



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

The Maharashtra Agricultural Produce Marketing
(Regulation) (Goa Amendment)
Bill, 2001.

(Bill No. 56 of 2001)

~~(To be~~ introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
JULY, 2001.

THE MAHARASHTRA AGRICULTURAL PRODUCE
MARKETING (REGULATION) (GOA AMENDMENT)
BILL, 2001.

(Bill No. 56 of 2001)

A

BILL

further to amend the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Maharashtra Act No. XX of 1964), as in force in the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Fifty second Year of the Republic of India as follows:—

1. *Short title and commencement*:— (1) This Act may be called the Maharashtra Agricultural Produce Marketing (Regulation) (Goa Amendment) Act, 2001.

(2) It shall be deemed to have come into force with effect from 24 May, 2001.

2. *Amendment of section 2*.— In the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Maharashtra Act XX of 1964), as in force in the state of Goa (hereinafter referred to as the "principal Act") , in sub-section (1) of section 2, -

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

" (b) "agriculturist" means a person who, —

(i) ordinarily by his own labour or by the labour of any member of his family or who, by the labour of his tenants or servants or hired labour or otherwise, is engaged in the production or growth of agricultural produce; and

(ii) is a member of a co-operative society registered in the State of Goa which is dealing with agricultural produce, as may be notified by the State Marketing Officer from time to time and who has sold agricultural produce to the co-operative society of the value not less than Rs. 5000/- or such amount as may be determined by the State Marketing Officer from time to time in the preceding financial year; and

(iii) is not a trader, trading agent, broker, processor or commission agent; "

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

"(j) "Marketing Board" means the Marketing Board established under section 11";

3. *Omission of section 10.* — Section 10 of the principal Act shall be omitted.

4. *Amendment of section 11.*— For section 11 of the principal Act, the following shall be substituted, namely:—

"11. Establishment of the Marketing Board.- There shall be established a Marketing Board for the State of Goa consisting of a Chairman, a Vice-Chairman and other members. The Marketing Board shall have such powers and discharge all such functions as are vested in it by or under this Act."

5. *Amendment of section 12.*— For section 12 of the principal Act, the following shall be substituted, namely:—

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

6. *Amendment of section 13.* — For the sub-section (1) of section 13 of the principal Act, the following shall be substituted, namely:—

"(i) subject to the provisions of sub-section (2), the Marketing Board shall consists of the following seventeen members, namely:—

(a) ten agriculturists including two lady agriculturists to be elected by the agriculturists only;

(b) one trader holding 'A' class licence to be elected from amongst traders of all classes;

(c) two trader's co-operative societies registered in the State of Goa and which have paid highest amount of fees in the preceding market year to the Marketing Board; shall be represented by the respective Chairman to function as ex-officio members of the Marketing Board during the term of the elected Marketing Board;

(d) one chairman of a co-operative society registered in the State of Goa doing the business of processing or marketing of agricultural produce of notified commodities in the market area, to be elected from amongst the Chairmen of such co-operative societies;

(e) two members to be nominated by the Government, one being from the office of the Registrar of Co-operative Societies, Government of Goa and the other being from the Department of Agriculture, Government of Goa, to function during the term of the elected Marketing Board;

(f) the Secretary of the Marketing Board, to function during the term of the elected Marketing Board."

7. *Amendment of Section 19.*— For Section 19 of the principal Act, the following shall be substituted, namely:—

"19. *Election of Chairman and Vice-Chairman.*— The meeting of the Marketing Board shall be presided over by the

Chairman and in absence of the Chairman, by the Vice-Chairman. The Chairman and the Vice-Chairman shall be elected by the members of the Marketing Board, excluding the Secretary of the Marketing Board and the Government nominees. Only the members as mentioned in clauses (a), (c) and (d) of sub-section (1) of section 13 shall be eligible to contest for the post of the Chairman or the Vice-Chairman."

8. *Omission of section 44.*— Section 44 of the principal Act shall be omitted.

