

**THE MAHARASHTRA AGRICULTURAL PRODUCE
MARKETING (REGULATION) (POSTPONEMENT
OF ELECTIONS DURING THE EMERGENCY) ACT, 1975**

[Text as on 29th February 2024]

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MAHARASHTRA ACT No. LXVII OF 1975¹

[THE MAHARASHTRA AGRICULTURAL PRODUCE MARKETING (REGULATION)
(POSTPONEMENT OF ELECTIONS DURING THE EMERGENCY) ACT, 1975.]

[This Act received the assent of the Governor on the 20th December 1975; assent first published in the
Maharashtra Government Gazette, Part IV, on the 24th December 1975.]

**An Act to provide for the postponement of elections of members of Agricultural Produce Market
Committees in the State during the period of the Emergency declared
on the 25th day of June 1975.**

WHEREAS both Houses of the Legislature of the State were not in Session ;

AND WHEREAS elections of members of Agricultural Produce Market Committees are required
to be conducted under the control of the Collectors of the Districts ;

AND WHEREAS such elections, of members of certain Market Committees whose term had
expired or was due to expire were required to be held in the near future ;

AND WHEREAS because of the Emergency declared on the 25th June 1975, the Collectors of the
Districts and their staff, who are necessary to hold such elections, are required to direct all effort
towards other programmes to be taken up during the Emergency and consequently would not be
available for elections work; and it would also be inconvenient for the members of the public in general
to have such elections during such period ;

AND WHEREAS for these and other reasons it was expedient to postpone such elections ;

AND WHEREAS in consequence of such postponement, it was necessary to extend the term of
office of the members of Market Committees or of the person or persons appointed under sub-section
(2) of section 45 of the Maharashtra Agriculture Produce Marketing (Regulations) Act, 1963 (Mah. XX
of 1964) for carrying out the functions of the Market Committees ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which
rendered it necessary for him to take immediate action to provide for postponement of the elections and
extension of the term of office as aforesaid, to provide for the purposes connected with the matters
aforesaid; and therefore, promulgated the Maharashtra Agricultural Produce Marketing (Regulation)
(Postponement of Elections due to the Emergency) Ordinance, 1975 (Mah. Ord. IX of 1975), on the 6th
day of September 1975 ;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature
with certain modifications hereinafter appearing ; It is hereby enacted in the Twenty-sixth Year of the
Republic of India as follows :—

1. Short title, commencement and duration.— (1) This Act may be called the Maharashtra
Agricultural Produce Marketing (Regulation) (Postponement of Elections during the Emergency) Act,
1975.

(2) It shall be deemed to have come into force on the 6th day of September 1975.

(3) It shall remain in force during the period of operation of the Proclamation of Emergency
issued under clause (1) of article 352 of the Constitution of India on the 25th day of June 1975 and for a
period of six months thereafter, or until such earlier date as may be notified by the State Government in
the *Official Gazette* and shall then expire. Section 7 of the Bombay General Clauses Act, 1904 (Bom. I
of 1904), shall apply upon the expiry of this Act, as if it had been repealed by a Maharashtra Act.

2. Definitions.— In this Act, unless the context otherwise requires,—

(a) “administrator” means a person appointed under sub-section (2) of section 45 of the
Marketing Regulation Act for carrying out the functions of any Market Committee ;

¹ For statement of object and reasons, see *Maharashtra Government Gazette*, dated 24th December 1975, Extraordinary
No. 87, Part-IV, page 509.

(b) "Market Committee" shall have the meaning assigned to it in the Marketing Regulation Act;

(c) "the Emergency" means the Emergency declared under the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution of India on the 25th day of June 1975 ;

(d) "the Marketing Regulation Act" means the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Mah. XX of 1964).

3. Postponement of elections of members of Market Committees and extension of term of office of members and administrators.—

(1) Notwithstanding anything contained in the Marketing Regulation Act and the rules made thereunder —

(a) during the period this Act is in force, no election of the members of any Market Committee or election to fill any casual vacancy in any Market Committee shall be held ; provided that, where the election programme for the purpose of any such election has already been announced by the Collector before the date of commencement of this Act, such election shall be held and completed;

(b) the term of office of all members (whether elected, nominated, appointed or *ex-officio*) of the Market Committees [excepting those whose election is to be completed as required by clause (a) above], who were in office on the date of commencement of this Act (whether their term or extended term had expired before or will expire after the said date at any time during the period this Act is in force) shall be deemed to have been extended or to be extended, as the case may be ; and such members shall continue to hold office during the period this Act is in force ;

(c) the term of office of the administrators appointed for carrying out the functions of any Market Committees, who were in office on the date of commencement of this Act (whether their term or extended term had expired before or will expire after the said date, at any time during the period this Act is in force) shall be deemed to have been extended or to be extended, as the case may be ; and such administrators shall continue to hold office during the period this Act is in force.

(2) Nothing contained in such-section (1) shall affect the judgement, decree or order of any Court delivered or passed before the commencement of this Act directing the holding of any election of a member or members of any Market Committee ; and such election shall be held and completed, and the Committee shall be constituted in accordance with the directions of the Court.

4. Casual vacancy.— Notwithstanding anything contained in the Marketing Regulation Act and the rules made thereunder, but subject to the provisions of sub-section (2) of section 14 of that Act, in the event of a vacancy occurring in any Market Committee 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, as soon as conveniently, may be, by appointment or nomination of a person thereto, who shall hold office so long only as the member in whose place, he is appointed or nominated would have held it; if the vacancy had not occurred :

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.

5. Validation of acts of Market Committees and of members and administrators whose term of office stands extended under section 3.— All members of the Market Committees and all administrators appointed for carrying out the functions of any Market Committees whose term of office is deemed to have been extended or is extended, as the case may be, under section 3, shall, throughout the extended period also, be competent to exercise all powers and perform all duties and functions as such members or administrators, as the case may be; and no acts done by any such committee, members or administrator during the said period shall be deemed to be invalid, or shall be called in question in any Court, merely on the ground that the term of office was not extended in time, or was

not otherwise duly extended, or that during the extended period, the Market Committee, member or administrator could not exercise all powers and perform all duties and functions of a Market Committee, member or administrator, as the case may be.

6. Application of Mah. XX of 1964.— Except as otherwise provided by or under this Act, the Marketing Regulation Act shall in all other respects apply to the Market Committee concerned.

7. Removal of difficulties.— If any difficulty arises in giving effect to the provisions of this Act, or by reasons of anything contained therein, or in giving effect to the provisions of the Marketing Regulation Act, in respect of any matter contained in this Act, the State Government may, as occasion arises, by order, do anything which appears to it to be necessary for the purposes of removing the difficulty.

8. Repeal of Mah. Ord. IX of 1975 and saving.— (1) The Maharashtra Agricultural Produce Marketing (Regulation) (Postponement of Election due to the Emergency) Ordinance, 1975 (Mah. Ord. IX of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any appointment or nomination made or any order issued) under the Ordinance so repealed, shall be deemed to have been done, taken, made or issued, as the case may be, under the corresponding provisions of this Act.