



The Maharashtra Agricultural Produce Marketing (Regulation) Act, 1964

Act 20 of 1964

Keyword(s):

Agricultural Produce, Agriculturist, Broker, Commission Agent, Market, Market Area, Panchayat Samiti, Processor, Retail Sale, Secretary, Surveyor, Trader, Zilla Parishad

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THE MAHARASHTRA AGRICULTURAL PRODUCE MARKETING
(REGULATION) ACT, 1963.

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MAHARASHTRA ACT No. XX OF 1964.¹

[THE MAHARASHTRA AGRICULTURAL PRODUCE MARKETING (REGULATION) ACT, 1963]

[5th May 1964]

Amended by Mah.	32 of 1970.
" " "	34 of 1971.*
" " "	2 of 1972.
" " "	26 of 1972.
" " "	39 of 1973. (24-9-1973)†
" " "	30 of 1974. (31-8-1974)†
" " "	73 of 1975. (30-12-1975)†
" " "	58 of 1976. (25-11-76)†
" " "	31 of 1977.**
" " "	50 of 1977 (27-9-1977)***

An Act to regulate the marketing of agricultural and certain other produce in market areas and markets to be established therefor in the State; to confer powers upon Market Committees to be constituted in connection with or acting for purposes connected with such markets; to establish Market Fund for purposes of the Market Committees and to provide for purposes connected with the matters aforesaid.

WHEREAS it is expedient to regulate the marketing of agricultural and certain other produce in market areas and markets to be established therefor in the State; to confer powers upon Market Committees to be constituted in connection with or acting for purposes connected with such markets; to establish Market Fund for purposes of the Market Committees and to provide for purposes connected with the matters aforesaid; It is hereby enacted in the Fourteenth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963.

(2) It extends to the whole of the State of Maharashtra.

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

Short title, extent and commencement.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1963, Part V, pages 283-84; for Report of the Joint Committee, see *ibid.*, pages 59-91.

² 25th day of May 1967 vide G. N., A. & C. D., No. APM. 1167/8802-C-1, dated 19th May 1967.

*Maharashtra Ordinance No. III of 1971 was repealed by Mah. 34 of 1971, s. 3.

†This indicates the date of commencement of Act.

‡Maharashtra Ordinance No. X of 1976 was repealed by Mah. 58 of 1976, s. 5.

**Section 3 of Mah. 31 of 1977 reads as follows:—

“3. (1) The members of any Market Committees constituted under the Marketing Regulation Act (excluding those constituted for the first time), who were in office on the 6th day of September 1975 (whether their original term of office of three years or extended term of office under section 14 of the Marketing Regulation Act had expired before the 6th day of September 1975 or expires during the period the Maharashtra Agricultural Produce Marketing (Regulation) (Postponement of Elections during the Emergency) Act, 1975, hereinafter referred to as “the Postponement of Elections Act”, is in force) shall also be entitled to hold office for the revised term of five years, instead of three years:

Revised term of five years to apply to members of Market Committees in office on the 6th September 1975 and those elected or appointed thereafter.

Mah. LXVII of 1975.

Provided that, in computing this term of five years any extension of the term granted under the proviso to sub-section (3) of section 14 of the Marketing Regulation Act or under section 3 of the Postponement of Elections Act shall be taken into account.

Even after the expiry of their term of office, these members [including their successors (if any) appointed or nominated in casual vacancies] shall be entitled to continue in office till the date immediately preceding the date of the first meeting of the new Market Committees at which business is transacted.

(2) The members of any Market Committees whose elections are held under clause (a) of sub-section (1), or under sub-section (2), of section 3 of the Postponement of Elections Act shall also be entitled to hold office for the revised term of five years, instead of three years, and the term of office of members of any such Committees may be extended by the State Government under the proviso to sub-section (3) of section 14 of the Marketing Regulation Act.

(3) Except as otherwise provided by this section, the Marketing Regulation Act and the Postponement of Elections Act shall in other respects apply to the Market Committees concerned.”

***Maharashtra Ordinance No. VIII of 1977 was repealed by Mah. 50 of 1977, s. 4.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "agricultural produce" means all produce (whether processed or not) of agriculture, horticulture, animal husbandry, apiculture, pisciculture and forest specified in the Schedule;

(b) "agriculturist" means a person who ordinarily by himself or by hired labour or otherwise is engaged in the production or growth of agricultural produce which has not been processed, but does not include a trader, commission agent, processor or broker in agricultural produce although such trader, commission agent, processor or broker may also be engaged in the production or growth of agricultural produce;

(c) "broker" means an agent who contrives, makes and concludes a bargain or contracts on behalf of his principal for the purchase or sale of agricultural produce for which he receives a fee or remuneration, but does not receive, deliver, transport, or pay for the purchase, or collect payment for the sale, of the agricultural produce;

(d) "bye-laws" means bye-laws made under section 61;

(e) "commission agent" means a person who by himself or through his servants buys and sells agricultural produce for another person, keeps it in his custody and controls it during the process of its sale or purchase, and collects payment therefor from the buyer and pays it to the seller, and receives by way of remuneration a commission or percentage upon the amount involved in each transaction;

(f) "Director" means a person appointed as the Director of Agricultural Marketing ^{1*} * * * for the State of Maharashtra;

(g) "local authority" includes a *Panchayat Samiti*;

(h) "market" means any principal market established for the purposes of this Act and also a subsidiary market;

(i) "market area" means an area specified in a declaration made under section 4;

(j) "Market Committee" or "Committee" means a committee constituted for a market area under section 11;

(k) "member" means a member of a Market Committee;

(l) "*Panchayat Samiti*" means a *Panchayat Samiti* established under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961;

(m) "prescribed" means prescribed by rules made under this Act;

(n) "processor" means a person who processes any agricultural produce ²[either of his own account, or] on payment of charge;

(o) "retail sale" means, in relation to any agricultural produce, sale of that produce not exceeding such quantity as a Market Committee may by bye-laws determine to be a retail sale;

(p) "rules" means rules made under this Act;

(q) "Schedule" means the Schedule to this Act;

(r) "Secretary" means a Secretary of a Market Committee and includes a Joint, Deputy, or Assistant Secretary;

(s) "Surveyor" means a person who on arrival of a consignment of agricultural produce for sale in any market area or market, surveys it for ascertaining the quality, refraction, adulteration and other like factors;

¹ The words "and Rural Finance" were deleted by Mah. 32 of 1970, s. 2(1)(a).

² These words were inserted, *ibid.*, s. 2(1)(b).

Mah.
V of
1962.

(t) "trader" means a person who buys or sells agricultural produce, as a principal or as duly authorised agent of one or more persons;

(u) "Zilla Parishad" means a Zilla Parishad established under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

(2) If any question arises whether a person is or is not an agriculturist for the purposes of this Act, the matter shall be referred to the Director, and the decision of the Director thereon shall be final.

Market Areas and Markets

3. (1) The State Government may, by notification in the *Official Gazette*, declare its intention of regulating the marketing of such agricultural produce, in such area as may be specified in the notification. The notification may also be published in the language of the area in any newspaper circulating therein, and shall also be published in such other manner as in the opinion of the State Government is best calculated to bring to the notice of persons in the area, the intention aforesaid.

Notification
of intention
of regulating
marketing
of agricul-
tural
produce in
specified
area.

(2) The notification shall state that any objections or suggestions which may be received by the State Government within a period of not less than one month¹ [to be specified in the notification] will be considered by the State Government.

¹ These words were substituted for the words "from the date of the notification" by Mah. 32 of 1970, s. 3.

(3) Subject to the provisions of section 3, the State Government may, at any time by notification in the *Official Gazette*, exclude from a market area any area, or include therein an additional area, or may direct that the regulation of the marketing of any agricultural produce in any market area shall cease, or that the marketing of any agricultural produce (hitherto not regulated) shall be regulated in the market area.

5. (1) For every market area, there shall be established a principal market, and there may be established one or more subsidiary markets. Establishment of markets.

(2) The Director shall, as soon as possible after the issue of a notification under sub-section (1) of section 4, by a notification in the *Official Gazette*, establish any place (including any structure, enclosure, open place or locality in any market area to be the principal market for the marketing of the agricultural produce specified in that notification ; and may by the same notification, or by like notification, establish in any other like places in the market area, subsidiary markets for the marketing of such agricultural produce.

CHAPTER II

MARKETING OF AGRICULTURAL PRODUCE

6. (1) Subject to the provisions of this section and of the rules providing for regulating the marketing of agricultural produce in any place in the market area, no person shall, on and after the date on which the declaration is made under sub-section (1) of section 4, without, or otherwise than in conformity with the terms and conditions of, a licence (granted by the Director when a Market Committee has not yet started functioning ; and in any other case, by the Market Committee) in this behalf,— Regulation of marketing of agricultural produce.

(a) use any place in the market area for the marketing of the declared agricultural produce, or

(b) operate in the market area or in any market therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity in relation to the marketing of the declared agricultural produce.

(2) Nothing in sub-section (1) shall apply to sales by retail ; [sales by an agriculturist who sells his own produce ;] nor to sales by a person where he himself sells to another who buys for his personal consumption or the consumption of any member of his family.

7. (1) Subject to rules made in that behalf, a Market Committee may, after making such inquiries as it deems fit, grant or renew a licence for the use of any place in the market area for marketing of the agricultural produce or for operating therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity in relation to the marketing of agricultural produce ; or may, after recording its reasons in writing therefor, refuse to grant or renew any such licence. Grant of licences.

(2) Licences may be granted under sub-section (1) in such forms, for such periods, on such terms and conditions and restrictions (including any provisions for prohibiting brokers and commission agents from acting in any transaction both as buyer or seller, or on behalf of both the buyer and seller, and also provision for prohibiting brokers from acting in any transaction, except between a trader and trader, in respect of agricultural produce other than poultry, cattle, sheep and goats and such other agricultural produce as may be prescribed, and for prescribing the manner in which and the places at which auctions of agricultural produce shall be conducted and the bids made and accepted and places at which weighment and delivery of agricultural produce shall be made in any market or market area) and on payment of fees, not being in excess of such maxima as may be prescribed. [Provision may also be made

¹ These words were inserted by Mah. 32 of 1970, s. 4

² This portion was added, *ibid.*, s. 5.

for exempting any class of persons from payment of such fees on such terms and conditions as may be prescribed.]

