

**THE GOA AGRICULTURAL PRODUCE MARKETING  
(DEVELOPMENT AND REGULATION) (AMENDMENT), BILL, 2020  
(BILL NO 12 of 2020)**

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BILL

further to amend the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007).

BE it enacted by the Legislative Assembly of Goa in the Seventy-first Year of the Republic of India as follows:-

1. **Short title and commencement.**-(1) This Act may be called the Goa Agricultural Produce Marketing (Development and Regulation) (Amendment) Act, 2020.

(2) It shall be deemed to have come into force with effect from 15<sup>th</sup> day of May, 2020.

2. **Amendment of section 1.**- In section 1 of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007) (hereinafter referred to as the “principal Act”), in sub-section (1), for the expression “Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007”, the expression “Goa Agricultural Produce and Livestock Marketing (Promotion and Facilitation) Act, 2007” shall be substituted.

3. **Amendment of section 2.**- In section 2 of the principal Act,-

- (i) clause (a) shall be re-numbered as clause (aa);
- (ii) before clause (aa) as re-numbered the following clause shall be inserted, namely:-

“(a) “**ad-hoc buyer**” includes a buyer registered under section 60A of this Act;”;

- (iii) for clause (b), the following clause shall be substituted, namely:-

“(b) **“agriculturist”** means a person who ordinarily by his own labour or by the labour of any member of his family or by the labour of his tenants or servants or hired labour or otherwise, is engaged in the production or growth of any notified agricultural produce, and includes a member of a co-operative society registered in the State of Goa which is dealing with agricultural produce and a person who has sold agricultural produce to the co-operative society, of the value not less than Rs.5000/- in the preceding financial year or of such amount as may be determined by the State Marketing Officer from time to time in the preceding financial year; but does not include a trader, trading agent, broker, processor or commission agent;”;

(iv) after clause (b), the following clause shall be inserted, namely:-

“(bb) **“assaying lab”** means a laboratory set up for testing of quality parameters as per the tradable parameters or grade-standards or any other parameters notified by the Marketing Board;”;

(v) in clause (f) and in any other section, for the expression “Goa Agricultural Marketing Board”, wherever it occurs, the expression “Goa Agricultural Produce and Livestock Marketing Board” shall be substituted;

(vi) after clause (f), the following clause shall be inserted, namely:-

“(fa) **“cold storage”**, in relation to market yard, means cold storage declared as market sub-yard under sub-section (1) of section 5E of this Act;”;

(vii) after clause (l), the following clause shall be inserted, namely:-

“(la) **“direct marketing”** in relation to agricultural produce, means direct wholesale purchase of agricultural produce from the farmers by the processors, exporters, bulk buyers, etc. outside the principal market yard, sub-market yard, private market yard and market sub-yard under section 5D of this Act;”;

(viii) after clause (p), the following clauses shall be inserted, namely:-

“(pa) **“electronic trading platform”** means electronic platform set up either by Government or its agencies or a person licenced under section 60B for conducting trading in notified agricultural produce including livestock through electronic media or by any means of communication in which registration, buying and selling, billing, booking, contracting and negotiating are carried out online through computer network/internet or any other electronic device;

(pb) **“Farmer-Consumer Market Yard”** means market yard established under section 5D of this Act;

(pc) **“Farmer-Producer Company (FPC)”** means a company of farmer-producer members incorporated with the Registrar of Companies”;

(ix) after clause (v) the following clause shall be inserted, namely:-

“(va) **“livestock”** means cows, buffaloes, bullocks, bulls, goats and sheep, and includes poultry, fish and such other animal and products thereof specified in the Schedule hereto;”;

(x) after clause (zc), the following clause shall be inserted, namely:-

“(zca) **“Market Yard of National Importance”** means a market yard as notified under section 5B of this Act;”;

(xi) after clause (ze), the following clauses shall be inserted, namely:-

“(zea) **“Notified Agricultural Produce and Livestock”** means agricultural produce and livestock, specified in the Schedule hereto;

“(zeb) **“National Agriculture Market (NAM)”** means an integrated market where buying and selling of notified agricultural produce including livestock and activities incidental thereto are carried out in India possessing marketing utility across time and space;”;

(xii) after clause (zf), the following clauses shall be inserted, namely:-

(zfa) **“over trading”**, in relation to a trader, means the amount exceeding the value of the agricultural produce including livestock purchased at any point of time vis-à-vis to the amount of security

deposited with or the bank guarantee he has furnished to the Marketing Board;

“(zfb) **“own consumption purchases”** means retail purchases made in small quantities for domestic consumption and not for resale or business purposes;

“(zfc) **“person”** includes individual, a co-operative society, Hindu Undivided family, a company or firm or an association or a body of individuals, whether incorporated or not;

“(zfd) **“petty trader”** in relation to agricultural produce, means a trader who has not obtained licence under this Act but carries on purchasing or selling of notified agricultural produce not exceeding such quantity as may be prescribed;”;

(xiii) after clause (zq), the following clauses shall be inserted, namely:-

“(zqa) **“Silo”** means silo declared as market sub-yard under section 5E of this Act;

“(zqb) **“Special Commodity Market Yard”** means such market yard notified under section 5A of this Act;

“(zqc) **“State”** means the State of Goa;”;

(xiv) after clause (zw), the following clauses shall be inserted, namely:-

“(zwa) **“warehouse”**, in relation to market yard, means warehouse, declared as market sub-yard under section 5E of this Act;

“(zwb) **“Revolving Marketing Development Fund”** means a separate non-lapsable fund maintained by State Marketing Officer under sub-section (2A) of section 44 of this Act;”

**4. Substitution of section 5.- For section 5 of the principal Act, the following sections shall be substituted, namely:-**

“5. Principal market yard, sub-market yard, market sub-yard, private market yard, private market sub-yard, farmer-consumer market yard,

private farmer-consumer market yard and electronic trading platform.-

(1) In this State there may be-

(a) principal market yard managed by the Marketing Board ;

(b) sub-market yard managed by the Marketing Board ;

(c) market sub-yard managed by the Marketing Board ;

(d) private market yard managed by a person, holding a licence under section 5C;

(e) private market sub-yard managed by a person holding a licence under section 5F;

(f) farmer-consumer market yard managed by the Marketing Board ;

(g) private farmer-consumer market yard managed by a person, holding a licence under section 5D;and

(h) electronic trading platform.

(2) The Government shall, as soon as possible after the issue of notification under sections 3 and 4, by a notification, declare any 'place' in the market area as principal market yard or sub-market yard or market sub-yard or farmer-consumer market yard, as the case may be, managed by a Marketing Board, for the purpose of regulation of marketing of notified agricultural produce and livestock, expressly or impliedly in physical, electronic or other such mode, under this Act.

**Explanation:** In this sub-section (2), the expression 'place' shall include any structure, enclosure, open space locality, street, including warehouse, silos, pack house, cleaning, grading, packaging and processing unit vested in the Marketing Board of the delineated market area.

(3) The Government may, by notification, declare a 'place', licenced under section 51, to be private market yard, private market sub-yard, private farmer-consumer market yard, as the case may be, for marketing of notified agricultural produce and livestock, expressly or impliedly in physical, electronic or other such mode, under this Act.

**Explanation:** In this sub-section (3), the expression 'place' shall include any structure, enclosure, open space, locality, street, including warehouse, silos, pack house, cleaning, grading, packaging and processing unit vested in the person licenced for the purpose under this Act.

**5A. Establishment and notification of "Special Commodity Market Yard".** (1) The Government may designate any existing market yard established under sub-section (2) of section 5 as "Special Commodity Market Yard" or establish and notify any market yard as "Special Commodity Market Yard" after consideration of such aspects as throughput of particular agricultural produce livestock and special infrastructure requirements therefor. It may be,-

(i) fruits, vegetables and flowers market, including onion market, apple market, orange market and other such market;

(ii) cotton market;

(iii) medicinal and aromatic plants market;

(iv) livestock market including camel market, fish market, poultry market and other such market; and

(v) any other markets.

(2) All provisions for and in relation to the Marketing Board made in the Act shall mutatis mutandis apply to the Marketing Board established for "Special Commodity Market Yard".

**5B. Establishment and notification of "Market Yard of National Importance (MNI).-** The Government may designate and notify any existing market yard established under sub-section (2) of section 5 as "Market Yard of National Importance" or establish and notify any **market** as "Market Yard of National Importance" after consideration of such aspects as total **throughput**, value, upstream catchment area, down-stream number of consumers served and special infrastructure requirements thereof:

Provided that the market yard handling not less than such annual tonnage or such annual values, as may be prescribed, may be considered for conferring the status as the “Market Yard of National Importance”:

Provided further that out of such annual tonnage or such annual value, 30 percent may arrive from not less than two other States.

**5C. Establishment of private market yard.-** (1) Subject to such reasonable conditions and such fee as may be prescribed, the State Marketing Officer or such officer as may be authorized by him may grant a licence to a person to establish a private market yard, for trading of notified agricultural produce and livestock.

(2) The private market yard licensee, or its management committee, by whatever name it is called, may register commission agents and other market functionaries to operate in the licenced private market yard.

(3) The private market yard licensee, or its management committee, may collect user charge on notified agricultural produce and livestock transacted in the private market yard, at the rate ad valorem not exceeding the rate as notified by the Government:

Provided that no user charge shall be collected from agriculturist seller.

(4) The private market yard licensee shall contribute such user charge collection and registration fee, to the Revolving Marketing Development Fund for this purpose at the rate in percentage at par with Marketing Board.

(5) The State Marketing Officer shall spend the money from such Fund under sub-section (4) in development of common marketing infrastructure, skill development, training, research and pledge financing and such other activities as will aid in creating an efficient marketing system in the State/Country.

(6) The private market yard licensee shall formulate a Standard Operating Procedure (SOP) for conduct of business and activities ancillary thereto in the licenced private market yard.

**5D. Establishment of farmer-consumer market yard (direct sale of agricultural produce by farmer to consumer in retail).-** (1) Subject to such terms and conditions and fee, as may be prescribed, the State Marketing Officer or such officer as may be authorized by him, may grant licence to person to establish farmer-consumer market yard for marketing of specified agricultural produce in retail.

(2) Such farmer-consumer market yard may be established by a person by developing infrastructure, as may be prescribed, and at a place accessible to both farmers(s) and consumer(s):

Provided that the consumer shall not purchase more than such quantity of agricultural produce at a time in market yard as prescribed.

(3) The farmer-consumer market yard licensee may collect the user charge on the sale of agricultural produce from the seller and amount so realized shall be retained by farmer-consumer market yard licensee:

Provided that the Government may in public interest from time to time, by notification, put ceiling on the rate of collection of user charge.

**5E. Declaring ware-house/silos/cold storage or other such structure or place as market sub-yard.-** (1) Save as otherwise provided in this Act, the Government may, by notification, declare warehouse/silos/cold storage or other such structure or place with infrastructure and facilities as prescribed, to function as market sub-yard.