9. *General Amendment* :— in the principal Act,—

(i) for the words "Market Committee", wherever they occur, the words "Marketing Board" shall be substituted;

(ii) for the word "Committee", wherever it occurs, the words "Marketing Board" shall be substituted;

(iii) for the words "a Comittee" or "a Market Committee" or "every Market Committee" or "any Market Committee" or "such Committee," wherever they occur, the words "The Marketing Board" shall be substituted;

(iv) for the words "A Market Committee", wherever they occur, the words "The Marketing Board" shall be substituted.

10. *Repeal and savings.*— (1) The Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Goa Amendment) Ordinance, 2001 (Ordinance No. 1 of 2001), is hereby repealed.

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

Statement of Objects and Reasons

It was observed that there were various loopholes and shortcomings in the provisions of various sections of the existing Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Maharashtra Act XX of 1964), as in force in the State of Goa. It was, therefore, decided to remove the bottle-necks by suitably amending the provisions of the said Act, 1963. The Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Goa Amendment) Ordinance, 2001 (Ordinance No. 1 of 2001), was accordingly promulgated by the Governor of Goa on 24/5/2001. This Bill seeks to replace the said ordinance.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji, Goa,
5 July, 2001.

Assembly Hall,
Porvorim-Goa,
5 July, 2001.

PRAKASH VELIP
Minister for Cooperation

R. KOTHANDARAMAN
Secretary (Legislature)

ANNEXURE

**Extract of the Maharashtra Agricultural Produce Marketing
(Regulation) Act 1963, as extended to State of Goa.**

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

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

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

(bb) "Administrator" means the Administrator of the Union territory of Goa, Daman and Diu appointed by the President under article 239 of the Constitution;

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

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

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

(f) "State Marketing officer" means a person appointed as the State Marketing Officer for the Union territory of Goa, Daman and Diu;

(g) "local authority" includes a Panchayat or Municipality, as the case may be;

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

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

(jj) "Market Proper" means any area within the market area including all lands, with the buildings thereon within such distance of the principal or sub-market yard as the Administrator may by notification declare to be a market proper under section 5 (2);

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

(l) "Panchayat" means a village Panchayat formed under the Goa, Daman and Diu Village Panchayat Regulation, 1962;

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

(n) "processor" means a person who processes any agricultural produce on payment of charge;

(nn) "Official Gazette" means the Official Gazette of the the Union territory of Goa, Daman and Diu;

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

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

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

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

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

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

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

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

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

CHAPTER III

Constitution of Market Committees

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

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

13. *Construction of Market Committees.*— (1) Subject to the provisions of sub-section (2), every Market Committee shall consist of the following eighteen members' namely;

"(a) ten agriculturists residing in the market area (not being less than twenty one years of age on the date specified from time to time by the Collector in this behalf); seven of whom shall be elected by members of the managing committees of the agricultural credit societies and multipurpose co-operative societies registered under the Maharashtra co-operative Societies Act, 1960 as applicable to the Union territory of Goa, Daman and Diu functioning in the market area and three shall be elected by the members of the Village Panchayats functioning therein;"

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

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

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

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

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

(f) the Marketing Inspector, appointed by the State Marketing Officer, who shall have no right to vote;

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

(2) When a Market Committee is constituted for the first time, all the members thereof and the Chairman and Vice Chairman shall be nominated by the Administrator.

Chairman and Vice-Chairman

19. *Election of Chairman and Vice-Chairman.*— Subject to the provisions of sub-section (2) of section 13, every Market Committee shall be presided

over by a Chairman, who shall be elected by the committee from among its elected agriculturist members. The committee shall also elect one of its elected members to be the Vice-Chairman.

44. *Amalgamation or division of Market Committee.* — (1) Where the Administrator is satisfied that for securing efficient regulation of marketing of any agricultural produce in any market area, it is necessary that two or more Market Committees therein should be amalgamated or any Market Committee therein should be divided into two or more Market Committees, then the Administrator may, after consulting the market committees or Committee, as the case may be, by notification in the Official Gazette, provide for the amalgamation or division of such Market Committees into a single Market Committee or into two or more Market Committees, for the market area in respect of the agricultural produce specified in the notification with such constitution, property, rights, interest and authorities and such liabilities, duties and obligations (including provision in respect of contracts, assets, employees, proceedings, and such incidental, consequential and supplementary matters as may be necessary to give effect to such amalgamation or as the case may be, the division) as may be specified in the notification.

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

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