Power to
cancel or
suspend
licences.

8. Subject to the provisions of sub-section (3), a Market Committee may, for reasons to be recorded in writing, suspend or cancel a licence—

(a) if the licence has been obtained through wilful misrepresentation, or fraud ;

(b) if the holder thereof or any servant or any one acting on his behalf with his express or implied permission, commits a breach of any of the terms or conditions of the licence ;

(c) if the holder of the licence in combination with other holders of licences commits any act or abstains from carrying out his normal business in the market with the intention of wilfully obstructing, suspending or stopping the marketing of agricultural produce in the market area in consequence whereof the marketing of any produce has been obstructed, suspended or stopped ;

(d) if the holder of the licence has been adjudged an insolvent, and has not obtained his discharge ; or

(e) if the holder is convicted of any offence under this Act.

(2) Notwithstanding anything contained in sub-section (1), but subject to the provisions of sub-section (3), the Director may, for reasons to be recorded in writing, by order suspend or cancel any licence granted or renewed under this Chapter.

(3) No licence shall be suspended or cancelled under this section, unless the holder thereof has been given a reasonable opportunity to show cause against such suspension or cancellation.

Appeal.

9. Any person aggrieved by an order —

(a) of the Market Committee refusing to grant or renew a licence, or cancelling a licence, or suspending any licence may, within thirty days from the date on which the order is communicated to him, appeal to the Director ;

(b) of the Director refusing to grant or cancelling or suspending a licence may, within the like number of days, appeal to the State Government.

The Director or, as the case may be, the State Government shall, on such appeal, make such order as is deemed just and proper :

Provided that, before dismissing an appeal, the Director or, as the case may be, the State Government, shall give such person a reasonable opportunity of being heard, and record in writing the reasons for such dismissal.

Provision
for settle-
ment of
disputes.

10. (1) For the purpose of settling dispute between buyers and sellers, or their agents, including any disputes regarding the quality or weight or payment of any agricultural produce, or any matter in relation to the regulation of marketing of agricultural produce in the market area, the Market Committee of that area shall constitute from amongst its members a Board.

(2) The Board shall consist of such number of members, and shall be constituted in such manner, and conduct its business in such manner, as may be prescribed. The rules may provide for appointment of arbitrators, payment of fees by parties for the settlement of disputes, and appeal to the Board from their decision.

CHAPTER III.

CONSTITUTION OF MARKET COMMITTEES

Establish-
ment of
Market
Committees.

11. For every market area, there shall be established by the State Government a Market Committee consisting of a Chairman, a Vice-Chairman and other members ; and different Market Committees may be established for regulating the marketing of different kinds of agricultural produce for the same market area or any part thereof. The Market Committee shall have all such powers and discharge all such functions as are vested in it by or under this Act.

9. Any person aggrieved by an order—

Appeal.

(a) of the Market Committee refusing to grant or renew a licence, or cancelling a licence or suspending any licence may, within thirty days from the date on which the order is communicated to him, appeal to the Director ;

(b) of the Director refusing to grant or cancelling or suspending a licence may within the like number of days, appeal to the State Government.

The Director or, as the case may be, the State Government shall, on such appeal, make such order as is deemed just and proper :

Provided that, before dismissing an appeal, the Director, or, as the case may be, the State Government, shall give such person a reasonable opportunity of being heard, and record in writing the reasons for such dismissal.

10. (1) For the purpose of settling dispute between buyers and sellers, or their agents, including any disputes regarding the quality or weight or payment of any agricultural produce, or any matter in relation to the regulation of marketing of agricultural produce in the market areas, the Market Committee of that area shall constitute * * * * * a Board. Provision for settlement of disputes.

(2) The Board shall consist of [such number of members and such number of other persons possessing such qualifications] and shall be constituted in such manner and conduct its business in such manner, as may be prescribed. The rules may provide for appointment of arbitrators, payment of fees by parties for the settlement of disputes, and appeal to the Board from their decision. [The rules may also provide for consulting persons with technical qualifications or for laboratory analysis for ascertaining the quality of any agricultural product, the price which may be paid therefor or any other matter relevant to the dispute, and for the payment of fees or charges for such consultation or analysis.]

CHAPTER III.

CONSTITUTION OF MARKET COMMITTEES.

11. For every market area, there shall be established by the State Government a Market Committee consisting of a Chairman, a Vice-Chairman and other members and different Market Committees may be established for regulating the marketing of different kinds of agricultural produce for the same market area or any part thereof. The Market Committee shall have all such powers and discharge all such functions as are vested in it by or under this Act. Establishment of market Committees.

12. Every Market Committee shall be a body corporate by the name of "the Agricultural Produce Market Committee" and shall have perpetual succession and a common seal, and may in its corporate name sue and be sued, and shall be competent to contract, acquire and hold property, both movable and immovable, and to do all other things necessary for the purposes for which it is established. Incorporation of Market Committees.

13. (1) Subject to the provisions of sub-section (2), every Market Committee shall consist of the following [eighteen members], namely :— Constitution of Market Committees.

⁵ [(a) ten agriculturists residing in the market area (not being less than twenty-one years of age on the date specified from time to time by the Collector in this behalf) ; seven of whom shall be elected by members of the managing committees of the agricultural credit societies, and multipurpose co-operative societies within

¹ The words " from amongst its members " were deleted by Mah. 39 of 1973, s. 2(1).

² These words were substituted for the words " such number of members ", *ibid.*, s. 2(2).

³ These words were added, *ibid.*, s. 2(3).

⁴ These words were substituted for the words " fifteen members " by Mah. 32 of 1970, s. 6(1).

⁵ Clause (a) was substituted, *ibid.*, s. 6(2).

the meaning of the Maharashtra Co-operative Societies Act, 1960, and the rules made thereunder, functioning in the market area ; and three shall be elected by members of village panchayats functioning therein.] Mah. XXIV of 1961.

(b) three shall be elected by traders and commission agents, holding licences to operate as such in the market area ;

(c) one shall be the Chairman of the co-operative society doing business of processing or marketing of agricultural produce in the market area ; or in his absence a representative of the co-operative society elected by its managing committee :

Provided that, if there be more than one such co-operative societies in the market area, then the Chairman of any one of such co-operative societies or in his absence a representative, elected by the managing committees of such societies ;

(d) one shall be the Chairman of the *Panchayat Samiti* within the jurisdiction of which the market area or major portion thereof is situated or the representative elected by such *Panchayat Samiti* ;

(e) one shall be the President or *Sarpanch* of the local authority (other than a *Panchayat Samiti*) within the jurisdiction of which the principal market is situated or the representative elected by such local authority ;

(f) the Deputy Registrar of Co-operative Societies of the district or his representative, who shall have no right to vote ;]

(g) the Assistant Cotton Extension Officer or, where there is no such officer, the District Agricultural Officer of the Department of Agriculture ; neither of them shall have the right to vote.

²[(1A) (a) Notwithstanding anything contained in sub-section (1) of this section or in section 4 or other provisions of this Act, the area comprising Greater Bombay and Turbhe Village in Thane Taluka of Thane District (hereinafter referred to as "the Bombay market area"), shall be deemed to be a market area for the purposes of this Act, and the Market Committee for that area to be called by the name of the Bombay Agricultural Produce Market Committee shall, subject to the provisions of sub-section (2), consist of the followings twenty-eight members, namely :—

(i) twelve representatives of agriculturists elected by the agriculturist members of the other Agricultural Produce Market Committees in the State, three such members to be elected from each Revenue Division ;

(ii) four representatives elected by the traders and commission agents, holding licences to operate as such in the market area ;

(iii) one representative of the consumers nominated by the State Government from amongst 'A' class members, i.e., individual members of the managing committees of the Co-operative Central Wholesale Consumers Stores registered and operating as such in the market area ;

(iv) six representatives of the Bombay Municipal Corporation, one of whom shall be the Municipal Commissioner or his nominee and one shall be the Chairman of the Markets and Gardens Committee of the Corporation ;

(v) the Metropolitan Commissioner appointed under the Bombay Metropolitan Region Development Authority Act, 1974 ; Mah. IV of 1975.

¹ Clause (f) was substituted for the original by Mah. 73 of 1975, s. 2.

² This sub-section was inserted by Mah. 58 of 1976, s. 2(i).

(vi) the Managing Director of the Maharashtra State Co-operative Marketing Federation, Limited, Bombay, or his nominee ;

(vii) the Managing Director of the MAFCO, Bombay, or his nominee ;

(viii) the Managing Director of the Maharashtra Agro-Industries Development Corporation, Bombay, or his nominee ;

(ix) the Divisional Joint Registrar of Co-operative Societies, Bombay Division, Bombay, or his nominee.

(b) A person who is a member of the Market Committee under paragraph (v), (vi), (vii), (viii) or (ix) of clause (a) shall have a right to take part in the discussions of the Committee, but shall not have a right to vote at a meeting thereof.]

(e) When a Market Committee is constituted for the first time, ¹[whether under sub-section (1) or (1A),] all the members thereof and the Chairman and Vice-Chairman shall be nominated by the State Government.

14. (1) Subject to the provisions of sub-section (2), the members shall be elected in the manner prescribed by rules. Such rules may provide also for the determination of constituencies, the preparation and maintenance of the list of voters, persons qualified to be elected, disqualifications for being chosen as, and for being a member, the right to vote, the payment of deposit and its forfeiture, the determination of election disputes and all matters ancillary thereto including provision regarding election expenses. Election and term of office of members.

(2) If for any reason any persons, co-operative society or its managing committee or a *Panchayat Samiti* or local authority fails to elect any members, the Director shall give notice in writing to them requiring them to elect members within one month from the date of the notice ; and on the failure again to elect members within the aforesaid period, the Director shall appoint on behalf of such persons, co-operative society, committee, *Panchayat Samiti* or the local authority the required number of persons who are qualified to be elected under sub-section (1) ²[or (1A)] of section 13.

(3) Except as otherwise provided in this Act, the members of a Market Committee (not being a Committee constituted for the first time) shall hold office for a period of ³[five years], and the members of a Committee constituted for the first time shall hold office for a period of two years :

Provided that, the State Government may, by an order in the *Official Gazette*, extend the term of office of members of any Committee for a period not exceeding one year.

⁴[(4) As soon as possible after the result of any by-election, or all the results of a general election, are available, the State Government shall publish the name or names of all the members of a Committee in the *Official Gazette*.