**Explanation:** The expression 'place' under this sub-section shall include any structure, enclosure, open space, locality, street, including pack house, cleaning, grading and processing unit, etc.

(2) The owner of such warehouse/cold storage, or other such structure or 'place', as the case may be, desirous of declaration of such place as market sub-yard under sub-section (1), shall apply to the State Marketing Officer or such officer as may be authorized by him, in such



form and in such manner and along with such fee; and for such period but not less than three years, as prescribed.

(3) The licensee of such warehouse/silos/cold storage or other such structure or place, may collect user charge on notified agricultural produce transacted at the declared market sub-yard under sub-section (1), at the rate ad valorem not exceeding the rate as notified by the Government:

Provided that no user charge shall be collected from agriculturist seller.

(4) A declared market sub-yard licensee shall contribute such user charge to the Revolving Marketing Development Fund at the rate in percentage at par with Marketing Board. The fund shall be utilized for the purposes as specified in sub-section (5) of section 5C of this Act.

**5F. Direct marketing (wholesale direct purchase from farmers outside the market yard, sub-market yard, private market yard).** (1)

Collection/aggregation centers in the proximity of the production areas may be set up by a person with infrastructure, as may be prescribed, with linkages to retail chain, or processing/export unit/premises, or any other such unit/premises, as may be prescribed, in accordance with the provisions of this Act and rules made thereunder for marketing of notified agricultural produce.

(2) Notwithstanding anything contained under sub-section (1), direct wholesale purchase can also be carried out outside the principal market yard, sub-market yard, market sub-yard, private market yard at such place without establishment of any permanent collection/aggregation centre, as prescribed.

(3) Direct marketing licensee shall have to maintain records and all accounts relating to daily trade transactions and shall submit such monthly report, as prescribed, to the Licensing Authority.

(4) The Licensing Authority can seek any type of additional information from the direct marketing licensee and can also inspect and issue

direction relating to functioning of such wholesale purchases and the activities incidental thereto.

(5) The direct marketing licensee shall be liable to pay to one-fourth of the applicable market fee on wholesale purchases made. Such licensee shall deposit the due amount towards "Revolving Marketing Development Fund" for the month by 7<sup>th</sup> day of the next month. The Fund shall be utilized for the purposes as specified in sub-section (5) of section 5C of this Act.

**5. Amendment of section 12-** In section 12 of the principal Act, in sub-section (1),-

- (i) for the word "eighteen", the word "nineteen" shall be substituted;
- (ii) for clause (d), the following clause shall be substituted, namely:-  
“(d)(i) Registrar of Co-operative Societies or his nominee;  
  
(ii) Director of Agriculture or his nominee; and  
  
(iii) Director of Animal Husbandry or his nominee.”.

**6. Substitution of section 34 :-** For section 34 of the principal Act, the following section shall be substituted, namely:-

**“34 Levy of user charge by Marketing Board.-** (1) Notwithstanding anything contained in this Act, the Marketing Board may allow trade even in those items of the agricultural produce including livestock which is not notified for regulation under this Act or are not specified in the Schedule hereto.

(2) The Marketing Board shall collect user charge as specified in bye-laws for allowing trade as provided under sub-section (1) at the rate not exceeding two percent ad valorem in case of non-perishable transacted agricultural produce and not exceeding one percent ad valorem in case of perishable agricultural produce and livestock.

(3) Save as otherwise provided in this Act, there shall neither be regulation nor levy of applicable user charge on sale transactions of fruits and vegetables taking place outside the principal market yard, sub-market yard(s) and market sub-yard(s).”.

**7. Amendment of section 41.-** In section 41 of the principal Act, for the word “market fee”, wherever they occur, the expression “market fees/user charge” shall be substituted.

**8. Amendment of section 44.-** In section 44 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:-

“(2A) The State Marketing Officer shall maintain a Revolving Marketing Development Fund to account the receipts realized as contribution from licensees of private market yard, private market sub-yard, e-trading platform, direct marketing and from such other contribution.

(2B) The Marketing Board shall contribute five percent of its income derived from license fees and market fees to the Revolving Marketing Development Fund.”.

**9. Insertion of new section 44A.-** After section 44 of the principal Act, the following section shall be inserted, namely:-

**44 A. Accounts and Audit of Marketing Board.-** (1) The accounts of the Marketing Board shall be subject to internal audit for which the Marketing Board may make such an arrangement as it deem fit.

(2) Within 45 days of the close of the financial year the annual accounts and balance sheet of the Marketing Board shall be prepared by the Secretary and all money accruing to or received by the Marketing Board from whatever source and all amounts disbursed or paid shall be entered in the accounts.

(3) At the time of audit the Secretary shall cause to be produced all accounts, registers, documents and other relevant papers which may be called for by the audit officer for the purposes of the audit. Any explanation called for by such officer for the removal of any discrepancy shall be immediately furnished to him.

(4) The accounts of the Marketing Board shall be audited within six months of the close of the financial year to which such accounts relate.

Provided that the State Marketing Officer may upon request from the Marketing Board and for justifiable reasons, grant extension of time for a period not exceeding six months.

(5) The State Marketing Officer shall appoint an auditor from the panel of Auditors and Chartered Accountants constituted by the Registrar of Co-operative Societies, Government of Goa, from time to time.

(6) The Marketing Board dealing with the funds from the Government or any other external individual or institutions may be subject to a re-audit initiated by the State Marketing Officer at the request of creditor, on such specific terms of reference as agreed to by the State Marketing Officer. The cost and expenses of the re-audit shall be borne by such creditor.

(7) The accounts when audited shall be printed. The copies of accounts and audit report with comments thereon shall be placed before the Marketing Board.

**10. Amendment of section 45.-** In section 45 of the principal Act, in subsection (1),-

(i) clause (xx) shall be re-numbered as clause (xxi);

(ii) before clause (xxi) so re-numbered, the following clause shall be inserted, namely:-

“(xx) to make arrangement for creating the facilities for livestock trade by providing required Infrastructure;”.

**11. Substitution of Chapter VIII.-** For Chapter VIII of the principal Act, the following chapter shall be substituted namely :-

### **“Chapter VIII”**

#### **REGULATION OF TRADING**

**47. Sale-transactions of notified Agricultural Produce and Livestock .-**

(1) All notified agricultural produce including livestock shall ordinarily be sold in the principal market yards, sub-market yards and market sub-

yards licenced under this Act or not, private market yard or at the electronic trading platforms:

Provided that the notified agricultural produce including livestock may be sold at other places also to a licence holder especially permitted in this behalf under this Act.

(2) In relation to agricultural produce, nothing in sub-section (1) shall apply to,-

(i) sale made by the producer himself to any person for his domestic consumption in quantity upto one quintal;

(ii) agricultural produce brought for sale by head load;

(iii) purchase and sale of agricultural produce made by petty trader;

(iv) purchase of agricultural produce by an authorized fair price shop dealer from the Food Corporation of India, State Commodities Trading Corporation or any other agency or institution authorized by the Government of India or State Government or Union Territory Administration for distribution of essential commodities through the public distribution system; and

(v) transfer of agricultural produce to a co-operative society for the purpose of securing an advance therefrom.

(vi) notified agriculture produce brought by the licenced/registered trader from a place outside the Market Yard or within the Market area in the course of commercial transactions:

Provided that it shall not be necessary to bring agricultural produce covered under contract farming to the market yard/sub market yard/private yard and it may be directly sold to contract farming sponsors from farmers fields.

(3) In relation to livestock, nothing in sub-section (1) shall apply to the business of purchasing or selling of livestock not exceeding such value, as prescribed.

(4) The price of the notified agricultural produce including livestock, brought for sale into the principal market yards, sub-market yards, private market yards, market sub-yards, shall be settled by tender bid or open auction including e-auction or any other transparent system and no deduction shall be made from the agreed price on any account whatsoever from the seller.

(5) Weighment or measurement or counting of all the notified agricultural produce including livestock so purchased shall be done by such person and such system as is provided in the bye-laws or at any other place specified for the purpose by the Marketing Board.

**48. Terms and procedure of buying and selling.-(1)** Except in the commercial transactions between two traders, any other person who buys notified agricultural produce including livestock in the principal market yards, sub-market yards and market sub-yards, shall execute an agreement in triplicate in such form, as prescribed, in favour of the seller. One copy of the agreement shall be kept by the buyer, one copy shall be supplied to the seller and the remaining copy shall be kept in the record of Marketing Board.

(2) (a) The price of the notified agricultural produce including livestock transacted in the principal market yards, sub-market yards, private market yards, market sub-yards or at e-platforms shall be paid on the same day to the seller or in the maximum next day if procedurally so required. Payment on notified agricultural produce shall also be made to agriculturist-seller, if sold to the direct marketing licensee, on the same day there itself.

(b) In case purchaser does not make payment as specified under clause (a), he shall be liable to make additional payment at the rate of one percent per day of the total price of the agricultural produce, including live stock, payable to the seller within five days.

(c) In case purchaser does not make payment to the seller as specified under clause (b) above within 5 days from the day of such purchase, his license shall be deemed to have been cancelled on the sixth day and he

shall not be granted any licence or permitted to operate under this Act for a period of one year from the date of such cancellation.

(3) No wholesale transactions of notified agricultural produce shall be entered directly by licensed/registered trader with producer of such agricultural produce in the market yard/sub-market yard/private yard or at such other place except in accordance with the provisions contained in the bye-laws:

Provide that agricultural produce, produced under contract farming may be directly bought by contract farming sponsor anywhere.

(4) Commission agent shall recover his commission from his principal trader at the rate not exceeding two percent ad valorem on transacted non-perishable agricultural produce; while in case of perishable agricultural produce, it shall not exceed four percent ad valorem on transacted produce, including all expenses as may be incurred by him in storage of the produce and other services rendered by him:

Provided that no commission shall be collected from farmer-seller.

(5) Every commission agent shall be liable to keep the goods of his principal in safe custody without any charge other than commission payable to him.

**49. Levy of market fee (single point levy of market fee).-(1)** The Marketing Board shall levy and collect market fee from buyer in respect of notified agricultural produce including livestock bought by such buyer in the principal market yard or sub-market yard(s) or market sub-yard(s) either brought from outside the State or from within the State, at such rate as may be notified by the Government but not exceeding two percent ad valorem on transacted produce in case of non-perishable agricultural produce and not exceeding one percent ad valorem in case of perishable agricultural produce and livestock:

Provided that the notified agricultural produce imported/purchased/bought from any person other than agriculturist into the

market area shall not be liable for payment of Market fee with effect from 15/06/2020.

Provided that market fees specified under this section shall not be levied for the second time, in whatever name it is called, i.e. cess, user charge, service charge, etc. ., in any principal market yard, sub-market yard, market sub-yard, private market yard, electronic trading platform within the state provided that market fee at applicable rate has already been paid on that notified agricultural produce in any principal market yard, sub-market yard, market sub-yard, private market yard, electronic trading platform within the State and the evidence to this effect has been furnished, by the concerned person that market fee has already been paid as aforesaid in the State :

Provided further that in case of commercial transactions between traders, the market fee shall be collected and paid by the seller:

Provided also that in case of buyer is not licensee and seller is farmer, the liability of payment of market fee shall be of commission agent who will collect the market fee from buyer and deposit to the Marketing Board.

