Government may, by notification in the *Official Gazette*, declare any Agricultural Produce Market Committee to be the Divisional Market Committee for more than one districts or Regional Market Committee for more than one talukas.

(b) The area specified by the State Government by notification in the *Official Gazette*, from time to time, shall be deemed to be the market area for the purposes of this Act and the Market Committee for that area shall be called by the name as may be notified by the State Government and it shall function as the Divisional or Regional Market Committee.

(c) The Divisional or Regional Market Committee shall, subject to the provision of sub-section (2), consist of the following members, namely :—

(i) two representatives of the agriculturists, elected by the agriculturist members of the Agricultural Produce Market Committee from each district included in the area of operation of the Divisional Market Committee; or

(ii) one representative from the agriculturists elected by the agriculturist members of the Agricultural Produce Market Committee from each taluka included in the area of operation of the Regional Market Committee;

(iii) two representative, elected by the traders and commission agents, holding licences to operate as such in the market area;

(iv) one representative, elected by the *hamals* and weighmen operating as such in the market area;

(v) one representative of the State Marketing Board;

(vi) one representative of the Municipal Corporation or Municipal Council functioning at the Head Quarters of the Market Committee;

(vii) the Director of Marketing, Maharashtra State, Pune or his representative.

(d) A person who is a member of the Market Committee under sub-clauses (v), (vi) and (vii) of clause (c), shall have a right to take part in the discussions of the Committee, but shall not have right to vote at a meeting thereof.”

(2) in sub-section (2), for the word, brackets, figure and letter “or (1A)” the brackets, figures, letters and word “, (1A) or (1B)” shall be substituted.

10. In section 35 of the principal Act, in sub-section (1), after the existing proviso, the following proviso shall be added, namely :—

Amendment
of section 35
of Mah. XX
of 1964.

"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."

11. In section 39B of the principal Act,—

Amendment
of section
39B of Mah.
XX of 1964.

(a) clause (ii-a) shall be deleted ;

(b) in clause (vii), for the word "elected" the words "nominated by the State Government" shall be substituted.

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

Amendment
of section 60
of Mah. XX
of 1964.

"(a-1) under section 5D, for prescribing the terms and conditions and the manner of licensing management marketing, trading and any other matters, relating to markets established under that section;"

13. (1) If any difficulty arises in giving effect to any of 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 :

Power to
remove
difficulties.

Provided that, no such order shall be made after the 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 as may be, after it is made, before each House of the State Legislature.