If at a general election (including a general election held before the commencement of the Maharashtra Agricultural Produce Marketing (Regulation) (Amendment) Act, 1971), the names of any persons to be elected under sub-section (1) ⁵[or (1A)] of section 13 cannot for any reason be notified as aforesaid, and if with the available

¹ These words were inserted by Mah. 58 of 1976, s. 2(2).

² This was inserted, *ibid.*, s. 3(1).

³ These words were substituted for the words " three years " by Mah. 31 of 1977, s. 2.

⁴ This sub-section was substituted by Mah. 34 of 1971, s. 2.

⁵ This was inserted by Mah. 58 of 1976, s. 3(2).

election results, the Committee will consist of not less than twelve members, then the State Government shall publish the names of these members in the *Official Gazette* ;

And as regards the remaining elections, the State Government shall subsequently publish the names of members in the *Official Gazette* as and when the results of such elections are available, or as the case may be, on failure to elect, the names of persons duly appointed under sub-section (2) of this section, if any.

After every general election, upon the publication of the names of all the members of a Committee, or as the case may be, the publication of the names of not less than twelve members as aforesaid, in the *Official Gazette*, the Market Committee shall be deemed to be duly constituted.]

Election Fund. ¹[14A. (1) The superintendence, direction and control of the preparation of the list of voters for, and conduct of, all elections to Market Committees shall be vested in the Collector ; and for the purpose of preparing the list of voters and conduct of elections, every Market Committee shall constitute an Election Fund consisting of an amount equal to five per cent. of all monies received by it by way of fees under this Act during any year or two thousand rupees per annum, whichever is less.

(2) The Election Fund shall be invested in such manner as the Director may direct, regard being had to the elections to be held during the year, and the necessity to have the monies available from the fund for the preparation of the list of voters or for the conduct of such elections or for both.

(3) Every Market Committee shall inform the Collector of the amount standing to the credit of the Election Fund every year not later than the 31st day of October, and also at any other times when required by the Collector so to do.

(4) Whenever the list of voters is to be prepared or revised or any elections to the Market Committee are to be held, the Collector shall in writing inform the Market Committee of the same, and require the Market Committee to deposit with him such amount and before such date as may be specified in writing for meeting expenses for preparing or revising the list, or as the case may be, for conducting the elections or of both.

(5) The Collector shall after the preparation or revision of list of voters, or after the declaration of the result of the elections, draw up statement of expenditure incurred in preparing or revising such list, or in conducting the elections, and shall, within a period of three months from such preparation or revision or result, forward the same to the Market Committee for information. The balance remaining unspent, if any, shall be refunded to the Market Committee. If the expenditure incurred exceeds the amount of deposit, the Collector shall call upon the Market Committee to pay the excess amount as specified by him within one month from the date of receipt of the direction from him, and the Market Committee shall comply with such direction.]

²(6) In the case of the Bombay Agricultural Produce Market Committee for the Bombay market area, the powers and duties of the Collector for the purposes of this section shall be exercised and performed by the Collector of Bombay.]

Commence-
ment of
term of
office of
members. 15. (1) The term of office of members of a Market Committee shall be deemed to commence on the date of the first meeting of the Market Committee at which business is transacted :

¹ Section 14A was inserted by Mah. 2 of 1972, s. 2.

² This sub-section was added by Mah. 58 of 1976, s. 4.

Provided that, persons who are members by virtue of their being representatives of a co-operative society or of a local authority, shall hold office so long only as they continue to be such representatives, and in the case of persons who are licensees they shall cease to hold office on their ceasing to be holders of their licences.

(2) The first meeting of a Market Committee shall be held on such date as may be fixed by the Director, or any officer authorised by him in that behalf, being a date which is within thirty days from the date on which the names of members are published in the *Official Gazette*. If the first meeting is, for any reason not held within thirty days as aforesaid, the Director shall report the fact to the State Government and state therein the reasons for the failure to hold the meeting, and shall, thereafter, act according to the directions of the State Government issued in that behalf.

(3) The term of office of outgoing members shall be deemed to extend to, and expire with, the date immediately preceding the date of such first meeting.

Resignation, Removal and Casual Vacancies of Members.

16. (1) Any member of the Market Committee may resign his office by writing under his hand addressed to the Chairman, and the Chairman may resign his office of member by writing under his hand addressed to the Director. The resignation shall take effect from the date it is accepted by the Chairman, or as the case may be, the Director. Resignation of members and nomination in certain circumstances.

(2) If at any time it appears to the State Government that any Market Committee by reason of the resignation of all or a majority of the members thereof, is unable to discharge the functions conferred or imposed upon it by or under this Act, the State Government may, by order published in the *Official Gazette*, nominate persons to fill the vacancies of the members who have resigned; but the persons so nominated shall hold office only for the residue of the term of the members in whose place they are nominated or until the vacancies are duly filled in by election whichever is earlier.

17. The State Government may on the recommendation of the Market Committee supported by not less than ¹[ten members] present and voting at a meeting remove any member if he has been guilty of neglect or misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member, or is adjudged an insolvent: Removal of member for misconduct.

Provided that, no such member shall be removed from office unless he has been given reasonable opportunity of being heard by the State Government.

18. Subject to the provisions of sub-section (2) of section 14, in the event of a vacancy occurring on account of death, resignation or removal of a member, or through a member becoming incapable of acting previous to the expiry of his term of office, or otherwise, the Chairman shall forthwith communicate the occurrence to the Director and the vacancy shall be filled as soon as conveniently may be, by the election, appointment or, as the case may be, nomination of a person thereto, who shall hold office so long only as the member in whose place he is elected, appointed or nominated would have held it, if the vacancy had not occurred: Casual vacancies.

Provided that, if the vacancy occurs within six months preceding the date on which the term of office of the member expires, the vacancy shall, unless the State Government directs otherwise, not be filled.

¹ These words were substituted for the words "eight members" by Mah. 32 of 1970, s. 7.

Chairman and Vice-Chairman.

19. Subject to the provisions of sub-section (2) of section 13, every Market Committee shall be presided over by a Chairman, who shall be elected by the Committee from among its elected members. The Committee shall also elect one of its elected members to be the Vice-Chairman.

Election of
Chairman
and Vice-
Chairman.

20. The Chairman and Vice-Chairman shall hold office for such period as may be prescribed.

Term of
office of
Chairman
and Vice-
Chairman.

21. The Chairman and Vice-Chairman shall, notwithstanding the expiration of their term of office, continue to hold office, until their successors enter upon their office.

Chairman
and Vice-
Chairman to
hold office
until their
successors
enter upon
office.

[21A. There shall be paid to the Chairman and Vice-Chairman an honorarium of such amount as the Director may, having regard to the finances of the Market Committee specify; so however that the total amount of honorarium to be paid to both does not exceed Rs. 3,600 per annum.]

Honorarium
to Chairman
and Vice-
Chairman.

22. (1) On the constitution of a Market Committee after a general election or otherwise, a meeting shall be called for the election of the Chairman and Vice-Chairman on the date fixed by the Director under sub-section (2) of section 15.

Procedure
for election
of Chairman
and Vice-
Chairman.

(2) Such meeting shall be presided over by the Director or any person authorised by him in this behalf. The Director or such person shall, when presiding over the meeting, have the same powers as the Chairman when presiding over a meeting of the Market Committee has, but shall not have the right to vote.

(3) If, in the election of a Chairman or Vice-Chairman, there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the officer presiding in such manner as he may determine.

(4) In the event of a dispute arising as to the validity of the election of a Chairman or Vice-Chairman, the Director, if he is the presiding officer, shall decide the dispute himself; and in any other case the officer presiding shall refer the dispute to the Director for decision. The decision of the Director, subject to an appeal to the State Government, shall be final; and no suit or other proceeding shall lie in any court in respect of any such decision.

23. (1) The Chairman may resign his office by writing under his hand addressed to the Director; and the resignation shall take effect from the date it is accepted.

Resignation
of Chairman
and Vice-
Chairman.

(2) The Vice-Chairman may resign his office by writing under his hand addressed to the Chairman; and the resignation shall take effect from the date it is accepted.

24. Subject to rules made by the State Government in this behalf, a Chairman who absents himself from three consecutive meetings of the Committee without leave of the Market Committee shall cease to be Chairman.

Conse-
quences
of absence
of Chairman
without
leave.

Vacancies in office of Chairman and Vice-Chairman to be filled up.

25. (1) In the event of a vacancy in the office of the Chairman or Vice-Chairman by reason of death, resignation, removal or otherwise, the vacancy shall subject to the provisions of section 19, be filled as soon as possible by election if elected, or by nomination if nominated of a Chairman or Vice-Chairman.

(2) Every Chairman or Vice-Chairman elected or nominated under this section to fill a casual vacancy shall hold office so long only as the Chairman or Vice-Chairman in whose place he is elected, or as the case may be, nominated would have held it if the vacancy had not occurred.

Refusal to hand over charges to new Chairman or Vice-Chairman.

26. (1) On the election or nomination of a new Chairman or Vice-Chairman, the outgoing Chairman or Vice-Chairman in whose place the new Chairman or Vice-Chairman has been elected or nominated shall forthwith hand over charge of his office to such new Chairman or Vice-Chairman, as the case may be.

(2) If the outgoing Chairman or Vice-Chairman fails or refuses to hand over charge of his office as required under sub-section (1), the Director or any officer empowered by the Director in this behalf may, by order in writing, direct the Chairman or the Vice-Chairman, as the case may be, to forthwith hand over charge of his office and all papers and property of the Market Committee, if any, in his possession as such Chairman or Vice-Chairman, to the new Chairman or Vice-Chairman.

(3) If the outgoing Chairman or Vice-Chairman to whom a direction has been issued under sub-section (2) does not comply with such direction, the Director or any person authorized by him in that behalf may apply to the Executive Magistrate within whose jurisdiction the Committee is functioning for seizing and taking possession of papers, funds and property of the Committee in the possession of such Chairman or Vice-Chairman.

(4) On receipt of an application under sub-section (3), the Magistrate may authorize any police officer, not below the rank of a Sub-Inspector, to enter and search any place where the records and property are kept or likely to be kept and to seize them and hand over possession thereof to the new Chairman or Vice-Chairman, as the case may be.

Meeting, etc., of Market Committee.