(2) The Marketing Board may levy and collect entrance fee on vehicles which may enter into market yard at such rate as may be specified in bye-laws:

Provided that no such fee shall be levied and collected from agriculturist-sellers.

**50. Grant/Renewal of licence to market functionaries other than trader.- (1)** Subject to the provisions of this Act and rules made in this behalf, every person who, in respect of notified agricultural produce including livestock, desires to operate in the principal market yard or sub-market yard or market sub-yard as commission agent, weighman, measurer, hammaal (loader-unloader) or such other market functionary, except trader, shall apply to the Marketing Board for grant or renewal of licence in such form, with such fee and in such manner as prescribed.



(2) The Marketing Board or its Chairperson if so authorized by the Marketing Board, may, on an application made under sub-section (1) and after making such inquiries as it deemed fit, grant or renew the licence, or may refuse to grant or renew any such licence on the basis of one or more of the following reasons :-

(i) the applicant is minor or not bonafide;

(ii) the applicant has been declared defaulter under this Act or under the rules or Bye-laws framed thereunder;

(iii) the applicant has been found guilty under this Act;

(iv) any dues relating to Marketing Board and/or Government are outstanding against the applicant;

(v) any other reason(s) as may be prescribed.

(3) The application received under sub-section (1) shall be disposed of within a period of twenty working days from the date of receipt of application complete in all respects.

(4) The Marketing Board may grant the licence or reject the same after recording the reason in writing therefor.

(5) On expiry of a period specified in sub-section (3), if the application has not been disposed off, the licence shall be deemed to have been granted or renewed, as the case may be.

(6) The Marketing Board or its Chairperson if so authorized may, by order and for reasons to be recorded in writing suspend or cancel the licence, granted under this section:

Provided that no order for suspension or cancellation of licence shall be passed without giving a reasonable opportunity of being heard to the licensee.

**51. Grant/Renewal of licence for private market yard, farmer-consumer market yard and market sub-yard.-(1)** Any person who, desires to establish private market yard, farmer-consumer market yard, market sub-yard, shall apply to the State Marketing Officer or such

officer as may be authorized by him for grant of licence or renewal thereof in such form, in such manner and with such fee and securities/bank guarantee as prescribed.

(2) An application received under sub-section (1) may be rejected for the reasons to be recorded in writing by the State Marketing Officer or such officer as may be authorized by him.

(3) The application received under this section shall be liable to be rejected,-

(i) in case the applicant is a minor or not bona fide;

(ii) in case the applicant has been declared defaulter under this Act or under the rules or Bye-laws framed thereunder;

(iii) in case any dues relating to Marketing Board and/or Government are outstanding against the applicant;

(iv) in case the concerned authority is satisfied that the applicant does not possess the infrastructure credentials, experience or adequate capital for investment or any other requirements as may be prescribed for establishment of a private market yard or farmer-consumer market yard or market sub yard;

(v) for any other reason as prescribed.

(4) The licence granted or renewed under this section shall be subject to such terms and conditions as prescribed and the licensee shall be bound to follow the terms and conditions of the licence. The licensee shall also follow the provisions of this Act and rules made thereunder.

**52. Suspension or Cancellation of licence granted /renewed under section 51.- (1)** Subject to the provisions of section 51, the Licensing Authority, may by order, and for the reasons in writing to be communicated to the licensee, suspend or cancel the licence, if,-

(a) the licence has been obtained through willful misrepresentation or fraud;

(b) the licensee or his representative or anyone acting on his behalf with his expressed or implied permission, commits a breach of any of the rules, regulations and terms or conditions of licence;

(c) licensee himself or in collusion with other licensee commits any act or abstains from carrying on his normal business in the market area with the intention of willfully obstructing, suspending or stopping the marketing of notified agricultural produce;

(d) licensee becomes insolvent;

(e) licensee incurs any disqualification as prescribed; or

(f) licensee is convicted of any offence under this Act.

(2) No licence shall be suspended or cancelled under this section without giving a reasonable opportunity of being heard to the licensee.

**53. Grant/Renewal of unified single trading licence.- (1)** There shall be a single licence applicable to the whole of the State, for the trader to be granted/renewed by the State Marketing Officer or such officer as may be authorized by him in such manner and in such form, as prescribed, to operate as trader in any principal market yard, sub-market yard, market sub-yard, private market yard and private market sub-yard, e-trading platform or any other space identified for the purpose, in the State. The existing trader licences granted by the Marketing Board before commencement of the Goa Agricultural Produce Marketing (Development and Regulation) (Amendment) Act, 2020 shall be deemed to be State wide single trader licences granted by the State Marketing Officer.

**Explanation:** Private market licensee or other such licensee or its management committee may, register the unified single trading licensee, to allow to operate in such market yards.

(2) Any person desirous of obtaining or renewing a licence under subsection (1) as trader, shall apply to the State Marketing Officer or such officer as may be authorized by him in such form and with such fee, as prescribed.

(3) Subject to provisions of this Act and the rules made thereunder, the State Marketing Officer or such officer as may be authorized by him, on application made under sub-section (2), after making such inquiries as deemed fit, may grant or renew the licence in such form and for such period, as prescribed:

Provided that notwithstanding anything contained in this Act and the rules, made thereunder, there shall be no consideration of domicile, compulsory requirement of purchase/collection center and minimal quantity for grant/renew of such licence:

Provided further that such licence granted or renewed shall entail to the licensee to carry out trade of any form i.e. primary or secondary or whatsoever, without any discrimination.

(4) The licence issued by the State Marketing Officer or such officer as may be authorized by him under this section shall bear Unicode, as prescribed.

**54. Suspension or Cancellation of unified single trading licence granted/renewed under section 53.- (1)** The State Marketing Officer or the Officer authorized by him may, after such inquiry as he deems fit to make and after giving, the licensee a reasonable opportunity of being heard, suspend or cancel a licence issued under section 53 on any of the following grounds, namely:-

(a) the licence has been obtained through willful misrepresentation or fraud;

(b) the licensee himself or in collusion with other licensee commits any act or abstains from carrying on his normal business in the market with the intention to willfully obstruct, suspend or stop the marketing of notified agricultural produce in any type of market and in consequence whereof, the marketing of notified agricultural produce has been obstructed, suspended or stopped;

(c) the licensee is found to have contravened any of the provisions of this Act or the rules or bye-laws made thereunder;

(d) the licensee is convicted of an offence punishable under this Act or rules or regulations made thereunder;

(e) the licensee becomes insolvent; or

(f) the licensee incurs any disqualification as prescribed.

(2) The licensee shall forthwith produce the suspended/cancelled licence in the office of the State Marketing Officer for being endorsed in such manner as prescribed and shall not be entitled to claim on account of such suspension/cancellation any compensation and/or refund of the whole or any part of the licence fee.

**55. Recognition of unified single trading license granted/ renewed under section 53 for inter-state trade.- (1)**

Notwithstanding anything contained in this Act, the Government may allow holder of unified single trading licence bearing Unicode issued by any other State or Union Territory to undertake trade transactions within its geographical jurisdiction on e-platform or any other format that may be in operation, as trader.

(2) Such licensee shall be liable to pay the market fee and other marketing charges at the rate applicable, where trade transactions has taken place, in the manner as prescribed.

(3) In case of contravention of any of the provisions of this Act or Rules or bye-laws framed thereunder or instructions or orders, the State Marketing Officer shall, after giving an opportunity of being heard, blacklist such licensee for trading purpose within their respective jurisdiction, for a certain period or forever based on the gravity of contravention of provisions of this Act or Rules or bye-laws framed thereunder or instructions or orders issued.

Explanation: The expression 'blacklisting' of licensee for a certain period means temporary suspension of licence for certain period and blacklisting the licensee forever means permanent cancellation of licence.

(4) The State Marketing Officer of the respective jurisdiction, wherein the contravention occurs, may simultaneously submit a proposal detailing the type and nature of contravention with evidence, to the concerned licence issuing State or Union Territory, as the case may be, for taking further appropriate action against the contravener.

**56. Grant/Renewal of licence for direct marketing.- (1)** Any person including a Farmers' Cooperative, Farmers' Producer Organization (FPO) and Processor/Exporter, desires to purchase agricultural produce directly from farmers outside the principal market yard, sub-market yard, market sub-yard, private market yard, shall apply to the State Marketing Officer or such officer as may be authorized by him for grant or renewal of licence, as the case may be, in such form and in such manner, as prescribed.

(2) An application for direct marketing shall accompany such fee and security/ bank guarantee, as prescribed.

(3) The application received under sub-section (1) may be rejected by an order and for reasons to be recorded in writing after giving the applicant an opportunity of being heard.

(4) A direct marketing licence granted or renewed under this section shall be subject to such terms and conditions, as prescribed and the licensee shall be bound to follow the terms and conditions of the licence. The licensee shall also follow the provisions of this Act and rules made thereunder.

**57. Suspension or Cancellation of direct marketing licence.-** The provisions contained in section 52 shall mutatis mutandis apply for suspension/cancellation of licence granted or renewed under section 56.

**58. Dispute settlement.-** Any dispute arising between or among licensees of private market yard, farmer-consumer market yard, market sub-yard and direct marketing or between or licensee and Marketing Board shall be resolved by the State Marketing Officer, in a summary

manner, within thirty days, after giving the parties a reasonable opportunity of being heard.

**59. Appeal.- (1)** Any person aggrieved by the order of the State Marketing Officer, may prefer an appeal to the Government or such Officer authorized by it, in such form and in such manner as prescribed, within thirty days from the date of receipt of such order. The appeal shall be disposed off within thirty days after giving the parties a reasonable opportunity of being heard.

(2) The Appellate Authority, if it consider it necessary so to do, grant a stay on the order appealed against for such period as it may deem fit.

(3) The order passed in the appeal by the Appellate Authority under this section shall be final and binding on all parties. Such order issued by the Appellate Authority shall have the force of the decree of a Civil Court and shall be enforceable as such.

**60. Bar of jurisdiction on Civil Courts.- (1)** No Civil Court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with by an authority under this Act.

(2) No Court shall take cognizance of an offence under this Act, except upon a complaint by the Marketing Board or State Marketing Officer.

**60A. Registration of wholesale ad-hoc buyer.- (1)**Any person desirous of wholesale ad-hoc buying either from the market-yard or from outside the market-yard, on day to day basis for his own consumption even without valid licence granted under this Act, may register with the concerned Marketing Board, in such form and in such manner, as prescribed.

(2) Buyer referred in sub-section (1) shall specify the place and day of purchase while making the registration or before purchase.