27. The meetings, quorum and procedure of the Market Committee shall be regulated in accordance with the bye-laws made for the purpose.

Members to act during vacancy; acts of Committee, etc., not to be invalidated by informalities.

28. (1) During any vacancy in a Market Committee the continuing members may act as if no vacancy had occurred.

(2) A Market Committee shall have power to act, notwithstanding any vacancy in the membership or any defect in the constitution thereof; and such proceedings of the Committee shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled to do so sat or voted or otherwise took part in the proceedings.

CHAPTER IV.

THE MARKET COMMITTEES : POWERS AND DUTIES.

Powers and duties of Market Committee.

29. (1) It shall be the duty of a Market Committee to implement the provisions of this Act, the rules and bye-laws made thereunder in the market area; to provide such facilities for marketing of agricultural produce therein as the Director may, from time to time, direct; do such other acts as may be required in relation to the superintendence, direction and control of markets or for regulating marketing of agricultural produce in any place in the market area, and for purposes connected with the matters aforesaid, and for that purpose may exercise such powers and perform such duties and discharge such functions as may be provided by or under this Act.

(2) Without prejudice to the generality of the foregoing provision, a Market Committee may—

- (a) regulate the entry of persons and of vehicular traffic into the market ;
- (b) supervise the behaviour of those who enter the market for transacting business ;
- (c) grant, renew, refuse, suspend or cancel licenses ;
- (d) provide for settling dispute arising out of any kind of transactions connected with the marketing of agricultural produce and all matters ancillary thereto ;
- (e) prosecute persons for violating the provisions of this Act, the rules and bye-laws made thereunder ;
- (f) maintain and manage the market, including admissions to, and conditions for use of, markets ;
- (g) regulate marketing of agricultural produce in the market area or the market and the payment to be made in respect thereof, weightment or delivery of the agricultural produce ;
 - ¹[(g1) arrange for the collection—
 - (i) of such agricultural produce in the market area in which all trade therein is to be carried on exclusively by the State Government by or under any law in force for that purpose, or
 - (ii) of such other agricultural produce in the market area, as the State Government may, from time to time, notify in the *Official Gazette* (hereinafter referred to as the “notified produce”);]
 - (h) acquire, hold and dispose of any moveable or immovable property (including any equipment necessary for the purpose of efficiently carrying out its duties) ;
 - (i) collect or maintain, disseminate and supply information in respect of production, sale, storage, processing, prices and movement of agricultural produce (including information relating to crops, statistics and marketing intelligence) as may be required by the Director ;
 - (j) take all possible steps to prevent adulteration and to promote grading and standardization of the agricultural produce as may be prescribed ;
 - (k) enforce the provisions of this Act, and rules, bye-laws and conditions of the licences granted under this Act ;
 - (l) perform such other duties as may be prescribed.

30. A Market Committee may appoint one or more sub-committees consisting of one or more of its members (including any persons co-opted by the Committee with the approval of the Director or of any officer authorised by the Director in this behalf) and may delegate to such sub-committee such of its powers or duties as it may think fit. Appointment of sub-committees; delegation of power.

²30A. (1) A Market Committee duly authorised by the State Government for the purpose may by an order in writing open collection centres for collecting thereat the notified produce specified in such order. The Market Committee shall publish such order for the information of the public in such manner as it deems fit. Power of the Market Committee to open collection centre for marketing of notified produce; provisions for receipt and payment by purchaser.

(2) Where any person wishes to sell any notified produce in a market area, he shall tender all such produce only at the collection centre established for the purpose under sub-section (1) :

Provided that, agricultural produce notified under sub-clause (ii) of clause (g1) of sub-section (2) of section 29 may be tendered through a commission agent.

¹ Clause (g1) was inserted by Mah. 2 of 1972, s. 4.

² Section 30A was inserted, *ibid.*, s. 5.

(3)* The Market Committee shall, on the sale of such produce, get it weighed, measured, or as the case may be, counted forthwith, and arrange for issuing a receipt therefor to the person who has tendered the produce at the collection centre for sale or, as the case may be, through the commission agent or any agency fixed by the State Government where tender through an agent is allowed, and shall also arrange to give a copy of the receipt to the purchaser, the co-operative society, if any, and where a receipt is given through such agent or agency, if any, also to the Market Committee.

(4) Such receipt shall contain the following particulars, that is to say—

- (i) the name of the collection centre,
- (ii) the name of the tenderer,
- (iii) the name of the purchaser,
- (iv) the name of the commission agent, if any,
- (v) the name and quantity of notified produce, the weight, measure or number thereof and charges therefor.

(vi) grade of the notified produce, if any, and the rate,

(vii) the amount of dues of the Market Committee to be paid by the purchaser,

(viii) the amount of dues to be paid by the tenderer, to the commission agent by way of his commission, if any, and such other market charges, as are duly authorised by the Market Committee,

(ix) the amount of dues to be paid by the tenderer to a co-operative society, Mah. XX- under section 48A of the Maharashtra Co-operative Societies Act, 1960, IV of 1961.

(x) the amount of advance price received by the tenderer, if any, in respect of agricultural produce notified under sub-clause (i) of clause (g) of sub-section (2) of section 29,

(xi) the amount to be actually paid to the tenderer after deducting the amounts, if any, falling under entries (vii), (viii), (ix) and (x), and

(xii) the total amount to be paid by the purchaser in respect of the notified produce purchased by him.

(5) The dues to a Market Committee shall consist of fees to be levied and collected from a purchaser by or under this Act.

(6) The purchaser shall, on receiving a copy of the receipt, pay forthwith the total amount to be paid by him as recorded in the receipt by drawing two cheques, one in favour of the Market Committee and another in favour of the tenderer. Both the cheques shall be payable on presentation. The cheque drawn in favour of the Market Committee shall be for an amount equal to the amounts referred to in clauses (vii), (viii), (ix) and (x) under sub-section (4); and the cheque drawn in favour of the tenderer shall be for an amount equal to the amount referred to in clause (xi) of sub-section (4). The Market Committee, on receipt of the cheque, shall arrange to pay to the commission agent and the co-operative society, if any, the amount of money recorded against each of them in the receipt and credit the balance due to it to the market fund:]

¹[Provided that, where the purchaser is the State Government or an agent appointed by it to make purchases of any notified produce on its behalf under any law for the time being in force, then the amount payable to the tenderer may be paid either in cash or by crediting the amount into the account of the tenderer in a co-operative bank.]

¹ This proviso was added by Mah. 30 of 1974, s. 2.

¹[*Explanation.*—For the purposes of this section, section 31 and section 34A, 'purchaser' shall include any person who pays the purchase price of any notified producer or agricultural produce, as the case may be, tendered for sale, or by whom payment of such price is made, whether on his own account, or as an agent or on behalf of another person.]

31. It shall be competent to a Market Committee to levy and collect fees in the prescribed manner at such rates as may be decided by it (but subject to the minimum and maximum rates which may be fixed by the State Government by notification in the *Official Gazette* in that behalf), from every purchaser of agricultural produce marketed in the market area: Power of Market Committee to levy fees.

Provided that, when any agricultural produce brought in any market area for the purposes of processing only or for export is not processed or exported therefrom within thirty days from the date of its arrival therein, it shall, until the contrary is proved, be presumed to have been marketed in the market area, and shall be liable for the levy of fees under this section, as if it had been so marketed:

¹ This explanation was added by Mah. 50 of 1977, s. 2.

Provided further that, no such fees shall be levied and collected in the same market area in relation to agricultural produce in respect of which fees under this section have already been levied and collected therein [or in relation to declared agricultural produce purchased by person engaged in industries carried on without the aid of any machinery or labour in any market area].

32. (1) A Market Committee may, with the previous sanction of the Director, raise money required for carrying out the purposes for which it is established on the security of any property vested in it and of any fees leviable by it under this Act. Power to borrow.

(2) The Market Committee may, for the purpose of meeting the expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the State Government on such terms and conditions as the State Government may determine.

33. (1) Every contract entered into by the Market Committee shall be in writing and shall be signed on behalf of the Market Committee by its Chairman, or in the absence of the Chairman by the Vice-Chairman, and two other members of the Committee. Execution of contracts.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on the Market Committee.

Bom. LXIX of 1958. 34. (1) Notwithstanding anything contained in the Bombay Weights and Measures (Enforcement) Act, 1958, if any dispute arises between an Inspector appointed under that Act and any person interested as to the meaning or construction of any rule made under that Act or as to the method of verifying, re-verifying, adjusting or stamping any weight or measure or weighing or measuring instrument, in any market area, such dispute may, at the request of the party interested or by the Inspector of his own accord, be referred to the Market Committee; and the decision of the Market Committee shall, subject to the provisions of sub-section (2), be final and shall be deemed to have been given under section 20 of the Bombay Weights and Measures (Enforcement) Act, 1958. Certain disputes regarding construction of rules, etc., about weights and measures to be decided by Market Committee.

Bom. LXIX of 1958. (2) An appeal shall lie within the time prescribed from the decision under sub-section (1) to the State Government or such officer as the State Government may appoint in this behalf. The decision of the State Government, or such officer, shall be final.

[CHAPTER IV-A

COST OF SUPERVISION

34-A. (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. Supervision over purchase of agricultural produce in any market or market area and payment of cost of supervision by purchasers.

(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.

¹ These words were added by Mah. 32 of 1970, s. 8.

² Chapter IV-A was inserted by Mah. 26 of 1972, s. 2.

34-B. (1) The cost of supervision shall be collected by the Market Committee in the same manner in which the fee levied by it under section 31 is collected.

supervision. (2) The cost of supervision collected by a Market Committee shall be paid to the State Government in the prescribed manner within a period of fifteen days from the close of the month in which such cost is collected.

Default of Market Committee in collecting cost of supervision. **34-C.** If a Market Committee makes default in the collection or payment to the State Government of any sum or part thereof due in respect of the cost of supervision, the Director may direct that the said sum or part thereof, as the case may be, or paying together with a penalty equal to one per cent. of such sum or part, shall be recovered from the Market Committee as an arrear of land revenue under section 57.]

CHAPTER V

OFFICERS AND SERVANTS OF MARKET COMMITTEES

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 crop, statistics and marketing intelligence and for carrying out its duties under the Act ; and shall pay such officers and servants such salaries as the Market Committee thinks fit.

(2) The Market Committee may in the case of its employees provide for the payment to them all such leave allowance, pension or gratuity as it deems proper and may contribute to any provident fund which may be established for the benefit of such employees.

(3) The powers conferred by this section on the Market Committee shall be exercised subject to any rules which may be made in that behalf by the State Government.

CHAPTER VI

THE MARKET FUND

Market Fund; its custody and investment. **36.** (1) All monies received by a Market Committee ^{1*} * * * under this Act [(except the amount of such fees credited to the Election Fund under section 14A)], all sums realised by way of penalty (otherwise than by way of a fine in a criminal case), all loans raised by the Committee, and all grants, loans or contributions made by the State Government to the Committee shall form part of a fund to be called the Market Fund.

(2) The amount to the credit of a Market Fund shall be kept or invested in such manner as may be prescribed.

Purposes for which Market Fund may be expended. **37.** The Market Fund may be expended for all or any of the following purposes, namely:—
(a) the acquisition of a site or sites for the market;
(b) maintenance, development and improvement of the market;

¹ The words " by way of fees " were deleted by Mah. 32 of 1970, s. 9.

² This portion was inserted by Mah. 2 of 1972, s. 6.

(c) construction of, and repairs to, buildings necessary for the purposes of such market and for the health, convenience and safety of persons using it; *

(d) the provision and maintenance of standard weights and measures;

(e) pay, pension, leave allowances, gratuities, compensations for injuries resulting from accidents, compassionate allowances and contributions towards leave allowances, pensions or provident fund of the officers and servants employed by the Market Committee;

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(g) the payment of interest on loan, if any, raised by the Market Committee and the provision of sinking fund in respect of such loan;

(h) the collection and dissemination of information regarding matters relating to crop statistics and marketing in respect of the agricultural produce notified under section 4;

(i) propaganda in favour of agricultural improvement and orderly marketing;

(j) payment of allowances and travelling expenses to the members of the Market Committee and sub-committees; and of the Board constituted, if any, under section 10;

¶(j1) the payment of an honorarium to the Chairman and Vice-Chairman under section 21A ;

(j2) giving grant or donation to any institution or body conducting any educational or welfare activities for the benefit of agriculturists in the market area, subject to the condition that the amount of such grant or donation does not exceed in the aggregate ten per cent. of the net amount remaining after deducting the expenditure from the revenues of the year immediately preceding the year in which such grant or donation is made;]

(k) expenses of any Tribunal constituted under section 57;

(l) other functions prescribed in this Act and rules thereunder;

(m) for any other purpose, with the previous approval of the State Government.

38. The manner in which any payment from the Market Fund shall be made, its accounts shall be kept and audited or re-audited (including powers to be exercised by the auditor in that behalf), its annual, revised or supplementary budget estimates of income and expenditure shall be made (including provision for modifying, annulling or rescinding such budgets) and its annual administration report shall be prepared, shall be prescribed by rules made in that behalf. Manner of preparing budget, etc.

¹ Clause (f) was deleted by Mah. 2 of 1972, s. 7 (1).

² Clauses (j1) and (j2) were inserted, *ibid.*, s. 7 (2).

CHAPTER VII.

TRADE ALLOWANCES PROHIBITED.

39. No person shall make or recover any trade allowance in any market or market area in any transaction in respect of any agricultural produce.

Explanation.—For the purposes of this section, trade allowance means any deduction in price or rate of the agricultural produce on account of any variation in the quality, weight, container, sample or admixture.

Making
or recovery
of trade
allowance
prohibited.

CHAPTER VIII.

CONTROL.

40. The Director or any officer authorised by him by general or special order in this behalf, may—

(a) inspect or cause to be inspected the accounts and offices of a Market Committee;

(b) hold inquiry into the affairs of a Market Committee;

(c) call for any return, statement, accounts or report which he may think fit to require such Committee to furnish;

(d) require a Committee to take into consideration—

(i) any objection which appears to him to exist to the doing of anything which is about to be done or is being done by or on behalf of such Committee, or

(ii) any information he is able to furnish and which appears to him to necessitate the doing of a certain thing by such Committee, and to make a written reply to him within a reasonable time stating its reasons for doing, or not doing such thing;

(e) direct that anything which is about to be done or is being done should not be done, pending consideration of the reply and anything which should be done but is not being done within such time as he may direct.

Inspection,
inquiry, sub-
mission of
statements,
etc.

41. (1) When the affairs of a Market Committee are investigated under section 40 or the proceedings of such Committee are examined under section 43, all officers, servants and members of such Committee shall furnish such information in their possession in regard to the affairs or proceedings of the Committee as the Director, officer authorised or, as the case may be, State Government may require.

(2) An officer investigating the affairs of a Market Committee under section 40 or the State Government examining the proceedings of such Committee under section 43 shall have the power to summon and enforce the attendance of officers or members of the Market Committee and to compel them to give evidence and to produce documents by the same means and as far as possible in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908.

Duty of
officers and
members to
furnish
information
to Director,
authorized
officers and
State
Government.

V of
1908.

42. Where the Director has reason to believe that the books and records of a Market Committee are likely to be tampered with or destroyed or the funds or property of a Market Committee are likely to be misappropriated or misapplied, the Director may issue an order directing a person duly authorised by him in writing to seize and take possession of such books and records, funds and property of the Market Committee, and the officer or officers of the Market Committee responsible for the custody of such books, records, funds and property, shall give delivery thereof to the person so authorised.

Seizure of
account
books and
other
documents.

Powers of State Government to call for proceedings of Market Committee and to pass orders thereon.

43. The State Government may at any time call for and examine the proceedings of any Market Committee [or the Director] for the purpose of satisfying itself as to the legality or propriety of any decision or order passed by the Market Committee [or the Director] under this Act. If in any case, it appears to the State Government that any decision or order or proceedings so called for should be modified, annulled or reversed, the State Government may pass such order thereon as it thinks fit.

Amalgamation or division of Market Committees.

44. (1) Where the State Government is satisfied that for securing efficient regulation of marketing of any agricultural produce in any market area, it is necessary that two or more Market Committees therein should be amalgamated or any Market Committee therein should be divided into two or more Market Committees, then the State Government may, after consulting the Market Committees or Committee, as the case may be, [and the Federation of Market Committees, if any (being a Federation which is duly recognised by an order in the *Official Gazette* by the State Government to be the Federal Body of Market Committees),] by notification in the *Official Gazette*, provide for the amalgamation or division of such Market Committees into a single Market Committee or into two or more Market Committees, for the market area in respect of the agricultural produce specified in the notification with such constitution, property, rights, interests and authorities and such liabilities, duties and obligations (including provision in respect of contracts, assets, employees, proceedings, and such incidental, consequential and supplementary matters as may be necessary to give effect to such amalgamation or as the case may be, the division) as may be specified in the notification.

(2) Where more Market Committees than one are established in any market area under sub-section (1), the State Government may, notwithstanding anything contained in this Act, issue general or special directions as to which of the Market Committees shall exercise the powers, perform the duties and discharge the functions of the Market Committee under this Act, in which they are jointly interested or which are of a common nature.

(3) Where any directions are issued under sub-section (2), the cost incurred by a Market Committee in pursuance of the directions shall be shared by the other Market Committees concerned in such proportion as may be agreed upon, or, in default of agreement, as may be determined by the State Government or such officer as that Government may direct in this behalf. The decision of the State Government or such officer shall be final.

Supersession of Market Committee, etc.

45. (1) If, in the opinion of the State Government, a Market Committee or any member thereof, is not competent to perform or persistently makes default in performing the duties imposed on it or him by or under this Act, or abuses its or his powers or wilfully disregards any instructions issued by the State Government or any officer duly authorised by it in this behalf arising out of audit of accounts of the Market Committee or inspection of the office and work thereof, the State Government may, after giving the Committee or member, as the case may be, an opportunity of rendering an explanation, by notification in the *Official Gazette*, with reasons therefor, supersede such Market Committee, or remove the member, as the case may be; and where a member is removed, the State Government shall appoint any person as a member of such Committee in his place for the remainder of his term of office:

[Provided that, no Market Committee shall be superseded without the Federation of Market Committees referred to in section 44 being previously consulted.]

¹ These words were inserted by Mah. 32 of 1970, s. 10.

² These words were inserted by Mah. 2 of 1972, s. 8.

³ This proviso was added, *ibid.*, s. 9.

66. (1) The State Government may, by notification in the *Official Gazette*, make Rules, rules for carrying into effect the purposes of this Act.

(2) In particular, but without prejudice to the generality of the foregoing provision, the State Government may make rules,

(a) under section 4, for prescribing the manner of holding an inquiry;

(b) under section 7, subject to which licences may be granted, renewed or refused; and for prescribing the form, period and the terms, conditions and restrictions (including provision for prohibiting brokers and commission agents from acting in any transaction both as a buyer or seller or on behalf of both the buyer and seller, and for prescribing the manner in which and the places at which auction of agricultural produce shall be conducted and the bids made and accepted and the places at which weighment and delivery of agricultural produce shall be made in any market or market area) and the maximum fees for licences;

(c) under section 10, for prescribing the number of members of the Board, the manner in which it shall be constituted and shall conduct the business for settling disputes (including provision for appointment of arbitrators, payment of fees and appeal as provided by that section);

(d) under section 14, for prescribing the manner in which members may be elected including all matters referred to in that section;

(e) under section 20, prescribing the period for which a Chairman or a Vice-Chairman shall hold office;

(f) under section 29, sub-section (2), under clause (j), for prescribing grading and standardisation of agricultural produce and under clause (i) for prescribing other duties to be performed by Market Committees;

(2) Upon the publication of a notification under sub-section (1) superseding a Market Committee, the following consequences shall ensue, that is to say—

(a) all members of the Market Committee shall as from the date of such publication be deemed to have vacated their office;

(b) all the property vesting in the Market Committee shall, subject to all its liabilities, vest in the State Government;

(c) the State Government may by order, either constitute a new Market Committee in accordance with the provisions of Chapter III or make such arrangements for the carrying out of the functions of the Market Committee as it thinks fit.

(3) If the State Government makes an order under clause (c) of sub-section (2), it shall transfer the assets and liabilities of the Market Committee, as on the date of such transfer, to the new Market Committee constituted as aforesaid or to the person or persons, if any, appointed for the carrying out of the functions of the Market Committee, as the case may be.