(3) In case purchase is undertaken in the market yard, such buyer shall be liable to pay market fee at the applicable rate to the Marketing Board

and on purchase undertaken outside the market yard, the buyer shall pay one-half of the applicable market fee to the Marketing Board:

Provided that such wholesale ad-hoc purchases cannot be made more than three times in a month across the State.

**12. Insertion of new chapter VIII A.- After chapter VIII of the principal Act, the following chapter shall be inserted, namely:-**

**“Chapter VIII A”  
E-TRADING**

**60B. Establishment/Promotion of Electronic Trading Platform.-** (1) No person shall establish and run any electronic trading platform for trading in notified agricultural produce including livestock without obtaining a licence under this section.

(2) Save as provided in sub-section (1), the Government or its agencies may, however, establish and run e-trading platform for trading in notified agricultural produce including livestock.

**60C. Grant/Renewal of licence to establish electronic trading platform.-** (1) Any person desirous of establishing an e-trading platform under sub-section (1) of section 60B shall apply to the State Marketing Officer or such officer as may be authorized by him in such form and in such manner along with such fee and security/ bank guarantee and by fulfilling such conditions, as prescribed.

(2) The application received for grant or renewal of licence may be rejected for reasons to be recorded in writing by the State Marketing Officer or such officer as may be authorized by him:

Provided that the provisions contained in sub-section (3) of section 51 shall mutatis mutandis apply for deciding the application received under this section.



(3) The e-trading platform managed and operated by a person or Government or its agencies, as the case may be, shall provide all infrastructures and services connected to e-trading, as prescribed.

(4) The licensee or its management committee, may collect user charge on sale transactions of notified agricultural produce including livestock on e-trading platform:

Provided that no user charge shall be collected from agriculturist seller:

Provided further that Government in public interest may from time to time, by notification, put ceiling on the rate of collection of user charge.

(5) The e-trading platform licensee shall contribute such user charge collection to the Revolving Marketing Development Fund at the rate specified in sub-section (2) of section 34. Such fund shall be utilized for the purposes specified in sub-section (5) of section 5C of this Act.

**60D. Integration of warehouses/silos/cold storages or other such structure or space, declared as market sub-yard, to e-platform.-** A person who is issued licence under section 51, desirous to link to e-platform of Government of India, may apply, through Government or its agencies, to the Government of India in such form and in such manner, as prescribed.

**60E. Integration of private market.-** A licensee of private market yard, desirous of integrating with e-trading portal, may apply through Government or its agencies to the Government of India in such manner, as prescribed.

**60F. Interoperability of e-trading platform.-** In order to evolve a unified National Agricultural Market and integrate various e-platforms, the applications in the e-platform(s) should be interoperable as per specifications and standards laid down by the State Marketing Officer or such officer as may be authorized by him.

**60G. Payment to the sellers and maintenance of accounts.- (1)**

Notwithstanding anything contained in this Act, payment of notified agricultural produce including livestock traded on electronic platform shall be made same day of the sale transactions to the seller or in the maximum next day, if procedurally so required. In procedural exigencies on electronic trading, the payment to the seller may be made in such manner as prescribed in rules or bye-laws, made under this Act.

(2) The licensee or State Marketing Officer or such officer as may be authorized by him, as the case may be, shall maintain accounts of all the transactions taken place on electronic platform and submit such periodical reports and returns to the Secretary of the Marketing Board or the authorized Officer, at such time and in such forms, as may be specified by the Government, from time to time.

**60H. Suspension or Cancellation of licence of electronic trading platform.-**

The State Marketing Officer may, by order and for the reasons to be recorded in writing, suspend or cancel the licence granted under section 60C:

Provided that no order for suspension or cancellation of licence shall be passed without giving a reasonable opportunity of being heard to the licensee.

**60I. Dispute settlement.-** Any dispute arising,-

(i) between or among the licensees specified in section 60C; or

(ii) between the said licensee and Marketing Board, shall be resolved by the Officer authorized by the Government, in summary manner within thirty days, after giving the parties reasonable opportunity of being heard.

**60J. Dispute settlement with regard to intra-State trade –**

**transactions.-**In case of any dispute with regard to intra-State trade transactions on e-platform, the redressal thereof shall be done at the level of management committee of the licensee or the Marketing Board, as the case may be, through an administrative process, or through the

process of conciliation and arbitration, within seven working days; while in case of perishables it shall be within three working days. The management committee or Marketing Board, as the case may be, shall dispose of the matter by issuing a reasoned order.

**60K. Dispute settlement with regard to Inter-State trade transactions.-**

In case of any dispute arising out of inter-State trade transactions on e-platform or any other such platform, the Government can subscribe to become part of such Authority, which may be constituted by the Government of India or State Government/Union Territory Administration under any law for the time being in force.

**13. Substitution of section 68.- For section 68 of the principal Act, the following section shall be substituted, namely:-**

**“68. Powers and functions of the State Marketing Officer. -** (1) Subject to the provisions of this Act, the State Marketing Officer may exercise such powers and perform such functions other than those specified for the Secretary under this Act, which would enable proper execution of the provisions of this Act. The Government may delegate any or all the regulatory powers vested in it under this Act and rules to the State Marketing Officer.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the functions of the State Marketing Officer may include,-

(i) blacklisting the operation of inter-state trading licence within the State jurisdiction issued by another State;

(ii) supervision on the Marketing Board for effective execution of provisions of this Act and rules made thereunder relating to transactions of agricultural produce including livestock taking place in the principal market yards, sub-market yards and market sub-yards;

(iii) enforcement of regulation in the delineated market areas;

- (iv) launch of prosecution for contravening the provision of this Act and rules made thereunder;
- (v) suggest amendments to this Act and rules for effective execution of the objectives of this Act;
- (vi) approve the bye-laws framed by the Marketing Board under this Act;
- (vii) grant approval of the budget of the Marketing Board ;
- (viii) accord sanction to the creation of post of officers and staff of the Marketing Board ;
- (ix) take steps for timely and proper conduct of the elections of the Marketing Board and activities connected thereto;
- (x) accept resignation of the Chairperson of the Marketing Board ;
- (xi) act as appellate authority for any person aggrieved by an order of the Marketing Board.”.

**14. Amendment of section 81.- In section 81 of the principal Act, in sub-section (2), for clause (xv), the following clauses shall be substituted, namely:-**

- “(xv) procedure for grant, renewal, suspension and cancellation of unified single trading licence;
- (xvi) procedure for allowing unified single trading licence for inter-state trade and its blacklisting;
- (xvii) procedure for grant and renewal of licences to set up private market yard, farmer-consumer market yard, market sub-yard, electronic trading platform, direct marketing and suspension and cancellation of licences
- (xviii) procedure and condition for registration of wholesale ad-hoc buyers;
- (xix) procedure and terms and conditions for declaring warehouse, silos, cold storage or other such structure or space as market sub-yard;

(xx) manner of dispute settlement between the licensees and between the licensees and Marketing Board, etc;

(xxi) procedure for setting up of assaying labs including in private sector and promotion of quality certification system. Constitution of committee with technical members of linked and line Department of Government and Government of India to promote quality certification system;

(xxii) provide necessary infrastructure and logistic support for e-trading platform;

(xxiii) the manner in which auctions of agricultural produce including e-auction shall be conducted and bids made and accepted;

(xxiv) annual tonnage or annual values and procedure for issuing licence for market yard of National Importance ;

(xxv) conditions and fees for establishment of private market yard;

(xxvi) infrastructure to be built up and developed at a place and the manner for establishing farmers-consumer market yard (direct sale of Agricultural Produce by farmers to consumer in retail);

**(xxvii) period, fees, place, manner, infrastructure and forms for declaring warehouse, silos, cold storage or other structure or place as market sub-yard;**

(xxviii) norms and procedure for infrastructure for backward and forward linkage to retail, processing and export chain, place of direct marketing and the manner in which the records are to be maintained in respect of direct marketing;

(xxix) manner and procedure for establishing e-Trading platform for trading notified agricultural produce and livestock and infrastructure, conditions, fees, securities and forms required for issuing licence to e-trading platform.

(xxx) linking market sub-yard and private market yard to e-platform of Government of India;

(xxxi) specification for procedure and conditions of payment in relation to the transactions undertaken on e-trading platform;

(xxxii) agreement listing out the terms and conditions of buying and selling of notified agricultural produce and livestock between two or more traders in the principal market yard, sub-market yard and market sub yard;

(xxxiii) any other matter which has to be, or may be prescribed.

**15. Repeal and Saving.-** (1) The Goa Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2020 (Ordinance No. 2 of 2020) and the Goa Agricultural Produce and Livestock Marketing (Promotion and Facilitation) (Second Amendment) Ordinance, 2020 (Ordinance No. 4 of 2020) are hereby repealed.

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

### **STATEMENT OF OBJECTS AND REASONS**

The Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007) (hereinafter referred to as the "said Act") was enacted and brought in to force on 01<sup>st</sup> August 2007 with a view to regulate the Agricultural Produce marketing activities in the State of Goa through the Goa Agricultural Marketing Board. Despite various enabling provisions in the above referred to Act, the agricultural produce marketing activities in the State have not received the desired boost particularly in the context of agricultural production in the State. The absence of access to competitive marketing, transparency in trade

transactions and optimal price structure could be considered as the major factors that has lead to the hesitation of farmers to undertake the farming activities on a broader commercial scale.

Furthermore, due to structural changes in the economic and social scenario, the outlook of the citizens of the State have been shifted from the age old Agriculture Sector to the secondary, tertiary and service sector which has been at a developing stage in the State right from the date of economic liberalization of the country in 1991.

Now, the Government of India has drafted a Model Act which provides all possible support necessary to the Agriculture Community particularly for providing the fair market channel through the digital resources, transparency and also extended the quantitative and qualitative scope of marketing across the country so that even the marginal farmers at the grass root level can avail the facilities of competitive market and ultimately benefit from the fair and remunerative price to their products with minimum cost which would enable them to increase their income level in particular, maximize investment and use of informal sector in general thereby scaling up the GDP of the nation.

Therefore, it becomes necessary to make a comprehensive review of the relevant provisions in the said Act, 2007, considering the present necessities in the marketing of agriculture produce and livestock. It also needs to be assessed and determined as to what arrangements could be done in order that the Agricultural marketing activities in the State could be linked with the important markets across the country to achieve an easy and convenient mobility of the Goan products where it can fetch a better price to the ultimate farmers concerned.

As such the Goa Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2020 (Ordinance No.2 of 2020 was promulgated on 15/05/2020 and the Goa Agricultural Produce and Livestock Marketing (Promotion and Facilitation) (Second Amendment) Ordinance, 2020 (Ordinance No.4 of 2020 was promulgated on

15/06/2020 so as to amend the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007).

The bill seeks to amend section 1 of the said Act to expand the scope of marketing and include livestock in the marketing activity. So also to sensitize and incentivize the agriculturist with confidence by offering them required assistance for promoting and facilitating the transactions of their products.