(4) If the State Government does not make such an order, it shall transfer all the assets of the Market Committee which remain after the satisfaction of all its liabilities, to a local authority within whose jurisdiction the Market Committee is situated and if there are more than one such local authorities, to each of such local authorities, such portion of the property as the State Government may decide.

(5) The local authority to which the assets of a Market Committee are transferred under sub-section (4) shall utilise such assets for such objects in the area within its jurisdiction as the State Government considers to be for the benefit of the agriculturists in that area.

CHAPTER IX.

PENALTIES.

46. Whoever in contravention of the provisions of sub-section (1) of section 6 uses any place in the market area for marketing of any agricultural produce, or operates as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity, without a valid licence, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both; and in the case of a continuing contravention, with a further fine which may in the case of contravention of clause (a) of sub-section (1) of section 6 extend to one hundred rupees; and in any other case, to fifty rupees per day, during which the contravention is continued after the first conviction. Penalty for contravention of section 6.

47. If the outgoing Chairman or Vice-Chairman to whom a direction has been issued under sub-section (2) of section 26 does not, except for reasons beyond his control, comply with such direction, he shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees, or with both. Penalty for not complying with directions under section 26 (2).

48. Whoever in contravention of the provisions of section 39 makes or recovers any trade allowance shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both. Penalty for making or recovering trade allowance.

Penalty for failure to obey order under section 40.

49. Whoever obstructs any officer in carrying out the inspection of accounts or holding an inquiry into the offices of a Committee or fails to obey any order made under clause (a), (c), (d), or (e) of section 40 shall, on conviction, be punished with fine which may extend to two hundred rupees for every day during which the offence continues.

Penalty for contravening provisions of section 40 or 43.

50. If any officer, servant or member of a Market Committee, when required to furnish information in regard to the affairs or proceedings of a Market Committee under section 40 or section 43—

(a) wilfully neglects or refuses to furnish any information, or

(b) wilfully furnishes false information,

he shall, on conviction, be punished with fine which may extend to five hundred rupees.

Penalty for contravention of section 42.

51. Whoever in contravention of the provisions of section 42 obstructs any person in seizing or taking possession of any books, records, funds and property of the Market Committee or fails to give delivery thereof to such person shall, on conviction, be punished with fine which may extend to two hundred rupees.

General provision for punishment of offences.

52. Whoever contravenes any provision of this Act or any rule or bye-law thereunder shall, if no other penalty is provided for the offence, be punished with fine which may extend to two hundred rupees.

CHAPTER X.

MISCELLANEOUS.

Members to be held responsible for mis-applied funds.

53. Every member of a Market Committee shall be personally liable for the wilful misapplication of any funds to which he had been a party or which has happened through, or has been facilitated by, gross neglect of his duty as a member, and may be sued for the recovery of the monies so misapplied as if such monies had been the property of the State Government :

Provided that, no member shall be personally liable in respect of any contract or agreement made, or for any expenses incurred by or on behalf of the Market Committee, if the contract or agreement is made, or the expenses are incurred in good faith and in the due discharge of his duties ; and the Market Fund shall be liable for, and be charged with, all costs in respect of any contract or agreement and all such expenses.

Chairman, Vice-Chairman, members, Secretary and servants of Market Committee to be public servants.

54. The Chairman, the Vice-Chairman, the members, the Secretary and other officers and servants of a Market Committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV
of
1860.

Bar of suit in absence of notice.

55. (1) No suit shall be instituted against any Market Committee or any member, officer or servant thereof or any person acting under the direction of any such Market Committee, member, officer or servant for anything done or purported to be done, in good faith as such member, officer or servant under this Act, until the expiration of two months next after notice in writing, stating the cause of action,

the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of Market Committee, delivered or left at its office, and in case of any such member, officer, servant or person as aforesaid, delivered to him or left at his office or usual place of residence, and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of the alleged cause of action.

I of
1877.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

56. (1) No offence under this Act, or any rule or bye-law made thereunder shall be tried by a Court other than that of a Presidency Magistrate or a Magistrate of the First Class or a Magistrate of the Second Class specially empowered in this behalf. Trial of offences.

(2) No prosecution under this Act shall be instituted except by the Director or any officer authorised by him in that behalf or by the Secretary or any other person duly authorised by the Market Committee in that behalf.

(3) No Court shall take cognizance of any offence under this Act or any rule or order made thereunder, unless complaint thereof is made within six months from the date on which the alleged commission of the offence came to the knowledge of the officer or person referred to in sub-section (2).

57. (1) Every sum due from a Market Committee to the State Government shall be recoverable as an arrear of land revenue. Recovery of sums due to Government or Market Committee.

(2) Any sum due to a Market Committee on account of any charge, costs, expenses, fees, rent, or on any other account under the provisions of this Act or any rule or bye-law made thereunder [or any sum due to an agriculturist for any agricultural produce] sold by him in the market area which is not paid to him [as provided by or under this Act] shall be recoverable from the person from whom such sum is due, in the same manner as an arrear of land revenue.

(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.

[(4) The State Government may constitute one or more Tribunals consisting of the Collector who has jurisdiction over the market area :

Provided that, the State Government may, if in its opinion it is necessary so to do in any case constitute a Tribunal consisting of one person other than the Collector (possessing the prescribed qualifications) who is not connected with the Market Committee or with the person from whom the sum is alleged to be due.]

[(5) Except as otherwise directed by the Tribunal in the circumstances of any case, the expenses of the Tribunal shall ordinarily be borne by the party against whom a decision is given.]

¹ These words were inserted by Mah. 32 of 1970, s. 11 (a).

² These words were substituted for the words "declared agricultural produce" by Mah. 2 of 1972, s. 10 (1) (a).

³ These words were substituted for the words "within the period prescribed in that behalf", *ibid.*, s. 10 (1) (b).

⁴ These words were inserted by Mah. 32 of 1970, s. 11 (b).

⁵ Sub-section (4) was substituted, *ibid.*, s. 11 (c).

⁶ Sub-section (5) was substituted by Mah. 2 of 1972, s. 10 (3).

Power of State Government to delegate powers.

58. The State Government may, by notification in the *Official Gazette*, and subject to such conditions, if any, as it may think fit to impose, delegate all or any of the powers conferred upon it to the Director or any other officer or person; and delegate any powers of the Director, to any other officer or person, specified in the notification.]

Power to exempt Market Committees, etc., from provisions of Act.

59. The State Government may, by a general or special order, in the *Official Gazette*, exempt any Market Committee or any class of persons from any of the provisions of this Act or any rules made thereunder, or may direct that such provisions shall apply to such Market Committee or to such class of persons with such modifications not affecting the substance thereof as may be specified in that order :

Provided that, no order to the prejudice of any Market Committee shall be passed, without an opportunity being given to such Market Committee to represent its case.

Rules.

60. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying into effect the purposes of this Act.

(2) In particular, but without prejudice to the generality of the foregoing provision, the State Government may make rules,

(a) under section 4, for prescribing the manner of holding an inquiry;

(b) under section 7, subject to which licences may be granted, renewed or refused; and for prescribing the form, period and the terms, conditions and restrictions (including provision for prohibiting brokers and commission agents from acting in any transaction both as a buyer or seller or on behalf of both the buyer and seller, and for prescribing the manner in which and the places at which auction of agricultural produce shall be conducted and the bids made and accepted and the places at which weighment and delivery of agricultural produce shall be made in any market or market area) and the maximum fees for licences;

(c) under section 10, for prescribing the number of members of the Board, the manner in which it shall be constituted and shall conduct the business for settling disputes (including provision for appointment of arbitrators, payment of fees and appeal as provided by that section);

(d) under section 14, for prescribing the manner in which members may be elected including all matters referred to in that section;

(e) under section 20, prescribing the period for which a Chairman or a Vice-Chairman shall hold office;

(f) under section 29, sub-section (2), under clause (j), for prescribing grading and standardisation of agricultural produce and under clause (l) for prescribing other duties to be performed by Market Committees;

¹ These words were substituted for the words " upon it or on the Director or any other officer or person specified in the notification " by Mah. 32 of 1970, s. 12.

(g) under section 34, prescribing the time within which an appeal shall be made;
(h) under sub-section (3) of section 35, subject to which the powers conferred by that section on a Market Committee shall be exercised;

(i) under section 36, for prescribing the manner in which the amount to the credit of a Market Fund shall be kept or invested;

(j) under section 37, prescribing other functions of a Market Committee;

(k) under section 38, for matters referred to in that section;

(l) under section 57, under sub-section (4), prescribing the qualifications of a person who shall constitute a Tribunal under that section;

(m) for the periodical inspection of all weights and measures and weighing and measuring instruments in use in a market area;

(n) prescribing the manner of control and supervision to be exercised by the Market Committee over Inspectors appointed under the Bombay Weights and Measures (Enforcement) Act, 1958;

(o) for storing any agricultural produce brought into the market area;

(p) for preparing plans and estimates for works proposed to be constructed partly or wholly at the expense of the Market Committee, and the grant of sanction to such plans and estimates;

(q) for the manner in which the enquiry and inspection of the Market Committee shall be held;

(r) prescribing the persons by whom and the form in which copies of documents or entries in the books of the Market Committee, may be certified and the fees to be charged for the supply of such copies;

(s) for the keeping of a list of prices of agricultural produce in respect of which the Market Committee is established;

(t) prescribing the matters in respect of which a Market Committee may make or the Director may direct the Market Committee to make bye-laws and the procedure to be followed in making, altering and abrogating bye-laws and the conditions to be satisfied prior to such making, alteration or abrogation;

[(u) for any other matter which is to be or may be prescribed.]

(3) The rules to be made under this section shall be subject to the condition of previous publication.

[(3A) Any rule made under this section may provide that if any purchaser fails to make the payment forthwith as required by sub-section (6) of section 30A, he shall be liable to pay interest from the date of sale to the date of payment at such rate as may be provided in such rule, such rate not being in excess of the maximum rate of interest fixed for unsecured loans under the Bombay Money-lenders Act, 1946. If no payment is made within 30 days from the date on which the agricultural produce is sold, it shall be recoverable by the Market Committee from the purchaser under section 57.]

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date of publication of a notification in the *Official Gazette* of such decision have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

¹ Clause (u) was added by Mah. 2 of 1972, s. 11 (1).

² Sub-section (3A) was inserted, *ibid.*, s. 11 (2).

Bye-laws.

61. (1) Subject to any rules made by the State Government under section 6^o and with the previous sanction of the Director or any other officer specially empowered in this behalf by the State Government, the Market Committee may in respect of the market area under its management make bye-laws for determining the quantity of agricultural produce for the purpose of its retail sale, for the regulation of the business (including meeting, quorum and procedure of the Market Committee) and the conditions of trading in the market area, including provision for refund of any fees levied under this Act.

(2) Any bye-law made under this section may provide that any contravention thereof shall, on conviction, be punished with fine which may extend to one hundred rupees.

Power of State Government to amend Schedule

62. The State Government may, after consulting the Market Committees concerned by notification in the *Official Gazette*, add to, amend or cancel any of the items of agricultural produce specified in the Schedule.

Savings

63. Nothing contained in the Markets and Fairs Act, 1862, or in any law for the time being in force relating to the establishment, maintenance or regulation of a market shall apply to any market area or any market therein or affect in any way the powers of a Market Committee or the rights of a holder of a licence granted under this Act. Bom. IV of 1862.

Repeal and Savings.

64. (1) On the commencement of this Act, the Bombay Agricultural Produce Markets Act, 1939 the Central Provinces and Berar Cotton Market Act, 1932, the Central Provinces and Berar Agricultural Produce Market Act, 1935 and the Hyderabad Agricultural Markets Act, 1339 Faslī, shall stand repealed: Bom. XXII of 1939. C. P. and Berar IX of 1932. C. P. and Berar XXIX of 1935. Hyd. II of 1339F.

Provided that, the repeal shall not affect the previous operation of any enactment so repealed and anything done or action taken (including any appointment, delegation or declaration made, notification, order, rule, directions or notice issued, bye-law framed, Market Committees established, licences granted, fees levied and collected, instruments executed, any fund established or constituted) by or under the provisions of any such enactment shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act.

(2) Accordingly, any area or place declared to be a market area or any place or market declared to be a market under any enactment so repealed shall, on the commencement of this Act, be deemed to be the market area or market declared under this Act, the Market Committee established or constituted for the said market area or market and functioning immediately prior to such commencement shall be deemed, notwithstanding anything contained in this Act, to be the Market Committee constituted under this Act for such market area, and where it is so declared or notified also for the agricultural produce specified in the declaration or notification; and all the members of such Committees shall be deemed to be members nominated by the State Government under sub-section (2) of section 13.

(3) Any reference to any enactment repealed as aforesaid or to any provisions thereof or to any officer, authority or person entrusted with any functions thereunder, in any law for the time being in force or in any instrument or document, shall be construed, where necessary, as a reference to this Act or its relevant provisions or person functioning under this Act, and the corresponding officer, authority or person, as the case may be, shall have and exercise the functions under such law, instrument or document.

Bom. I of 1904. (4) The mention of particular matters in this section shall not affect the general application to this Act of section 7 of the Bombay General Clauses Act, 1904 (which relates to the effect of repeals).

Bom. XXII of 1939. 65. Where before the commencement of this Act, any area comprised in any market area was excluded from such market area under section 4 of the Bombay Agricultural Produce Market Act, 1939 and the area so excluded was declared as a separate market area under the said section 4 and a separate Market Committee was constituted therefor, and both the Market Committees continue to function immediately after such commencement and the assets, rights and liabilities of the separate Market Committee are not yet determined, then the State Government may, by notification in the *Official Gazette*, after consulting the Market Committees concerned, provide for the transfer of the assets, rights and liabilities of the Market Committee in relation to the area so excluded (including the rights and liabilities under any contract made by it) to the separate Market Committee on such terms and conditions as may be specified in such notification.

66. If any difficulty arises in giving effect to the provisions of this Act, the State Government may as occasion requires, by order do anything which appears to it to be necessary for the purpose of removing the difficulty.

SCHEDULE.

[See section 2 (I) (a) and section 62.]

I. *Fibres*—

1. Cotton (ginned and unginned).
2. Sanhemp.

13. Chino.

14. Navani.

15. Savi.

II. *Cereals*—

1. Wheat (husked and unhusked).
2. Paddy (husked and unhusked).
3. Jowar.
4. Bajri.
5. Nagli.
6. Vari.
7. Kodra.
8. Maize.
9. Sarsav.
10. Bavto.
11. Barley.
12. Banti.

III. *Pulses*—

1. Tur.
2. Gram.
3. Udid.
4. Mung.
5. Val.
6. Chola.
7. Lang.
8. Math.
9. Peas.
10. Kulthi.
11. Splits (Dal) of pulses.
12. Masur.
13. Ghevda Beans.

IV. *Oilseeds*—

1. Groundnut (shelled and unshelled.)
2. Linseed.
3. Sesamum.
4. Safflower.
5. Ambadi.
6. Coconut.
7. Cotton seed.
8. Castor seed.
9. Khursani.
10. Niger-seed.
11. Thymol (Ajwan seeds).
12. Dilseeds (Shepa).

V. *Narcotics*—

1. Tobacco.

VI. *Gul, sugar and sugarcane.*VII. *Fruits*—

1. Mango.
2. Mosambi.
3. Santra.
4. Lemon.
5. Banana.
6. Grapes.
7. Pomegranate.
8. Fig.
9. Chickoo.
10. Strawberry.
11. Melons.
12. Water Melon.
13. Papaya.
14. Guava.

15. Bor.

16. Falsa.
17. Custard Apple.

VIII. *Vegetables*—

1. Potato.
2. Onion.
3. Tomato.
4. Suran.
5. Leafy and fresh vegetable.
6. Yam potatoes.
7. Sweet potatoes.
8. Kochara.

IX. *Animal Husbandry Products*—

1. Eggs.
2. Poultry
3. Cattle.
4. Sheep.
5. Goat.
6. Wool.
7. Butter.
8. Ghee.
9. Milk.
10. Hides and Skins.

X. *Condiments, spices and others*—

1. Turmeric.
2. Ginger.
3. Garlic.
4. Corriander.
5. Chillies.
6. Cardamon and pepper.
7. Variali.
8. Betelnuts.
9. Betel leaves.
10. Cashewnuts.
11. Cummin (Jiru).
12. Rai (mustard).
13. Methi.
14. Isabgul.
15. Asarloo.
16. Musli.
17. Gum.
18. Tamarind.

XI. *Grass and fodder.*

XII. *Cattle feeds—*

1. Guwar.
2. Punvad.

XIII. *Apiculture—*

1. Honey.

XIV. *Pisciculture—*

1. Fish.

XV. *Forest produce—*

1. Hilda.
2. Gum.
3. *Bidi* leaves.
4. Lac.
5. Bamboo.
- 4[6. Timber and Fire-wood.]

¹ Entry 6 was added by Mah. 32 of 1970, s. 13.



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.

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

Short title
and
commence-
ment.

(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,— Mah. XX of 1964.

(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,—

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

Amendment
of section 13
of Mah. XX
of 1964.

"(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.



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, जुलै १९, २००६ / आषाढ २८, शके १९२८

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 (Development and Regulation) (Amendment) Act, 2006 (Mah. Act No. XXV of 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.

MAHARASHTRA ACT No. XXV OF 2006.

(First published, after having received the assent of the President, in the Maharashtra Government Gazette, on the 11th July 2006).

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

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 :—

Mah.
XX of
1964.

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

(५०९)

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.

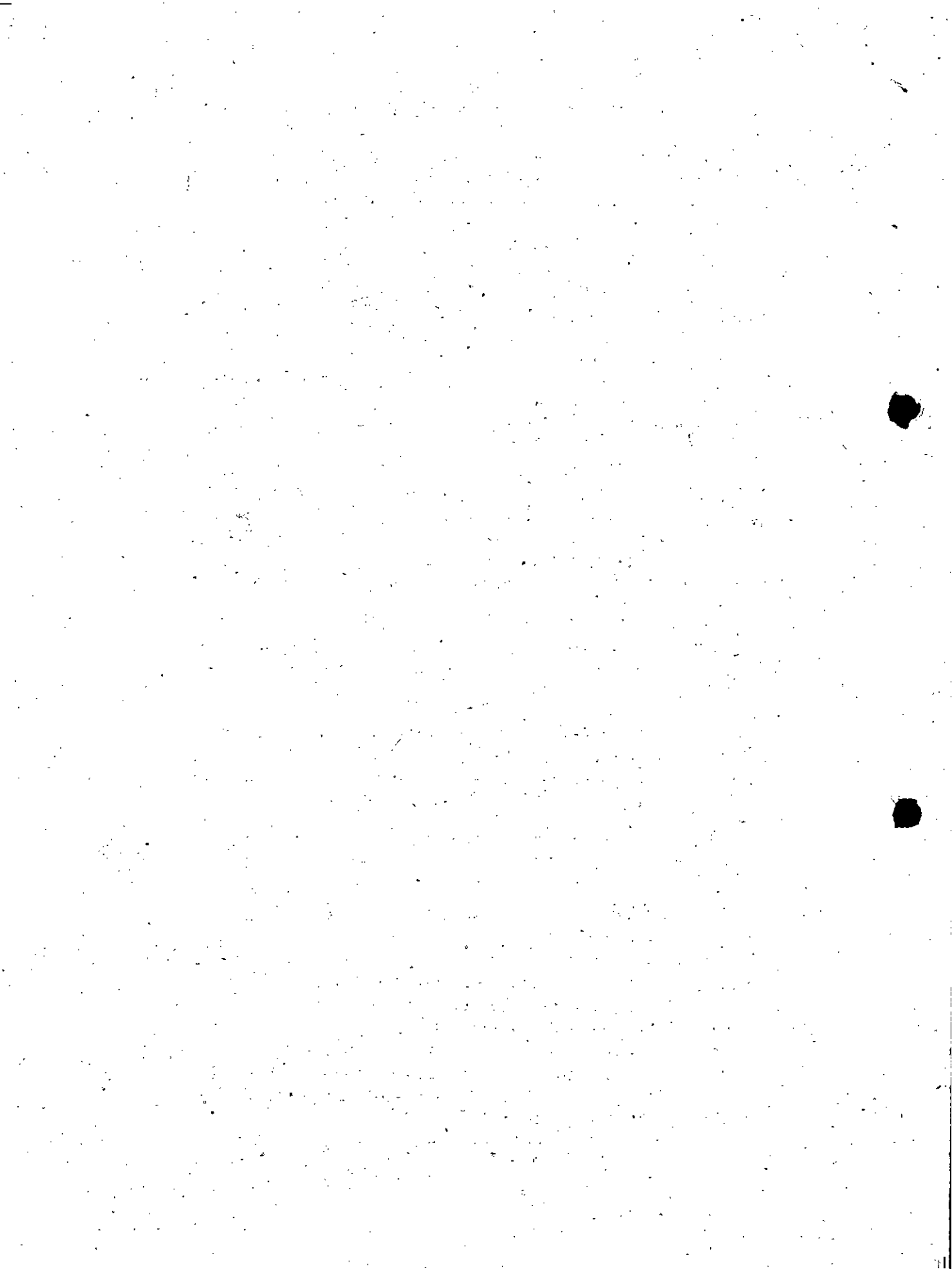
(7) Dispute relating to and arising out of a Contract Farming Agreement shall not be called in question in any court of law.