The bill seeks to amend section 5 of the said Act in order to list out the units of market activities under various types and nature which includes: (i) Principal Market Yards (ii) Sub Market Yards (iii) Market Sub Yards (iv) Private Market Yards (v) Private Market Sub Yards (vi) farmer Consumer Market Yards (vii) Private farmer Consumer Market Yards (viii) Electronic Trading Platform to be managed either by marketing Board of private entities.

The bill seeks to insert section 5A in the said Act so as to facilitate the establishment of "Special Commodity Market Yard" with a view and vision to explore the possibility for promotion of special products/commodities of Goan origin like "Cashew Feni", "Organic Cashew Kernels", "Kholi-Chilies", "Sweet Potatoes"(Kate kandga of Canacona taluka) and other items which may have taste and quality and may have recognition world over under geographical identification cadre and or patent right.

The bill seeks to insert section 5B in the said Act so that the network of marketing of Goan products in other states of the country and vice versa could be extended for fetching the remunerative and competitive price by utilizing the quick facility for mobilizing the product from one state to other through E-NAM (Electronic National Market).

The bill seeks to insert section 5C in the said Act in order to propagate and allow the private market yards in the State to avoid monopoly and establish competitive market structures so that ultimate farmer producers will be able to get the fair market value to their products.



The bill seeks to insert section 5D in the said Act with a view to offer the avenues to the farmers to connect with the retail consumer and derive direct benefit of price advantage to him thereby eliminating the middle-man so that entire retail price from the consumer can be availed by farmers producers without reducing the real-value of the product by way of commission and or profit of middle man. It will also facilitate the end consumer where he may get the product of good quality at reasonable price.

The bill seeks to insert section 5E in the said Act to facilitate the concept of warehousing, silos, cold storage for protecting the perishable and other goods for a relatively longer period so that the farmers can sell those goods at appropriate time when the prices are reasonable. This facility will protect the farmers from distress-sale situation where the agriculture trade transactions are always governed by market fundamentals.

The bill seeks to insert section 5F in the said Act for direct purchase from farmers outside the market yard or sub market yard. This concept has been emphasized only to support the farmers to get competitive prices and avoid the various procedural activities involved in marketing the agricultural produce.

The bill seeks to amend section 12 of the said Act as it is felt that in consonance with ramification and intent of the marketing activities by inclusion of Livestock's the concerned professional expert member on the management of the Board needs to be accommodated from the line department of the Government. Therefore a nominated member from Animal Husbandry and Veterinary Services was proposed to be on the Board of Directors.

The bill seeks to substitute section 34 so as to insert the concept of "Levy of User Charges" with an objective that Marketing Board may have power to collect user charges from the transactions of commodities which are not notified under the said Act.

The bill seeks to amend section 44 of the said Act in order to have a broad and clear perspective to collect and utilize the amount generated from Licence fees and contribution from private market yards, e-trading platforms, direct marketing etc. by creating “Revolving Marketing Development Fund” maintained by the State Marketing officer.

The bill seeks to insert new section 44A in the said Act in relation to Accounts and Internal Audit of the Marketing Board so that effective monitoring system, internal check and internal control could be exercised by adequate mechanism and effective inbuilt system.

The bill seeks to amend section 45 of the said Act so as to make an arrangement for creating the facilities for Livestock trade by constructing the shed in the land to be acquired by the Board.

The bill seeks to substitute Chapter VIII of the said Act, namely by chapter VIII “Regulation of Trading” as it is felt necessarily because of the Electronic Trading System proposed to be adopted under Electronic National Agriculture Marketing (E-NAM) and also in the context and connection to Market Yard of National Importance (MNI) and Special Commodity Market. This is a latest concept the nation is proposing to adopt in agriculture marketing by replacing the conventional marketing activities. The major objectives sought to be achieved is to connect all the Principal market yards and their subsidiaries in the country through E-NAM where almost all the information relating to market activities ranging from production centers of products, its qualities, prices, future anticipation, competitiveness and benefits accrual to the grassroot producer could be made available through specified portals.

The bill seeks to insert New Chapter “VIII” A “E-Trading” for specific purpose of promoting the electronic mechanism for trading activities and to avail of the facilities of electronic and computer system for the benefit of the farmers in particular and economic activities in general. With this system the effective arrangement and communication with the concerned agencies /authorities/ parties could be made conveniently, transparency and within real time. The position of the

marketing activities, pricing levels, nature of goods and future market predictions could be made easily and effectively with the digital resources. Besides the whole process of market structure within the State, outside the State and even the overseas market conditions in relation to specific produce and or general trend of market situation could be ascertained through E-NAM mechanism. Accordingly, the Marketing Board could assess the information and pass it to the seller of agricultural produce for their benefit in the form of utmost higher and remunerative price. In this chapter other various sections are also incorporated such as (1) laying out the concept and process of grant and renewal of licence to establish electronic trading platform (2) integration of warehouses, silos, cold storage etc. (3) integration of private market (4) interoperability of E-Trading platform (5) payment to the sellers and maintenance of accounts and (6) suspension and or cancellation of licence of Electronic Trading Platform. Besides, the provisions have also been made for settlement of disputes with regard to intra-state and inter-state trade transactions.

The bill seek to substitute section 68 of the said Act so as to empower the State Marketing Officer to blacklist the operation of inter State trading license, supervise Marketing Board, regulate the delineated market area, suggest amendment to this Act and rules and approve byelaws framed by Marketing Board and approve their Budget, etc.

This bill also seeks to repeal the Goa Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2020 (Ordinance No.2 of 2020) promulgated by the Governor of Goa on 15/05/2020 and the Goa Agricultural Produce and Livestock Marketing (Promotion and Facilitation) (Second Amendment) Ordinance, 2020 (Ordinance No.4 of 2020) was promulgated by the Governor of Goa on 15/06/2020.

The bill seeks to achieve the above objects.

### **Financial Memorandum**

This Bill will exempt completely the levy of market fees on the notified agricultural commodities and livestock sold outside Principal Market yards or Market sub-yards brought from outside the State or from within the State. The estimated loss of revenue to the Goa Agricultural Marketing Board will be about 90% of the present revenue amounting to approximately Rs. 800 lakhs per annum.

The present Bill may create additional financial burden on the State Government to support the Board through budgetary support to meet the administrative expenses amounting to approx Rs.400 lakhs per annum.

### **Memorandum Regarding Delegated Legislation**

Clause 3 of the Bill empowers the Government to frame Rules for prescribing the maximum quantity of notified agricultural produce which a non licensee trader is permitted to purchase and sell.

Clause 4 of the Bill empowers the Government to issue notification for declaring, any place in the market area as principal market yard or sub-yard or sub-market yard or market sub-yard or farmer-consumer market yard.

Clause 4 of the Bill empowers the Government to issue notification for declaring, any place licenced under section 51 to be private market yard, private market sub-yard, private farmer-consumer market yard.

Clause 4 of the Bill empowers the Government to designate, any existing market yard established under sub-section (2) of section 5 as Special Commodity Market Yard or establish or notify any market yard as Special Commodity Market Yard.

Clause 4 of the Bill empowers the Government to designate, by notification any existing market yard established under sub-section (2) of section 5 as Market Yard of National Importance or establish or notify any market yard as "Market Yard of National Importance".

Clause 4 of the Bill empowers the Government to frame rules for prescribing the annual tonnage or annual values for conferring the status as the "Market Yard of National Importance".

Clause 4 of the Bill empowers the Government to frame rules for prescribing conditions and fees.

Clause 4 of the Bill empowers the State Marketing officer to authorize an officer to issue licence for establishment of private market yard.

Clause 4 of the Bill empowers the Government to issue notification for notifying the maximum rate of user charge.

Clause 4 of the Bill empowers the Government to frame rules for prescribing the terms and conditions, fee and infrastructure to be developed.

Clause 4 of the Bill empowers the Government to frame Rules for prescribing the maximum quantity of agricultural produce which a consumer is permitted to purchase at the time in Market Yard.

Clause 4 of the Bill empowers the Government to issue notification for declaring warehouse, silos, cold storage or other such structure or place to function as market sub-yard.

Clause 4 of the Bill empowers the Government to issue notification for specifying the rate of user charge.

Clause 4 of the Bill empowers the Government to issue notification, to put ceiling on the rate of collection of user charge.

Clause 4 of the Bill empowers the Government to frame Rules for prescribing infrastructure and facilities.

Clause 4 of the Bill empowers the Government to frame rules for prescribing the form, fee, period and manner for making application for declaration of market sub-yard.

Clause 4 of the Bill empowers the Government to frame Rules for prescribing the infrastructure in respect of collection/ segregation centres.

Clause 4 of the Bill empowers the Government to frame Rules for prescribing unit/ premises.

Clause 4 of the Bill empowers the Government to declare the place of purchase.

Clause 4 of the Bill empowers the Government to prescribe procedure to maintain records, accounts and submission of monthly reports relating to daily trade transactions in direct Marketing.

Clause 6 of the Bill empowers the Marketing Board to frame Bye-Laws for specifying the rate of user charge.

Clause 11 of the Bill empowers the Government to frame rules for prescribing the maximum value of purchasing or selling of livestock.

Clause 11 of the Bill empowers the Government to frame rules prescribing the form of agreement.

Clause 11 of the Bill empowers the Government to issue notification for specifying the rate of market fee.

Clause 11 of the Bill empowers the Marketing Board to frame Bye-Laws for specifying the rate of entrance fee.

Clause 11 of the Bill empowers the Government to frame rules for prescribing the form and fee and manner for making application for grant or renewal of licence.

Clause 11 of the Bill empowers the Government to frame rules for prescribing the form, fees and securities/bank guarantee for grant and renewal of licence for private market yard, farmer consumer market yard and market sub- yard.

Clause 11 of the Bill empowers the Government to frame Rules for prescribing other reasons for rejection of application.

Clause 11 of the Bill empowers the Government to frame rules to prescribe the terms and conditions of licence.

Clause 11 of the Bill empowers the Government to frames rules for prescribing form of Application for grant and renewal and manner of granting or renewal of licence.

Clause 11 of the Bill empowers the Government to frame rules for specification of Unicode.

Clause 11 of the Bill empowers the Government to frame rules for prescribing the disqualification for the licensee.

Clause 11 of the Bill empowers the Government to frame rules for prescribing the procedure for producing suspended / cancelled licence.

Clause 11 of the Bill empowers the Government to frame rules prescribing the manner for payment of market fee and other marketing charges.

Clause 11 of the Bill empowers the Government to frame rules for prescribing the application form, fee, security/bank guarantee and manner for grant or renewal of licence and terms and conditions of licence.

Clause 11 of the Bill empowers the Government to issue notification for authorizing an officer to hear an appeal.

Clause 11 of the Bill empowers the Government to frame rules for prescribing form and manner of filing appeal.



Clause 11 of the Bill empowers the Government to frame rules for prescribing application form and manner for registration of wholesale ad-hoc buyer.

Clause 12 of the Bill empowers the Government to frame Rules for prescribing form of Application, manner, fee, security/bank guarantee and conditions .