(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 ;"





महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, डिसेंबर २९, २००६/पौष ८, शके १९२८

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 (Development and Regulation) (Second Amendment) Act, 2006 (Mah. Act. No. XLVII of 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.

MAHARASHTRA ACT No. XLVII of 2006.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", dated the 29th December 2006).

An act 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) Ordinance, 2006, on the 1st November 2006 ;

भाग आठ-१९०

(८९८)

[किंमत : रुपये ९.००]

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

Short title
and com-
mencement.

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

(2) It shall be deemed to have come into force on the 1st November 2006.

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

"(a) fifteen agriculturists residing in the market area (not being less than twenty-one years of age on the date specified, from time to time, by the Collector, 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 the members of the Managing Committees of the Agricultural Credit Societies and Multipurpose Co-operative Societies (within the meaning of the Maharashtra Co-operative Societies Act, 1960 and the rules made thereunder), functioning in the market area ;

Mah.
XXIV
of
1961.

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 Scheduled Castes or Scheduled Tribes and one shall be a person belonging to Economically Weaker Section), shall be elected by members of the village *panchayats* functioning therein ;” ;

(b) in sub-section (A), in clause (a), for sub-clause (vi), the following sub-clause shall be substituted, namely :—

"(vi) five representatives (of which, two shall be women, one shall be a person belonging to the Scheduled Castes or the Scheduled Tribes, one shall be a person belonging to the Other Backward Classes and one shall be a person belonging to the De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes), to be nominated by the State Government ;” ;

(c) in sub-section (IB), in clause (c), after sub-clause (vi), the following sub-clause shall be inserted, namely :—

“(vi-a) four representatives (of which, one shall be woman, one shall be a person belonging to the Scheduled Castes or Scheduled Tribes, one shall be a person belonging to the Other Backward Classes and one shall be a person belonging to the De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes) to be nominated by the State Government :

Provided that, where the Divisional or Regional Market Committee is situated in Tribal areas, the State Government shall nominate the person belonging to the Scheduled Tribes in place of the person belonging to the De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes ;”.

Mah.
Ord.
XIV of
2006.

3. (1) The Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2006, is hereby repealed.

Repeal of
Mah. Ord.
XIV of 2006
and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the principal Act, as amended by this Act.

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महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

शुक्रवार, जानेवारी १९, २००७/पौष २९, शके १९२८

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)

ERRATA

In the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Second Amendment) Act, 2006 (Maharashtra Act No. XLVII of 2006), published at pages 898-900 of the *Maharashtra Government Gazette*, Part VIII, Extraordinary, dated the 29th December 2006,—

- (a) on page 898, in line 14, for “*dated*” read “*on*”;
- (b) on page 899, in line 34, for “*sub-section (A)*” read “*sub-section (1A)*”.

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महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

बुधवार, एप्रिल ४, २००७/चैत्र १४, 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) Act, 2007 (Mah. Act No. VII of 2007), 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. VII OF 2007.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 4th April 2007.).

An Act 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-eighth year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Act, 2007.

Short title and commencement.

भाग आठ—४१

(२०१)

[किंमत : रुपये १.००]

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

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"), in sub-section (1), after clause (f), the following clause shall be inserted, namely:—

Mah. XX of 1964.

"(f-1a) "District Deputy Registrar" means the District Deputy Registrar of Co-operative Societies appointed under the Maharashtra Co-operative Societies Act, 1960 ;".

Mah. XXIV of 1961.

Amendment of section 13 of Mah. XX of 1964. 3. In section 13 of the principal Act, in sub-section (1), in clause (a), after the words "from time to time by the Collector" the words "or, as the case may be, the District Deputy Registrar" shall be inserted.

Amendment of section 14 of Mah. XX of 1964.

4. In section 14 of the principal Act, in sub-section (4),—

(i) in clause (a), after the word "Collector" the words "or, as the case may be, the District Deputy Registrar, who has conducted the elections" shall be inserted;

(ii) in clause (b), after the word "Collector" the words "or, as the case may be, the District Deputy Registrar, who has conducted the elections" shall be inserted;

(iii) in clause (c), after the word "Collector" the words "or, as the case may be, the District Deputy Registrar, who has conducted the elections" shall be inserted.

Amendment of section 14A of Mah. XX of 1964.

5. In section 14A of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) (a) The superintendence, direction and control of the preparation of the list of voters for, and conduct of all elections to Market Committees, whose annual income from fees under sub-section (1) of section 31, in the immediately preceeding market year does not exceed rupees five crore, shall vest in the District Deputy Registrar; and

(b) The superintendence, direction and control of the preparation of the list of voters for, and conduct of all elections to Market Committees, whose annual income from fees under sub-section (1) of section 31, in the immediately preceding market year exceeds rupees five crore, shall vest in the Collector.

For the purpose of preparing the list of voters and conduct of elections, every Market Committee shall constitute an Election Fund consisting of an amount equal to five per cent. of all moneys received by it by way of fees under this Act during any year or rupees ten thousand per. annum, whichever is less.”;

(ii) in sub-section (3), for the words “the Collector”, at both the places where they occur, the words “the Collector, or as the case may be, the District Deputy Registrar” shall be substituted;

(iii) in sub-section (4), for the words “the Collector” the words “the Collector or, as the case may be, the District Deputy Registrar” shall be substituted;

(iv) in sub-section (5), for the words “The Collector” the words “The Collector or, as the case may be, the District Deputy Registrar” shall be substituted.

6. In section 15 of the principal Act, in sub-section (1), in the *Explanation*, the words “by the Collector or the authorised Officer” shall be deleted.

Amendment
of section 15
of Mah. XX
of 1964.

7. In section 22 of the principal Act,—

(a) in sub-section (1), for the words “the Collector or, the Officer not lower in rank than that of a Deputy Collector or as the Collector may authorise in this behalf” the following shall be substituted, namely:—

Amendment
of section 22
of Mah. XX
of 1964.

“the Collector or, as the case may be, the District Deputy Registrar, or the officer not below the rank of Deputy Collector or Assistant Registrar of Co-operative Societies as the Collector or District Deputy Registrar may authorise in this behalf”;

(b) in sub-section (2), for the word “Collector”, at both the places where it occurs, the words “Collector, the District Deputy Registrar” shall be substituted;

(c) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) In the event of a dispute arising as to the validity of the election of a Chairman or Vice-Chairman, the Collector or, as the case may be, the District Deputy Registrar, if he is the presiding officer, shall decide the dispute himself, and in any other case, the officer presiding shall refer the dispute to the Collector or as the case may be, the District Deputy Registrar for decision. The decision of the Collector, subject to an appeal to the Commissioner appointed under section 6 of the Maharashtra Land Revenue Code, 1966 and the decision of the District Deputy Registrar, subject to an appeal to the Divisional Joint Registrar of Co-operative Societies shall be final; and no suit or other legal proceedings shall lie in any court in respect of any such decision.”.

Mah.
XLI
of
1966.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

शुक्रवार, एप्रिल २५, २००८/वैशाख ५, शके १९३०

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) Act, 2008 (Mah. Act No. X 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.

MAHARASHTRA ACT No. X OF 2008.

[First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 25th April 2008.]

An Act 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, 2008, on the 22nd January 2008 ;

Mah.
XX of
1964.

Mah.
Ord. 1
of
2008.

(४३५)

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Fifty-ninth 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, 2008.

(2) It shall be deemed to have come into force on the 22nd January 2008.

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 "the 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.

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. Amendment of section 21 of Mah. XX of 1964.

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

(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; Amendment of section 45 of Mah. XX of 1964.

(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.”

Amendment
of section
57 of Mah.
XX of
1964.

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.

Repeal of
Mah. Ord.
I of 2008
and saving.

8. (1) The Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2008, is hereby repealed.

Mah.
Ord. I
of
2008.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष २, अंक २९]

शुक्रवार, जुलै ३०, २०१०/श्रावण ८, शके १९३२

[पृष्ठे २, किंमत : रुपये १९.००

असाधारण क्रमांक ५९

प्राधिकृत प्रकाशन

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 (Development and Regulation) (Amendment) Act, 2010 (Mah. Act No. XXI of 2010), is hereby published under the authority of the Governor.

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

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXI OF 2010.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 30th July 2010.)

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

Mah. WHEREAS it is expedient further to amend the Maharashtra
XX of Agricultural Produce Marketing (Development and Regulation) Act,
of 1963, for the purposes hereinafter appearing; it is hereby enacted in
1964. the Sixty-first Year of the Republic of India as follows :—

1. This Act may be called the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Act, 2010. Short title.

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 (g), the following clause shall be inserted, namely:—

Mah.
XX
of
1964.

"(g-a) "Managing Director" means a person appointed by the State Government, as the Managing Director of the State Marketing Board under section 39B-1;".

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

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

(a) in clause (ix), the words "and the Managing Director" shall be deleted ;

(b) after clause (ix), the following clause shall be added, namely :—

"(x) the Managing Director - Member Secretary."

Insertion
of section
39B-1 in
Mah. XX
of 1964.

4. After section 39B of the principal Act, the following section shall be inserted, namely :—

Managing
Director of
State
Marketing
Board.

"39B-1. (1) The State Government may, by notification in the *Official Gazette*, appoint, on deputation, an officer to be the Managing Director of the State Marketing Board.

(2) The Managing Director appointed under sub-section (1) shall exercise such powers and perform such functions as may be specified under this Act or rules made thereunder."