Clause 12 of the Bill empowers the Government to frame rules for prescribing infrastructures and services connected to e-trading.

Clause 12 of the Bill empowers the Government to frame rules for prescribing the application form and manner for integration of warehouse, silos, cold storages or other such structure or space, declared as a market sub-yard.

Clause 12 of the Bill empowers the Government to frame rules for prescribing manner for integrating a licensee of private market yard with e-trading portal.

Clause 12 of the Bill empowers the State Marketing officer or officer authorized by him to lay down specifications and standards for Interoperability of e-trading platform.

Clause 12 of the Bill empowers the Government to frame rules or bye laws for making payment to the seller on electronic platform in case of procedural delay.

Clause 12 of the Bill empowers the Government to authorize an officer to resolve disputes between licensee of e-trading platform and Marketing Board.

These delegations are of normal character.

Porvorim-Goa  
\_\_\_July, 2020

Govind Gaude  
Minister for Co-operation

Assembly Hall,  
Porvorim- Goa  
\_\_\_July, 2020

Namrata Ulman  
Secretary to the Legislative  
Assembly of Goa.

## ANNEXURE

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### Extract of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007)

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#### Section 2. Definitions .-

- (a) "agricultural produce" means all produce (whether processed or unprocessed) of agriculture, horticulture, apiculture, sericulture, livestock and products of livestock, forest produce, etc., as are specified in the Schedule or declared by the Government by Notification from time to time and also includes mixture of two or more than two of such products;
- (b) "agriculturist" means a person who ordinarily by his own labour or by the labour of any member of his family or by the labour of his tenants or servants or hired labour or otherwise, is engaged in the production or growth of any notified agricultural produce, and includes—
- (a) a member of a co-operative society registered in the State of Goa which is dealing with agricultural produce; or
  - (b) a person who has sold agricultural produce to the co-operative society, of the value not less than Rs. 5000/- or of such amount as may be determined by the State Marketing Officer from time to time in the preceding financial year; but does not include a trader, trading agent, broker, processor or commission agent;
- (c) "bill" means a bill issued by the traders as prescribed;
- (d) "business" means the purchase, sale, processing, value addition, storage, transportation or other connected activity of agricultural produce;
- (e) "buyer" means a person or a firm or a company or a co-operative society or a Government agency or a public undertaking or a public agency or a corporation or a commission agent, who himself or on behalf of any other person or agent, buys or agrees to buy agricultural produce in the market area as notified under this Act;
- (f) "bye-laws" means the bye-laws made by the Goa Agricultural Marketing Board under this Act;
- (g) "Collector" means the Collector of the district or any officer empowered to discharge the duties of the Collector under the provisions of this Act;
- (h) "commission agent" means a person who on behalf of his principal trader and in consideration of a commission on the amount involved in such transaction, buys agricultural produce and keeps it in his custody and delivers it to the principal trader in due course or receives and takes in his custody agricultural produce sent for sale within the market area or from outside the market area, sells the same in the market area and collects payment thereof from the buyer and remits the sale proceeds to his principal trader;
- (i) "contract farming" means farming by a person called "Contract Farming Producer" under a written agreement with another person called "Contract Farming Sponsor" to the effect that his agricultural produce shall be purchased as specified in the contract farming agreement;

- (j) "contract farming agreement" means the agreement made for contract farming between Contract Farming Producer and Contract Farming Sponsor;
- (k) "contract farming producer" means an individual agriculturist or association of agriculturists, by whatever name called;
- (l) "contract farming sponsor" means a person entering into contract with the contract farming producer in terms of section 46 of this Act;
- (m) "District Council" means a Zilla Panchayat established under the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);
- (n) "export" means dispatch of agricultural produce outside India;
- (o) "exporter" means such person or a firm who exports agricultural produce;
- (p) "e-trading" means trading in which billing, booking, contracting, negotiating, information exchange, record keeping and other connected activities are done electronically on computer network or internet;
- (q) "Government" means the Government of Goa;
- (r) "hamal" means a labourer or coolie engaged for Dara-making, loading, unloading, filling, stitching, emptying or carrying any agricultural produce in the notified market area;
- (s) "Import" means bringing agricultural produce in India from other country;
- (t) "Importer" means a person or firm who imports agricultural produce;
- (u) "Licence" means a licence granted under this Act;
- (v) "Licensee" means a person or association or firm or company or public sector undertaking or society holding a licence issued under this Act;
- (w) "local authority" means and includes a Village Panchayat or Zilla Panchayat or Municipal Council or Municipal Corporation, as the case may be;
- (x) "Market" means a market area declared under section 4 of this Act and includes market yard and sub-yards;
- (y) "market area" means area notified as market area under section 4 of this Act;
- (z) "market charges" includes charges on account of or in respect of commission, brokerage, weighing, measuring, hamali (loading, unloading and carrying), cleaning, drying, stitching, stacking, hiring, stamping, bagging, storing, warehousing, grading, surveying, transporting and processing;
- (za) "market functionary" means a trader, a commission agent, buyer, hamal, processor, stockist and such other person as may be declared under the rules or bye- laws to be a market functionary;
- (zb) "market yard" means a specified place and includes any enclosure, building or locality declared as such in any market area by the Government;
- (zc) "marketing" means all activities involved in the flow of agricultural produce commencing from the stage of harvest till it reaches to the ultimate consumers,

- viz. grading, processing, storage, transport, channels of distribution and all other activities involved in the process;
- (zd) "Marketing Board or Board" means the Goa Agricultural Marketing Board established under section 10 of this Act;
- (ze) "notified agricultural produce" means any agricultural produce notified under section 4 of this Act;
- (zf) "Other Backward Classes" means the other backward classes of citizens as specified by the Government from time to time;
- (zg) "prescribed" means prescribed by rules made under this Act;
- (zh) "private market yard" means such place other than the market yard or sub-market yard in the market area where infrastructure has been developed and managed by a person for marketing of notified agricultural produce by holding a licence for this purpose under this Act;
- (zi) "processing" means any one or more of a series of treatments relating to powdering, crushing, decorticating, dehusking, parboiling, polishing, ginning, pressing, curing or any other manual, mechanical, chemical or physical mode of treatment to which agricultural produce or its product is subjected to;
- (zj) "processor" means a person who undertakes processing of any notified agricultural produce on his own accord or on payment of a charge;
- (zk) "registration" means registration done under this Act;
- (zl) "retail sale" means a sale of notified agricultural produce not exceeding such quantity as the Marketing Board may, by bye-laws, determine for retail sale in respect thereof;
- (zm) "rules" means rules made under this Act by the Government;
- (zn) "Schedule" means the Schedule to this Act;
- (zo) "schedule castes/schedule tribes" shall carry the same meaning as assigned to them under clause (24) and (25) respectively of Article 366 of the Constitution of India;
- (zp) "Secretary" means the Secretary of the Marketing Board and includes a Joint, Deputy or Assistant Secretary of the Marketing Board;
- (zq) "seller" means a person who sells or agrees to sell any agricultural produce;
- (zr) "State Marketing Officer" means a person appointed as the State Marketing Officer for the State of Goa;
- (zs) "Sub-market yard" means a specified place other than market yard and includes any enclosure, building or locality, declared as such in any market area by the Government or the State Marketing Officer, by notification;
- (zt) "trader" means a person who in his normal course of business buys or sells any agricultural produce and includes a person engaged in processing of agricultural produce but does not include an agriculturist;
- (zu) "transportation" means taking agricultural produce by pushcart, bullock cart, truck or other vehicle, in the course of business, for marketing, from one place to another;
- (zv) "transporter" means a person who transports agricultural produce;
- (zw) "Value addition" means processing, grading, packing or other activities due to which value is added to the agricultural produce;

(zx) "Year" means the financial year or such year as may be notified by the Government from time to time.

**Section 5. Management of market yards, sub-market yards, Farmers/Consumer/Market and Private Market.**— (1) In every market area, there may be:—

- i. market yard managed by the Marketing Board;
- ii. one or more than one sub-market yards managed by the Marketing Board;
- iii. one or more than one private market yards/private markets managed by a person other than the Marketing Board;
- iv. one or more than one farmer's/consumer's markets managed by a person other than the Marketing Board.

(2) The Government shall, as soon as may be, after the issue of notification under section 4, by notification, declare any specified place including any structure, enclosure, open place, or locality in the market area to be a market yard or sub-market yard, as the case may be.

**Section 12. Constitution of the Marketing Board.**-“(1) Subject to the provision of sub – section (2), the Marketing Board shall consist of the following eighteen members, namely:-

- (a) Twelve agriculturist members to represent agriculturists, one from each taluka of the State of Goa, to be elected by the agriculturists only from the respective taluka;
- (b) Two female agriculturists members, one each from the North Goa District and the South Goa District, to be elected by the agriculturists only in the manner prescribed;
- (c) one trader holding “A” or “B “ class licence to be elected from amongst traders of all classes;
- (d) two members to be nominated by the Government, one being from the office of the Registrar of Co- operative Societies, Government of Goa and other being from the Department of Agriculture, Government of Goa, to function during the term of the Marketing Board;
- (e) the Secretary of the Marketing Board, to function during the term of the Marketing Board.”.

**Section 34. Power to levy market fees(single point levy).**—(1) The Marketing Board shall levy market fee,--

- (i) On the sale or purchase of notified agricultural produce, whether brought from a place within the State or from a place outside the State, into the market area; and
- (ii) On the notified agricultural produce, whether brought from a place within the State or from a place outside the State, into the market area for processing; at such rates as may be fixed by the Government from time to time subject to a minimum rate of one rupee and maximum of two rupees for every one hundred rupees of price of agricultural produce, in the manner prescribed.

- (2) The market fees specified in sub – section (1) shall not be levied.---
- (3) For the second time in other market area of the State, whether such market fees has already been paid on a particular agricultural produce in any market area of the State and the information to that effect has been furnished by the concerned person in the manner prescribed.
- (4) More than once in any market area, in case the agricultural produce is being resold in the process of commercial transaction between traders or two consumers, provided that, the information to that effect has been furnished by the concerned person in the manner prescribed.
- (3) On the agricultural produce brought in the market area for commercial transaction or for processing or for export, the market fee shall be deposited by the buyer or processor or exporter, as the case may be, in the office of the Marketing Board, within 14 days from the date of entry of such agricultural produce in the market area or before its sale or resale or processing or dispatch outside the market area, as the case may be:
- Provided that in case if any notified agricultural produce is found to have been processed, sold, resold or dispatched outside the market area without payment of market fee payable on such produce, the Marketing Board shall impose penalty on the concerned person which shall be five times of the market fees payable.
- (4) The market fee shall be payable by the buyer of the notified agricultural produce and shall not be deducted from the price payable to the seller:
- Provided that whether the buyer of the notified agricultural produce cannot be identified, all the fees shall be payable by the person who has sold or brought the agricultural produce for sale in the market area:
- Provided further that in case of commercial transaction between traders in the market area, the market fee shall be collected and paid by the seller.
- (5) The market functionaries, as may be specified by the Marketing Board in the bye – laws, shall maintain account relating to sale, purchase, processing or addition in value of agricultural produce in the prescribed forms and submit to the Marketing Board periodical returns in that respect in the manner prescribed.
- (6) The Marketing Board may levy and collect entrance fee on vehicles, which enter the market yard/sub market yard, at such rate as may be specified in the bye – laws.

**Section 41. Power to grant exemption from payment of market fees.**— (1) The Government may, by notification in the Official Gazette and subject to such conditions and restrictions, if any, as may be specified therein, exempt in whole or in part, any agricultural produce brought for sale or bought or sold in the market area, specified in such notification, from the payment of market fee for such period as may be specified therein.

(2) Any notification issued under sub-section (1) may be rescinded by the Government before the expiry of the period for which it would have remained in force and on rescission, such notification shall cease to be in force.

**Section 44. Marketing Board Fund.**---(1) Save as provided in sub-section(2), all moneys received by the Marketing Board shall be paid into a fund to be called ‘the Marketing Board fund and all expenditure incurred by the Marketing Board under or

for the purposes of this Act shall be defrayed out of the said fund. Any surplus remaining with the Marketing Board after meeting such expenditure shall be invested in such manner as may be prescribed.

Any money received by the Marketing Board by way of arbitration fee or as a security for costs in arbitration proceedings relating to the disputes or any money by the Board by way of security deposit, contribution to Provident Fund or for payment in respect of any notified agricultural produce or charges payable to weighman, hamal and other functionaries and such other money received by the Marketing Board as may be provided in the rules or bye-laws shall not form part of the Marketing Board fund and shall be kept in such manner as may be prescribed.

(2) Save as otherwise provided in this Act, the amount to the credit of the Marketing Board Fund as also other money received by the Marketing Board shall be kept in a Scheduled Co-operative bank or in a Nationalized bank or in Post Office Saving Bank or in any other mode with the approval of the State Marketing Officer.

**Section 45. Application of Marketing Board Fund.**----(1) Subject to the provisions of section 44, the Marketing Board, in order to discharge functions and duties entrusted to it under this Act, may use the Marketing Board fund. Without prejudice to the generality of this provision, the Marketing Board fund may be used for the following purposes, namely:----

- (i) The acquisition of a sites for the market;
- (ii) The establishment, maintenance and improvement of the market yard;
- (iii) The construction and repairs of building necessary for the purpose of the market yard and for convenience or safety of the persons using the market yard;
- (iv) The maintenance of standard weights and measures;
- (v) The meeting of establishment charges including payment and contribution towards provident fund, pension and gratuity of the officers and servants employed by the Marketing Board;
- (vi) Loans and advances to the employees of the Marketing Board;
- (vii) The payment of interest on the loans that may be raised for the purpose of the market and for provision of sinking fund, in respect of such loans;
- (viii) The collection and dissemination of information relating to crop statistics and marketing of agricultural produce;
- (ix) Meeting the expenses incurred in auditing the accounts of the Marketing Board;
- (x) Payment of honorarium to the Chairman, Vice-Chairman, travelling allowances to the Chairman, Vice-Chairman and other members of the Marketing Board and sitting fees payable to members for attending the meetings;
- (xi) Contribution to the National Council of State Agricultural Marketing Board as prescribed;
- (xii) Contribution to any scheme for development of agricultural Marketing including transport;
- (xiii) To provide facilities like grading, standardization, quality certification services and communication to agriculturists in the market area;
- (xiv) To provide for development of agricultural produce in the market area;
- (xv) Payment of expenses on elections under this Act;
- (xvi) Incurring of all expenses on research training in marketing of agricultural produce;
- (xvii) Prevention, in conjunction with other agencies, viz. State, Central and others, of distress sale of agricultural produce;



- (xviii) Fostering Co-operative marketing and assisting Co-operative marketing societies in the procurement and organization of profitable disposal of produce, particularly the produce belonging to small and marginal farmers;
- (xix) To create and promote, on it's own or through public or private partnership, infrastructure of post-harvest handling of agricultural produce, cold storages, pre-cooling facilities, pack houses and all such infrastructure which is required to develop modern market system;
- (xx) Any other purpose connected with the marketing of agricultural produce under this Act which is in the public interest, subject however, that the expenditure thereon is made with the prior sanction of the State Marketing Officer.

**Section 47. Regulation of marketing of agricultural produce.**----(1) No person shall, except in accordance with the provisions of this Act and the rules and bye-laws made thereunder,---

- (i) Use any place in the market area for the marketing of notified agricultural producer; or
- (ii) Operate in the area as a market functionary.

(2) Nothing in sub-section (1) shall apply to:-

- (i) The sale of agricultural produce which is made by the producer himself to any person for his domestic consumption upto the quantity of one quintal;
- (ii) Notified agricultural produce which is brought for sale by head load, provided that the Government may be notification, withdraw this exemption specifying the reasons therein in respect of such market area as is specified in the notification;
- (iii) The purchase or sale of notified agricultural produce which is made by a petty trader;
- (iv) Purchase of notified agricultural produce which is made by an authorized fair price shop dealer from the Food Corporation of India, the State Commodities Trading Corporation or any other agency or institution authorized by the Government for distribution of essential Commodities through the public distribution system;
- (v) The transfer of agricultural produce to a C-operative Society for the purpose of securing an advance therefrom.

**Section 48. Sale of agricultural produce in markets.**— (1) Entire notified agricultural produce shall be ordinarily sold in the market yards/sub-market yards or in the private yards of the licence holder, subject to the provisions of sub-section (2):

Provided that the notified agricultural produce may be sold at other places also to a licence holder under section 52 of this Act:

Provided further that it shall not be necessary to bring agricultural produce covered under Contract Farming to the market yard/sub-market yard/private yard and it may be directly sold to contract farming sponsor from farmers' fields.

- (2) The notified agricultural produce brought by the licensed/registered trader from a place outside the market area or within the market area in the course of commercial transaction may be bought or sold anywhere in the market area.
- (3) The price of the notified agricultural produce, brought for sale into the market yard, shall be settled by a tender bid or open auction or any other transparent system and no deduction shall be made from the agreed price on any account whatsoever by the seller:

Provided that the price of notified agricultural produce in the private yard shall be settled in the manner prescribed.

- (4) Weighment or measurement or counting of the agricultural produce so purchased shall be done by such a person and such system as is provided in the bye-laws or at any other place specified for the purpose by the Marketing Board.

**Section 49. Terms and procedure of buying and selling.**— (1) Except in the commercial transaction between two traders, any other person who buys notified agricultural produce in the market area, shall execute an agreement in triplicate, in such form, as may be prescribed, in favour of the seller and one copy of such agreement shall be kept by the buyer, second copy shall be supplied to the seller and the third copy shall be kept in the records of the Marketing Board.

(2) (a) The price of the notified agricultural produce brought in the market yard/sub-market yard/private yard shall be paid on the same day to the seller in market yard/sub-market yard/ /private yard, as the case may be, and that the payment for notified agricultural produce purchased from such yard, shall be made to the seller, if he is not a trader, on the same day there itself;

(b) In case the purchaser does not make payment as provided under clause (a), he shall be liable to penalty at the rate of one percent per day on the total price of the agricultural produce payable to the seller, for five days from the date on which such amount is payable;

(c) In case the purchaser does not make payment to the seller as provided under clause (b) above, within five days, his license and registration shall be deemed to have been cancelled on the sixth day of such purchase and he shall not be registered or granted any license or permitted to operate under this Act for a period of one year from the date of such cancellation.

- (3) No wholesale transaction of notified agricultural produce shall be entered directly by licensed/registered trader with producer of such agricultural produce in the market yard/sub-market yard/private yard or at such place except in accordance with the provisions contained in the bye-laws:

Provided that agricultural produce, produced under contract farming, may be directly bought by contract farming sponsor anywhere.

- (4) The commission agent shall recover his commission only from his principal trader at such rate as may be specified in the bye-laws including all expenses as may be incurred by him in storage of the agricultural produce and for other services rendered by him.

- (5) Every commission agent shall be liable,—

(a) to keep the goods of his principal in safe custody without any charge other than the commission payable to him; and

(b) to pay the price of the goods to the principal as soon as the goods are sold by him irrespective of the fact that whether he has received or has not received the price from the buyer of such goods.

**Section 50. Permission for transportation of agricultural produce.**— (1) No agricultural produce shall be removed out of the market area or brought in the market area from outside the State of Goa or outside India except in the manner and in accordance with the permit issued in such form as may be specified by the Secretary of the Marketing Board:

Provided that the bill issued by the seller shall be retained till the time of transportation of processed product of agricultural produce out of the market area:

Provided further that the producer of agricultural produce himself may take the agricultural produce from one place to another without a permit.

(2) Under commercial transactions, any agricultural produce may be transported in the market area in the manner as specified by the Secretary of the Marketing Board.

**Section 51. Registration of functionaries.**— (1) Any person who desires to operate in the market area as trader, commission agent, weighman, hamal, surveyor, warehouseman, contract farming buyer, owner or occupier of processing factory or as any other market functionary, in respect of any notified agricultural produce, shall apply to the Marketing Board for his registration or renewal of such registration, in such manner and within such period as may be prescribed:

Provided that any person may buy agricultural produce in the market yard/sub-market yard on day-to-day basis without getting himself registered:

Provided further that any person who desires to carry on trade or transact, in any notified agricultural produce in more than one market area, shall get himself registered, for that respective function, with the prescribed authority.

(2) Every application for registration or renewal of registration shall be accompanied with such fee as the Government may prescribe.

(3) The Marketing Board may, on receipt of an application for registration or renewal of registration, together with the fees prescribed therefor, grant a certificate of registration or renewal, as the case may be, for such period as may be prescribed.

(4) The Marketing Board may refuse to register or refuse to renew the registration on any of the following grounds:—

- i. the applicant is a minor or the application is not bonafide;
- ii. the applicant has been declared defaulter under any Act or rules or bye-laws made thereunder;
- iii. the applicant has been found guilty under this Act.
- iv. [The applicant has not traded in notified Agricultural Produce during period of licence.]

(5) (i) The application received under sub-section (1) shall be disposed off by the Marketing Board within four weeks from the date of its receipt, but if the Marketing Board fails to dispose off any application within such four weeks time then the applicant shall remind, in writing the Marketing Board, in respect of his application; and the applicant shall also inform about the same, in writing, to the authority specified by the Secretary of the Marketing Board in this regard.

(ii) On expiry of the period of two weeks from the date of receipt of the reminder by the Marketing Board and receipt of information by such authority, if the application is not disposed off, it shall be deemed that the registration or its renewal, as the case may be, has been granted.

(iii) The authority, on the basis of information received by it and after expiry of period of two weeks specified above, shall confirm that the application for registration/renewal was submitted to the Marketing Board and due action has not been taken by the Marketing Board for disposal of the same and then it shall issue a certificate as per clause of sub-section (5) regarding grant of deemed registration or its deemed renewal within two weeks time.

- (6) The registration granted or renewed under this section shall be subject to the provisions of this Act, and the rules and bye-laws made thereunder.
- (7) No commission agent shall act in any transaction between the agriculturist, seller, trader or purchaser or on their behalf, nor shall he deduct any amount towards commission from the sale proceeds payable to the agriculturist, seller, trader or purchaser.

**Section 52. Establishment of private yard, and direct purchase of agricultural produce from agriculturist (direct purchasing from producer).—** The State Marketing Officer may grant a license to purchase agricultural produce, by establishing private yard, directly from the agriculturist, in one or more market areas for,—

- (a) the purpose of processing the notified agricultural produce;
- (b) trade of notified agricultural produce of particular specification;
- (c) export of notified agricultural produce;
- (d) grading, packing and any other activity so as to add value to agricultural produce.

**Section 53. Establishment of consumer/farmer market (Direct sale by the producer).**

- (1) Consumer/Farmer market may be established by developing infrastructure as prescribed, by any person in any market area and that the producer of agricultural produce himself may sell his produce as prescribed directly to the consumer at such place:  
Provided that the consumer shall not purchase the agricultural produce more than the prescribed quantum in the consumer market.
- (2) Market service charge shall be collected on sale of the agricultural produce by the seller and shall be remitted to the proprietor of the consumer market.
- (3) Save as otherwise provided in this Act, no market fee shall be leviable on the transaction undertaken in the consumer/farmer market.
- (4) License for establishment of consumer/farmer market shall be granted by the Government.

**Section 54. Grant/renewal of license of private yard/consumer/farmer market and weighman.—** (1) Any person who, under section 52 desires to purchase notified agricultural produce directly from the agriculturist or wishes to establish a private yard or under section 53 desires to establish a consumer/farmer market in one or more than one market area, shall apply to the State Marketing Officer for grant of licence or renewal of such license, as the case may be, in the manner and for the period, as may be prescribed.

- (2) Alongwith every such application for license or renewal of license, fees as prescribed, shall be deposited.
- (3) The State Marketing Officer may, on receipt of an application for grant of license or renewal of license together with the prescribed fees therefor, grant a license or renew it, as the case may be, for such period as may be prescribed.

- (4) Application received under sub-section (1) for grant of license or renewal of such license may be rejected with reasons in writing. Such application may be rejected on any of the following grounds:—
- i. the Marketing Board's dues are outstanding against the applicant;
  - ii. the applicant is minor or the application is not bonafide;
  - iii. the applicant has been declared defaulter under any Act or rules and bye-laws made thereunder;
  - iv. the applicant has been declared guilty in any criminal case and convicted by imprisonment;
  - v. any other ground, as may be prescribed.
- (5) The license granted or renewed under this section shall be subject to the provisions of this Act, rules or bye-laws made thereunder.

**Section 55. Power to cancel or suspend license/registration.**— (1) Subject to the provisions of sub-section (4), the State Marketing Officer or the Marketing Board who has issued license or registration, as the case may be, may, for reasons to be communicated to the license holder/registration holder in writing, suspend or cancel, license/registration, if, —

- (a) the license or registration has been obtained through willful misrepresentation or fraud; or
  - (b) the holder of the license or registration or any of his servants or any one acting on his behalf with his express or implied permission, commits breach of any of the terms or conditions of license/registration; or
  - (c) the holder of the license/registration in combination with other license/registration holder commits any act or abstains from carrying on his normal business in the market area with the intention of wilfully obstructing, suspending or stopping the marketing of notified agricultural produce in the market yard/sub-market yard as a consequence of which the marketing of any notified agricultural produce has been obstructed, suspended or stopped; or
  - (d) the holder of the license/registration has been adjudged as an insolvent; or
  - (e) the holder of the license/registration incurs any disqualification, as may be prescribed; or
  - (f) the holder of license/registration is convicted of any offence under this Act.
- (2) Subject to the provisions of sub-section (4), the Chairman or Secretary of the Marketing Board may, for reasons to be communicated in writing to the registration holder, by order, suspend registration for a period not exceeding one month on any reasons for which the Marketing Board may suspend a registration under sub-section (1):
- Provided that such order shall cease to have effect on expiry of a period of ten days, from the date on which it is made, unless confirmed by the Marketing Board before expiry of such ten days.
- (3) Notwithstanding anything contained in sub-section (1) but subject to the provisions of sub-section (4), the State Marketing Officer may, for reasons to be communicated in writing to the registration holder, by order, suspend or cancel the registration granted or renewed by the Marketing Board:
- Provided that no order under this sub-section shall be made without giving notice to the Marketing Board.

(4) No license or registration shall be suspended or cancelled under this section without giving a reasonable opportunity to its holder to show cause against such suspension or cancellation.

**Section 56. Appeal.**— (1) Any person aggrieved by an order, passed under sections 51, 54 or 55, as the case may be, prefer an appeal in such manner, as may be prescribed,—

- a. to the State Marketing Officer, where such order is passed by the Chairman/Secretary of the Marketing Board, within seven days of receipt of the order;
  - b. to the State Marketing Officer, where such order is passed by the Marketing Board, within thirty days of receipt of the order; and
  - c. to the Government, where such order is passed by the State Marketing Officer, within thirty days of receipt of the order.
- (2) The Appellate Authority, if it considers necessary to do so, grant a stay of the order appealed against for such period as it may deem fit.
- (3) The order passed by the Chairman/Secretary of the Marketing Board or the Marketing Board or the State Marketing Officer shall, subject to the order in the appeal under this section, be final and shall not be called in question in any Court of law.

**Section 57. Redressal of dispute between Farmer market or Consumer market and Marketing Board.**— (1) Dispute between the farmer market or consumer market and Marketing Board shall be referred to the State Marketing Officer or his representative or any other officer authorized by the Government in this regard. The dispute shall be resolved after giving both parties a reasonable opportunity of being heard, in the manner prescribed.

(2) The decision given by the authority under sub-section (1) above shall be final and shall not be called in question in any Court of law.

**Section 58. Prohibition of trade allowances other than those specified under this Act.**— No trade allowance or deduction, other than specified by or under this Act, shall be made or received by any person in any market area in any transaction in respect of the notified agricultural produce and no Civil Court, shall, in any suit or proceeding arising out of any such transaction, have regard to any trade allowance not so specified.

**Section 59. Submission of annual account by licensee/registered functionaries and assessment of market fee.**— (1) Every trader, processor, proprietor of a private yard, proprietor of consumer/farmer market or commission agent connected with the business of notified agricultural produce shall before the 30th June of every year submit to the Secretary of the Marketing Board, a statement of transactions undertaken by or through him during the previous financial year ending on 31st March in the prescribed manner.

(2) The Secretary of the Marketing Board shall accept or reject the statement submitted to him under sub-section (1) after necessary examination and verification on the basis of information available in the Marketing Board and shall assess the balance amount payable by the functionary and levy the assessed

amount.

- (3) Any person aggrieved by the proceedings of the Secretary, may within 30 days from the date of receipt of notice by him, appeal to the Marketing Board.
- (4) An officer authorized by the Government may, on his own motion or on an application made to the Government, start the process of re-verification of the statement which was verified by the Secretary, within two years from the date of verification made by the Secretary and for this purpose such officer shall exercise the powers under section 36 of this Act.
- (5) The re-verification made by the Officer authorized by the Government, shall be final.

**Section 60. Assessment of market fees payable to Marketing Board by the licensed/registered functionaries.**— If any person required to produce accounts or furnish information under sub-section (1) of section 69 fails to produce such accounts or to furnish information or knowingly furnishes incomplete or incorrect account or information or has not maintained proper accounts of the business of the notified agricultural produce, then, the Secretary of the Marketing Board on his own motion, shall assess such person for levying fees levied under section 34 on the basis of the information available with the Marketing Board.

**Section 68. Power of State Marketing Officer to direct Marketing Board for amending bye-laws.**—(1) If it appears to the State Marketing Officer that it is necessary or expedient in the interest of a market or of the Marketing Board to make any bye-law or to amend any bye-laws, he may, by order require the Marketing Board to make such bye-laws or to carry out amendment to the bye-laws within such time as he may specify in such order.

(2) If the Marketing Board fails to make such bye-laws or such amendment in the bye-laws within the time specified, the State Marketing Officer may, after giving the marketing Board a reasonable opportunity of being heard, by order, make such bye-laws or carry out such amendment to the bye-laws and thereupon subject to any order under sub-section (3), such bye-laws or such amendment to the bye-laws shall be deemed to have been made or amended by the Marketing Board in accordance with the provisions of this Act or the rules made thereunder and thereupon such bye-laws or amended bye-laws shall be binding on the Marketing Board.

(3) An appeal shall lie to the Government from any order of the State Marketing Officer under sub-section (1) within thirty days from the date of such order and the decision of the Government on such appeal shall be final.

**Section 81. Power to make rules.**-----(1) The Government may, by notification in the Official Gazette and after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters:---

- i. Other manner of publication of notification as provided in sub-section (1) of section 3;

- ii. The manner of election of female agriculturists as members on the Marketing Board, as provided in clause (b) of sub – section (1) of section 12;
- iii. The manner of election of members as provided in sub – section 13;
- iv. The period during which a Chairman or Vice - Chairman shall hold office as provided in section 21;
- v. The limit of the total amount of honorarium to be paid to the Chairman and the Vice-Chairman of the Marketing Board as provided in section 23;
- vi. The manner of periodical inspection of all weights and measures and weighing and measuring instruments in use in a market area, as provided in section 32 (2) (u) and
- vii. The matters subject to which the powers conferred on the Secretary of the Marketing Board under section 42 shall be exercised as provided in sub-section (3) of section 42;
- viii. From of budget of the Marketing Board and the date for submitting the same to the State Marketing Officer as provided in sub-section (1) of section 43;
- ix. The manner in which the amount of the credit of the Marketing Board fund shall be invested as provided in sub-section(1) of section 44 and the manner in which the money received by the Marketing Board as stated in sub-section 44 shall be kept as provided in that sub-section;
- x. The use of the Marketing Board Fund for making contribution to the National Council of State Agricultural Marketing Board, as provided in item (xi) of sub-section (1) of section 45;
- xi. The manner of settling price of notified agricultural produce in the private yard, as provided in sub-section(3) of section48;
- xii. All matters as stated in sections51, 53 and 54;
- xiii. The manner of filing appeal as provided in section56;
- xiv. The manner of resolving dispute provided in section57;
- xv. Any other matter which has to be, or may be, prescribed.

In making any rule, the Government may direct that breach thereof shall be punishable with fine which may extended to two hundred rupees.

(3) Every rule made this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa.

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Assembly Hall,  
Porvorim- Goa  
\_\_\_\_July, 2020

Namrata Ulman  
Secretary to the Legislature  
Assembly of Goa.